

INQUIRY INTO THE BOIPATONG MASSACRE

VEREENIGING

DATE 1992-08-13

MEMBERS OF THE COMMISSION:

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DEFENCE FORCE:

ADV A W MOSTERT (SC)
ADV D PRETORIUS

MINISTER FOR LAW AND
ORDER; THE SOUTH
AFRICAN POLICE:

ADV P A HATTINGH (SC)
ADV W L WEPENER
ADV J L C J VAN VUUREN

PWV REGION OF THE
AFRICAN NATIONAL
CONGRESS: ANC (VAAL)
AND THE VAAL COUNCIL
OF CHURCHES:

ADV A CHASKALSON (SC)
ADV D KUNY (SC)
ADV K S TIP

THE COMMISSION:

ADV J J DU TOIT

INTERPRETER:

MR J A BOOI

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THE COMMISSION RESUMES ON 13 AUGUST 1992NTIETSA MOSTER XABA, still under oath:EXAMINATION BY MR CHASKALSON (Cont.):

Thank you, Mr Chairman. Mr Xaba, it appears from your statement that there was a time when somebody called you to correct, to ask you to correct your statement. -- Yes, that is so.

Can you tell us who it was that called you? -- I was told that it was a captain. I don't know what his name is.

How did it come about, you say you were told it was a captain. Can you just describe to us what happened and how it was that (10 you were asked to correct your statement? -- Having been called the captain told me that I was to correct mistakes in my statement.

Well, first of all, where were you called to? -- To the police station at Vanderbijlpark.

How were you called? -- My station commander came to my residence in a Hippo, he came to fetch me.

And where did he take you? -- From my residence we went to Sello, but then Sello was not there, he had already fled.

And where did you go from there? -- We went to the police(20 station, Vanderbijlpark.

When you got to Vanderbijlpark police station, what happened there? -- We found a lot of whites sitting there, watching a video recording.

Hmmm. Yes, can you carry on? -- The captain then called me to another room where he said we were going to correct mistakes.

What were the mistakes, did he tell you what the mistakes were? -- He started off by talking about times.

Yes, what did he say about that? -- He told me that my (30 making/....

making mention of 11 is a mistake. I should rather say it must have been about 9. And I then said that I was not prepared to change that time.

CHAIRMAN: Said that you were, or were not? -- I was not prepared to change that time.

MR CHASKALSON: Was anything else said? -- I asked him why he wanted me to change this statement. Would that perhaps mean that he was also present in the township? He then told me that he was present at 11 and that that was the time when the dead bodies were being collected. I then said to him that insofar (10 as I know, the dead bodies were collected in the morning. He then changed and said: Let us discuss the question of my having seen the police. He asked me how I could have seen police running behind the Hippo when the Hippo had its lights on which lights were shone on me. I told him that the lights of the Hippo were not shone on me. I was on the side on our premises and the Hippo was moving in the street. He then said that he was going to "donder" me, I was lying. I then said to him well, he would rather hit me but in my knowledge once a person has made a statement, you have made it, it is not to be changed. (20 He became angry and he called somebody else whom I heard him address as a lieutenant. This lieutenant produced photo's which he showed to this captain and he said that these photo's were taken at my place of residence. When I looked at these photo's I noticed that the photo's were taken at a faraway distance and I realised that the places that I had pointed out to them were not the actual places as seen in the photo's with regard to the distance. What had actually happened when these photo's were taken is that I had indicated to a policeman where to stand which was an indication of where the Hippo was when I saw it.(30

But/.....

But then according to those photo's that I was seeing there this policeman was standing further away from where I had indicated him to stand. Now, I made mention of my dissatisfaction with these photo's, I said that these photo's do not show what I actually had seen. The lieutenant got angry and he said that I had wasted his film. They then ordered me to go and stand outside. I then wanted to know from them if they had finished with me, but they said that I should just go and stand outside. I went and stood there until about 18:00 that evening. I called a white person who was going past me, having come out of those(10 offices and I said to him that I wanted to go home. He then said they would try and get transport for me. The person who had been addressed as "captain" then came to me. He told me that they were not going to drive into the township in these vehicles of theirs. A Hippo would have to come and transport me to the township because there are fights in the township. I was taken in another vehicle to the Powerville Riot Unit police station. The white person who had taken me to this police station in a motor vehicle went and spoke to another white person and said that I was to be taken to the township. Now this white (20 person who had taken me to Powerville spoke to a person in uniform, police uniform, which is the camouflage uniform and that one then started talking to this one who had transported me to Powerville in a manner that appeared to be that of scolding him. I don't know what the problem was between them but I saw this one often point his finger at me while he spoke to the man who had taken me to Powerville. This white person who had taken me to Powerville then came to me and said: The captain said he will take you to the township and he left me there. He did not tell me how I was to be taken to the township and/or when. (30

A captain, he had a police uniform on, came to me and said I must get out of his premises and go and wait outside at the gate. This surprised me that I was sent out of the premises of the police, while I am also a member of the police. I then wanted to know from him when I would be taken home because it is late, it was already 19:00 in the evening. I told him that I was taken from my place of residence at 08:00 in the morning. He then told me that he would take me home when he feels like doing it on whatever day he will be feeling like doing it. I then asked him: Are you now talking about days or time? (10

Can I interrupt you for a moment - were you taken home by the police that night, or not? -- I was not taken home. I walked from Vereeniging to the township Boipatong.

That night, did anything happen at your house? -- Yes, members of the police came and they kicked the doors. But this was not at my usual place of residence, it was at my aunt's place where I was. Because I was afraid of going to my usual place of residence.

No further questions.

CHAIRMAN: Mr Mostert, do you have any..? (20

MR MOSTERT: I have no questions.

CHAIRMAN: Questions? Mr Hattingh?

MR HATTINGH: Thank you, Mr Chairman. Were you born in Boipatong and did you grow up there? -- Yes, that is so.

Have you noticed that there has been an increase in violence during the past two years? -- Yes, that is so.

Do you know what the reason for it is? -- Yes, I do.

Can you tell us? -- It is the lack of co-operation between the township residents and the police.

Now why do you say that? -- My reference to the township (30 residents/....

residents is actually to the organisations ANC and Inkatha.

I don't understand that answer. I asked you why you said that the reason for the increase in violence can be attributed to the lack of I think you said "confidence" between the police..(intervenes).

CHAIRMAN: Co-operation, co-operation.

MR HATTINGH: Co-operation between the police and the community.

-- Well, I would put it this way: The police are partial, they have people that they like and those they do not like.

Now who is attacking who?" -- In my observations I would (10 say Inkatha attacks the township residents. You see, these Inkatha people do not reside in the township but they do come to the township to do wrong things.

But how can you know that the peoples who come to the townships to do wrong things, that they are members of Inkatha? -- You see, in my knowledge, what I have observed is that whenever they would be fighting in the township if they were to run away they would always run to the hostel, and they are also fond of making use of utterances such as these: "Izondi Inkatha".

What does that mean? -- I do not know what that word means.⁽²⁰⁾

Do you know, perhaps, Mr Interpreter?

INTERPRETER: Literally? I will just give you a literal translation I do not know what the words mean. "It does not hate the Inkatha".

MR HATTINGH: Now, have you actually observed some of these attacks that you are speaking about? -- (Have you..?)

Observed, some of the attacks that you have just spoken about? -- Yes, we were attacked on an occasion while we were in a tavern.

In a tavern? And I do not want to go into too much detail(30 but/....

but tell us briefly what happened on that occasion? -- These people came to the tavern and wanted liquor forcibly. And then we saw them assault a person outside. This person was being hit with sticks, or kieries. I got out of the premises and went and stopped at the corner of that street. Police from the office in the township then came to this place. They chased these people out. When they were being chased out as they went past us we asked them why they were assaulting that person. What surprised me about these people was that they were wearing over-coats on a Sunday, but there was no need for them(10 to be wearing over-coats.

What did they say, when you asked them why they had done that? -- Only one of them responded to this question of mine.

Saying? -- He said that person had got rather too familiar with them. Now this one who answered me is a person who had resided in the township.

Do you know his name? -- I know his name, yes. He is George.

And you say he had been living in the township but where was he living at that time? -- We grew up together in the township and he was still residing in the township. (20

Is he still there? -- He is no longer there now, he is no longer residing there now.

Do you know where - sorry. -- He now resides in the KwaMadala.

How do you know that? -- Well, we had heard from a sister of this man that he disappeared after having taken money from their home about R800,00. Now, I got to know that he resides at the KwaMadala because I used to go to the KwaMadala for gyms and I used to see him travelling in these people's many vehicles.

Now you say, you seem to be saying that you have a lot of trouble with the people from KwaMadala. -- Yes, there are a lot/.... (30

lot.

Do you know why they are giving you trouble, why are they giving the township residents trouble? -- Well, it is because they just reside there but they are not employed. They would be in need of money. So they just come into the township, take what they like, they also take girls there.

When you say they "take" girls, what do you mean? -- When they come to a shebeen, they would produce guns and make their own choices of the women there, girls, take them and just get away. (10

And I assume that this must have upset the township residents? -- Well, what I have heard is that whenever girls were taken to the hostel and had stayed there, they would sort of become Inkatha. They would reveal secrets, the township secrets. I do not know how this is done.

What kind of township secrets would they reveal? -- What I think is that it might perhaps be that when these people attend political meetings, it would not be desirable to those belonging to those political meetings, for anyone of them who attends meetings to be going to the hostel. What it really is, I don't know. (20

Are you trying to say that it is not desirable for people who attend ANC meetings to go and tell the KwaMadala residents about what was discussed at the meetings? -- Yes.

Why not? Are there things said at these meetings that are not meant for other ears? -- You see, first, I don't know what discussions take place in these meetings. I never attended political meetings.

Why not? -- I was taught in the police force that I was not to belong to political organisations. (30

Right/....

Right. Now you have also mentioned something about a Vaal residents' organisation, or something to that effect yesterday. A Vaal Civic Association. -- Yes.

Do they also have meetings? -- Yes, they do.

Do you go..(intervenes). -- I sometimes do attend their meetings.

And what is discussed at these meetings? -- In the Vaal Civic Association meetings, problems that occur in the township are discussed.

Now, would you say that Boipatong is-that the residents of(10 Boipatong are predominantly supporters of the ANC? -- I would believe so.

And I think you already said there are no Inkatha members living in Boipatong?

CHAIRMAN: I don't think so, Mr Hattingh.

MR HATTINGH: I may have misunderstood him. Perhaps I should put it as a question then. Do you know of members of Inkatha living in Boipatong?

CHAIRMAN: Supporters of Inkatha.

MR HATTINGH: Supporters of Inkatha. -- Well, what normally (20 has happened is when people join Inkatha they have left the township, I don't know why.

Yes, well that is more or less what I thought you said before. So as far as you know there are no members of Inkatha living in the township? -- I knew people who had been staying in the township and were members of Inkatha, but they are no longer staying in the township.

And Inkatha do not have meetings in Boipatong? -- No.

The ANC however, have meetings in Boipatong? -- I have only heard about meetings, I cannot specify whether these were(30 actually/....

actually ANC meetings or not. I don't have first-hand knowledge.

Aren't these meetings publicised before they take place?

-- I have only heard from people that there was to be a meeting of the ANC. I don't personally know anything because I do not even attend those meetings.

These meetings, where are they normally held, do you know?

-- I do not know.

Now, as a result of the trouble that the township has experienced from the KwaMadala people, do you know whether they have taken any steps to protect themselves? -- (The people in(10 the township?)

The people in the township, yes. -- No, I haven't seen action taken. What I do know is that these people had trust in the police to protect them but this has not happened.

Are you saying that you do not know whether the people of Boipatong took action to try and protect themselves then, if the police does not protect them? -- No, except that a person gets a weapon to defend himself, but I have not seen action being taken.

Do you know of people in the township who are in (20 possession of firearms? -- I have not seen a person in possession of a firearm unless it is a licensed person or a policeman.

Apart from the fact that you have not seen people in possession of firearms, have you not heard or received information to the effect that there are people in the township in possession of firearms that are not licensed? -- Well, I have heard that people got shot. In my thought they must have been shot by people coming from outside Boipatong, like it has happened that people have come from outside and they have taken firearms from police or from members of the police. (30

And/....

And then after they had done that, they left again? -- Yes because you see I am satisfied that these people must have come from outside. They come in vehicles and they would leave again. Otherwise the people in Boipatong, because this is a very small township, are known to me and I am also known to them. The people who come from outside have also had this saying that the people in Boipatong beg the police in Boipatong and they have no time to be begging the police.

Now, have you never heard of self-defence units in Boipatong?
-- I have not heard of them. (10

You do not know any steps that Boipatong people took to try and protect themselves from attacks from outside? -- What I have seen as a self-protection measure taken is the digging of furrows in the streets. Now I have wanted to know why this was being done and it was said this is to prevent motor vehicles that move about and from which people get shot.

Now, you told us yesterday about a meeting that you attended at Houtkop or that you wanted to go and attend at Houtkop. -- Yes.

And at that stage you were told that there were complaints about the fact that you black policemen were not properly armed.⁽²⁰
-- Yes, that is so.

And you also told us that a decision was taken in that regard? -- Well, the promise was made that something will be done about this, but our decision was that we, as black policemen will go into the township, Sebokeng and get firearms that are in the possession of people.

How did you know that people in Sebokeng were in possession of firearms? -- I have often worked in places such as Zone 7 in Sebokeng, whenever there were fights or rioting and we would shoot with teargas at those participating, what I have seen (30

is/....

is that of the youths in the township have shot back at us.

And that never happened in Boipatong? -- I did not work for a long time in Boipatong but in my experience for the time that I have worked in Boipatong, that never happened.

Yes. Now on one of the occasions after the massacre, when you were on your way to catch a taxi to get out of Boipatong you saw a red Combi approaching you with a lot of youths inside is that correct? -- Yes, that is so.

Did you know any of the occupants of that vehicle? -- No, these were unknown people. Unknown to me, but I spoke to (10 one of the people who happened to be in the vicinity about these people and that one told me that these were people from Sharpeville.

And they were armed, with firearms? -- Yes, that is so.

I will come back to that issue at a later stage. Now, you told us about the people digging trenches in Boipatong? -- Yes. Yes, I told you that trenches had been dug.

Yes, now these trenches you say are dug to prevent cars from moving and because you people are shot at from cars? -- Yes that is so. Vehicles that move about have been seen to be - (20 having people shooting from them when people got killed.

Now, how often did that happen? -- To my knowledge it happened twice.

Once only? -- To my knowledge it happened twice.

Sorry, twice. I did not hear you. Twice. Can you give us an indication when that happened more or less? -- On one occasion I was on duty in the township at the office when a motor vehicle went past and they were shooting into the air from that vehicle. We just simply said to ourselves: This might be of those people that take firearms from members of the (30 police/....

police.

CHAIRMAN: Counsel's question to you was when were those two incidents. -- It was before the massacre.

MR HATTINGH: Now, were you on duty when this happened? -- I was on duty, yes.

Did you go outside to investigate? -- (Go outside, do you mean outside the building, or outside into the township?)

When you heard shooting outside the building, and you are a policeman, didn't you go out to investigate? -- I did go out of the building and then I noticed that that vehicle was moving(10 into the township. I suggested to a sergeant that we make a follow-up. The sergeant then said that our Hippo was open on top and we are afraid of driving into the township in such a Hippo.

Why were you afraid of driving into the township in such a Hippo? -- This was said by a sergeant and if I insist in such matters then I would only be told by my sergeant that if we drive into the township with such a Hippo even a hand-grenade can be thrown into the Hippo from on top. Then they would go further and say: Why is it that we are given such Hippo's (20 when the whites are given better protected Hippo's.

Now, what I am trying to find out from you is: Are you saying that your sergeant was afraid that that Hippo might be attacked, if you were to follow that car that was shooting? -- Yes, that is so.

Attacked by whom? -- Well, that is what he told me, and then he would go on and say to me: Do not be insisting in having things done. You will die in an early age, you are still a child.

But did you ask him who he was afraid of, who was going to attack you? -- Well, I said to him: But we have got to follow(30 that/....

that vehicle and see what is happening and find out whether these firearms that were being used are licensed or not, but he just simply said he is afraid.

I want to put it to you that your sergeant was afraid of being attacked by the residents of Boipatong. -- I did not think who he might be referring to, all he simply said was: He is afraid.

Did you not ask him, who he was afraid of? -- But he said to me, even comrades can throw hand-grenades into the Hippo from on top. (10

So he was..(intervenes). -- He did not tell me who would actually do that.

But he was afraid of comrades? -- Yes, according to my observation and my understanding, he was afraid of comrades, yes.

Are there comrades in Boipatong? -- What comrades actually are, I do not know, but what I have seen in Boipatong, is groups of people who would be singing and chanting and then it would be said that those are comrades.

And those people that you refer to, the groups of people singing, they are residents of Boipatong? -- Those that I had (20 seen singing were residents of Boipatong, there were amongst them, people that are not residents of Boipatong.

Yes. I want to put it to you that you know perfectly well that the sergeant was afraid of the residents of Boipatong or at least afraid of some of them. -- He did not say whether it is Boipatong people or Boipatong residents that he is afraid of but you see, when insisting I said to him: You see, I have relatives who reside in the township, rather let me go, so that I go and see what is happening there.

Now, that is one occasion that you told us about, did (30
you/.....

you also witness the other occasion, you said that you know of two occasions when shots were fired from vehicles. -- Well, the dates I would not be able to give you but what would happen is there would be shooting in a moving, or from a moving vehicle.

CHAIRMAN: The question you were asked is whether you, personally saw the other occasion on which there were - whether you were personally present at the second occasion when they were shooting. -- I had been in a house at my place of residence when people came running into the premises. A vehicle had been moving (10 there but then there was shooting and the people who had been in that vehicle also came into the premises and they even shot in the ground on the premises of my parents at the back of the house.

MR HATTINGH: Was anybody injured on that occasion? -- No.

And what did you, as a policeman do about that incident? -- No, I could not do anything. You see, I was just as good as not a policeman even though I am a policeman because I was not even in possession of a gun.

But after the incident, what did you do about it, after the⁽²⁰ incident? -- Now because I knew the people who had run away being chased by those that were shooting, I went to those people to find out if they knew who it was that was shooting.

INTERPRETER: I might have interpreted wrongly. He says: I went to these people to find out if they were not injured and they told me that they were not injured.

MR HATTINGH: But you told us the people came onto the premises and shots were fired whilst they were on the premises? -- You see, what happened is these people had run into the premises because they knew that premises to be the home of a policeman (30 and/....

and they were hoping to get protection or help. But then when they knocked on the door, I did not respond and they got into the premises behind.

But I understood you to say that the attackers also came into the premises and that they fired shots at the back of your house? Or your parents' house. -- Yes, but by saying that those attackers also came into the premises and went to the back of the house is that they did shoot in the ground and behind, this was behind the house, that is why I say they had come into the premises. (10

And do you know what type of firearm was used on that occasion? -- According to my observation, the firearm that I saw was an automatic firearm. Even also from the sound. I noticed by the magazine of this firearm that it was an automatic rifle.

You know the difference between an AK and a police automatic rifle, don't you? -- The police use two automatic firearms an R1 and an R5.

Yes. You know what both of them look like? -- Yes, I do.

And you also know what an AK looks like? -- Yes, I do. (20

On this occasion what firearm did the attacker have? -- I would say it was either an R5 or an AK.

But why can't you tell the difference, why can't you say what it was? -- I could only go as far as saying it might have been an AK because in my experience when an AK is being used, what they have done is cut short the butt. Now this one did not have a butt at all.

Yes. Now, at what time of the day or night did this incident occur? -- It was very late in the night, I would estimate about 01:00. (30

And/....

And you actually looked out of the house and you observed the attacker or attackers? -- Yes, I did, although I was afraid and I saw these people.

Yes. Now, did you after that incident, go and report the matter to the police, were the police called in? -- No, in my knowledge, I was to go to the police station to report this. I did not call the police. I did report this at work. My actual intention in reporting this was an endeavour again to be furnished with a firearm.

Now, when you reported it to the police station, was that(10 the next day? -- I did report it in the morning.

At Boipatong? -- In Evaton.

And can you give - put a date to this incident, more or less? -- No, I am just confused by dates now, I just do not remember dates well.

Did you see whether the person to whom you reported it, made an entry in the occurrence book? -- Well, what I have noticed is that whatever I have reported at work is not taken that serious. I am just regarded as a mad person.

MR SITHOLE: Or silly.

(20

INTERPRETER: Or..?

MR SITHOLE: Silly, silly.

INTERPRETER: A mad person he said.

MR SITHOLE: Stout. -- I am regarded a very silly person, he said I am regarded a mad person. I am regarded a very silly person it has actually been said: You are too naughty, you won't even be given a gun because you are too naughty, you see too many things.

MR HATTINGH: Now, why as a matter of interest, did you go and report it at Evaton and not at Boipatong, which was in a very (30

short/....

short distance from where this must have occurred? -- (Why did he report it at Evaton?)

Why report the incident to Evaton police station and not to Boipatong? -- I reported it at Evaton because I was to resume duty at 06:00 in the morning.

Yes, but now, surely as a policeman, you know that you should report such an incident to the police station in the area? That it would be their responsibility to attend to it and not Evaton, which is quite far away from Boipatong? -- I was aware of this, yes, but I felt that I should rather report it at (10 my police station, the intention being that I would also make an endeavour by reporting this, to be given a firearm.

Was that the only purpose why you reported it? -- Well, the other reason is that when I must resume duty at 06:00 I am fetched at 04:00 in the morning.

No, no, you said that you reported it because you were trying to persuade them to issue you with a firearm. Was that the only reason why you reported it to your police station at Evaton? -- I have said I left too early and I could not go to that office. (20

CHAIRMAN: Mr Xaba, you are not answering the question. Please listen to the question and answer the question that is being put to you. The question was, was the only reason you reported the incident at Evaton because you wanted them to issue you with a gun, with a firearm? -- Well, I have stated two reasons. I was reporting because this incident is an unlawful incident.

MR HATTINGH: Yes, precisely: You wanted the police to investigate it and to try and find the culprits. -- I was so disillusioned with reporting many incidents to the police. I had just grown tired of reporting and reporting. (30

You/....

You know that when an automatic rifle is fired it automatically ejects the spent cartridge cases? -- It is with the shell.

The empty cartridge case. That is automatically ejected when you fire the firearm? -- Yes, I do know.

And did you find such empty cartridge cases on the premises the next day? -- I did try to look for them, I could not find it.

Can you perhaps offer an explanation as to why you could not find any? -- I don't know, but I could only think that the people might have taken them. . (10

At..(intervenes). -- They might be having knowledge of the police looking for those things when they come.

Did you see them looking for them there on the ground? -- I did not. I have also explained that even when I was peeping through to see what is happening outside I was still afraid, so I could not just properly look at everything that is taking place there.

Yes, but at some stage the shooting must have stopped? -- I do not understand.

Well, at some stage the people who came into the premises(20 and fired shots must have stopped shooting they did not continue shooting in your yard for the whole night? -- Yes, that is so. There was this shooting and after that shooting, I heard a motor vehicle move off from in front of my home.

And did you then look out again to see what had happened? -- No, I did not.

Did you - can I first ask you this: For how long have you been working in Boipatong, when did you start working in Boipatong? -- I started working in Boipatong after the 16th or 17th of June.

So were you not working at the Boipatong police station (30

at/....

at the time of the massacre? -- I actually - now I remember, I actually started working in Boipatong after the massacre.

Can you remember how long after? -- After about eight days.

Now, why did you, why were you allowed to work at Boipatong police station..(intervenes). -- (Why were you..?)

Allowed to work at Boipatong police station if you were stationed at Evaton police station? -- What happens is I like going to work but then I must put on my uniform and then I have to go past even people who do not like us, I am not in possession of a gun. I thought it better for me to work in Boipatong and (10 I phoned my place of work and I wanted to know why I was not being fetched. What I was told was that we would be fetched. So I did not go to work, while waiting to be fetched but I realised later that the days on which I did not go to work were marked as absentees. I decided that it would be better for me to work in Boipatong.

But did you have an option? I mean, could you simply on your own decide that you were no longer going to work at Evaton but that you were going to work at Boipatong? -- Well, I took the decision that it will be better for me to work in Boipatong(20 and I phoned them, I also decided to phone them and suggest that I rather go and work in Boipatong. This was agreed to.

Who did you phone? -- I phoned Warrant Officer Motswene.

Where is he stationed? -- He is in Evaton.

And did he arrange for you to go and work at Boipatong or did you simply arrive one day at Boipatong and announce the fact that you were now going to work there? -- We went and requested the station commander at Boipatong that we work there. He was difficult but we begged him and he ultimately agreed.

You talk about "we", who is "we"? -- That is myself (30 and/....

and Sello.

Was Constable Sello also stationed at Evaton with you before? -- Yes, that is so.

And did he start working at Boipatong on the same day that you did? -- Yes, that is so.

So at the date of the massacre you were still, both of you were still stationed at Evaton? -- Yes, but we were not going to work.

I will come to that. Were there other policemen in Boipatong who were stationed at Evaton, working with you and Sello at (10 Evaton? -- Yes, three.

And where are they stationed at the moment, the other three? -- Well, when they got to know of this thought of ours, they also went and made a similar request which was acceded to.

So all five of you are now stationed at Boipatong? -- Yes but there are six of us, one is from Sharpeville.

Can you give me the names of the other four please? -- Buthelezi, Mokele, Matsaning, Mabuza.

Yes. Originally when you gave evidence yesterday, you said that you were stationed at Evaton but because of lack of transport "I have been working in Boipatong". -- Yes, that is so.

So is that the only reason why you changed from Evaton to Boipatong? -- Yes, that is.

How did you used to get to Evaton police station before you transferred to Boipatong? -- I was fetched from my residence. In a Hippo.

In a Hippo. -- Yes.

Was there a reason for your being fetched in a Hippo and not in an ordinary police vehicle? -- There was a reason, yes. The police, ordinary police vehicle is just an ordinary (30 vehicle/....

vehicle and the young men in Sebokeng can shoot.

But not the young men in Boipatong? -- The Boipatong people are not so troublesome. Because I am even able to stay in Boipatong now.

Yes. Now, can I just get this from you: At the time of the massacre, or just prior to the massacre, had you been going to work regularly in Evaton? -- No. I was being fetched only whenever they would remember.

And on those days that you were not fetched, what did you do? -- Well, what I would usually do is I would be in my (10 uniform, waiting to be fetched and I would just be there for the whole day.

Yes, and the - since the massacre, did you go back to work at Evaton? -- I went to Evaton because a Hippo had been sent to Evaton to fetch chairs from Evaton and this was a Hippo from Boipatong.

What I am trying to get from you is did you regularly go back to work after the incident? -- No, I was not fetched at all.

Did you make enquiries as to why you were not fetched? -- I did, and whenever I asked I would be told that they were (20 coming. I would then wait, but nobody would turn up.

Who did you contact when you were not fetched? -- You mean whenever I phoned them?

Yes. -- I would speak to a sergeant.

Can we have his name, please. -- Sergeant Mhafa.

How many times did you contact him to make enquiries as to why you were not fetched? -- I think it was about three times that I spoke to him.

And did you only contact him once on a particular day or more than once? -- No, I contacted him once and spoke to him (30 once/....

once a day over the phone.

I gather that you have a telephone available to you, was it in your parents' house or where did you phone from? -- I was making use of a telephone at Sello's parents' house. The public telephone was out of working condition.

Was Constable Sello supposed to be fetched with you and taken to Evaton police station? -- Yes, that is so.

And the other four gentlemen whose names you gave us a little while ago? -- They would also not go unless we are fetched but when we phoned, they would say but don't be forcing these(10 people because they know they have got to fetch us.

MR CHASKALSON: Mr Chairman..(intervenes) -- You see, another instruction that we had been given at work was that if we are not fetched then we must not force issues, and go for public transport.

Mr Chairman, sorry, I am reluctant to interrupt my learned friend, but he has been over an hour on collateral credibility issues. We have got - if we are going to have 30 or more witnesses describing events still, this commission will never end, and whilst I am reluctant to interrupt, I do ask that some constraints be placed upon the..(intervenes). (20

CHAIRMAN: In fact, it is an hour and a half. I share your impatience, Mr Chaskalson, I have been reluctant to interrupt because this witness has given important evidence and his credibility obviously is an issue and for that reason it seems to me that Mr Hattingh must be given a fair amount of latitude, but perhaps Mr Hattingh, just indicate how much longer you are going to be on collateral issues?

MR HATTINGH: Mr Chairman, it is difficult for me to say but I would submit that this witness and Sello are probably two of the most crucial witnesses to give evidence in this matter and (30 that/....

that we should be afforded an opportunity to test their evidence thoroughly, Mr Chairman.

CHAIRMAN: I am not - I don't intend stopping you in any way Mr Hattingh, but if you would take into account the time aspect I would be grateful.

MR HATTINGH: I will, thank you, Mr Chairman.

Now, constable, the other four gentlemen and Constable Sello were the six of you always taken per police vehicle to where you were stationed at the time? -- Yes, that is so.

And were all of you not fetched on those days that you (10 were not fetched? -- Yes, that is so.

And that is the only reason why all six of you did not go to work on those occasions? -- Yes, that was the reason.

Inbetween the date of the massacre and the date that you were transferred to Boipatong, can you tell us on how many of those days you were not fetched to be taken to work? -- (Could you come again?)

Inbetween the date of the massacre, the 17th of June and the date on which you were transferred to Boipatong, you said it was about a week after the massacre, can you tell us on how many (20 of those days you were not fetched to be taken to work? -- It could have been about eight days.

Can I ask you the question this way: Since the massacre, to the date that you started working in Boipatong, did you go to Evaton to work at all? -- I did not.

And the only reason for that was the fact that the police had forgotten to come and pick you up? -- Could you repeat the question, please?

The reason why you did not go back at all, inbetween the massacre until you started working at Boipatong, was the fact(30 can/.....

can only be attributed to the fact that the police did not come to fetch you? -- That was the only reason.

And on each day that they failed to arrive to fetch you to work, you phoned? -- I did not phone on each and every day, because the thought that also occurred to me was that we do not really like one another at work.

The thought had occurred to you that you are not really well liked..? -- We do not really like one another.

At work? -- At work. I thought that this was just being deliberately done. (10

The police who used to come and fetch you, were they white policemen or black policemen? -- They were black policemen.

Why did you think that they did not like you? -- You see, our warrant officer used to like us, immediately after our arrival there from college. We were ten on arrival from college. What we saw was that the police that were there were not diligent in their work. They could not handle many cases. You see, they were people that would not like arresting people who are found in possession of possibly stolen vehicles. Whenever we were handling cases and we had people locked up in the cells, we (20 would sometimes find that these people are not in the cells and when we made enquiries about this, we would then be told that we are trying to be smart.

Well, can I just ask you - sorry. Were you finished, Mr Interpreter?

INTERPRETER: Ja, I was just trying to get him to say some of the things he had said.

MR HATTINGH: Yes. Can I just ask you this: On those days that you actually reported for duty, did you have to sign some sort of a register? -- I was signing, yes, whenever I reported (30 for/....

for duty.

Yes, and that register will be at Evaton police station? --
Yes, the register is now at Boipatong.

Yes, and did you have a pocket-book, an official police
pocket-book at the time? -- I did.

And you were required to sign yourself on duty in your
pocket-book and off-duty in your pocket-book, not so? -- Yes, I
was and a sergeant was to sign the pocket-book.

Right. Where is that pocket-book? -- I have it with me.

Can I see it please?

(10

CHAIRMAN: Would you like to take the adjournment now?

THE COMMISSION ADJOURNS

THE COMMISSION RESUMES

NTIETSA MOSTER XABA, still under oath:

EXAMINATION BY MR HATTINGH (Continued): Thank you, Mr Chairman.
Now, constable you have given me your pocket diary. I would like
you to look at the entry for the 14th of June. Perhaps - I
would like you first of all to look at the very first entry in
this book which is an entry made on the - it looks like the 3rd
or the 5th of June, 1992 and then thereafter to look at the one
on the 14th of June. First look at the first one on the - (20
tell us what the date is there, I can't be sure whether it is
a 3 or a 5?

CHAIRMAN: What is the date of the first entry? -- It is the
5th of June 1992.

And now you are asked to look at the entry of the 14th of
June.

MR HATTINGH: Just before he does that Mr Chairman, can I just
deal with that first entry. Who is the person who signed the
pocket-book in respect of that first entry? -- This is Sello's (30
signature/....

signature.

Is he a sergeant? -- No, he is not a sergeant.

Where is he stationed? -- We were stationed together in Evaton.

Is he still stationed there? -- We are not stationed there now.

When did he - where is he stationed now? -- We are in Boipatong together.

Was he one of the people that you mentioned, one of the four people that you mentioned who transferred with you from (10 Evaton to Boipatong? -- Yes, that is so.

And you said in your evidence that at first you were not sure whether you transferred to Boipatong before or after the massacre, and then you said spontaneously: I have just remembered that it was about eight days after the massacre, a week or eight days after the massacre, is that correct? -- Yes, that is so but I was not specifying when actually I was transferred. It was an estimation.

Yes, but you were fairly sure that it was about a week after the massacre? -- Yes, that is so. (20

Why did Sello sign your pocket-book? -- He signed it because our sergeant just don't care about us.

And did he on the days prior to the 5th of June, also sign your book? -- It did happen, yes that he signed it.

And when you transferred to Boipatong, who signed your book then? -- It was signed by a Sergeant Lesibo.

And where is he stationed? -- He is stationed at Boipatong. Was he ever stationed at Evaton with you? -- No.

So at Evaton he would never have signed your book? -- Well, he could sign it as confirmation that I have reported for (30
duty/....

duty.

No, but - sorry, I am getting a bit confused now. At Boipatong, can I get this clear, Seiso, is that the sergeant who signed your book at Boipatong? -- (You say Seiso?)

Lesibo, Lesibo, is he the sergeant who signed your book at Boipatong police station? -- Yes, that is so.

And he would never have signed your book at Evaton, while you were still working at Evaton? -- He could sign it, if he would have been there when I reported for duty or if he had seen that I have reported for duty. (10

No, I do not follow that: He is stationed at Boipatong, why would he sign your book whilst you are still reporting for duty and off-duty at Evaton? -- Well, I think that if he would not be able to go and report for duty in Boipatong, he could perhaps go and report for duty in Evaton, seeing he stays in Sebokeng. And if he were to be present when I report for duty at Evaton, then he could sign my book.

You say you think that that is possible. Did it in fact happen? -- No, that has not happened.

Yes. So he could never have signed your book at Evaton (20 police station because he was not stationed there and it never happened that he came to work there whilst you were working there? -- Yes, he had not come to Evaton.

Yes. Would you now turn to the entry for the 14th of June? Who signed on that occasion, on that day? -- (The 14th..?)

Of June. -- (June?)

Yes. -- It seems to be Lesibo who signed.

Why does it seem to be, why aren't you sure? You had no trouble with his previous signature? -- I see his signature here under the date, the 14th. (30

Yes/.....

Yes. -- And also in the next page, but also under the date the 14th.

Yes. Go back to the first page, please. What is the date, the next date after the 5th of June? -- What do you mean, what date?

What is the date of the next entry in your diary after the entry for the 5th of June? -- It must have been the day when I reported for duty again, which is the 8th of June.

Is that the date written, the next date which appears in that book after the 5th, is the 8th? -- Yes. (10

Who signed, who signed for that day? -- It is Sello.

Who is Sello? -- One of my colleagues.

Is he the person who lives in Amatola Street? -- Yes, that is so.

Yes, he is also a special constable, isn't he? -- Yes, that is so.

Why did he sign your book? -- He signed as a member of the police to confirm that I had reported for duty.

Where, reported for duty, where? -- According to..(intervenes). (20

No, why do you have to page further? -- According to what I see here, I was in Evaton, I had reported for duty in Evaton.

What do you see to make you believe that that is so? What is the entry that makes you believe that you reported at Evaton? -- I looked at the date on which this book was issued to me and the date of the entry, the first entry that I made.

Do they correspond? -- Yes.

Is there a date - I'm sorry. -- The date on which the book was issued and the date of this first entry.

Yes, and that date stamp, or that stamp is the date on that also/.... (30

also the 5th of June? -- Yes, that is so.

Yes. Well, let us just quickly go through the days before the 14th of June. We have dealt with the 8th now. What is the date of the next entry? -- (After the 8th?)

After the 8th, yes. -- It is the 9th.

And who signed for the 9th? -- It is Sergeant Lesibo.

Sergeant Lesibo on the 9th of June, signs an entry in your pocket-book and Sergeant Lesibo we now know is stationed at Boipatong? -- Yes, he signed this when I was at Boipatong.

So did you report for duty at Boipatong on the 9th of June? -- Yes, I agree that I did. (10

And the next day? -- It is the 10th.

Yes, where did you report for duty on that day? -- I reported at Evaton.

Who signed for the 10th? -- It is Sello.

Sello, yes, and then the 11th or the next entry? -- It is the 11th.

Yes, who signed for that one? -- Sergeant Lesibo.

So can I accept the fact then that on that date you also reported for duty at Boipatong? -- Yes, I would agree. (20

And what is the next date? -- It is the 14th.

Who signed for the entry in respect of the 14th? -- Sergeant Lesibo.

At Boipatong? -- Yes, Boipatong.

Therefore you must have reported for duty there? -- Yes, I did report there.

And then I think the next entry after the 14th, correct me if I am mistaken, is the 21st, not so? -- It is, yes.

And where did you report for duty on the 21st? -- It was at Boipatong. (30

Yes/....

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