

THE COMMISSION RESUMES 6 JUNE 1990.

BRIAN BOY NGQULUNGA still under oath:

FURTHER CROSS-EXAMINATION BY MR KUNY: Mr Ngqulunga, yesterday when we stopped, when we adjourned, I was asking you about various people who were in Durban during November 1981. Do you remember that? And I asked you about Mamasela and I asked you about Nofemela and Van Dyk and Vermeulen, do you recall that? -- That is right.

I think you said that you remember that Van Dyk was in Durban, what did you say about Vermeulen? -- Vermeulen? I cannot - about (10) Vermeulen, it could have been possible, but I have moved with him for quite a number of times to Durban. It might be possible that he was there.

CHAIRMAN: Can you recall whether he was there or not? -- To be precise ... (intervenes)

In November 1981. -- To be precise I cannot say exactly he was there, but I have been with him in Durban for quite a number of times.

MR KUNY: Well, I can understand to think back to what happened precisely in November 1981 is very difficult. I certainly do not (20) know what I did in November 1981 and I would be surprised if you could give the detail, but you have said that certain people were there and certain people were not there and I am putting it to you that you cannot even be sure about that, for example you cannot be sure that Mamasela was not there. -- No, that I am positive, Mr Chairman, that he was not there.

Why? Why are you positive about him, but you cannot be positive about Vermeulen? -- The reason is this Mamasela, I only first saw him after Captain, now he is a colonel, Coetzee came to/..

(30)

came to Vlakplaas.

And how do you know when Captain or Colonel Coetzee came to

Vlakplaas? -- That was the time when Dirk Coetzee had left Vlakplaas.

And how do you know at this point in time on what date or what time Dirk Coetzee left Vlakplaas? -- I would say Dirk Coetzee left Vlakplaas that was the end of 1980 or so.

The end of 1980? -- I would say so and I would like to have a copy of my affidavit, please.

Just before you check on that on your affidavit, you are now relying on your memory and you say that Coetzee left Vlak- plaas round about the end of 1980. -- I would say so.

Dirk Coetzee. I am talking about Dirk now. -- Dirk Coetzee. (10)

Yes. -- That is correct.

And then Jan Coetzee came there after Dirk Coetzee left. -- He took over from him, that is right.

So, he followed immediately after him. -- That is correct

So, if Dirk Coetzee left round about the end of 1980 then Jan Coetzee would have got there round about the beginning of 1981. -- That is correct.

But you see, you are wrong on that. I just want to show you show defective your memory can be when it comes to dates because Dirk Coetzee only left the end of 1981 and Jan Coetzee started (20) at the beginning of 1982, so you were out by a whole year. -- A moment, let me see here, because - Dirk Coetzee, as far as I can recollect he left Vlakplaas in 1980.

1980, all right. Well, that is what you stand by. -- As far as I can recollect.

Well, then that throws out the whole thing. In fact you are even/..

are even wrong in your affidavit when you deal with the time that Dirk Coetzee came to Vlakplaas because in paragraph 9 of your

affidavit you say that Dirk Coetzee only came there at the end of 1980. So that would be wrong, on what you now say. -- At the end of 1980 Dirk Coetzee came to Vlakplaas, that is right. That is right.

So now? -- Now as I have said that he came to Vlakplaas, Captain Jan Coetzee came to Vlakplaas - no, there, Mr Chairman, I would say - I mean the way counsel has asked me it is just a practical error that one, about the date but now as I see here it is not that I had to sit and memorise this. I was writing, but now the way counsel has put the question to me, it was not very clear. (10)

Well, I have not confused you with my question. I asked you a simple straight forward question and you relied on your memory to give the answer which is fair enough, but when you looked at your own affidavit you found that you were out by a year. Now, what I want to ask you is, what did you use and where did you get the information in order to compile your affidavit, because you could not have been relying on your memory because your memory tells you something different from what is in here. -- Please repeat your question.

Your affidavit differs from the evidence that you have given today about the time that Dirk Coetzee left Vlakplaas. Do you agree with that? You differ by a year. Is that correct? -- I mean if that is the case it was as I state to the chairman that it is a practical error. That is why I requested a copy of ... (intervenes) (20)

CHAIRMAN: No, no, I understand that, but what Mr Kuny says is the following, he only wants to know where did you get the dates as/..

C81.8 - 2280 - NGQULUNGA (30)
dates as contained in your affidavit. You did not rely on your memory only when you prepared the affidavit. I suppose you looked

at documents, that is what the question is. -- No.

You rely on your memory? -- On the memory of the events which took place.

MR KUNY: And since your memory, when you prepared the affidavit, appears to differ in certain very material respects from the evidence that you have given today, how are we to know which is correct? -- There I have said the way the counsel has put the question, he - there was a bit of a confusion there, so I would say - I withdraw that answer.

CHAIRMAN: Well, I do not think there was a confusion in the question, there may have been a confusion in the answer. The question was simple. Did you confuse 1980 with 1981? -- I might have not heard whether the counsel said '80/'81. (10)

No, you said '80.

MR KUNY: Anyway, that we can argue. All I want to put to you, Mr Ngqulunga, is that you cannot be so certain about the dates as you appear to be on your affidavit. For example the time that Mamasela first came to Vlakplaas, you cannot be sure whether it was 1981 or 1982. -- No, Mamasela came in at 1982.

You are not even sure, or you differ from Dirk Coetzee as to when he first came to Vlakplaas because on his evidence he came to Vlakplaas in August 1980 and in your affidavit he only came there at the end of 1980. Look at paragraph 9. -- There I can say I was not always at Vlakplaas. I was not always at Vlakplaas. (20)

Well, that is not an explanation, Mr Ngqulunga. You are stating facts in your affidavit. You were stationed at Vlak-plaas at the time. Do not tell us that you were not there

between/..

C81.9

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NGQULUNGA

between August and December 1980 at any stage. Even if you were going out into the field. -- Yes. Yes, I used to go out in the (30)

field, but exactly what was happening, whether he came in before that but the first time I recognised that Dirk Coet-zee is the commander of Vlakplaas was 1980.

Yes, but when in 1980? You say at the end of 1980 and he says in August 1980. -- Well, I say at the end of 1980 as I have stated here.

Well, what is the end of 1980 as far as you are concerned? -- It could mean any month, say from October/Novem-ber/December.

It does not mean August. -- I doubt, I doubt, I am not sure.

And incidentally in paragraph 14 of your affidavit you say that you have first-hand knowledge of the work that was done by those attached to Vlakplaas and you are in a position therefore to say positively that there was never a hit squad. That seems to suggest that you knew exactly what was going on there at all times. -- That is correct. (10)

So you would have known when Dirk Coetzee arrived, when he took up his position as commander at Vlakplaas. -- That question I think I have already answered that. As far as my awareness, that Dirk Coetzee was the commander.

Well, all I am putting .. -- That is what I have already said in paragraph 9. (20)

Yes, and I am putting to you that your awareness may well be wrong in terms of the times, the dates on which that happened. That is all I am putting to you. -- I cannot dispute that, Mr Chairman.

And I put it to you similarly that you could be wrong when it/..

C81.10

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NGQULUNGA

when it comes to the date, the year in which Mamasela first arrived at Vlakplaas. -- As I have said, Mr Chairman, on para- graph 10 during or about March, that could mean about February to April, (30)

but as far as I can recollect is it about March.

And you used the words as far as I can recollect indicating that your memory in that regard might not serve you well. -- I do not dispute that because it is quite a long time this had happened.

You see, I put it to you that it is from your point of view important for you to distance Mamasela from Vlakplaas in 1981 because you know that it is alleged that you and Mamasela and Tshikalange and Nofemela killed Griffiths Mxenge on 19 November 1981. -- No.

(10)
CHAIRMAN: But what the advocate says is not that you did kill, he says the allegation is made that you and Mamasela with others did kill Mr Mxenge and for that reason he says it is important for you to distance or to say that Mamasela was not at Vlakplaas in 1981, or that you did not know him in 1981. -- The counsel is totally incorrect in his suggestion there.

MR KUNY: Did Koos Schutte ever come to Durban during that period, November 1981? -- Come to Durban?

Yes. -- I cannot remember.

You know who Koos Schutte is. You have associated with him for a long time at Vlakplaas. -- Yes, I know him. (20)

What was his function at Vlakplaas? -- His function was, he was a foreman of the farm.

Did he ever go out into the field? -- No.

Not at all? -- Not at all.

If his work-sheet shows that on occasion he went to various venues, what do you say about that? -- He might have gone with/..

gone with some other people.

For work purposes? I mean on a job? -- That I cannot ex-

plain.

CHAIRMAN: You see, the evidence is that, I think it has been alleged that Mr Schutte on occasion, say for instance, brought provisions to a squad, say for instance a squad in Eastern Transvaal, not that he would be involved in surveillance or other police work, but that he would transport, that was either the allegation or the evidence. Do you agree with that? -- Well, it might have happened but I have got no clear re- collection of that.

MR KUNY: You see, the interesting thing is that between 17 and 19, it looks like, November 1981 his work-card shows that he was in Natal as you were. -- That may be possible. (10)

That is why I asked you whether he came to Durban during that period while you were there. -- Well, I have got no re- collection of that. He might have come in. I cannot dispute it. I cannot dispute it. He might have been there.

Did you before becoming a policeman, that is between the time that you gave yourself over to the South African Police and the time that you actually joined the force, did you undergo any training? At the instance of the South African Police. I am not talking about ANC training now. -- Did undergo training under the SAP? (20)

Yes, before you actually took up a position as a constable in the police force. -- No, I did not undergo any training at that moment.

Have you ever undergone training as a policeman here? -- That is correct.

Have you? -- That is correct.

Where/..

C81.14

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NGQULUNGA
(30)

Where? -- At Vlakplaas.

What sort of training? --That was when I was handed over the

firearm which, it was a service pistol. I was shown how to dismantle and assemble it.

Yes. -- And then we had to go to the shooting range which is not far from the Vlakplaas to shoot, to practice. That is that one must know, must be able to handle this firearm in a proper manner.

Was it only one type of firearm or various types of firearms that you were taught to use? -- At first it was one type of firearm and later it was some other types of firearms.

What other types? -- Like the R1, the Uzzies, HMCs. (10)
AK47s? -- Not AK47.

Were you shown AK47s? --No.

You have never seen one? -- I only saw one in Angola.

Not here, not at Vlakplaas? -- Not at Vlakplaas.

Makarov? -- Not at all.

Tokorev? -- No.

And apart from being shown how to use firearms, were you given lectures on any subject, political, military topics, at Vlakplaas? -- Yes, we were given subjects on the - I mean, according to, on the standing orders of the police. (20)

Yes, that is ordinary standing orders, but I am talking now about broader topics such as the whole question of the total onslaught and the enemy that you were fighting and the sort of people that you had to counter. -- (Silence)

Are you thinking or are you .. -- Please repeat your question, because if I have to think - please repeat it clearly.

Well, I/..

C81.17

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NGQULUNGA

Well, I asked whether you were ever given - let us take it step by step, were you ever given any lectures at Vlakplaas? -- (30)
Yes, we were given lectures at Vlakplaas.

What were you lectured about? -- That is the arresting of people, the standing orders of the police, how the police must behave in the public and all those things.

And were you given lectures in regard to any political topics?

-- No.

Such as the nature of the onslaught that you were combatting?

-- No.

What to expect from your enemy? -- In that aspect we did discuss that maybe the enemy - it was a general discussion that maybe the enemy can come in this way, maybe it can come in this way. It was just a matter of ideas, putting ideas together that now, if the enemy maybe comes in this way we have to react in this way. (10)

In order to make you better prepared to deal with the dangers that might arise. -- Not exactly to deal with the dangers but in order to counter them.

Yes, well to counter them and was that a continuing process?

I mean was this always going on or did this just happen on one or two occasions? -- It happened on a few occasions, but it was not an ongoing process. (20)

And who would discuss this with you? Your superior officers?

-- Superior officers, they used to lecture us that in case the enemy comes like this then you must do it like this and then our own as well we have to discuss it. Now, since we have been having this lecture then we say no, here one can behave like this, one can behave like this.

Incidentally Almond Nofemela was senior in rank to you

wasn't he/..

C81.19

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NGQULUNGA

wasn't he? -- That is correct.

(30)

And is it correct that he was highly regarded at Vlakplaas

in regard to the manner in which he carried out his functions? Leave aside any personal grievances you may have about Nofemela at the moment, let us be objective about this. Was he highly regarded in relation to the way he carried out his functions and did his work? -- I would say so.

And the same applies to Joe Mamasela. -- That is correct.

Do you know anything about Joe Mamasela, I mean apart from the fact that you saw him there and occasionally worked with him at Vlakplaas or out of Vlakplaas? -- Well, the coun- sel's question, if he says I know anything I would ask that he elaborate as far
(10)
as - in connection with what.

I will be more explicit, did you know anything about his background? His history? -- No.

Did you observe his ability to use firearms? -- Yes.

Was he very efficient in that regard? Very adept in the use of firearms. -- I would say he was in the average just like all of us. There was no exception about him, that he could have been an expert in using firearms.

And if I put to you that there has been evidence given that he carried with him a Tokorev pistol, handgun, do you know anything
(20)
about that?

CHAIRMAN: That was before he joined the police.

MR KUNY: Yes. Well, at any time were you aware of this? -- Not at all.

Do you know what type of weapon he in fact carried? -- When now?

Well, when you knew him. -- No.

CHAIRMAN: Let us put it this way, what weapon - since you
became/..

became a policeman, what weapon did you carry? -- I was carrying

a .32, a Walter .32.

What kind was that? -- Myself, Mr Chairman?

Yes, you yourself. -- First they gave me a Walter .32, that is a 7,65 millimetre, then later they gave me a .38, that is a 9 millimetre.

Now, Mr Mamasela, what gun did he carry at the beginning, when you first met him? -- I never saw him carrying any gun at that time.

And later on? -- When he was a policeman he was carrying a .38 if I remember, if I remember.

MR KUNY: I was asking you about Mr Mamasela, did you know him to be a particularly tough and violent man? -- No.

(10)

Did you know that he used to be a boxer? -- No.

Had you ever witnessed him in action in the field when you went out with him? -- In action of what?

In action, in carrying out his functions on any of your search and arrest expeditions. -- Yes.

And how did he function? -- He functioned very well.

Was he tough? -- I cannot say he is tough, but he is a joky person.

(20)

A joky person? -- Yes.

Did you ever see him being violent in any way? -- No, I cannot remember seeing him being violent.

Now, I just want to go back to an aspect of your affidavit which puzzles me. If you look at paragraph 3 of your affidavit, you deal with the time you were in Maputo and you overheard someone say that you were considered or thought to be a traitor. Now, was there any reason for that suspicion, that you should have been suspected of being a traitor at that time/..

(30)

time? -- I think it is possible.

What was the reason? -- It could have been through the experience which I had from Angola when I might have given myself up by my reaction that I was now against the ANC.

So, by the time you got to Maputo you had reacted against the ANC and were against them, is that what you are saying? -- That is correct.

This was now in 1987. -- That is right.

In the beginning of '87. -- That is right. Wait a moment, January 1987 I was flown to Maputo, yes. That time I was totally against the ANC but I could not speak.

So they were correct when they suspected you of being a traitor. (10)

CHAIRMAN: Being disloyal.

MR KUNY: Yes, of being disloyal to the ANC or of being disaffected, if I may put it that way, about the ANC. -- I would say so.

Now, so much so that you thought your arrest was imminent. -- That is correct.

And your reaction was to try and commit suicide. Why? -- The reason is that I knew that once I get arrested and be transported to Angola I was going to end up in Quatro and there I was going to be destroyed. (20)

Well, as it turned out you were arrested and you were taken to Angola and you were taken to a prison camp. -- I was not taken into Angola.

Well, what does paragraph 4 say? Oh, was this in Mozambique, not in Angola? -- This is in Mozambique.

And was it at the hands of the Mozambicans, not at the hands of the ANC? -- That is correct.

Were you/.. (30)

Were you not handed over to the ANC? -- No.

Did you make any attempt, instead of committing suicide, to escape?

CHAIRMAN: From the ANC.

MR KUNY: From the ANC. -- Yes, I escaped from the ANC. I was arrested by the policeman. That was when I was arrested by the policeman, I was in the process of escaping. I was already escaping.

After you had attempted suicide. -- That is right.

Why didn't you just try and escape instead of attempting suicide in the first place? -- Please repeat the question again. (10)

Instead of drinking insecticide in order to avoid being taken to Angola by the ANC, why didn't you just try and escape in the first place as you subsequently did? -- The reason is this I did not know the routes which to follow in order to get into South Africa. So, I decided it is better I die there than being tortured and killed by the ANC.

And how is that your attempted suicide failed? -- I do not know.

I mean what happened to you? Were you taken to hospital, were you on medication? What happened? How is it you did not succeed? -- I do not know how I did not succeed. I was not taken ... (intervenes) (20)

CHAIRMAN: Did you become ill as a result of the insecticides? -- That is correct.

Now counsel wants to know were you treated because of your - did you recover yourself or what happened? -- I recovered myself.

You did not receive treatment? -- Not at all.

MR KUNY/..

C81.25

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NGQULUNGA
(30)

MR KUNY: So it was not a very serious attempted suicide I take it. You know some people try and commit suicide to attract attention

or to make a point, some people really intend to kill themselves.

What were you trying to do? -- I was trying to kill myself.

And then when you recovered because you did not succeed, what did you then do? -- Then I left the flat because it was in the evening. I left the flat.

You were not under guard there. -- No, I was not under guard.

At any stage, before or after you attempted suicide. -- No, I was not under guard.

So you could have left at any time. -- I could have left at any time, but I was waiting for - it is better to leave when it is dark. (10)

So you left not knowing the route and you were picked up by the Mozambicans. -- That is correct.

Was it all on the same day or what period of time elapsed between your attempted suicide and the time that you left to escape? -- I drank insecticides, it was at about minus plus midday, and I fled when it was getting dusk.

The same day, the same night? -- The same day.

Then you were kept in confinement as you have described and then after, you say one year and nine months and four days, you were deported. -- Which paragraph is that one? (20)

Paragraph 5. -- That is correct.

Now, you were deported on what basis, because you had entered Mozambique illegally or because you were wanted in South Africa on some criminal charge or for what reason were you deported? -- According to the interrogators, the

interrogators/..

C81.28

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NGQULUNGA

interrogators maintained that I was a criminal who was running away from the South African Police, knowing that according to the international law criminals are not allowed into any country, they (30)

are deported back, not political criminals but common criminals. So, I said I was a common criminal in order that they would going to deport me back to South Africa. I said I committed offences here in South Africa.

Did you make up offences? -- I did not ... (intervenes)

To convince them. -- Sorry?

Did you make them up, offences, in order to convince your interrogators that you had committed offences. -- That is correct.

And you knew that you would be handed back to the South Africans, the South African Police. -- That is correct.

(10)

So, you must have worked out that whole tactic in advance so that you would be handed over to the South African Police and then would be able to do a deal with the South African Police once you got back here.-- That is correct.

And your deal was to trade your freedom for becoming an informer or a member of the police force. -- No, incorrect there.

Mr Chairman, the counsel is incorrect there.

Well, what was the deal that you had in mind? -- The way I was disaffected with the ANC I wanted to come and let the police know exactly what the ANC is doing outside.

(20)

Yes, in other words you would be of use to the South African Police in informing on the ANC. -- You can take it that way, Mr Chairman.

Well, isn't that what you are saying? -- Please repeat your question again.

That you saw yourself as being able to be of use to the

South African/..

C81.30

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NGQULUNGA

South African Police in relation to the ANC in what it was doing.

(30)

-- That is correct.

And you were going to offer your services to the South African

Police. -- I did not have that in mind.

Well, you immediately asked to see Captain Flemmington at Komatipoort and asked him to 'phone Captain Wessels in Cato Manor.-- That is correct.

Who was Captain Wessels in Cato Manor? -- Captain Wessels, I mean Captain Wessels, I knew him although he might have not known me because the police are better known, are more known to the individuals, to the civilians than the police can know the civilians, so ...

CHAIRMAN: Yes, but what was Captain Wessels? -- Captain Wessels (10)
was - I knew him when he was the station commander at Cato Manor.

In the security police or ordinary police? -- Then after that I saw him going to the security police.

No, when you knew him at Cato Manor - at the time when you asked to see him, did you know he was a security policeman or was he still in the uniform branch? -- I knew him as a policeman. I knew that he was a policeman who was going to - once I contact one policeman then he will know exactly what to do - which matter belongs to where.

MR KUNY: But why ask to speak to him particularly? What was your (20)
connection with Captain Wessels? -- That is the only person who came into my mind.

No, but you went to Captain Flemmington to bear yourself.
-- That is right.

Why ask to speak to Captain Wessels as well? What connection did he have with you? -- There was no specific
connection/..

C81.31

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NGQULUNGA

connection.

CHAIRMAN: But why did you trust him more than the others? -- I (30)
thought since I knew him when I was young then if I go to him then

he will take this matter and say no, this is not my matter, I will refer it to the branch concerned. So, I said he was the nearest person who came to my mind.

MR KUNY: You see, Mr Ngqulunga, the thing that occurs to me in reading this affidavit and hearing your evidence is that you were probably a spy all along, even when you went to the ANC and Captain Wessels was probably your contact person. -- Incorrect.

When you came back .. -- Totally incorrect.

And when you came back, having shown a great deal of resourcefulness in getting out of the hands of the ANC, you then had to contact him in order to report back to him. -- Totally incorrect there. (10)

And in fact I suggest to you that you are a person, quite clearly, who has a great deal of resourcefulness and resilience. -- I do not know myself so that can be a compliment to me if you say so.

Well, maybe. Your conduct perhaps speaks of your attributes. What I am going to put to you is that you are not at all an improbable person to have been suggested for the killing or to participate in the killing of Mr Mxenge. -- Improbable? (20)

You see, you have been depicted here by counsel, your counsel as a meak and mild and small and light-weight, puny person who could never have carried out this type of operation. -- That is correct.

Do you think that that is correct? - Yes.

Well, I/..

C81.32

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NGQULUNGA

Well, I suggest that your conduct over the years shows quite the contrary, it has got nothing to do with your weight or size. Anyway, that is - I put it to you. -- I cannot answer that question. I do not understand it. (30)

Is it correct that you are also quite an accomplished linguist? -- A linguist?

Yes, you speak various languages, is that correct? Do you speak any language other than English, Afrikaans, Zulu? -- Yes, I speak Portuguese.

Yes. -- Although now it is fading very much.

What else? -- And I had some lessons in German, although it has faded as well.

German, Dutch? - No.

Well, we knew about your German. We also thought that you spoke Dutch. -- No, Dutch, not at all. (10)

So, Portuguese, German, English, Afrikaans, Zulu, what else? Xhosa? -- Xhosa I understand.

Sotho? -- Very little.

Did you as a policeman or prior to your becoming an enlisted policeman, use to get any special bonuses for pointing out people or effecting arrests of insurgents? -- Before being a policeman, if one has been lucky to be able to point a person.

Yes. -- One gets a bonus.

Yes, that is what I am asking you. -- That is correct. (20)

It seems you were not lucky enough to get that bonus. -- That is correct.

What bonus would you have got if you had managed to point out a person? -- In that time it was R500.

That is in 1980. -- That is correct.

It is/..

C81.35

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NGQULUNGA

It is quite a lot of money for pointing out one person in those days.

(30)

CHAIRMAN: The success rate also.

MR KUNY: Yes. Well, the success rate was not high, but that is

what you would have been entitled to. -- That is correct.

Was that pointing out and arresting or was there something more due to you if that person was arrested? -- I do not understand you.

Did this R500 depend upon that person actually being arrested or was it merely the pointing out that earned you the money? -- The pointing - it was the pointing out and the person when he has been arrested. That is correct.

Was any more payable if the person was killed? -- I have no knowledge about that because I have never experienced it.

And you know, I take it, that other people at Vlakplaas must have received those bonuses from time to time for pointing out and having people arrested? -- That is possible. (10)

Why did you leave Vlakplaas in 1986? -- I was transferred to the headquarters.

It was not at your instance? -- It was not my excuse.

And you had been at headquarters ever since? -- That is correct.

You must have a force number. -- That is correct.

Well, we want to have access to your personal file. Are you able to give us the number so that we can have access to that file? -- No, I cannot disclose it because of my safety. (20)

CHAIRMAN: I suppose we could - if you ask I suppose ...

MR KUNY: Yes, I take your point. We probably do not need the number to get the file.

CHAIRMAN: No.

MR KUNY/..

C81.38

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NGQULUNGA

MR KUNY: Mr Ngqulunga, I am sure you will be asked this question by some of my colleagues, but in relation to the Mxenge murder, can you suggest any reason why three witnesses should have said (30)

you were involved in the whole operation? -- As I have answered that question yesterday it remains a mystery until today to me, it is a mystery.

And the suggestion is that it was necessary for you to be included because you were so familiar with the area, you came from those parts, you knew the area and you were required for the efficient carrying out of that murder. -- I do not know.

Incidentally, I forgot to ask you one point, I understand that Cato Manor is a long way away from KwaMashu where you come from. -- That is correct.

(10)

Because Captain Wessels, whom you wanted to contact was formerly from Cato Manor. -- Cato Manor is on the south-western side of Durban.

And KwaMashu is on the northern side. -- KwaMashu is on the northern side.

What connection did you have with Cato Manor? -- I was born there.

And when did you move to KwaMashu? -- I moved to KwaMashu in the early sixties but let me see, to be sure ..

Paragraph 5 is the one I am looking at. -- Paragraph 5. As I stated in the affidavit during the commission of the honourable Advocate McNally and General Conradie that I was born in Cato Manor.

(20)

Yes. -- That is right. That is where I was born and grew up.

CHAIRMAN: No, the question is when did you leave Cato Manor and moved to KwaMashu? After you finished school or started

working/..

C81.40

- 2297 -

NGQULUNGA

working? -- I think it was in the early sixties, but I am sure Mr McNally has got a copy of my affidavit.

(30)

MR KUNY: No, Mr Ngqulunga, these are details which one would have thought that you would have had clearly fixed in your mind. You

would know when you left Cato Manor and went to KwaMashu surely.

-- I would say about '61, about 1961.

Are you unsure about it, are you guessing? -- I said it is about 1961, it could be '60, but I think it is 1961 because that was the time when people were leaving Cato Manor for Kwa- Mashu.

How old were you when you left? -- I can count. I was born in 1948, then ... (intervenes)

So you were still at school. -- That is correct.

Did you go to school at KwaMashu after you moved in? -- Yes, correct.

Did you go from Cato Manor to KwaMashu? -- From Cato Manor to KwaMashu, that is correct. (10)

Did you maintain any contact with Cato Manor after you left there? -- That is correct.

What? -- Some people whom I knew there who were still in Cato Manor. I used to visit them.

CHAIRMAN: You see, you said in your first affidavit that during 1961 I moved with my parents to KwaMashu. -- Ah-ah, yes.

So, that is ... (intervenes)

MR KUNY: So, your recollection is correct. One other point, Mr Ngqulunga, you have spoken about this fight that you had with Nofemela in which you were hospitalised. Was this a fight that took place at Vlakplaas? -- No. (20)

Where did it take place? I am sure you do not have to look at/..

C81.40 - 2298 - NGQULUNGA
look at your affidavit in order to answer this question. -- Because such things, they leave an invariable mark, are things which one cannot easily forget.

CHAIRMAN: But where did the fight take place, that is the question. -- The fight took place in the Eastern Transvaal. (30)

MR KUNY: While you were out on some mission? -- We were out on the tracing of the incidence.

So, it was on work that you had this fight? -- Yes, it was after work.

Was Mr Nofemela ever disciplined or brought before any disciplinary inquiry as a result of this? -- Nothing happened.

No sequel to it at all? -- Nothing happened.

And yet you were so badly beaten that you were hospitalised. -- That is correct.

Where were you hospitalised? -- In Piet Retief.

(10)

For how long? -- There I spent - they took me early in the morning then until - they fetched me in the afternoon because I had to lie there the whole day. The doctors they said no, I must lie, because I was under pain, so they had to keep on giving me some treatment.

What was the injury or injuries that you sustained? -- I sustained injuries - the more serious injury was on my left eye and the whole face was swollen.

Was this a fist fight? -- That is correct.

Or were weapons used? -- No weapons used.

(20)

And was it about a personal matter? -- It was about a personal matter.

Was it the only time that you ever fought with Nofemela? -- It was the only time which I ever fought with him, that is correct.

And after/..

C81.42

- 2299 -

NGQULUNGA

And after that were relations between you and Nofemela bad?

-- Correct

Until the time that you left Vlakplaas? -- Correct.

(30)

You never made it up? - Never.

CHAIRMAN: How long before you left Vlakplaas did this take place?

Can you remember? Is it a question of years? -- About '83. I think it is '83, but let me correct myself first. Yes, that was in about 1983.

MR KUNY: Wouldn't in the normal course Nofemela have been disciplined, being brought to account for this assault by his superiors? -- I do not know.

CHAIRMAN: Were you disciplined because of the fight? -- No.

MR KUNY: Wasn't this the way Vlakplaas operated though, if someone has committed this kind of act that disciplinary proceedings would be instituted? -- I cannot answer that question.

Well, you were there for six years approximately. Did it ever happen that people were disciplined for fighting at Vlak-plaas or internally amongst the Vlakplaas people? -- Not that I remember of. (10)

Do you remember a fight between Nofemela and Mamasela? -- It is something which I heard about but I do not know when, but I know that they must have fought before and I do not know when, seriously. I do not know when.

MR KUNY: How do you know that they did? -- When they groups, they meet in the farm, people they talk that so and so fought with so and so then - that is all, but to have proper details of it, I do not have it. (20)

Did you hear that there had been a fight between Mamasela and Nofemela? -- I heard that.

Was this/..

C81.46

- 2300 -

NGQULUNGA

Was this after or before the time that you were, that you fought with Nofemela? -- No, I cannot remember exactly, no. I cannot remember exactly now. (30)

Mr Chairman, I have no further questions.

CROSS-EXAMINATION BY MR PRETORIUS: You said in answer to a

question by my learned friend that you were not aware of any disciplinary action being taken at Vlakplaas for fighting, do you recall that? -- I cannot recall any disciplinary action being taken when I was there. It might have been taken when I was not there.

Well, can you remember disciplinary action being taken for any charge or offence other than fighting? -- Just give me time, please, to think about it, if there is any that I can remember, if there was any. Not that I can remember.

In paragraph 9 of your affidavit you said that "A bond soon developed between Dirk Coetzee, Nofemela and David Tshi- kalange".
-- That is correct. (10)

What did you see that gave you that idea? -- They were associating together, being together. If Dirk Coetzee wants something to be done, like washing a car, pouring petrol into a car, he calls Nofemela, if he wants some tea he calls Tshi- kalange, then they were always together. Their association was close.

Yes. Now I know, when you say the association was close, you are drawing a conclusion from certain facts. Now I want to know what those facts are from which you draw that conclusion and you say that he asked them to make tea and wash his car and pour petrol, anything else? -- They used to go together, I mean to be away from the plaas, I mean from Vlak- plaas, for quite a number of days. (20)

Now, can/..

C81.49

- 2301 -

NGQULUNGA

Now, can you remember any time when this actually happened?
-- It happened on numerous times.

I want to know, can you remember any specific occasion? -- There are too many - I mean to be very specific the way - there are so many. I cannot be specific. That used to happen quite a long time. I mean quite a number of occasions. (30)

Have you any picture of your of them actually leaving on a particular occasion, you can remember any detail such as a car they used or the vehicle they used or anything like that? -- Yes, the car which Dirk Coetzee used, he was using a white Laurel.

You see because then you go on in paragraph 14 of your affidavit to say .. -- Paragraph?

Fourteen of your affidavit, to say that there was a suspicion that they were involved in illegal activities. Now, on what facts do you base that suspicion? -- Although we cannot base these on facts but according to their behaviour.

What behaviour? -- It was suspicious. What they do is they hold the meetings, they used to stand away from us. Dirk used to call Spyker and Nofemela, they go and stand far away, they talk whss-whss, whispering then you can see them laughing, then they talk, whispering, then they disperse, then they come and mingle with us. Now, that is - I mean if we are all working together, all working together, doing the same work, but you - I mean you are excluded, I mean you exclude yourself with certain groups, being two or three, I mean it looks suspicious that - these people, things which they are doing which they do not want to tell us, why they do not want to tell us.

Why should/..

C81.51

- 2302 -

NGQULUNGA

Why should you draw the inference or the conclusion that the activities that they were involved in were illegal? -- Although, as I have said, I cannot prove the facts, I have got no proof, but according to my suspicion the way they behave, the manner in which they behaved.

It does not seem you have any evidence either, save that they spoke together and Coetzee asked them to make tea and pour petrol,

(30)

wash cars. Apart from them talking together and laughing together, apart from the duties that Coetzee asked them to perform such as pouring tea and such things, can you give any basis, factual basis for your suspicion of an illegal activity? -- No, Mr Chairman, counsel has asked two questions at the same time because ... (intervenes)

CHAIRMAN: Answer both questions. -- Because he said, he is asking where, I said there was a bond, then I replied him, I replied him, now this one, that of the suspicions, that is where I said I have already answered that one that they used to whisper, stand away from us and whisper. (10)

Yes, but what counsel puts to you if that is proof of the bond, it is hardly proof of illegal or a basis for the suspicion of illegal activities. -- As far as I am concerned, Mr Counsel, it is my own ... (intervenes)

Well, it is a suspicion without fact. -- It is my own suspicion that if we are working together but some two or three people who are close to the commander, they go and whisper, then they come and tell us nothing what was being discussed, I mean it looks - it does not make one feel happy. (20)

Yes, but there can be many reasons which, quite innocent.

Firstly Nofemela was your senior, was he not? -- That is correct.

And Tshikalange/..

C81.53

- 2303 -

NGQULUNGA

And Tshikalange was always Dirk Coetzee's personal servant. -- That is correct.

Well, that does not make a talking or a whispering criminal or illegal or illicit. -- That is as far as I am concerned, that is the conclusion which I drew. It might be incorrect, but that is the conclusion which I drew. (30)

Are there no other facts on which you drew that conclusion?

-- No, there are no other facts. It was only these facts which I have mentioned.

MR PRETORIUS: You say in paragraph 12 that you have no "independent recollection of what I did in Durban other than performing my normal duties in endeavouring to trace insurgents". Can you actually remember anything you did in Durban? -- Actually nothing of importance as I have stated here. There was nothing of importance. In case if we had arrested somebody there then I could remember that no, we arrested so and so in Durban.

Well, were there any arrests in Durban? -- No, there was nothing of importance, nobody - as far as I remember no one was arrested in Durban. If somebody was arrested I would have remembered. (10)

Now, can you remember how you came to leave Durban at that time? -- How to leave?

How it came about that the whole squad left Durban. -- We normally drive back in - precisely I cannot remember, but in the normal manner we just drive back in convoys.

No, I must put my question differently. Who made the decision that you should leave Durban? As far as you are aware. -- Everything comes from the commander. (20)

Can you remember the commander telling you that you had to leave/..

C81.57 - 2304 - NGQULUNGA
to leave Durban? -- Not me specifically. Not me specifically.

Well, telling the whole squad to leave Durban? -- Well, we just get the message that gentlemen, now we are leaving.

Well, can you remember that? -- Yes, as it always happened, but I cannot remember specifically because there was - so, I say I cannot remember specifically who said that but as usual the order comes from the commander. (30)

CHAIRMAN: Now, who will be the commander at that stage? We know Dirk Coetzee was in charge, you say, of the Vlakplaas squad, but would he give the instruction or would the local divisional commander or head of security give the instruction? -- That I cannot be able to answer because what the officials discuss, whenever they discuss, we are not present.

MR PRETORIUS: Yes, but as far as you are concerned who gave the order? Who is the commander you were talking about in your evidence just now? -- I mean the commander, I mean Dirk Coetzee.

And am I correct in understanding your evidence you have no recollection of any - specific recollection of any order being given by Coetzee to leave Durban? -- No, I have got no specific recollection. (10)

Mr Chairman, would this be a convenient time to take the adjournment. There are a few matters I would like to clear up during the short adjournment.

THE COMMISSION ADJOURNS FOR TEA. THE COMMISSION RESUMES.

BRIAN BOY ELLIOT NGQULUNGA still under oath:

MR MARITZ: Mr Chairman, before my learned friend proceeds, there is a matter which has come to our attention and is of great concern to us and it ... (intervenes) (20)

MR PRETORIUS: Sorry, Mr Chairman, may this application be made in the/..

C81.59 - 2305 - APPLICATION

in the absence of the witness?

CHAIRMAN: Is it an application?

MR MARITZ: Yes. It is actually an objection. It has come to our attention that ... (intervenes)

CHAIRMAN: Could you just step out for a moment. -- Thank you. (30)

MR MARITZ: It has come to our attention that the personal file of this witness has been handed to our learned colleagues. Now,

as we understand the matter the personal file of the witness was handed to the commission in the strictest confidence and as we further understand the matter a personal file has always been held and is still held in the strictest confidence and there is a high premium on that confidence. We have not had sight of this file. We do not know what it contains, but on the assumption that it contains material damaging to the witness in the sense that there may be some finger to be pointed at him in the course of his career as a policeman, examination of the witness on the strength of what is contained in the file can only lead to a character assassination which falls far beyond the functions of this commission. A further alarming factor is that this witness is still a serving policeman and that we can find no justification for his personal particulars as appears from his personal file which is supposed to be a highly confidential file, to be bandied about in this commission be published in the media and for those reasons we would object very stringently to the file being in the possession of our colleagues at all, let alone the question of it being used to try and discredit the character of the witness also. Unless there is something specific which relates to the evidence of the witness in regard to the accusations which have been levelled against him by

other witnesses/.

C81.60

- 2306 -

OBJECTION

other witnesses, we fail to understand how this can be of any importance whatsoever to the further conduct of the commission.

MR PRETORIUS: Mr Chairman, firstly the file contains only records of criminal proceedings involving this particular witness.

Secondly - or charges laid. Secondly, there is no intention on our part to undergo any form of character assassination but the point was raised not by us or by any of the other teams in

cross-examination, but in cross-examination of Coetzee and Nofemela and Tshikalange that Ngqulunga was a particularly non-suited person. He was a meak, mild, law-abiding citizen was the inference, that would never have involved himself in the activities of which he has been accused and I wish to test that.

This is a point ... (intervenes)

CHAIRMAN: Yes, but how do you test it from this file?

MR PRETORIUS: Well, the nature of the charges and the proceedings against him are relevant. It has got no ... (intervenes)

CHAIRMAN: But ... (intervenes)

MR PRETORIUS: Mr Chairman, the other point that I wish to test this witness on is credibility and ... (intervenes) (10)

CHAIRMAN: Well, let us first deal with the first point. What is there in general terms in his file which is of relevance as far as this point is concerned?

MR PRETORIUS: Certain I have yet to go through it in detail and I would like to go through it with the witness, but ...

CHAIRMAN: Yes, but then I am going to hear and I cannot see how he can ... (intervenes)

MR PRETORIUS: Matters involving violence.

CHAIRMAN: Yes, but unless he has been convicted, and I had great difficulty yesterday with the type of examination, you have been/.. (20)

C81.62

- 2307 -

ADDRESS

have been charged with this, you have been charged with that, but you have been found not guilty. What is the point of that type of evidence? I mean, must I now assume that because a person has been charged therefore must I draw the inference that he is a bad character?

MR PRETORIUS: No, no. (30)

CHAIRMAN: Must I accept that the fact that he has been found not

guilty, that that is the end of the matter?

MR PRETORIUS: Mr Chairman, the witness has already made statements concerning his conduct. He says he is not aware of any disciplinary proceedings. Prima facie there appear to be disciplinary proceedings here. I wish to lay the ground work for... (intervenes)

CHAIRMAN: Against him?

MR PRETORIUS: Yes. Before I produce this file I would obviously have to lay ground work for its admission by asking him certain questions. Now of course if I take an adjournment my cross-examination is hampered because the element of surprise is completely lost. This witness has given before this Commission an impression of being a meak and mild, law-abiding citizen who has never been involved in any disciplinary hearing whatsoever. (10)

CHAIRMAN: Yes, but that is my problem. If a person was involved in a disciplinary hearing and he is found not guilty then how does that disprove the fact that he is meak and mild and law abiding?

MR PRETORIUS: Well, it depends what happened during the course of the incident. That is why I need to go through it with the person.

CHAIRMAN: No, but if there has been now an independent, external/.. (20)

C81.65 - 2308 - NGQULUNGA

external investigation and he was found not guilty ..

MR PRETORIUS: Let us assume that the witness says in answer to my question no, I have never been charged, I have never been involved in any incident involving violence, I have never been brought before the courts, then clearly he is trying to paint a picture of himself to fit in with the police version and it is crucial to the whole case or the whole point of the police argument about this particular witness. Well, perhaps now, Mr Chairman, that the element of surprise has been completely lost ... (30)

(intervenes)

CHAIRMAN: How has it been ... (intervenes)

MR PRETORIUS: Well, Mr Chairman, what I was going to suggest, I would have preferred to take this witness through these files now. If there is going to be an objection, what I suggest the way out for me is to be able to ask this witness certain questions now and then have a chance to examine this file in some detail and then come back to the witness with that if necessary and I will bear in mind, Mr Chairman, your remarks about relevance, but prima facie I think these are relevant.

(10)

CHAIRMAN: No, I understand that. My only concern is that if you put a person that is being charged - you know some people think that all people who have ever been charged are guilty of what they have been charged with but they have been lucky because they got off, it is that kind of impression that is created and that is my only concern that... (intervenes)

MR PRETORIUS: Mr Chairman, honestly, this is a public Commission, witnesses who come before this Commission are subject to public scrutiny. I am sure that you, Mr Chairman, will not be influenced by such ... (intervenes)

(20)

CHAIRMAN/..

C81.68

- 2309 -

ADDRESS

CHAIRMAN: Yes, but they need not be crucified in the process.

MR PRETORIUS: I am not intending to crucify ... (intervenes)

CHAIRMAN: No, no, not you, I mean in the end.

MR PRETORIUS: Well, then you must raise your quarrel with the press, with respect, Mr Chairman, not with me, and ...

CHAIRMAN: You know I have got no authority over the press.

MR PRETORIUS: But, Mr Chairman, how can I be hampered in my cross-examination of this witness because of what the press do?

(30)

CHAIRMAN: No, all that I ask you is to bear my concern in mind

of the way you present your cross-examination.

MR PRETORIUS: I have heard what you said, Mr Chairman, and as for this file being confidential in any respect, I mean I must strongly contest that. This is an open Commission and these documents ought to be produced and ought to be available for us and I cannot understand my learned friend's complaint that we have had insight into this file at all. I find that most surprising that my learned friend should express surprise, that we have had insight into this file, regardless of what it contains.

CHAIRMAN: Well, that is beside the point.

MR PRETORIUS: So, may I suggest then that the witness be re-called for conclusion of cross-examination subject to his right, our right to cross-examine him again on the contents of the file. (10)

MR KUNY: Mr Chairman, may I also just add my voice to this debate.

I think that the file has been produced as a result of something that I put in cross-examination in which I suggested that we wanted access to the file which we have never seen until now. Mr Chairman, my objection to my learned

friend's/..

C81.70

- 2310 -

(20)
ADDRESS

friend's objection is a much more fundamental one. I submit that it is something that we are entitled to and that he has no basis for complaining that we have access to this file. Ultimately when it comes to using material in the file there may be objections ad hoc to the particular questions put arising out of material that is contained in the file, but that we should have access to the file I would think is fundamental. Witnesses such as Nofemela and Tshikalange and Coetzee have had their personal lives and histories subjected to the finest scrutiny from material in our learned friend's possession going back many years. A lot of the material which we were not given by our learned friends and perhaps (30)

they were entitled to do that, but the fact is that we should have the same opportunity to deal with their witnesses because ultimately it is a question of credibility and credibility depends upon, in this case, the finest examination and scrutiny of a person's background and history or it may do and I submit that far from not being entitled to this we are as of right entitled to see it. How we make use of it is another question.

MR MARITZ: Mr Chairman, I can assure you that in regard to Mr Nofemela and Mr Coetzee, I certainly have never had sight of their personal files. The cross-examination was conducted without it.

Cross-examination was conducted on certain records which may or may not have form part of a personal file but we never had sight of the personal file. Secondly, we had one of the outflows of the ridiculous situation yesterday, what transpired in the police obviously. Every allegation against a policeman is documented in his personal file, whether founded or unfounded, whether frivolous or not. There

was the/..

C81.72

- 2311 -

(20)
ADDRESS

was the case of the allegation against Mr Mamasela yesterday that he had beaten his wife. He deposed to the fact that it was total nonsense and his wife came forward to say that she was just merely cross at him and she made up a story, but that is on his file.

It is extremely difficult to take a file and to separate the chaff from the corn by just looking at the file but the objection is one in principle. It remains a highly privileged and a high confidential document.

CHAIRMAN: Well, it is not privileged.

MR MARITZ: There is absolutely no basis upon which a witness can be cross-examined on such a document in the normal course of

(30)

affairs. It would open up the most frightening prospects in any form of litigation of people could be subpoenaed to bring forward whoever's personal files and that those people be cross-examined thereon at random, whether it has any relation to the dispute before the particular body or not. In this case there has been absolutely no intimation from whichever quarter that the file can produce anything else but a possible ground for a personal attack on the witness, on his personal integrity. What is more I never suggested in this Commission or anywhere else that this witness was an unsuitable person to have participated in the alleged (10) killing of Griffiths Mxenge. The whole basis of the cross-examination was that he would not have been chosen because he did not appear to be a suitable person. Whether he is in fact a very tough person does not really make any difference to it, but attention was drawn to his personal attributes. I think he has displayed them in this Commission. Attention was drawn to his very puny frame and to his ostensible inability to be part of the operation which was demonstrated to you. The cross-examination would

go further/.. (20)

C81.77

- 2312 -

ADDRESS

go further than that but when my learned friend suggested that he would not have the mental make-up to be able to participate in such a hideous crime that was never, ever suggested. It never was and it is still not suggested today, but that was not the purpose of the cross-examination at all. As a matter of fact you have seen the witness now, you have seen him over a number of hours and I am quite satisfied that you will be able to make your own mind as to the man's capabilities or not taking into account his (30) history, but what his personal career in the police has to do with the whole matter, it can only lead to an attempt to discredit him

as far as his personal character is concerned which is, I am sorry to say, far beyond the ambit of this Commission's function.

CHAIRMAN: Mr McNally?

MR McNALLY: Mr Chairman, the officials of the Commission have to maintain a fine balance between the need on the one hand to protect secret information of witnesses which is not relevant in any way to the Commission's working and on the other hand disclose information to those who expressed an interest in it which may be relevant to the working of the Commission. In the execution of maintaining that fine balance we have not disclosed the whole of Ngqulunga's file to those who asked for it, but we considered, having heard the request, that it was reasonable to disclose that part of the file which deals with the witness's alleged criminal behaviour in the police, during his tendency in the police force because it appeared to us that that part of the file was relevant inasmuch as seeing it would give my learned friends the opportunity to decide for themselves whether it yielded up any evidence that this was a man of violent character. So against that background I

believe/..
(20)

C82.2

- 2313 -

ADDRESS

believe that the disclosure of that part of the file to those who asked for it was correct. We now come to the manner in which it is dealt with. The responsible manner with which to deal with the file in our respectful submission would be only to raise those aspect, if any, that may appear from the file which disclose that the witness is of a violent character. There is for example in the file an allegation that he drove a motorvehicle negligently and that he was given a fine for that. That is totally irrelevant in my submission, but if my learned friends find anything there

that indicates that the witness is of a violent character then I would say they are entitled to use it.

MR PRETORIUS: May I make two quick points. The first is that the issue in fact is as set out at page 273-274 of the record, or one of the issues. My learned friend, Mr Maritz, says describe him to us, this Brian Ngqulunga, he then asked "Yes, I consulted with him, he is the puniest little man I have ever seen in my life.

He is a puny little fellow, not so? -- That is correct. He is a very small little man. -- That is correct", now that is the physical attribute, now we come to the mental attribute:

"Mild mannered, is that right? -- That is right. (10)

He would not hurt a fly, is that right? -- I do not follow.

He would not hurt a fly, is that right? -- I do not understand."

And then later on he is not a vicious person, he could hardly commit a murder, he is mild. So, Mr Chairman, this issue has not been raised by us and we are entitled to look at these documents. The second - to look at them. The question of the use I agree/..

(20)

C82.5

- 2314 -

ADDRESS

use I agree is something that must be dealt with at the time and I have heard what you said, Mr Chairman. The second point is that it seems to me, although I cannot be sure at the moment, that most of the documents in this file are in any event public documents and it seems to me what my learned friend is objecting to is that we should have the benefit of the collation of a number of public documents in one bundle and there can hardly be an objection to that.

(30)

CHAIRMAN: Yes, the witness can return.

Mr Maritz, if you wish to, on the same basis in future to

see the personal files of any of the police witnesses, I am sure you could approach Mr McNally in advance. (Reply inaudible.)

BRIAN BOY ELLIOT NGQULUNGA still under oath:

FURTHER CROSS-EXAMINATION BY MR PRETORIUS: Mr Ngqulunga, Mr Nofemela gave evidence before this Commission and he was cross-examined by my learned friend, Adv. Maritz, and I want to read to you what he put - do you know Mr Maritz, Adv. Maritz? -- Yes.

He said to Mr Nofemela, he asked him "Describe him to us, please, this Brian Ngqulunga". Mr Nofemela answered "It is a bold-headed somebody and very thin" and then Mr Maritz said "Yes, I have consulted with him and he is the puniest little man I have ever seen in my life, he is a puny little fellow, not so" and the answer is "That is correct". Now, would you agree with that description? -- Yes. (10)

And the question is "Yes, a very small little man" and the answer is "that is correct" and then the question was "Mild mannered, is that right". Would you agree with that? -- Sorry, repeat that.

Mr Maritz/..
(20)

C82.7

- 2315 -

NGQULUNGA

Mr Maritz put to Mr Nofemela that you are a mild mannered person, would you agree with that? -- It is correct.

He also said "He would not hurt a fly", would you agree with that? -- That is correct.

And it is later put that you were a mild person and not a vicious person, would you agree with that? -- That is correct.

And you are hardly the type of person, physically and mentally that would cause a murder. Now, that is what I am putting to you. (30)

It seems that that is what is being put here, would you agree

with that proposition? - That is correct.

Now, you said before the tea adjournment that you had never been involved in - sorry, I must put it correctly, that you were not aware of any disciplinary inquiry of whatever nature having taken place at Vlakplaas while you were there. Do I recollect correctly? -- That is correct.

Just to make absolutely sure of your answer that includes you, do you understand that? My question includes you or do you - let me put it this way, do you want to now amend that answer in any way? -- Which one?

(10)

The one you gave me before tea. I asked you before tea were you aware of a disciplinary inquiry of whatever nature having taken place at Vlakplaas while you were there. -- I do not recollect of witnessing one. I have got no recollection.

Well, were you ever part of one yourself? -- I cannot remember.

CHAIRMAN: I think - so that there can be no confusion, before you left Vlakplaas, in other words for the period 1980 to 1985, were you the subject of any police disciplinary proceedings? -- I have - I cannot remember. I cannot remember.

Now, after/..

(20)

C82.8

- 2316 -

NGQULUNGA

Now, after 1985 have you been the subject of police disciplinary proceedings? After you left Vlakplaas. -- No, to be clear with the question, police proceedings, departmental or court proceedings.

Yes, let us start with departmental proceedings. -- Departmental proceedings.

You see there are two types, there is the one where there is a hearing, the evidence is presented and then another one where they simply make enquiries. -- No, departmental proceedings

(30)

- I do not remember.

And court proceedings? -- Court proceedings, yes.

MR PRETORIUS: So, do I understand it correctly that while you were at Vlakplaas you have no recollection of any disciplinary proceedings of whatever nature being taken against you? Is that correct? -- As far as I can recollect I do not remember, I cannot remember.

Is it possible that they were and you have forgotten? -- As far as I can say I still maintain that I cannot remember.

Then now my question to you are you saying that it is possible that there were disciplinary inquiries against you, but you have forgotten about them or are you saying there are no disciplinary proceedings? -- I do not remember any disciplinary proceedings against me. (10)

Before you left Vlakplaas and during the period you were at Vlakplaas, were any criminal charges brought against you of whatever nature? -- Before I left Vlakplaas?

Vlakplaas. -- Yes, yes, Mr Chairman.

What was the nature of these charges? -- The nature of the charge was attempted murder. (20)

And any other charges brought against you? -- No, I cannot/..

C82.10

- 2317 -

NGQULUNGA

cannot remember any other one.

Did this particular incident that you have now spoken about not result in any internal police inquiry? -- This one, I was taken to court, I was charged in court.

But after that, after the court case. -- That is right. (30)

Was there any internal inquiry held about the same incident?

-- No, I do not remember.

Well, I am sure ... (intervenes)

CHAIRMAN: What happened at the court case? -- It ended with the court case.

You mean you were found not guilty? -- That is correct.

MR PRETORIUS: Apart from court cases and inquiries, police inquiries during your period at Vlakplaas, were there any investigations concerning incidents in which you were involved? Criminal investigations? -- You mean when I was at Vlakplaas?

Yes. -- Yes, of course that of the attempted murder.

And any other besides that that you can remember that did not result in a court case, but that was investigated. -- Yes, there was one in Umlazi. (10)

How many times during your period at Vlakplaas and thereafter have you been involved in incidents of violence in which firearms were used, physical assault took place? -- Before I answer, does the counsel includes where I was on duty as well as ... (intervenes)

CHAIRMAN: Off duty. -- Off duty.

MR PRETORIUS: Well, let us take off duty first and to make it easier for you, let us say how many incidents during Vlakplaas, let us break it up, while you were at Vlakplaas, how many times were you involved in an incident where weapons were discharged by yourself? -- Let us say one in - as far as (20)

I remember/..

C82.12

- 2318 -

NGQULUNGA

I remember it is two.

Twice? -- Twice.

Off duty? -- It was when I was off duty.

And while you were on duty. -- While I was on duty it was once. As far as I can remember. (30)

And involving physical assault, how many times can you remember being involved in an incident involving physical assault while you were at Vlakplaas, while you were off duty? -- Me assaulting other people or ... (intervenes)

Being involved in a fight. -- Being involved in a fight. As far as I can remember it is once.

And whilst you were on duty at Vlakplaas. -- No, wait a moment, just before I go on, the first question was based when I was off duty.

Yes. -- No, no, I misunderstood your question there.

All right. -- When I was off duty I do not remember being involved in any physical violence. (10)

And whilst you were on duty I presume once? -- It was once when we were outside, on our missions to trace the in- surgents.

And who did that involve? -- It involved Nofemela.

Whilst you were at Vlakplaas, did you keep a pocket book? -- No, we did not keep pocket books.

Now, you know of course that the regulations say that you should keep a pocket book. -- Of course, but the work, the nature of our work, there was no time that you could keep a pocket book with you because wherever you go you might be identified by a pocket book. (20)

Well, let us take it was there a general instruction that you should not keep pocket books? -- It was not discussed.

CHAIRMAN/..

C82.14

- 2319 -

NGQULUNGA

CHAIRMAN: Were you issued with pocket books? -- No, we were not issued with pocket books.

MR PRETORIUS: Why couldn't you keep pocket books at Vlakplaas? (30)

-- I do not know.

CHAIRMAN: But they were not issued with them.

MR PRETORIUS: Did you ever ask why pocket books were not issued to you? You knew you had to have them. -- No, I did not ask because it was not important to me.

Did you believe that despite the regulations that it was all right for you not to have a pocket book at all? -- Yes.

And I suppose everybody else at Vlakplaas was under the same, had the same belief. -- I cannot talk on their behalf.

Did you ever see a pocket book at Vlakplaas? -- I do not remember.

Did you see any other form of document or record kept at Vlakplaas? Book in which incidents were recorded. Any other book of that nature. -- I do not remember. (10)

Did you ever witness any arrest yourself? -- That is correct.

Now, was any record made of that arrest? -- I do not know because the people who are responsible for filling out the records are our superiors.

Who was responsible for filling out records, do you know? -- It was who is the commanding officer.

You say that was the commanding officer's duty? -- It was the commanding officer's duty, that is right. (20)

And how many arrests did you witness in your time? -- It is only one incident.

Once? -- Once.

Can you remember when that was? -- I think that could have been/..

C82.18

- 2320 -

NGQULUNGA

have been '83/'84.

Where was it? -- It was near Piet Retief, near the Swazi-land border. (30)

And who did the arrest? -- Who did the arrest?

Who performed the arrest, who carried out the arrest? -- It was myself and Captain Van Dyk and Sergeant Jeffrey Bosigo and Warrant Officer Botha.

Can you remember the name of the person arrested? -- That was - I only know him as Jaquar.

Jaquar? -- That is right.

In '83 or '84 you say. -- That is right.

Now, I want to ask you one or two questions about Sergeant Schutte. You remember him of course. -- That is correct.

Whilst you were in Durban, or perhaps I should ask you this first, whilst you were in Durban, you stayed at the dog unit, is that correct? At CR Swart Square. -- That is correct. It was CR Swart Square. (10)

In the quarters of dog handlers. -- I would say so.

And where did you get your meals? -- We used to buy our own meals.

At a canteen in CR Swart Square, is that right? -- No, outside there.

You bought your own meals. -- That is right.

Throughout your stay in Durban. -- That is correct. (20)

You can remember that. -- Every time, Mr Chairman, whenever we go out we do our own cooking outside.

Where do you get the provisions from? -- We buy them ourselves.

We put a kitty - we make a kitty and then after that we decide what to buy, I mean what to buy.

And then do you send someone to the nearest store or

shop to/..

-- That is correct.

Does Vlakplaas not supply you with provisions? -- No.

Can you not recollect at all during any time that you were out on duty having provisions supplied to you by Vlakplaas? -- No.

Did you ever see Sergeant Schutte out on duty with you, in the field as it were? -- I do not remember.

You do not remember? -- I do not remember.

Thank you, Mr Chairman.

CROSS-EXAMINATION BY MR SKWEYIYA: Mr Ngqulunga, we know that (10)
between 4 November '81 and 21 November '81 you were in Durban,
is that correct? -- That is correct according to my work-sheets.

Now, who told you that you were going to Durban? When did you learn that you were going to Durban? -- It is the person who is in charge of - I can explain it this way that we have got Combi's and everything. The driver of the Combi, although I cannot remember whom exactly, in which Combi - in which car I rode in, but the driver of the car says no, we are going into such and such a place.

CHAIRMAN: Were you a driver? -- No, I was not a driver.

MR SKWEYIYA: So, is the answer then that you do not know who told (20)
you that you are going to Durban, you should go to Durban. -- I cannot remember who told me that we are going to Durban.

Were you told why you were going to Durban? -- No.

Did you know why you were going to Durban? You yourself.
-- I had an implied knowledge that we were going to perform our duties of tracing the insurgents as usual.

What do/..

C82.20

- 2322 -

NGQULUNGA
(30)

What do you mean by prior knowledge? What do you mean?

CHAIRMAN: He said his implied knowledge. He said the word

"implied" not "prior".

MR SKWEYIYA: Now, you came to Vlakplaas in Mei 1980, am I correct?

-- About May 1980, that is correct.

And after you had come to Vlakplaas, had you ever been to Durban before you went there in November 1981? In other words between the period May 1981 and November '81 had you ever been to Durban? -- That is correct.

What had you gone to do in Durban? -- I went there to perform, I mean to help the SAP in tracing the ANC members.

CHAIRMAN: Did you ever go down to Durban for personal reasons in 1980/1981? -- That is correct. (10)

MR SKWEYIYA: In any event you say that you went there between May and November to go and help the Durban police in tracing insurgents, is that correct? -- That is correct.

CHAIRMAN: That is now May '80 to November '81?

MR SKWEYIYA: No, no, no - yes, May '80.

CHAIRMAN: To November '81.

MR SKWEYIYA: Yes. -- May '80 ..

CHAIRMAN: You went to Vlakplaas in Mei 1980. -- That is correct.

And you know that you were in November '81 in Durban. Now the question is between the time you went to Vlakplaas in May 1980 until November 1981 did you go to Durban on police duty? -- That is correct. (20)

MR SKWEYIYA: And when you went down there you had gone there to track down insurgents, to help the Durban police, am I correct? -- That is correct.

Can you remember approximately for how long you went for that/..

Yes, how many days. -- How many days.

Well, let us do the times first, how many times did you go to Durban? -- Numerous times, it is beyond counting. I cannot remember how many times.

Do you say many times? -- That is right.

And for how long on the average would you say you stayed in Durban for this period? For how long did you stay on each occasion? -- Usually we used to be in a place for a period of about three weeks.

And on these occasions between May 1980 and of November 1981 (10) besides you yourself going to Durban can you remember any other members of the police force who went down on those occasions or not? -- We used to go with various groups. As it was not a specific group that this group must always go to Durban but with various people, different people.

But it was a group from Vlakplaas? -- It was a group from Vlakplaas, that is correct.

Now, after November '81, this is the time when Mr Mxenge died, 1981, after November '81 did you ever go to Durban on police duties? -- That is correct.

On several times or just once? -- I cannot remember but quite (20) many times, quite many times.

Was this because you - in particular you are from that town you said and you are well acquainted with the people in that town, is that correct? -- I do not think so, that could have been the point.

But you were well acquainted with people who you had seen at the ANC camps and so on whilst you were there, isn't that correct/..

(30)

correct? -- That is correct.

And you played a role in trying to identify some of these people whenever you went out, is that correct? -- That is correct.

Now, why aren't these other occasions, I am talking in particular of the period - Mr Chairman, the period, the next I have here is from - we have no work-sheet which had been given to us before 10 August 1981.

CHAIRMAN: No, there is one. It is not in that form but if you look at B99, page 46 then you will see as from 19 January 1981 he was quite often out of town. We do not know where he went, but you can see that he received S&T. It is page 0046. B99. (10)

MR SKWEYIYA: Mr Chairman, can I go to somebody else so that I may save time. Now, I am going to ... (intervenes)

CHAIRMAN: He was away from 19 January 1981 to 28 February - he was away for nearly - from 19 January right to May, then in June he was away for three weeks. In June/July for a month and then we get to August.

MR SKWEYIYA: Mr Chairman, if you are looking at the portion that I am looking at - the impression I have is that the statement is reflecting the amounts paid for each time. (20)

CHAIRMAN: The S&T.

MR SKWEYIYA: Yes, the S&T.

CHAIRMAN: It does not tell you where he was but that he did leave from time to time. I think you will find that all the "werkskaarte" - began in August 1981. There is no "werkskaart" in that form which indicates where they went prior to August 1981.

MR SKWEYIYA: Let me leave that, Mr Chairman. Mr Ngqulunga, you do remember this specific occasion when you went to Durban in November

am I correct? -- Yes, according to my work-sheet, I do remember.

But you do remember, leaving aside the work-sheet, you do remember that period, isn't that so? Do you remember or don't you remember it, being in Durban during that time? -- Well, I do remember.

Now, can you remember who drove down with you to Durban? -- Sorry, Mr Chairman, I cannot be specific - I mean, I cannot be sure. I cannot be sure.

You have no idea whatsoever who was with you in the vehicle when you drove to Durban? Is that what you are saying? -- Who was with me in the vehicle or who was driving the vehicle? (10)

Who was with you in the vehicle. -- It was Thabo Mogage, Stephen Nbande, I think Bobby.

And who was the driver of the vehicle? -- It is a difficult question for me to ask. I mean I cannot be specific on that seriously.

And what type of vehicle did you drive in? Can you remember what type of vehicle you drove in?

CHAIRMAN: Was it a car or a Combi or a bakkie or can't you remember?

-- I cannot remember because I have been there quite a number of times now. Since we have been having Combi's and cars and so on and - man, you would have to excuse me. (20)

MR SKWEYIYA: Let us take it now to the end of your stay in Durban. You left Durban on or about 21 November 1981, according to your work-sheet. -- That is correct.

Do you remember leaving Durban on this occasion? -- That is right.

Do you/..

I think it was a "luitenant" Louis and Warrant Officer Van Dyk and Stephen Nbande, Thabo Mogage, the people whom I went down with there.

Now are you saying it is a fact or are you just thinking of those people? -- Those are the people whom I was with in Durban, so we went there together.

CHAIRMAN: Yes, but you see I think what Mr Skweyiya wants to know is, we know that nearly or the whole of Vlakplaas was down in Durban and if the whole squad was down in Durban they had to travel with more than one car. -- That is correct.

(10)

Now, what Mr Skweyiya wants to know is can you remember in the car or the vehicle you were in who were the other passengers and who was the driver or are you simply giving us names of people who were down in Durban and who came back? -- If I am not mistaken I would say that could have been Captain Letsatsi.

MR SKWEYIYA: Is that the only person you remember? -- The driver was Captain Letsatsi.

Can you remember the type of vehicle again, if I may ask you, in which you travelled back from Durban to Pretoria? -- Captain Letsatsi was using a Combi. Captain Letsatsi was using a Combi at that time.

(20)

So, did you come back in a Combi, is that what you are saying? -- Yes, I would say so. I would say so.

Did you come back straight to Pretoria or not, from Durban on this occasion or not? -- No, we came back straight to Vlakplaas as far as I remember because there was no other thing to be done.

I mean we did not - because our period was finished so then we had to go back and having one week to

rest/..

(30)

rest.

Before you left Durban - before you left for Durban on this occasion, were you told for how long you were going to stay in Durban? -- I do not remember. I was not told. I was not told.

Do you know why you had to leave on that particular day when you left Durban coming back during this time? -- No.

Can you remember who told you that you should now come back? -- Seriously I cannot remember. As I have stated when Adv. Pretorius asked who specifically I mean I cannot remember.

Now, I take it that you did know Mr Mxenge before his death? (10)
-- No.

You did not know him at all? -- I never ever knew him at all.

You have never heard of him? -- I have never heard of him.

You have never seen him? -- I have never seen him.

You never read about him? -- Never read about him, nothing.

Have you never read about Mxenge at all besides reading about him after he died? -- That is correct.

So am I correct in saying that the only time you ever read anything of Mr Mxenge was after he died? -- That is correct.

Now, before you left, in other words leave and go and join (20)
the ANC and trained in 1977, is that correct? -- That is correct.

You were recruited by someone I take it. -- That is correct.

And you/..

C82.32

- 2328 -

NGQULUNGA

And you showed an interest in political developments and what was taking place, correct?-- That is correct.

You discussed frequently with those persons about the political events and about people generally, correct? -- That is (30)
correct.

And I take it that around Durban you knew also people who

were politically active more or less? -- I knew quite a few, especially on the Sasol circles.

Now, in the ANC circles, did you know anyone? -- Not at all.

Not a single person? -- Not a single person.

Did you ever hear about a man called Mdluli? -- Yes, I used to read about him, I read about him in the paper once, that he was detained, but for being ANC, I was not aware of that.

Is the first time that you read about Mdluli after he got detained? -- That is correct.

And this was before you left and went and joined the ANC. (10)
-- That is correct.

You know of Comrade Mdluli is one of the first persons to have died in detention, you know that, in Durban? -- I was not very much politically aware so I cannot say he was the first person I know because I was not aware of that.

You know that he died in detention, is that correct? -- This I read about it in the newspapers.

You read about it when he died in detention, correct? -- Yes, that Mdlulu is ... (intervenes)

This was about 1976, correct? -- I cannot remember which year. (20)

Yes, I am telling you it was in 1976. This was before
you left/..

C82.35

- 2329 -

NGQULUNGA

you left. -- I cannot dispute you on that if you are telling me.

Do you know in connection with what organisation Mdludi had been detained? Did you read about it in the news-papers? -- No, the only interesting paper in that was that he died in detention and the policemen were accused that they killed him and so on, (30)
but for what reason really I cannot explain that.

Didn't you also read that his lawyer is Mxenge in the

newspapers? -- I cannot remember because the most important thing in the newspaper - you read about the name of the person, then - but the other particulars concerning lawyers and so on, I mean you cannot fix that one in your head. I might have read about it, but I cannot remember.

Anyway, the point is before Mr Mxenge died you did not know of his existence nor did you know about his name, am I correct? -- That is correct.

You only came to know about his name after he died. -- That is correct.

Before you left Durban did you know of any black lawyers in Durban, in 1977? I am talking particularly about attorneys. -- Attorneys? (10)

Yes. -- Yes, I knew some of them.

Just name some of them. -- I knew Bhengu, H.J. Bhengu, Reginald Nxobo.

Is that all? They are very few, isn't that so? -- Yes, they are very few. I mean, I was not interested in knowing who, I mean, in knowing them.

You know it is strange, Mr Ngqulunga, Mxenge was reputed of having been a lawyer who frequently handled ANC cases. Are you aware/.. (20)

C82.38

- 2330 -

NGQULUNGA

you aware of that. -- I was not aware of that.

And did you read about Mr Mxenge's detention after Mdluli died? -- I do not remember.

In any event, let us go back now for the period 4 November '81 to 21 November '81. I am just asking the last question before we adjourn, Mr Chairman. Can you remember anything specific which you did as a policeman during that period? -- November? (30)

The time that you were in Durban, the period - the time when

Mxenge died. 4 November '81 to 21 November '81. -- There was nothing which was unusual, except that I used to perform my normal duties.

Perhaps you can think more during lunch time. Mr Chairman, is this a convenient time?

THE COMMISSION ADJOURN FOR LUNCH.

(10)

(20)

C83.0046

- 2331 -

NGQULUNGA

THE COMMISSION RESUMES AFTER LUNCH.

BRIAN NGQULUNGA, still under oath:

FURTHER CROSS-EXAMINATION BY MR SKWEYIYA: Of the black policemen who went down to Durban between 4 November and 21 November, can you remember any, please name them? -- Between 4 and 21 November.

Yes, during the time that Mxenge died. -- I have mentioned
them before. It was Thaba Mohage, Steven Mbanda. Bobby was
there, Tshikalange was there, Nofemela was there. It is as far

(30)

as I can go.

Now just before the adjournment I asked you if you can remember anything in particular which you did in the performance of your duty, during that period in Durban, can you remember anything specific which you did? -- Yes, I repeat again as the advocate has asked me before that there was nothing of importance as the normal performance of my normal duties.

Now besides looking for insurgents when you had gone down to Durban, I take it that you had also gone to look for people who were involved in ANC activities generally. Either
(10)
sympathisers or insurgents or people who apprehend insurgents?
-- That is incorrect.

Was your interest only with regard to people who were from outside the country? -- That is correct.

Nobody else? -- We were not interested in the other affairs.

We were only interested in the positive identification of the terrorists.

You left Durban on the 21st, I presume, of November 1981, coming back to Pretoria. Can you remember what you did - firstly what time did you leave, approximately? -- Usually,
(20)
although/...

C83.0123

- 2333 -

NGQULUNGA

although I cannot be specific of time, but usually we leave at nights in order to arrive here in Pretoria in the mornings.

No, I am asking about this particular day, when did you leave Durban? -- As I have said, I cannot be specific of time, but in most cases when we are in Durban in far away places we leave the place in which we have been operating at night so that we can arrive here in Vlakplaas in the morning.

So you cannot say when you left Durban? -- I cannot
(30)
specifically tell at what time we left Durban.

Could it have been during the day? -- Not during the day.

Now you also said that you were, the training you received as a policeman, you received at Vlakplaas. Am I correct? -- That is correct.

Is that the only place where you received training as a policeman? -- That is correct.

CHAIRMAN: You did not go to college? -- No, I did not go to college.

MR SKWEYIYA: Why is this so, do you know? I thought all police had to go to the police college. -- That I do not know. It is up to the authorities.

(10)

CHAIRMAN: But were you simply appointed a constable without writing constable examination? -- That is correct.

And were there other people at Vlakplaas who became con-stantles in the same manner without going to college? -- That is correct.

MR SKWEYIYA: Yes, who are they? -- It is Steven Mbanda, Thaba Mogage, Petrus Kgwali and quite various people. There are too many to remember all of them.

Well approximately how many?

CHAIRMAN: Well I think we know that that happened. I do not think/... (20)

C83.0196

- 2334 -

NGQULUNGA

think the witness is so vague that - do you have any idea how many? -- There is quite a number of them. I cannot be able to tell how many, but there is quite - many of them.

MR SKWEYIYA: Approximately how many black policemen were at Vlakplaas in particular in November 1981? -- Black policemen, you mean now ... (intervenens)

CHAIRMAN: Not Askari's. In other words not people who were employed purely as Askari's, but people who were employed as policemen, who were constables, sergeants or whatever? Can you (30)

remember? -- I am still counting Mr Chairman, please bear with me. As far as I could remember I would say it was Captain Moss, the late Captain Moss, Captain Letsase, Nofemela and Dirk Coetzee.

As far as I can remember Mr Chairman.

MR SKWEYIYA: No, I asked about black policemen really you know.
-- Well, I withdraw Captain Dirk Coetzee then.

So you cannot give an approximate number?

CHAIRMAN: Well he mentioned three.

MR SKWEYIYA: Were there only three policemen there at Vlakplaas, black policemen? -- As far as I can remember, that is all.

And how many Askari's were there approximately at that time, approximately? -- It must have been say ten to twelve. (10)

And did they also go down to Durban with you at this time when you went down to Durban? I am talking all the time about the period 4 November 1981 to the 21st. -- I cannot be sure of that. I mean I can not be sure of that, that the whole group went down to Durban.

Did some of them go down with you to Durban? -- Yes.

Just to go back to the work-sheet again. You have said, in your evidence before lunch, you said that after 21 November 1981/... (20)

C83.0294 - 2335 - NGQULUNGA

1981 you went to Durban several times, do you remember that? -- After November 1981?

After November 1981 you went down to Durban several times you said. -- That is correct.

And each time you would go there for a period, usually two to three weeks? -- Usually it was three weeks, that is right.

And all this time you had gone there to track down in-surgents as you call it, correct? -- Correct. (30)

Now Mr Chairman, unless I am wrong, I have been trying to

look at the work-sheet. It does not indicate that after 21 November 1981, that there is any entry about this witness having gone down to Durban.

CHAIRMAN: No there is at least one which says Durban on page 45.

The first entry says Durban and then there is a large number which say Natal or Port Natal which I think is also Durban. -- That is correct.

On page 44 you will find ... (intervenes)

MR SKWEYIYA: Yes, I have seen that Mr Chairman, the top entry.

CHAIRMAN: Yes, but on page 44 you will see from the middle, Port Natal, Natal, Natal, Natal, Natal. (10)

MR SKWEYIYA: You must have felt bitter at the fact that you were in jail in Maputo for some time. Is that correct? -- That is correct.

And you knew that you were detained at the hands of the Frelimo. Is that correct? -- That is correct.

And you knew that there was a good relationship between the Frelimo and the ANC? -- That is correct.

And when you were deported and came back to this country

I/... (20)

C83.0379

- 2336 -

NGQULUNGA

I take it that you must have felt very bitter against the ANC? -- That is correct.

And you still feel bitter up till now? -- That is truly correct.

And you would do anything to help in combatting any actions by the ANC or the sympathisers of the ANC, am I correct? -- That is incorrect if you say the sympathisers of the ANC, because we are only, I am only interested in the direct positive identification of the people. The sympathisers are dealt with by the other sections. (30)

Okay, let us deal with the people who are, I call them insurgents, you know - you would carry out any order which was given to you which deal with those people, am I correct? -- May you repeat your question again please?

If you are given orders to deal with any insurgent, would you carry it out or not? -- It will depend. Sorry, the first answer, sorry - I will say it would depend on the type of order.

If I have to arrest him, I have to arrest him.

And if you have to shoot him? -- There must be some good reasons why.

You did also say that whilst you were at Vlakplaas, you must correct me if I am wrong, you never saw a Makarov, correct? Tokarov or an AK47, am I correct? -- That is correct.

During all the time that you were there you never saw a single one of these types of firearms, is that what you are saying? -- That is correct.

Now when you came back to this country, after having left the country, you were then debriefed, as you call it, by Major Boechner. Is that correct? -- That is correct.

And/...
(20)

C83.0453

- 2337 -

NGQULUNGA

And did you have any dealings working with Major Boechner after you came to this country? -- Before I answer, if you may specify maybe what type of dealings.

Let me put it this way. -- Sorry?

Let me ask this question first: Were you ever involved in helping to strike at any of the adjoining territories by the South African Defence Force or the Police? -- Involved to strike.

No, helping identify the places where there was then a strike by the Defence Force or the Police? -- All I did is, I cannot disclose the type of information which, I mean which I discussed

with him, because all he showed me was the photo-graphs of the people whom I know and I did identify the people that I saw this one at such and such a place and I saw this one at such and such a place.

I must know if they were ever at any stage actively in-volved in going to identify those who did the striking, the places where there was then an attack? -- No.

When you left to join the ANC were you required to give your personal history and give your details in writing, in your own handwriting? -- Where?

(10)

By the ANC, anywhere? -- That is correct.

You did that? -- That is correct.

What types of political activity did you reveal in that life history which you gave to the ANC? -- I had no political activity except that I revealed that I knew the people from SASU and so on.

What people did you know from SASU? -- There was Ben Nhlanga, Mandla Nhlanga, Patrick Lekgota, Susan - I do not know the surname - and some others. There is quite a number

of/...

(20)

C83.0551

- 2338 -

NGQULUNGA

of them whom, but I have forgotten their names.

Did you in your life history also indicate what type of activities you have been involved in before you left the country? -- No-no.

Were you in fact involved in any political activity of any type before you left this country? -- No.

Not even distribution of pamphlets? -- No, except the discussions which we had with the person who recruited me.

(30)

And in your life history which you gave to the ANC were you asked to name the persons whom you knew, your contacts whom you

knew inside the country besides the SASU people? -- That is correct.

Did you name any? -- That is correct.

Who did you name? -- I cannot disclose those people because their lives will be in danger.

Why not?

CHAIRMAN: He said their lives would be in danger. Mr Skwe-yiya I think we are far off the theme at this stage. I think we should get to more relevant facts please.

MR SKWEYIYA: Well I am putting it to you that you have been trying to distance yourself of remembering anything or having been involved with anything in Durban during your time there. What do you say to that? -- You are totally incorrect. (10)

You saw nothing, read nothing about Mxenge, did no evil and saw no evil, about Mxenge. -- Repeat your question again.

You did not know Mxenge, you never read about him before he died and you never saw him? -- That is correct.

You spoke about a golf course in your evidence, isn't that so? -- That is correct.

In what connection were you mentioning the golf course?

-- Because/... (20)

C83.0637

- 2339 -

NGQULUNGA

-- Because the golf course is near the cycle stadium.

What is the significance of this, of the golf course being near the cycle stadium? -- I was giving an example to the Chairman, because the question which was asked was that I, do I know Umlazi well and then I said yes, I know Umlazi fairly well.

In relation to the cycle stadium where is the golf course, do you know? -- It is correct.

Where is it? -- It is on the other side of the main road.

The stadium is on one side of this main road and the golf course on one side. Is that correct? -- That is correct. (30)

Just one last question, we know of people who were defected from the ANC and joined the police at Vlakplaas, you know. Now do you know of any Askari's who after their defect to the police left the police to go back to the ANC? -- That is correct.

Is it quite a number? -- I know quite a few.

About how many can you think of? -- Say about three to four.

CROSS-EXAMINATION BY MR MARITZ: You were asked here whether you would shoot a terrorist and you replied that if there were good reasons to do so, you would. Could you please explain what you meant by saying that? -- I meant that by saying good reasons, I meant, that if he is shooting at me, I am bound to shoot back in order to protect my life if my life is in danger. (10)

But I think the question was asked in a different manner, can I just try and phrase it in the way I understood it. Say for instance a superior officer would tell you to go and shoot down an insurgent in cold blood, for instance one which is in custody/...

C83.0733

- 2340 -

NGQULUNGA

custody, what would your reaction be thereto? -- I will definitely refuse. (20)

RE-EXAMINATION BY MR McNALLY: No questions. I would just like to place on record that my learned friend, Mr Pretorius, has now had an opportunity of perusing the documents you requested and I understand that he does not wish to put any further questions arising therefrom.

MR PRETORIUS: Can I just correct that. I did not peruse the file myself, someone else did.

MR KUNY: I perused the file in the light of what was said before lunch. We do not propose to put any questions arising out of it. (30)

NO FURTHER QUESTIONS

MNR. McNALLY: Die volgende getuie is oud-brigadier Van der Hoven,

hy is seker nog brigadier Van der Hoven. Ek lei sy getuienis vanaf BEWYSSTUK B14.

JOHANNES ROSSOUW VAN DER HOVEN, v.o.e.

ONDERVRAGING DEUR MNR. McNALLY: Hoe oud is u brigadier? -- 58.

Het u al afgetree vanuit die polisiemag? -- Ja, drie jaar gelede.

Watter pos het u bekleed tydens u aftrede? -- Ek was afdeling-inspekteur van polisie in Johannesburg, Witwatersrand.

En voordat u daardie pos bekleed het wat was u posisie in die polisiemag? -- Ek was voor dit afdeling-inspekteur in Port-Natal (10) en voor dit was ek afdeling-bevelvoerder van Veiligheid, Port-Natal.

Gedurende November 1981 was u reeds die afdelingsbevelvoerder van die veiligheidstak Port-Natal? -- Dit is korrek.

Het/...

C83.0843

- 2341 -

NGQULUNGA

Het u voor u in die getuiebank die verklaring wat u op 23 November 1989 afgelê het? -- Dit is korrek. (20)

Die getikte weergawe. Sal u net die verklaring aan die Kommissaris voorlees asseblief, vanaf die woorde: "Ek ontken dat ek vir oud-kaptein Dirk Coetzee? --

"Ek ontken dat ek vir oud-kaptein Direk Coetzee vanaf Vlakplaas gedurende November 1981 sou ontbied het en hom opdrag sou gegee het om ene Griffith Mxenge te vermoor. As afdeling-bevelvoerder is ek nie by magte om enige lid van 'n ander Veiligheidsafdeling en/of Veiligheids Hoof-kantoor opdrag te gee nie en/of te ontbied nie, tensy ek magtiging vanaf die bevelvoerende offisier, Veiligheids-tak, (30) Hoofkantoor gekry het om dit te doen. Ek ontken dat ek enigiets met (hier is 'n tikfout)..."

Mxenge. --

"Mxenge se moord te doen gehad het en/of dat ek Mxenge se bedrywighede met oud-kaptein Dirk Coetzee bespreek het en/of dat oud-kaptein Dirk Coetzee aan my sou kom rapporteer het dat die Askari's Mxenge vermoor het. Ek is bewus daarvan dat die Askari's slegs aangewend word met die opspoor van teruggekeerde terroriste. Hulle word soms van tyd tot tyd in afdelings aangewend waar die vermoede bestaan dat daar teruggekeerde terroriste is.

Waar Askari's in afdelings aangewend word, word hulle nie by die Veiligheidskantore toegelaat nie." (10)

U was in Natal ten tye van mnr. Mxenge se moord. Wat weet u van die geval? -- Dit het tot my aandag gekom nadat dit in die pers verskyn het, het dit tot my aandag gekom dat hy vermoor is.

Was u bewus daarvan dat mnr. Mxenge daarvan verdink was dat/...

C83.0913

- 2342 -

NGQULUNGA

dat hy met ANC aktiwiteite bedrywig was? -- Ek was bewus daarvan.

Dit is tot my beskikking die lêer wat op hom gehou word. (20)

So u getuienis is dat u hoegenaamd niks met sy dood te doen gehad het nie? -- Niks met sy dood te doen gehad nie.

Kan ons afstap daarvan? Ek wil u vra oor iets wat mnr. Dirk Coetzee beweer het ten opsigte van die moord op 'n diamant handelaar op Lindley in die Vrystaat. Hy het naamlik beweer dat u van die doodmaak van daardie diamant handelaar uit Lesotho in kennis gestel was en hy maak die bewering dat u hom opdrag gegee het om van die lyk ontslae te raak. Wat is u reaksie hierop? -- Ek ontken dit ten sterkste.

Dra u enige kennis hoegenaamd van die moord op 'n diamant handelaar uit Lesotho? -- Nee, ek dra nie kennis daarvan nie. (30)

Dit was nou in 1981, né, so u weet nie daarvan nie? -- Ek

weet nie daarvan nie.

En dan om weer daarvan af te stap na 'n ander onderwerp, in sy getuienis in Londen, volume 4 van die getuienis, bladsy 633 maak Coetzee melding van die Umtimkulu geval in die Kaap en sy getuienis lui soos volg:

"It was in the end decided that Brigadier Van der Hoven would fly the poison down to Port Elizabeth, which he did, and they have given it into his drink just before releasing him, treating him as a last meal and then he would become sick after his release and died. That was the original idea." (10)

Nou weet u enigiets hiervan dat u gif vanaf Durban na Port Elizabeth sou vervoer het om hierdie persoon Umtimkulu te vergiftig? -- Dit is nie waar nie. Daar is geen waarheid daarin nie.

MR SKWEYIYA:/...

C83.1019

- 2343 -

VAN DER HOVEN

MR SKWEYIYA: Mr Chairman, I am sorry, before Mr Kuny starts cross-examining, I have an application to make. My attorneys wrote a letter, in fact, long before they asked to be given a file relating to the investigation which was done by this witness on (20) Mxenge, the question of the R100 000 - I am sorry by police under the witness, who was the divisional commissioner, and were told then, I am told, that Mr Roberts will look into it and we were handicapped on asking for it and until yesterday he then wrote a letter, a formal letter to Mr McNally, which he handed to him and we have a response to that letter which was given to us today and the crux of the matter is that we cannot have access to that file, because it is said that it has names of informers and so on and we submit, with respect, that we are entitled to that file relating to the investigation of Mxenge, because it is important (30) for us in trying to probe the truthfulness or otherwise of what the witness are going to say.

MR McNALLY: Yes Mr Chairman, what happened there was that the security files relating to the late Mr Mxenge no longer exists, but the information has been put onto microfiche and Mr Roberts spent many hours over many days viewing the information on the microfiches and he has reported to me and I believe he has also reported to you Mr Chairman, that there is no information in those microfiches which gives any assistance in the matter of who might have killed Mr Mxenge. There is, however, sensitive information on the microfiches relating inter alia to informers, the names of informers and for that reason, in particular, the microfiches cannot be released to parties who have not got high security clearance. The micro-fiches remain top secret documents and that is another reason

why/...

C83.1126

- 2344 -

VAN DER HOVEN

why, unfortunately, they cannot be released, but I can give the Commissioner the assurance as I believe Mr Roberts will also have done that there is nothing in those microfiches which bears on the work of the Commission.

CHAIRMAN: Yes, I may add that, Mr Skweyiya, that the idea to get hold of the security file was actually my idea and I gave instructions that the file be drawn and Mr Roberts, under my supervision, perused the microfiches and he had to report on regular basis what he found. There is, from what I know personally, nothing in that file - I appreciate the fact that counsel might be able to pick up material for cross-examination having perused the file itself, but I have apart from the fact that, I think you will have to accept that, we did not find anything of relevance or of material relevance in the file which assists us with the present investigation. I have the simple legal limitation and that is, the material has been classified and I

cannot declassify and I cannot order de-classification. So the only people, presumably the only person who can order the declassification would be the Commissioner of Police or the Minister of Police in terms of the act. I have not that power.

So, you know, on that simple basis, even if I want, could assist you, I mean I simply cannot assist you by granting you access to that file.

MR SKWEYIYA: I take the point Mr Chairman. If it does happen that it comes to my turn to have to cross-examine today, maybe it be held over until tomorrow so that I am able to consider ... (10)
(intervenes)

CHAIRMAN: No, well what I am prepared to do is, I know Mr Kuny has mentioned it to me that there is a request for an early adjournment today and we could take the adjournment now
if/...

C83.1238 - 2345 - VAN DER HOVEN

if you prefer it.

MR SKWEYIYA: Mr Chairman, I do not want to be unfair to the other parties, Mr Kuny and Mr Pretorius. We, my attorney, wants to (20)
make presentations to the relevant authorities and that may require time as you know ... (intervenes)

CHAIRMAN: I take your point. I will then - Mr Kuny ...
(intervenes)

MR PRETORIUS: It has been arranged between my learned friend Mr Kuny and myself that I would have prepared and done, not too lengthy a cross-examination of the Brigadier and if I am allowed to proceed now, I could possibly finish by 15h30. Perhaps we should use the time.

CHAIRMAN: But you can stand over until tomorrow. (30)

MR SKWEYIYA: Thank you Mr Chairman.

KRUISONDERVRAGING DEUR MNR. PRETORIUS: U praat in u verklaring,

wat voor u is, ek neem aan dit is u verklaring daar. -- Ja.

Dat u is bewus van die feit dat die Askari's slegs aan-gewend word met die opsporing van teruggekeerde terroriste. Was u ook bewus van die feit dat die span, die Vlakplaas of Askarispan, insluitende die polisiemanne, daarby aangeheg, onder die bevel van die afdelingsbevelvoerder sou ressorteer het in Natal? -- Nee, as hulle daar kom diens doen, net vir werksdoeleindes sorteer hulle onder die plaaslike afdeling, bevelvoerder.

Ja, die werk waarvan u praat is seker die Askari-werk? -- Ja-ja.

So hulle was, toe hulle in Durban was, in November 1981 onder die bevel van die afdelingsbevelvoerder? -- Dit is korrek.

En/...

C83.1314

- 2346 -

VAN DER HOVEN

En tot die mate u geïnteresseerd was in hulle werk sou u ook 'n rol gespeel het in die uitvoering of in die gee van bevele? -- Nie noodwendig nie.

Maar as u bevele wou gee, sou u dit kon gedoen het? -- Dan kon ek dit gedoen het, ja.

En die tweede punt is, u het geweet seker dat as 'n afdeling die Askari's benodig het of nodig gehad het vir hulle werk om terroriste op te spoor, dan, op u versoek sou die Askari's dan afgekom het Natal toe? -- Die versoek moes deur my gerig word.

Ja. Het u 'n versoek gerig? -- Ek neem aan dat ek 'n versoek gerig het as hulle daar was.

En het u saam met die bevelvoerder van die eenheid gewerk, kaptein Coetzee, Dirk Coetzee, toe hy in Durban was? -- Nee, hy kom net by my rapporteer. Die bevelvoerder van 'n eenheid kom net by my rapporteer en dan daarvandaan werk hy saam met my terroriste eenheid in hierdie ... (tussenbei)

Het hy by u kom rapporteer? -- Sover ek kan onthou het hy.

En sou hy gereeld gedurende die tydperk by u gaan rapporteer?
-- Nie daaglik nie. Dit gebeur nie daaglik nie, tensy ek hom
ontbied om iets aan hom oor te dra of so.

Kan u onthou dat u gereeld met hom gepraat het gedurende die
tydperk? -- Nee, ek kan nie onthou dat ek gereeld met hom gepraat
het nie, maar ek het met hom gepraat.

U het ook in u getuienis melding gemaak van sekere
pers-berigte in verband met die Mxenge-moord. Was dit die eerste
kennis wat u of was die pers, die lees van die pers die eerste
kennis wat u gedra het van die moord? -- Wat ek van die moord gedra
het, ja, dit is korrek. (10)

Nou/...

C83.188

- 2347 -

VAN DER HOVEN

Nou u het seker geweet van bewerings of aantygings dat die
moord van Mxenge eintlik roof, die motief daarvoor was roof of
'n rooftog. U het seker kennis gedra van daardie bewerings in
1981? -- Ek het nou daarvan kennis geneem dat dit hier in die
getuienis so genoem is, in Coetzee se getuienis.

Dat die motief roof was? -- Ja, dit het hy gesê.

(20)

Maar in 1981 het u so gedink? -- Nee, want ek het nie, my
afdeling ondersoek nie moordsake nie.

Maar u het seker daarvoor met u kollegas gepraat? -- Ja, miskien
in die verbygaan, maar nou nie spesifiek gesels met hulle oor hoe
spesifiek die man doodgemaak is of daarvoor nie.

Maar u moet seker u eie idees daarvoor gehad het in 1981? --
Ek glo ek kon.

Nou was roof een van daardie idees? -- Nee, ek glo nie - ek
het nie so diep in die aangeleentheid ingegaan nie, want dit het
my nie eintlik geraak nie omdat my afdeling nie die saak ondersoek
nie. (30)

Maar u het geweet daar was aantygings teen die polisie in

1981? -- Dit is eintlik 'n daaglikse ding daardie, aantygings teen die polisie. Ek meen dit was nie 'n uitsonderlike geval nie.

Maar dit is besonderlike ernstige aantygings hierdie dat, miskien was die polisie by die moord betrokke. -- Ja, daar was seker sulke aantygings, ek kan nie onthou spesifiek in daardie geval nie.

U moes en ek dink dit is redelik om te aanvaar dat u die saak met u kollegas bespreek het? -- Met die kollegas op my personeel, ja, het dit definitief bespreek op ons daaglikse vergadering.

Ja, nou in daardie besprekings het die kwessie van die
(10)
roof/...

C83.1454

- 2348 -

VAN DER HOVEN

roof opgekom? -- Ek kan nie onthou dat daar nou 'n kwessie van roof opgekom het nie, maar ek het my lede opdrag gegee om die speurders behulpsaam te wees indien hulle oor enige inligting beskik om dit op te los.

U sien, ek wil aan u 'n paar feite of bewerings plaas sodat u kommentaar daaroor kan lewer as u graag wil. Gedurende die getuienis van ene Nofemela, u weet seker wie Nofemela is? -- Ek
(20)
het gehoor wie hy is.

Ja, u het gehoor, is gesê dat die plan van Nofemela, Coetzee en ander is om die kar by die grens te laat verbrand. -- Ja, ek het dit gehoor.

Ja en in die rekord, die verwysing is bladsy 135 is gesê deur die Voorsitter en deur ... (tussenbei)

VOORSITTER: Hopelik gevra.

MNR. PRETORIUS: Gevra, ek is jammer en deur my geleerde vriend, mnr. Maritz, oor hierdie plan om die kar te laat ver-brand. Mnr. Maritz sê:

"How would that confirm a suspicion of robbery?"

(30)

And then Mr Chairman said:

"Why would they not simply go over the border with the car?"

En toe antwoord Nofemela:

"Well this is what he told me about."

En toe sê die Voorsitter:

"Yes, but you are an intelligent man."

En toe vra hy:

"Did you not question such a statement which seems to have very little sense in it or sensibility?"

Nou stem u met daardie gevoelens saam, dat as dit rooftog was, dit geen sin gemaak het om die kar daar te laat verbrand, (10)

hulle/...

C83.1536

- 2349 -

VAN DER HOVEN

hulle sou dit net deurgevat het Swaziland toe? -- Ek weet nie hoekom hulle so besluit het, as hulle so besluit het nie, want ek dra nie kennis van die voorval nie.

Maar op waarskynlikhede? -- O, ja dit is maar net 'n mening wat ek kan gee. Ek kan nie dink dat dit enige verskil sou maak nie. (20)

Maar stem u saam met die waarskynlikheid daar, dat as dit roof was, die rowers dit net sou deurgevat het Swaziland toe, stem u saam? -- Ek weet nie. Daar is darem grensbeheer en dalk was dit nie vir hulle moontlik dan om dit deur te vat nie. Ek weet nie wat hulle besluit of hulle gedoen het nie.

So u kan nie saamstem nie? -- Ek kan nie saamstem nie.

Nou sal u saamstem dat as die motief vir 'n moord net roof was dan sou 'n mens nie verwag het dat Mxenge so baie gesteek sou geword het nie? U weet seker dat hy amper 40 keer of meer as 40 keer gesteek was. -- Ek weet nou nie hoe 'n rower optree nie. (30)
Ek het nog nooit 'n roof beplan nie, maar ek dink dit is ...

(tussenbei)

Maar u is 'n ervare polisieman. -- Dit is hipoteties, maar dit, ek neem aan as 'n man wil roof sal hy 'n man dood-maak moontlik of hom probeer verhoed om nie afstand te doen van sy eiendom nie.

Maar sover gaan as om 45 keer te steek? -- Dit lyk baie onwaarskynlik vir my.

Dit lyk vir u onwaarskynlik? -- Ja, dat 'n mens so baie steek.

En ook as die motief roof was sou 'n mens nie verwag seker dat 'n paar dae of 'n dag voor die rooftog die honde by die huis sou vergiftig word deur die rowers? -- Dit is moontlik, ja. Ja, (10)
dit is seker moontlik. Dit hang af waar

hulle/...

C83.1618

- 2350 -

VAN DER HOVEN

hulle seker die man wou beroof het of dan, ek meen om hom nou, honde te vergiftig glo ek sal 'n man dit doen as dit nou wag-honde is om toegang tot die huis te kry en nie deur die honde gehinder te word nie.

Maar net om toegang tot sy persoonlike besittings en motor te kry, sou dit seker nie nodig wees om honde te ver-giftig nie. (20)

Dit sou net die rowers in gevaar stel, bloot-gestel het? -- Ja, ek dink so, dit kan seker so wees.

En sal u saamstem dat as iemand hom doodgemaak het vir ander redes, maar wou voorgee dat dit 'n rooftog was, dan het hulle nie 'n behoorlike "job" daarvan gedoen of daarvan gemaak nie, nie behoorlik gedoen nie? -- As 'n mens weet wat die motief was, dan ... (tussenbei)

Sê nou daar was 'n politieke motief vir die moord, dit was die eintlike motief, maar die mense wat hom vermoor het wou voorgee dat eintlik dit 'n rooftog was, hulle het nie eintlik 'n goeie taak daarvan gemaak nie. (30)

Nee, ek weet nie of hulle 'n goeie taak gemaak het of nie,

ek glo nie ek kan nou daaroor - my uitspreek daaroor nie. Ek meen ek kan maar my eie meining daaroor nahou en (tussenbei)

Wat is u eie mening? -- Nee, ek dink dit is - dan dink ek nou dit was nie 'n goeie poging gewees nie.

Eintlik is dit baie sterker as dit in hierdie Kommissie uitgedra. Ek dink die uitdrukking was 'n "big mess was made of it." -- Ek was nie by die moordtoneel nie so ek sal nie weet hoe gemors dit gewees het nie.

Nou u is ook seker bewus dat daar was bewerings of aan-tygings gemaak dat die ANC betrokke was by die moord? -- Nie wat ek kan onthou nie. (10)

Nie/...

C83.1710

- 2351 -

VAN DER HOVEN

Nie wat u kan onthou nie. Is u nie bewus van bewerings of aantygings nie? -- Dit mag wees, maar dit is baie lank terug, ek kan nie onthou nie en ek het nie vir die laaste klompie jare meer toegang tot dokumente van die Veiligheidstak nie, so dit is nie iets wat met my bespreek word of wat ek kan gaan opkyk nie.

Ja, maar ek wil hê u moet probeer om uit u eie geheue vir ons te help, wat het u toe gedink van die moontlikheid dat dit die ANC was wat Mxenge vermoor het? -- Nee, ek het nie juis gedink aan enigiemand spesifiek wat dit kon gedoen het nie. (20)

Het u kennis gedra van sulke aantygings? -- Nie wat ek kan onthou nie.

Wel, ek sal later weer daarby kom, maar mnr. die Voorsitter ons het 'n beëdigde verklaring van die ANC gekry, van ene Alfred Nzo wat, ons sal dit mettertyd inhandig. Ek wil net op rekord plaas, wat enige betrokkenheid by die moord ontken en ook - nee, van die ANC of sy geledere ontken. Ek sal dit mettertyd inhandig en mettertyd meer van die, weer met die verklaring handel. Nou het u kennis gedra dat die feit was dat na die moord van Mxenge (30)

was die ANC eintlik baie ondersteunend? -- Vir wie?

Vir Mxenge en die familie. Hulle het verklarings uitgereik dat hy eintlik 'n held was. -- Ja, ek was daarvan bewus.

U was daarvan bewus dat volgens 'n persverklaring wat in die lêer van die geregtelike doodsondersoek verskyn het die ANC gesê dat hy en ek haal aan:

"It is a measure of his courage and depth of his conviction. (They referred to the invaluable contribution to the people's cause.) He was a leading activist. They talked/...

(10)

C83.1814

- 2352 -

VAN DER HOVEN

talked about his self-sacrifice and martyrdom and held him as a great son of our people."

Nou sou 'n organisasie volgens u mening wat iemand vermoor het sulke verklarings uireik? -- Dit hang af hoeveel, watse stand hy in die organisasie self gehad het.

Wel van dié verklaring blyk dit asof hy in hoë ag gehou is? -- Ja, dit lyk so.

Nou as die persoon skuldig was aan misbruik van ANC-fondse sou u die mening huldig dat so 'n verklaring uitgereik sou geword het net na sy dood? -- Ek glo nie, maar dit kan dalk as 'n rookskerm ook uitgereik word. Ek meen daar is baie moontlikhede, maar ek was nie daar nie. (20)

Van rookskerms gepraat, sou dit nie die doel van die ANC gewees het om die boodskap vir die wêreld te gee dat mense wat so met ANC fondse maak sal gestraf word. Dit sou eerder die doel gewees het na sy dood. -- Nee, ek weet nie wat hulle doel sou gewees het nie of hoe hulle geredeneer het nie.

Nou as dit 'n ANC persoon was wat van buite binne die land ingekom het, ek neem aan dit is redelik om te aanvaar hy sou sy eie vervoer gehad het? -- Nee, dit is ook vir my on-moontlik om (30)

dit te antwoord.

Kyk as iemand van buite die land inkom sou hy seker van vervoer vanaf die grens gebruik maak. Hy sou seker nie stap nie? -- Ja, dit is so.

Om iemand te vermoor, ek dink dit is redelik om te aanvaar dat hy van sy eie vervoer gebruik sou gemaak het? -- Dit is aanvaarbaar.

Redelik aanvaarbaar? -- Ja.

Dit is waarskynlik? -- Ek sou nie sê, want daar is baie openbare vervoer wat hulle kan gebruik. So dit is nie 'n moet (10) dat/...

C83.1918

- 2353 -

VAN DER HOVEN

dat hy moet sy eie vervoer hê nie.

Is u ernstig brigadier dat ... (tussenbei)

VOORSITTER: Maar ek weet nie, wat wil u hê, moet die brigadier nou al hierdie moontlikhede vir my uitspel? Dink u nie ek kan self oordeel wat waarskynlik is nie mnr. Pretorius? It depends on how many people were involved.

MR PRETORIUS: Yes, I want to put probabilities to this witness (20) and because I think it is important in the light of the whole picture and certain actions by the police at a later stage and I think it is fair if we are going to argue that, that then some witnesses be given a chance to comment. Maar u sien wat ek vreemd vind is dat as dit 'n ANC man was dat hy Mxenge se kar sou gevat het op die Donderdagaand en op die Maandag-oggend, 'n paar dae later die kar by die grenspos sou gelos het. Ek vind dit onwaarskynlik, stem u saam? -- Dit is nie regtig onwaarskynlik nie, dit hang af waarheen hy was met die kar.

Maar dit is uiters gevaarlik om so te maak? -- Dit is.

En ek neem aan iemand wat die land binnegesypel het om 'n (30) moord uit te voer sou meer versigtig gewees het as om die kar van

Mxenge vir drie of vier dae te vat waar ookal en daar op die grens te los? -- Ja, dit is onverantwoordelik dink ek.

En meer as dit, hulle het nie net die kar daar gelos of kom ons aanvaar nou dat dit ANC manne was, hulle het dit in die oggend, maar verbrand, daar naby die grenspos. Nou dit is heel onwaarskynlik is dit nie? -- Nee, ek kan nie sien wat is die onwaarskynlikheid daarin nie.

Kyk, as 'n ANC man nou, hy is nou klaar met die moord van Mxenge, hy wil nou die land verlaat, wil oor die grens gaan, nou vat hy die kar van Mxenge tot naby die grens en pleks van
(10)
die/...

C83.2022

- 2354 -

VAN DER HOVEN

die kar net daar te los steek hy die kar aan die brand. Nou dit sou 'n uiters gevaarlike optrede gewees het. -- Ja, maar ek meen as hy kon wegkom seker voor die ding gebrand het, ek weet nie wat sy planne gewees het om hom aan die brand te steek nie.

Maar hoekom sou hy die kar verbrand het? -- Nee, dit sal ek nie weet nie. Dit is 'n hipotetiese ding. Ek kan dit nie antwoord nie.

(20)
Nou dra u kennis van optredes teen prokureurs en advokate wat om en by die tyd van Mxenge se moord plaasgevind het, die arrestasie van prokureurs, hulle aanhouding ensovoorts? -- Daar was in my tyd prokureurs gearresteer, ja.

Omrede hulle, hoekom? -- In verband met terrorisme.

In verband met terrorisme? -- Ja.

Was dit een van die areas van u ondersoek? -- Ja.

En, u sien want voor en na die tyd rondom die tyd van sy moord en volgens persberigte blyk dit dat daar heelwat optredes was teen prokureurs en advokate, arrestasies, aan-houdings. -- Ek dra nie
(30)
kennis van enige advokate nie.

Wel ja-nee, ek het dit verkeerd gestel, prokureurs. --

Prokureurs, ja.

En daar was ook, het u kennis gedra van doodsdreigemente teen advokate rondom daardie tyd? -- Nie wat ek van weet nie.

Teen advokaat Skweyiya byvoorbeeld? -- Nee.

Teen advokaat Boswa? -- Nee.

En het u die ondersoek gevolg, dopgehou, die ondersoek na die dood van Mxenge? -- Ja, ek het - nee, dit het ek - ek het net my mense opdrag gegee indien hulle enige inligting het wat hulle aan die plaaslike speurders kan oorhandig dan moet hulle dit doen.

Het/...

(10)

C83.2124

- 2355 -

VAN DER HOVEN

Het u kennis gedra van die feit dat die ondersoek sterk gekritiseer was by die geregtelike doodsondersoek? -- Nee, ek het ... (tussenbei)

Nie kennis gedra daarvan, die polisie was beskuldig? -- Nee, ek was nie by die doodsondersoek myself nie.

Maar u het seker daarvan gehoor brigadier? -- Ek mag daarvan gehoor het, maar soos ek in die verlede gesê het kritiek was daar dikwels teen die polisie en vir baie goed geblameer.

(20)

Maar ek sou gedink het dat senior offisiere by die Port-Natalse afdeling wou verhoed het dat enige regverdige of on-regverdige kritiek van sulke ondersoeke voorgelê word. -- Ja, maar dit het nie onder my gesorteer daardie afdeling nie. Dit is by die speurders. Hulle het die saak ondersoek en hulle dien, neem die voorlopige ondersoek waar deur die hof. Dit raak nie die Veiligheidstak nie.

Maar het u dit nie, is dit nie onder u en u kollegas be-spreek nie, hierdie aantygings in verband met die ondersoek nie? -- Nie sover ek kan onthou nie.

(30)

U dra geen kennis daarvan nie? -- Nee, ek dra nie kennis daarvan nie.

Van die aantygings wat gemaak is in verband met die ondersoek?
-- Nee, daarvan dra ek nie kennis nie.

Die kritiek wat gerig is teen die ondersoek? -- Nee, as ons amptelik van kritiek ingelig word deur 'n departement of dan deur die pers dan sou daarop gereageer gewees het.

Ja, maar dit was deur die pers, daar was heelwat pers-berigte oor daardie besondere kritiek. -- Ek weet nie watse kritiek daar was, watse besondere kritiek daar was nie.

Wel daar was kritiek oor die feit dat 'n junior offisier
aangestel/...
(10)

K83.2205 - 2356 - VAN DER HOVEN
aangestel is om die ondersoek te lei. -- Maar daardie kritiek sou ek nie op geantwoord het nie. Dit is 'n soort kritiek wat teen die afdeling-speuroffisier sou gerig gewees het.

Maar ek vra vir u het u kennis gedra van daardie kritiek?-- Ek kan nie onthou dat ek kennis gedra het in daar-die tyd nie.

U sien, ja, die ondersoek is ook nie baie sterk nie, maar ook deur die magistraat gekritiseer. Die magistraat wat betrokke was by die geregtelike doodsondersoek. -- Nee, ek dra
nie daarvan kennis dat hy dit gekritiseer het nie.
(20)

Kan dit waar wees, met respek, dat u geen kennis sou gedra het van enige kritiek wat teen die polisie gerig is in verband met die Mxenge voorval? -- Nee, dit hang af na watter afdeling die kritiek gerig is.

Maar kyk daar was eintlik vermoedens of bewerings dat dit ANC manne was. Mxenge was deur u eie departement ondersoek, u sou seker 'n belang daarby gehad het? -- Nie by die ondersoek van die moord nie.

Nee, maar hoekom nie? -- Dit val nie onder my opdrag nie om
moordsake te ondersoek nie.
(30)

Aantygings is teen die oplisie gemaak dat die polisie daarby

betrokke was? -- Waarby betrokke?

By die moord.-- Ja, maar dit is ondersoek.

Maar nou vra ek u oor u kennis van daardie ondersoek? -- Nee, ek weet nie van wanneer - hier is nou aantygings gemaak dat die polisie betrokke was.

En toe ook.-- Nie so dat daar 'n klagte ondersoek is dat die polisie daarby betrokke was nie.

Ja, maar u sien, ek sou gedink het u sou nouliks belang gestel het in die ondersoek. -- Nouliks?

Ja/...
(10)

K83.2304

- 2357 -

VAN DER HOVEN

Ja, of ten nouste. Jammer, my Afrikaans is nie altyd so goed nie. -- Nee, ek het nie besondere belang daarby gehad nie.

Ek moet sê ek vind dit vreemd, maar - nou u sê u was besig met 'n ondersoek in verband met Mxenge. Is dit korrek, was u, laat ek net die vraag vra: Was u besig ten tye van sy dood, Oktober 1981, besig met enige ondersoek in verband met Mxenge? -- Nie wat ek van bewus is nie, 'n spesifieke ondersoek nie.

Wel, daar was aantygings gemaak in verband met fondse wat hy sou gekry het vermoedelik van die ANC. -- Nee, maar hy was 'n opdraggewende prokureur, hy het baie fondse hanteer. (20)

Maar het u kennis gedra van enige aantygings wat gemaak is? -- Nie wat ek van kan onthou nie.

U sien, want luitenant-generaal Johan Coetzee, en ek haal aan uit 'n persberig:

"Meanwhile police are investigating allegations that Mr Mxenge had been misappropriating thousands of rands."
Kan u dit onthou? -- Nee, ek kan nie spesifiek dit onthou nie. Ek sal dit nie ontken dat daar nie so 'n ondersoek was nie. (30)

En verder lees die persberig:

"General Coetzee said about R100 000 is involved in the alleged

misappropriation at the stage according to authorities other than the police."

Dra u enige kennis daarvan? -- Nee, ek kan nie onthou soiets nie.

"He also confirmed that police are investigating the possibility that the ANC may have been responsible for his death."

Dra u ooit enige kennis daarvan? -- Nie wat ek van, nee, ek kan/...

K83.2402 - 2358 - VAN DER HOVE (10)

kan nie onthou dat hy - hy het nie gesê die Veiligheidstak seker nie. Hy sê die polisie kan dit ondersoek het, die speurders.

Maar seker as daardie aantygings waar was sou u seker kennis daarvan gedra het?-- Ek kon op daardie stadium, dit is moontlik, maar dit is baie lank terug.

Maar sedertdien is dit uit u geheue uit? -- Ja.

Nou het u kennis gedra van die feit dat net voor sy dood Mxenge eintlik ondervra was deur 'n lid van die Veiligheids-tak, Port-Natal? -- Nee, ek kan dit nie onthou nie, dit is moontlik.

Onthou u adjudant-offisier De Wet, 1981 was hy onder u beheer? (20)
-- Daar was so 'n man, ja.

Binne 'n week of twee weke op die uiterste was Mxenge ondervra deur 'n lid onder u beheer, dra u geen kennis daar-van? -- Sover ek kan onthou was hy nie aangehou nie. Hy mag ontbied gewees het na die man se kantoor toe en daar vrae gevra is, maar hy was nie aangehou nie.

Kan u dit onthou? -- Nee, ek kan dit onthou nie, want dit is nie noodwendig dat hulle dit vir my sou gesê het as 'n man in die gewone loop van sy ondersoek iemand ondervra nie en na sy kantoor toe ontbied en hom vrae vra nie. Dit sou hy nie noodwendig (30)
aan my rapporteer het nie.

Nou ten tye van die Mxenge-moord was luitenant-generaal

Coetzee in Hoofkantoor te Pretoria, né? -- Ja, ek dink hy was daardie tyd, ja, die bevelvoerder.

Ja, nou waar sou hy hierdie inligting gekry het as dit nie deur u gekom het? -- O, hy kan dit - dit kon deur my kantoor gekom het.

Ja, maar u is in bevel van daardie kantoor? -- Ek is in
bevel/...

K83.2500 - 2359 - VAN DER HOVEN

bevel van die kantoor en ek teken die pos wat daar deurgaan en
... (tussenbei) (10)

Maar lees u die pos wat u teken? -- Ja, dié lees ek.

Nou seker sou u sulke aantygings onthou het of nie? -- 'n Mens teken baie pos op 'n dag en ek kan nie spesifiek onthou dat ek daardie, so 'n verslag geteken het nie.

Ja, maar hierdie Mxenge was 'n belangrike figuur, hy was 'n prokureur en hy is vermoor? -- Ja hy was, maar ek sal nie sê sō 'n belangrike figuur nie.

Ernstige aantygings is teen die polisie gemaak ten tye van die moord. -- Ja, soos u sê.

En dit moes ... (tussenbei) (20)

VOORSITTER: Wat was die aantygings teen die polisie?

MNR. PRETORIUS: Dat hulle by die moord betrokke was.

VOORSITTER: Waar was die aantygings?

MNR. PRETORIUS: Die aantygings was in die pers gerapporteer.

Ek dink ook in die geregtelike doodsondersoek. Dit was nie direk gemaak nie.

VOORSITTER: Die moord gepleeg het?

MNR. PRETORIUS: Of min of meer in 'n mate daarby betrokke was om dit ... (tussenbei)

VOORSITTER: Nee, soos ek die persberigte lees en die geregte-like doodsondersoek lees, wat gesê is die polisie het nie die saak (30)

behoorlik ondersoek nie, maar ek het nooit 'n indruk gekry dat destyds gesê is dat die polisie die man vermoor het nie.

MNR. PRETORIUS: Ten minste was daar 'n geïmpliseerde aantyging teen die polisie gemaak.

VOORSITTER: Wel ek het nie die geïmpliseerde aantyging gesien nie. Miskien is dit iewers. U weet dit is vir my moeilik
... (tussenbei)/...

K83.2578

- 2360 -

VAN DER HOVEN

... (tussenbei)

(10)

MNR. PRETORIUS: Byvoorbeeld in die, ek weet nie of dit so ge-publiseer is nie, maar in die teleksberig van die ANC is die aantygings direk gemaak.

VOORSITTER: Ja, goed.

MNR. PRETORIUS: Laat dit nou ter syde staan. Sou u nie hierdie saak met luitenant-generaal Coetzee bespreek het nie? -- Nee, want ek is nie by hom in dieselfde plek nie. Dit sal maar met korrespondensie gegaan het.

Ja, maar seker is u die aanknopingspunt by Natal vir sy ondersoek, hy sou u raadpleeg oor wat daar aangegaan het? -- Ja,
hy sou. (20)

In verband met veiligheidsinstansies en situasies? -- Dit is korrek.

En sê u, u kan niks onthou van enige gesprek of korrespondensie met generaal Johan Coetzee oor die Mxenge aangeleentheid? -- Nee, ek kan nie onthou nie. Daar sou gewees het, dit glo ek, maar ek kan nie onthou van inhoud van spesifieke korrespondensie wat gevoer is tussen ons en hoof-kantoor nie.

En u kan ook niks onthou van enige aantygings teen die ANC wat gemaak is? -- Nee, ek kan dit nie onthou nie.

(30)

En u kan nie onthou of Mxenge daardie week voor sy moord ondervra was onder u instruksies of deur 'n lid onder u bevel?

-- Ek kan nie onthou dat dit gebeur het nie.

Kan u onthou of u verlede jaar deur iemand gevra is oor hierdie aangeleentheid van City Press? -- City Press het my gebel na aanleiding van berigte wat in die koerant, die Vrye Weekblad, bestaan het.

Ja en kan u nou onthou of laat ek liewers vir u die berig
gee/...

K83.2696

- 2361 -

VAN DER HOVEN

gee - Mr Chairman it is an article that appeared in the City Press
on 3 December 1989. (10)

CHAIRMAN: That will be B137.

MR PRETORIUS: I think it is B137, I am not sure. Sal u net daardie derde kolom lees asseblief? Nie voorlees nie, maar net vir uself.

Sal u dit voorlees nou?

VOORSITTER: Ek dog u sê hy moet dit nie voorlees nie?

MNR. PRETORIUS: Nee, ek wou hom 'n kans gegee het om daaroor te dink en dit self te lees. --

"Van der Hoven implicated by Coetzee in Mxenge's killing strenuously deny the charge. Van der Hoven, who is now retired
in Middelburg, purportedly refused to say whether Mxenge was
suspected by Security Police of channeling ANC funds. He
explained that when a local division of the Security Police
believes there are terrorists in the vicinity, he just asks
Pretoria Headquarters to send a team from the anti-terrorist
unit. What the team does and how they do it has nothing
to do with the local commander." (20)

Kan ek dit terugkry asseblief? Nou is dit 'n getroue weergawe van wat u gesê het? -- Nee, ek glo nie dit is nie.

In watter mate is dit nie 'n getroue weergawe nie? -- Ek het
geweier eintlik om met die pers te praat. Ek het vir hom gesê
die aangeleentheid is sub judicæ en dit word ondersoek en toe (30)

het hy nog aangehou en gekarring en gekarring en dan stel hy vrae en dan maak hy stellings en dan wil hy hê ek moet sê ja of nee en dit is wat gebeur het. Ek glo nie ons twee was op baie goeie terme gewees na die telefoongesprek nie.

Het u eintlik vir die persoon gesê "When a local division of the Security Police believes there are terrorists in the vicinity/...

K83.2826

- 2362 -

VAN DER HOVEN

vicinity you just ask the Pretoria Headquarters to send a team from the anti-terrorist unit. What the team does and how they do it has nothing to do with the local commander", het u dit gesê? (10)

-- Nee, ek kan nie onthou dat ek dit gesê het nie. Dit sou 'n stelling gewees het wat hy gemaak het en wat ek moes geantwoord het ja of nee.

Nou waar sou hy sulke inligting gekry het as dit nie van u was nie? -- Ek weet nie, ek het hom dit nie gevra nie.

Nou dra u kennis van die feit dat mev. Mxenge gesê het voor die geregtelike doodsondersoek dat sy u gebel het die Vrydagoggend?

-- Ja, ek dra kennis daarvan.

En u gevra het oor Mxenge, is dit waar, kan u dit onthou? (20)

-- Ja, ek kan dit onthou, ek kan dit onthou dat sy my gebel het.

Wat het sy vir u gesê? -- Sy het vir my gevra of ons nie vir mnr. Mxenge toegesluit het nie.

En wat het u gesê? -- Toe het ek vir haar gesê nee, definitief nie.

Hoe sou u geweet het? -- Persone wat deur die Veiligheidstak aangehou word se aanhoudings word deur my goedgekeur en ek het dit nie goedgekeur nie.

Nou sou dit om en by 08h00 gewees het, hierdie telefoon-oproep? -- Ek sê weer dit kon, dit sou seker na 08h00 gewees het, want van 07h30 tot 08h00 is ons in vergadering. (30)

So net na 08h00 sou dit gewees het? -- Ja.

Want sy sê, eintlik wat u sê: "After 08h00 that same morning I contacted Brigadier Van der Hoven, Head of the Security Police in Durban, he informed that the Security Police had not taken my husband into custody." Dit is korrek né? -- Ja, dit is korrek.

Toe/...

K83.2942

- 2363 -

VAN DER HOVEN

Toe sê kaptein Coetzee in sy getuienis by bladsy 23 dat hy aan u gerapporteer het dat Mxenge vermoor is. -- Dit is nie waar (10)
nie.

U ontken dit seker? -- Dit is nie waar nie.

Toe gaan hy aan om te sê:

"I reported just after 07h30 the Friday morning to his office."
Nou u sê dit moes, as enigiets gebeur het, moes dit na 08h00 gebeur
het? -- Want van 07h30 tot 08h00 het ons vergadering.

Nou ek stel nie so baie belang in die presiese tyd nie, maar
hy gaan voort en hy sê:

"When I arrived he said that Mrs Mxenge had already phoned and
inquired whether they have apprehended him, because he never (20)
came home last night."

Dit sou korrek wees, né? -- Wat sou korrek wees? Dat "Mrs Mxenge
ge-phone" het, ja.

Wel is dit korrek dat die feite wat hy daar weergee, is korrek,
né? -- Nee, hy sê dan, u sê dan 07h30.

Nee, los nou die tyd, ek is nie so geïnteresseerd in die tyd,
maar vroeg in die oggend het u geweet dat Mxenge gebel het ...?
-- Mrs Mxenge gebel het, ja.

En Mxenge vermis was? -- Nie vermis was nie. Sy het net gevra
of ons hom nie gearresteer het nie.

Ja, maar het sy nie ook vir u gesê Mxenge het nie huistoe (30)
gekom nie? -- Nee, ek kan nie onthou dat sy dit gesê het nie.

Sy het vir my gevra of die Veiligheidstak hom nie aangehou het nie.

Ja, maar seker die enigste rede sy sou dit gedoen het, want hy is vermis, dit volg. -- Die rede wat sy gebel het voor, sy het seker na hom gesoek.

Ja/...

K83.3029

- 2364 -

VAN DER HOVEN

Ja, dit is die punt, maar nou die enigste vraag wat ek u nou wil vra, het u vir Coetzee dit gesê? -- Nee.

(10)

Waar sou hy daardie inligting gekry het dan dink u? -- Nee, ek weet nie waar hy dit gekry het nie.

Toe gaan hy aan en sê dat u gesê het brigadier Schoon het gebel en gesê dat die Vlakplaas eenheid terug Pretoria toe moet gaan. -- Ek kon dit gesê het as brigadier Schoon my gebel het, want dit is die prosedure dat waneer hoofkantoor die eenheid wil terugtrek dan stel hulle my in kennis en sê die eenheid moet terugkeer hoofkantoor toe.

Nou het hy u gebel en gevra? -- Ek neem aan dit moet so wees - wie het my gebel, brigadier Schoon?

(20)

Brigadier Schoon. -- Ek neem aan hy sou my gebel het as ek gesê het hulle moet terugkeer.

En gesê dat hulle moet teruggaan? -- Ja.

Wanneer? -- Nee, ek kan nie onthou nie, spesifiek watter datum of watter dag dit was nie.

Nou is u uitgevra voor u nou getuienis afgelê het oor u menings oor die aantygings van Coetzee en andere teenoor u? -- Hoe uitgevra bedoel u?

Wel, ek wil u vra wat u dink, oor wat u dink oor die aan-tygings van Coetzee, Nofemela en Tshikalange? -- Wat ek dink daarvan?

(30)

Ja-nee, hoe het dit uitgekome dat hulle die aantygings gemaak het? Eerstens, gee u toe dat Coetzee, Tshikalange, Nofemela en

andere Mxenge kon vermoor het? -- Nee, ek weet nie. Ek weet nie waar hulle op daardie tydstip was nie.

Het u dit met u kollegas onlangs bespreek? -- Hoe onlangs?

Verlede jaar, hierdie jaar? -- Nee. Ek het nie meer

kollegas/...

K83.3166

- 2365 -

VAN DER HOVEN

kollegas nie. Ek is op pensioen.

Het u nie u eie teorie van hoe Nofemela, Tshikalange en Coetzee te werk gegaan het om hierdie aantygings te maak nie? -- Maar ek (10) weet nie of hulle dit gedoen het nie. Ek sal nou nie my tyd daarmee opmaak om vir my teorieë uit te werk hoe elke moord gepleeg is nie.

Ja, maar u weet ernstige aantygings is teen u gemaak? -- Ja, dit is.

En seker u moes dit met u kollegas bespreek het, met u regsverteenwoordigers bespreek het. -- Ek het dit met die polisie bespreek wat my, wat die saak ondersoek het.

En is daar geen teorie bespreek van hoe Tshikalange, Nofemela en Coetzee saamgekom het om hierdie aantygings teen u en andere (20) te maak? -- Nee, met my is dit nie bespreek nie. Hier is 'n waarskuwingsverklaring van my geneem asof ek 'n potensiële beskuldigde is.

Ja, nou vra ek u, ek vra u weer: U moes met u kollegas die aangeleentheid bespreek het, met u regsverteenwoordigers. -- My regsverteenwoordigers, ja, ek was deur my regsverteenwoordigers gesien.

Nou het u as gevolg van die besprekings u eie menings, u eie kennis, enige teorie van ...? -- Van hoe hy vermoor is?

Ja of wel eerstens van hoe hy vermoor is? -- Nee.

En van enige sameswering oor hoe dit sou gewerk het tussen Tshikalange, Nofemela en Coetzee? -- Nee, dit het ek nie bespreek (30)

met my regsverteenwoordigers nie.

En nie met u kollegas nie? -- Nee.

Nou u het seker, net een of twee vrae dan sal ek vra dat die getuie afstaan mnr. die Voorsitter. Kyk u het seker Coetzee redelik goed leer ken né? -- Ek het hom geken, ja.

En/...

K83.3324

- 2366 -

VAN DER HOVEN

En het hy 'n goeie kennis van die Durbanse area gehad? -- Dit weet ek nie.

(10)

En die persone daarby betrokke, daar betrokke, die akti-viste, wie die aktiviste was en wie nie? -- Nee, dit weet ek nie of hy dit gehad het nie.

U sien as hy dit, op die veronderstelling dat hy wel met ander Mxenge vermoor het moes hy daardie inligting van Natal gekry het. -- U bedoel as hy nou gedoen het soos wat hy beweer?

Ja. -- Wel nee, dit is nie nodig dat hy dit van Natal kry nie. By hoofkantoor is dieselfde inligting beskikbaar as wat dit by Natal sou gewees het.

Maar hy sou dit deur middel van amptelike kanale gekry het (20) wie Mxenge was, waar hy gewoon het, wat hy gedoen het? -- Hy kon dit, ja, as hy sulke inligting gehad het dan kon hy dit deur amptelike kanale gekry het, maar nie net by Durban nie.

Of in Natal, van u of andere of Hoofkantoor? -- Dit kan by Hoofkantoor gewees het en hy kan dit by andere by my kantoor gekry het.

Maar stem u saam dit is onwaarskynlik dat hy die nodige inligting sou vanself ingewin het? -- Nee, ek weet nie of hy sulke inligting gehad het nie.

U sien, ek dink as 'n mens teorieë bespreek is daar geen (30) middeweg of hy het dit gedoen met amptelike inligting of hy het dit nie gedoen nie. Stem u saam daarmee? -- Ek weet nie hoe,

hy het dit gedoen met amptelike inligting, wat bedoel u, hoe ...
(tussenbei)

Kyk, wie Mxenge was, waar hy gewoon het, dat hy 'n aktivis was en daardie soort tipe van veiligheidsinligting? -- Ja, hy kon dit gekry het. As hy sulke inligting gehad het kon

hy/...

K83.3441

- 2367 -

VAN DER HOVEN

hy dit by amptelike plekke gekry het.

Is dit nie waarskynlik dat hy sou dit deur amptelike kanale gekry het? -- Hy kon. (10)

Nee nie hy kon nie, maar ek vra u is dit waarskynlik? -- Dit is waarskynlik as hy dit gehad het dat hy dit kon gekry het.

Mr Chairman, I do not have any further questions for the moment. Perhaps could you bear with me rather than make the witness come back tomorrow?

CHAIRMAN: He is coming anyhow tomorrow. He is coming for ... (intervenies)

MR PRETORIUS: Then perhaps he could stand down until tomorrow.

DIE KOMMISSIE VERDAAG TOT 7 JUNIE 1990 OM 10H00.

(20)

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(30)

Collection Number: AK2300

HARMS COMMISSION OF INQUIRY, Death squads 1990

PUBLISHER:

Publisher:- Harms Commission of Inquiry

Location:-

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