

**INVESTIGATION HELD IN TERMS OF
SECTION 29 OF THE PROMOTION OF
NATIONAL UNITY AND RECONCILIATION ACT
OF 1955**

ARCHIVE FOR JUSTICE

PETROS FANA POTGIETER

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PETROS FANA POTGIETER (Sworn, States) (Through
Interpreter)

MR LYSTER: Mr Potgieter, this is an inquiry in terms of section 29 of the Promotion of National Unity and Reconciliation Act. . The Commission believes that you are in possession of information which it requires in order to fulfil its obligations under the Act, and for this reason a notice has been called on you to come here today to answer certain questions. This is an inquiry, and no findings will be made against you today.

In terms of section 31 of the Act you are obliged to answer questions even though the answers may incriminate you, and if you refuse to answer questions you may be compelled under the law to answer them, and if you continue to refuse to answer the questions you may be prosecuted under the Act.

In terms of the Act no evidence or information which is of an incriminating nature is admissible against you in a court of law, except where you may be charged with perjury if you give conflicting or differing versions. You are under an obligation to be truthful during the course of the inquiry and if you don't then you may be charged with perjury under the Act.

The subpoena did explain to you that you had the right to legal representation, but we understand that you will be appearing here today without a lawyer and answering questions.

Furthermore the Act also provides - the penalty section under the Act provides that if you wilfully provide information that is misleading to the Commission you may be prosecuted as well.

/Any questions

Any questions you want to ask, otherwise we will proceed? --- No.

MR GOVENDER: Sir, you are presently a sergeant, is that correct? --- Yes.

Sergeant, you're presently a member of what is known as Internal Security Unit, is that correct, based in Pietermaritzburg? --- That is correct.

Now, can you tell us when you commenced your employment with the SAP, and how you progressed to be presently occupying this position? --- I joined the police force in 1980. Since 1980 I was in the uniform branch until 1984. In 1985 I joined the detectives. I worked for that department until 1987. In 1988 I was transferred to the Security Branch in Pietermaritzburg.

Sorry, Sergeant, which department is this that you joined? The detectives I think you said.

MR LAX: Sorry, Mr Govender, he said that he joined in 1980, he was uniform until 1984. He was a detective from 1985 to 1987, and in 1988 he joined the Security Branch. --- Since 1988 up until this day I am stationed there. I am still working for that.

MR GOVENDER: Sergeant, which section of the Security Branch were you employed in? I understand there's different sections, A, B and so forth, is that correct?

--- I think by the time I joined there if that was done that was completely done with. I don't know anything about the section.

Tell me what existed when you joined in 1988? How was the Special Branch structured when you joined in 1988? --- When I joined I - we used to check information to an effect of when there's someone who's

been alleged we will

/check if

check if there are any cases or any information about illegal hold of weapons.

(Inaudible) ... that in 1988 when you joined the Security Branch was the Security Branch divided into sections, groups, or was it just one unit? --- No, I don't know anything to that effect.

You don't know anything to that effect. When you joined it what was the structure of the Security Branch in 1988? --- What I know is that there were people who were working in town, and some others working in the location and rural areas and so forth.

How were these people grouped? What was the groups or the categories where different people worked in different areas? --- There was a duty list that will instruct that these guys will work in the rural area, and these will work in town.

So you're saying to us, Sergeant, that the Security Branch was just one unit, with all members belonging to the one unit, is that right? --- Yes, that's what I will say.

And that each of you were then assigned to different areas to work in, is that right? --- We had field commanders, that those who are working for the rural areas, they will be assigned under this person, and those working in town they will report to this particular person. That's all I know.

Okay. Sergeant, which area were you assigned to?

--- Since 1988 I was assigned to work at Boston area, Impendle and Loteni.

And did you remain assigned to this area for how long? --- To date.

/And who

And who was your commander? --- Then in 1988 I was under [REDACTED].

Randall? --- [REDACTED].

MR LAX: After that who was your subsequent commander?

As years passed who became your next commander, and then your next one, and then your next one? Tell us please. --- The next one was Inspector Humphreys, who is a captain now. After him Sergeant Venter, who is an inspector now. After Venter we had Inspector Brooks, who is captain now, and I still work with him to date.

MR GOVENDER: Since when did Inspector Brooks assume your command, command of your section? --- I may not be exact in as far as the date is concerned, but I think it was the beginning of 1993.

The beginning of 1993. --- That is correct.

Now, Sergeant, you will obviously work with a group of people in your section as such, or your area that you're assigned to. Who were these people that you worked with? --- You mean under the captain I am talking about? People I worked with under the very captain that we have now?

At the time that you started in 1988 with the Security Branch you were assigned to this area. You had obviously a group of people working with you. Who were these people? --- It was [REDACTED]. We were only three. [REDACTED] We were three.

[REDACTED], who was the one in charge, [REDACTED]

[REDACTED]

And yourself? --- Yes, and myself.

The nature of work that you were involved in? -
-- We were in charge of checking people if they had cases,

/and give
and give information if there were any weapons that were not licensed, unlawful weapons.

MR LAX: Sorry, just say that again please. Checking if people had cases? What do you mean by that? Just tell us again what sort of work you were doing. ---
When one is being employed to the police force one checked if he had any cases or allegations. Secondly we were also given information about unlawful weapons.

Sergeant, listen. Now, listen carefully to me. You're making me get very irritable here because you're not listening to the questions. I want you to concentrate. You were asked what work you did. You're telling me you checked people to see whether they had cases? --- Yes, that's what I was doing. That's what was being done. I would be employed - each time one is employed you investigate if there were any cases.

Are you saying that you were investigating to see whether you had any cases against you, or you had a record, or were you saying that other people had a problem in that regard?

INTERPRETER: They were checking if the people had any criminal records before being employed.

MR LAX: Thank you. Now, that's got nothing to do with your work. --- If a person had a criminal record he was not allowed to be employed as a policeman. That is why I am explaining that.

(Inaudible) --- Yes.

Well then, I think you should try and make yourself a bit clearer. We've spent three, four, five minutes trying to clarify an obvious thing. --- There's nothing else I am going to say, because I am saying what

/happened happened at the time. There's nothing more that I am going to say beyond that.

Just listen carefully to the questions and stop worrying about whether you're going to get caught about something. You will find that you'll be able to answer us much more quickly, and maybe you can go home. Do you understand me? --- Yes, I understand you.

The question you were asked is what work were you doing in the Bulwer area? Ag, you said you worked in Boston, Impendle and Loteni, and you worked with Inspector Randall and another policeman, Mahlagulisane.

--- That is correct.

There were three of you. --- That is correct.

Now, three of you were not checking - there weren't so many applicants for the police force that you were checking their records the whole time. --- It would happen at times when people were being employed.

Very seldom actually. What did you spend most of your time doing? --- I spent most of my time getting information with regard to illegal weapons. At times it would happen that there would be strikes and boycotts, especially in the companies. I could count just a few.

Sarmcol, the Sarmcol strikes. They were encountering problems amongst their employees. Whenever there was any information that there could be an outbreak of

violence we would be given the report before the attack would take place, or the fight.

What was your role then? What would you call yourself? What were you designated as? --- There was no particular job that I was doing all by myself.

(Inaudible) ... Sergeant, don't mess me around.

/Correct?

Correct? --- Yes.

Thank you. --- That is correct.

(Inaudible) ... designation that you had done. You were a field officer. You know that and I know that. Now, I'd appreciate if you could be frank when you answer the questions. Don't play games with me, otherwise we'll have you here for a couple of weeks, day in and day out. If you want to we can do that, but if you don't want to stay here for that long then please co-operate. Continue, Mr Govender. --- There is nothing more I can say. I am explaining to you the job that I was doing.

MR GOVENDER: Sergeant, I think if you listen to the questions and answer them we would have very little problems in finishing with you as soon as possible. Now, I am going to ask you this question again, and I want you to think about it and answer it properly and clearly. You were investigating, you said, as one of your tasks, unlicensed firearms. Now, was that investigation confined to a particular group of people, or a particular type of firearm? --- I have already explained that I am speaking with regard to unlicensed firearms, whatever type of firearm that was not licensed.

Was that not confined to any particular make or origin? --- No, we were not told.

And was your investigations not confined to any particular group of people that may be in possession of these unlicensed firearms? --- We used to look every place. We were not confined to a particular area or particular group.

So you were then responsible for investigating all cases of unlicensed firearms, whether it's criminal,

/political,

political, whatever the nature of it is. Is that right?

--- I'll explain it this way. When I started with the branch there was already a conflict amongst certain political groups. There were killings and attacks taking place, and when we investigated we were trying to cut out the attacks, as well as the killings amongst the people.

So you were in fact concentrating on weapons in relation to the conflict that was taking place between the different political organisations, is that correct?

--- That is correct. That was part of my job.

So then it was not true that you were investigating all cases of unlicensed firearms, is that right? --- This is true. We were looking at all unlicensed weapons.

Even those of a criminal nature, is that right?

--- That is correct.

So you investigated criminal possessions of firearms unrelated to the conflict or the political violence, is that correct? --- We did not concentrate particularly on one thing. We were not concentrating on members of any particular political

affiliation, but we were concerned with weapons in general.

MR LAX: (Inaudible) ... Mr Govender. Are you talking about your work with the uniform branch or the detective branch, or are you talking about your work with the Security Branch from 1988 onwards? Which period are you talking about? --- The question to me was when I was working at the Security Branch what sort of job I was doing, and then I explained.

So you're talking only about your work with the Security Branch from 1988 onwards, is that right? --- That is correct.

/(Inaudible)

(Inaudible) ... about strikes in factories in Sarmcol, which took place in 1986. I want to hear about 19 - maybe you're confused. I want to hear about your work in the Security Branch from 1988 onwards. Okay?

--- I explained that the job I was doing was to investigate would-be employees, and we were also told about certain illegal firearms that we should investigate.

(Inaudible) ... with investigating people who had returned to the country, MK people? Were you doing that as well? Were you looking - investigating people who had left the country to undergo military training, and who had returned as MK people? You weren't doing that at all? --- No, I never was engaged in any investigation of that sort, but I knew that there were certain investigations like this going on.

Who was doing those investigations? Was it your colleagues in the Security Branch? --- It could happen that this happened before I arrived.

MR LYSTER: Sir, your colleague who you just had lunch with told us that he spent most of his time looking for MK Comrades, cadres. You don't have to be shy. It's common knowledge that the Security Branch spent most of its time trying to track down MK people who had come back to this country. You're not giving away a State secret. Your friend, Mr Makhaye, just spent some time telling us that that is what his work involved. Now you're saying it could happen that maybe the Security Branch was involved in investigations against MK, and before your time. Don't waste our time, please.

MR LAX: Let me just say something else to you, Mr Potgieter. You signed the Official Secrets Act
/declaration.

declaration. Are you aware of that? --- Yes, there was a paper that I signed that I did not have permission to disclose information.

Well, you'd better disclose information to us here, because that paper has no relevance in this place.

--- That is fine. I do understand.

(Inaudible) ... now you will tell us everything you know, because you are being very obstructive. And if you don't co-operate with us we can prosecute you.

--- I do understand, but what I am explaining is Makhaye, who has just testified, when I got to that branch he was already there. I was a newcomer and I don't know what happened before then.

We don't care what happened before then, we want to know what happened during your time. The political struggle only ended in 1994 finally. Until such time as that you and your colleagues were still busy tracking down people. Correct? Well, let's stop playing games.

--- Yes, I once heard that.

You once heard that? --- Yes, I once heard that.

Listen, I want to warn you that you're under oath, and that it is an offence to mislead us. Do you understand that? --- I do understand that very well.

Are you seriously trying to tell us that as a Security Policeman, and as an ordinary policeman who's been in the force since 1980, some 16 years, that you once heard about the MK people being - only once. Please, don't make a silly fool of yourself, let alone us. Well, let's start again. --- I do understand that. What I want to explain is that I have never ever traced anyone, as you say members of the MK were being traced. I never

/traced
traced anyone. I didn't have that luck.

Let's go back to your job. Now, apart from investigating and following up information relating to illegal weapons related to the political violence, which you've told us, based on information given to you by your seniors, what else did you do? --- I never did anything else.

MR LYSTER: It sounds as though you're telling us you worked in the firearms unit, not in the Security Branch.

--- The work that I was doing, and that was designated, is the one that I have just explained.

Do you remember that there was a state of emergency in this country? Did you once hear about the state of emergency? --- Yes.

Did you ever arrest anybody in terms of the state of emergency? --- No, not me personally.

But were you ever involved in investigating people under the state of emergency, or giving information to anybody else in your unit about people during the state of emergency? --- What I remember is when another young man was arrested. He was having some arms. He had possession of bombs, as well as AK47s, and after the investigations it was found out that he was a member of the MK.

(Inaudible) --- His name was Buwiyane Madlala.

Was his first name Jamaica perhaps? --- I once heard that name, but the one I remember is Buwiyane Madlala.

He was arrested for being in possession of weapons? --- That is correct.

(Inaudible) ... arrested? --- Yes, I do. He was



/arrested arrested in Bulwer in Kwezela area.

So - okay. And he is the only person that you know about who was an MK person who was arrested for weapons? --- There is another one who was arrested, but I don't know which year, but he was arrested here in Durban.

That's it? That's all you know about MK? --- They are two members of the MK that I know.

So from 1988 to 1994, when the MK and the ... (inaudible - end of Side A, Tape 4) ... just like your friend who gave evidence before lunch. He only heard of two people as well. He only heard of Jamaica Madlala and somebody else who threw a hand grenade at him. Just two people. --- That is correct.

So, what did you and your friend speak about at lunch time today? You and Makhaye, what did you talk about at lunch time? --- Makhaye told me that he is going to fetch me at quarter to four, and he just didn't want to speak to me, he said he was in a hurry.

So since from quarter to one until 2 o'clock you didn't speak about anything at all? --- He went away immediately after rendering his testimony. He took his car and said he was going to fetch me at quarter to four, and I stood in here, I never went anywhere.

And did you come down with him this morning? ---

Yes, we arrived ... (intervention)

(Inaudible) --- We were talking about things in general, and that we wanted to hear as to what we were being called for.

You said you worked in three areas, Impendle, Loteni and Boston. --- That is correct.

Does that include Bulwer? --- I started working

/in Bulwer

in Bulwer I think during 1993.

Had you ever been to Bulwer before then, before 1993? --- Yes, I once went there.

(Inaudible) --- When I was still with the Detective Branch. I was working at Howick, and there was a certain murder case where a white farmer was killed.

(Inaudible) ... want to know about from 1988 onwards. --- No, I had never been to Bulwer before then.

(Inaudible) ... from when you were a Security Branch policeman in 1988. From 1988 right up to 1993

had you been to Bulwer? Have you been to Bulwer in that time? --- Yes, I went to Bulwer.

What did you do in Bulwer? --- It was on this day that Buwiyane Madlala was arrested.

So did you go Bulwer together with Makhaye when they arrested him? --- No, I was not with Makhaye. At that time we had gone to take certain statements where Madlala was arrested.

You certainly didn't go and take those statements before he was arrested, correct? --- No, we never - we don't take statements before arrest.

So he was arrested late in the afternoon. You wouldn't have gone there at night time to take statements. --- No, it was early in the morning.

Was it was the following day then. It couldn't have been the same day. --- Yes, it was on the following day, because we took the statements at the house where he was arrested.

Sir, you told us that you went there on the day he was arrested. I warn you that you are under oath,

/Sergeant.

Sergeant. I warn you, you are under oath. You've just told us you went there on the day he was arrested. You've now just told us that you went there on the day after he was arrested. --- I explained quite fully that when I went to Bulwer it was because there had been an arrest. I did not say I went on the same day that he was arrested.

All this is being recorded. The record speaks for itself. I am not going to argue with you about what you said or didn't say. Listen carefully. Is this the only time you went to the Bulwer area since 1988? Yes or no?

--- Yes.

I want you to think carefully about this. I want you to try and remember if there were any other times that you went to the Bulwer area, because I don't want you coming to me afterwards and saying, "I am sorry, actually I forgot about that," or, "Yes, no, no, I forgot about this." I want you to think carefully and then give me your answer. Since 1988 you only went to the Bulwer area once. --- As I have already explained that I went to Bulwer after Buwiyane Madlala had been arrested. Then in 1993 I started working in Bulwer specifically.

(Inaudible) ... before 1993 and after 1988. That was the only time you went to Bulwer, that's what you're telling us. Is that correct? Do you confirm that? -

-- Yes, I do.

Continue, Mr Govender. I'll just look for what ... (incomplete)

MR GOVENDER: Sergeant, you joined the Special Branch in 1988. Now, when you joined the Special Branch in 1988 were you aware what the functions of the Special Branch were as a separate entity within the SAP? ---

No, I

/never knew.

never knew.

After you joined it was it ever explained to you what the job of the Special Branch was? --- Yes, it was explained to me.

What did you understand to be the role of the Special Branch in the context of the SAP? --- After they had explained to me the job that I did with the Special Branch was not the same as the one I did before.

What was the difference? --- The difference was that I was not handling dockets as I did before.

You were now investigating politically related crime, isn't that so? --- That is correct.

And you were there essentially to protect the security of the State, isn't that so? --- That is correct.

And you investigated matters related to that, isn't that so? --- That is correct.

And in 1988 who was perceived as a threat to the security of the State? --- I wouldn't have known, because at the time that I arrived there there were two political groups fighting, the ANC as well as the IFP.

Okay. After 1988, while you worked at the Special Branch, what did you understand by your work who was the threat - who posed a threat to the security of the State? --- According to my own observation, as well as the way that the things were happening, it was the ANC.

The ANC. And was the UDF also perceived to be a threat to the State? --- When I started joining the Special Branch I did not know anything about the UDF.

But did you hear about the UDF? --- Yes, I had heard that there is a political group called UDF.

/And did

And did you have occasion to investigate the UDF, or any members of the UDF? --- No, because when I arrived there there was no talk about UDF.

What did they talk about? What did they have you investigate within the Special Branch? --- As I have explained we were investigating - because the two organisations were fighting, so we were investigating

about illegal weapons which were used to attack, especially when we got information that there could possibly be an attack at a certain place where people would be injured and killed.

What were the two organisations involved in the conflict? --- It was the IFP as well as the ANC.

Was the ANC in this country fighting the IFP in 1988? Is that what you are saying? --- Yes, I could say that.

Did you know that the ANC was banned up until 1991-1990? Did you know that? --- Yes, I heard about that.

And in what form were they fighting? How were they fighting the IFP in this country prior to 1990 if they were banned? --- As I have already explained that when I arrived at the branch there was already a fight between the organisations. As to how the fight started I wouldn't be able to explain.

MR LAX: Mr Potgieter, really, I can't believe what I am hearing from a Security Policeman. I just can't believe this. --- There is nothing more I can say.

There is a lot more you will say. We'll just get there slowly, that's all. The ANC was a banned organisation, as Mr Govender has told you. Your members /have told have told us that you had regular briefings about the political situation in the country. Do you remember those briefings? --- I remember nothing about that.

Well, it seems you've got a severe memory problem. Let's talk about 1993 now. You admit you were working in Bulwer in 1993. --- That is correct.

Which areas of Bulwer were you working in? ---

I will start by mentioning Nkumba location, Nkelabantwana, Mangwanene, Nkosheyakhe, Kwezela, Pinhla, Spahleni, St Catherines, KwaMnyamana, KwaButhu, Kwezela, Ekhumeni, Xala, KwaMakongwane, Kilmont, Polela, as well as Pevens. (?) Hlanganane is a district composed of all the places that I've already counted.

Now, what were your duties in that area at that time? --- My duties were to attend to certain places where there has been an outbreak of violence.

And what would you do at those places once you attended there? --- We would get information beforehand that there would be a strike, especially at schools.

(Inaudible) ... violence, I am not talking about strikes at schools. Stick to the subject. Stick to the subject, otherwise you're going to make me furious again. --- I am explaining part of the duty that I was doing at Bulwer.

You said you went to places where there was violence. It's got nothing to do with school strikes. Stick to the violence. We'll come to the school strikes later. --- The schools used to be involved in violence, but anyway I will go on. We would get information when there would be protest marches. We would

/get

get information when there would be imminent attacks on certain houses.

Where did you get your information from? ---

We would get it from tortured people, or people who had been harassed or attacked.

Tortured people? What do you mean by tortured people? --- I was explaining that people who did not like violence and who did not like the attacks in that place.

And then you said people who had been attacked.

--- That is correct.

Who were these people? --- There were many people who were being attacked at that particular time in this place.

Did they come from any particular political organisation? --- It would be members of different political organisations.

Both of them were being attacked? --- That is correct.

They would all give you information? --- That is correct.

About when protest marches were going to happen.

--- Yes. We would get information beforehand.

What would the protest marches be about? What were they protesting about? --- Most of the times the protest marches they were complaining about the attacks, and that they did not feel safe. They also were not armed.

So if people were complaining about being attacked, and they weren't armed, what interest was that of yours? --- What I am explaining is that people were being

/attacked,
attacked, and they felt insecure and unsafe.

(Inaudible) ... answer the question. Please answer my question. If people were unarmed, complaining about it, what interest is it of yours ... (inaudible)

--- It was the duty of the police. They wanted the police to come and patrol in their respective areas so that they would be safe.

So did you help them with their protests? ---
I was not the only one, but we would make attempts to get enough police to patrol.

Where did these police come from? --- These police were from 'Maritzburg.

(Inaudible) ... units. --- It would be the Riot Unit.

Which one? 8, 19? --- It would be Unit 8, and at the end of the day it was Unit 40 from Umzimkulu.

Now, who was working with you in 1993 when you went and you moved into the Bulwer area? --- At that time I was working with Sergeant Venter and Sergeant Ndlovu.

But you were answering to Captain Brooks at that time. --- No, at that time I was not under Brooks or answering to Captain Brooks.

So who were you answering to? --- The field commander was Sergeant Venter.

And who did he answer to? --- He was reporting to Lieutenant-Colonel Peterson.

Peterson? --- Pieterse.

Where did you stay when you were working in the Bulwer area? --- I used to sleep in 'Maritzburg, but as time went on when I was working under Captain Brooks we had a certain house in SAPPI.

/(Inaudible)

(Inaudible) ... what month, what year? --- I don't remember the date, but it was towards the end of 1993 to 1994.

How did you come to get this house from SAPPI? -

-- Captain Brooks made arrangements so that we could get that as accommodation.

He made the arrangements. You don't know what happened to them? --- I do not know what steps he took.

It was just organised. --- Yes, that is what he did.

So you don't know how he arranged it. --- I have no knowledge, but what I knew is that the rent was - rent was being paid for that particular house. It was being rented. We used to claim from the S & T.

Claim from S & T. Explain that to me. --- We used to pay out of our pockets, and we would pay when we were going back to 'Maritzburg, and we later on claimed the money.

What did you pay? The money was paid by Captain Brooks, but what I know is that he was paying to the manager of SAPPI.

Who's that? --- Captain Brooks paid to the manager of SAPPI.

I am asking you who was the manager of SAPPI that he paid it to? --- I do not know him.

Who did you deal with in Bulwer involved with SAPPI? --- There is no member of SAPPI that I once worked with except the people that I worked with in the field, or as a field worker.

And what had happened to the house when you weren't

/there?

there? Surely there were SAPPI staff that had to look after it? --- We used to lock the house, and there

was an electric fence so it was well secured.

So you didn't inform the local people of your coming and going? --- We would lock the gate and leave the key in the house.

Who would prepare your claims for S & T? --- Captain Brooks used to prepare the claims.

So how come the money got paid to him, when it's your money? --- As people who were renting the house we used to collect the money amongst ourselves and give it to him, and he passes it over to the manager.

You see, I just asked you a few minutes ago whether you paid him that money for him to pay on to them, and you said no, he got it himself from your S & Ts. I've asked you that question already, and you told me a clear answer. That's why I am following this issue, because I understand how S & Ts work. --- I do not know what you mean to say. I don't understand what you are saying now. Could you please repeat yourself.

I'll repeat myself. It's really very simple. I asked you how was the rental paid, you said Brooks paid the rental. I said, "Did you pay Brooks?" You said, "No, we didn't pay Brooks, he took it from our S & Ts."

That was your answer. Now let me finish. Listen. So then I started asking you about how you claim you S & Ts. He fills out the forms for you. Then I asked you, "How come he gets paid your S & T monies?" You say, "No, no, no, he doesn't get paid my S & T monies. We paid him our S & T monies." Do you see the contradiction? --- I think you are the one who did not hear me properly. He

/was our

was our commander. He used to fill in the forms and he would take them. And when we get the money, or when he brings the money back he would bring it to us, and he would take it and go and pay it over to wherever it was supposed to be paid.

S & Ts are not paid to you in cash, Sergeant, they're paid to you by cheque. --- I do not know anything about that. We used to get it in cash form.

(Inaudible) ... of that nature in any police force or other government department are paid by cheque - by cash, they're only paid by cheque. --- I have never received a cheque, so I don't know anything beyond that.

What else did you do at this house in Bulwer? -
-- There was one thing that we did in that house. We slept in that house. That is all.

How many suspects did you arrest in the Bulwer area? --- I have never arrested anyone in Bulwer.

Never? --- Not even a single day.

And how many suspects have you arrested in all the other areas that you worked in? --- That's a very difficult question, because I will not be able to remember ... (incomplete - end of Side B, Tape 4) ... I can't estimate.

How many IFP people have you arrested? --- I don't remember.

Where are your pocket books? --- They are kept at the office.

I want to see all your pocket books the next time you come back here, and if they are destroyed I will charge you with an offence. Do you understand me? ---

There is no problem. We do not destroy them, we keep

/them.

them.

Good, because they will help you remember a few details. What police stations did you take your suspects to? --- People would be taken to different police stations in those particular areas.

Which ones? Don't mess me around. I know it would have been in the area you were working in. I am not a fool. --- For instance the Bulwer area, in Bulwer people would be taken to Bulwer Police Station.

But you've just told me you've never arrested a single person in Bulwer. What do you mean you took them to Bulwer area? --- I was making an example.

I don't want examples, I want facts. Give me facts. --- I never arrested any person.

In any place? You just told us you arrested so many you can't remember how many. I'll remind you you are under oath at this moment in time, and I remind you that it is an offence to mislead us. --- I know that, but I was explaining that in Bulwer. In Bulwer I have never ever arrested a person.

You told us that. It's the other areas I asked you about. Answer the question please. --- In those other places - in Impendle we arrested a person who was in possession of an illegal firearm.

Yes. --- At Loteni there is another person who was arrested there. He was taken to Himeville Police Station.

What was the Loteni person arrested for? --- In Loteni he was in possession of drugs, as well as marijuana.

Carry on. --- Thereafter I never arrested

/anyone.

anyone. Frankly I don't remember.

So you can only remember arresting two people since 1988? Is that what you're telling us? ---

Yes, that's correct.

That's fine. You're under oath. I just remind you that. Carry on.

MR GOVENDER: You came here to speak the truth. You're under oath, you know that. Now, you expect us to believe that the Special Branch that you worked in was confined - or your job in that branch was confined to investigating unlicensed firearms and checking whether potential employees of the police had a clean record or not. That was your job. You expect us to believe that, Sergeant, in the face of other - of your colleagues coming forward to us and telling us exactly what the Special Branch was involved in, much of which is now public knowledge, and you are expecting us to believe what you are saying to us. Do you expect us to believe that? --- It's just like I've explained. There's nothing more.

You say to us everything everybody else has said to the Commission and made public about the role of the Special Branch and the activities it's been involved in you don't know about, you were not involved in that. Are you trying to tell us that? --- There would be people who get arrested, and we would help in the investigation, as well as taking statements. I am speaking with regard to the people that I personally arrested. That is all I am speaking about.

Are you sure you're working in the Special Branch,
or are you working somewhere else? Are you sure? ---
Yes.

/Did you

Did you ever detain any person in your career with
the Special Branch? Did you detain anybody? ---
Yes, they were detained, but I personally did not detain
anyone.

Were you part of a team that detained people? -
-- Yes, we would work as a team, but I personally did
not detain anyone.

Then how many in your career - how many occasions
were you involved with the team that detained people?
On how many occasions? Can you remember that? ---
What would happen is that we - when we get to the office
we find that a person had already been arrested with
regard to violence.

Sergeant, you answered my question just now, when
I asked you were you part of a team that arrested or
detained people, and you said yes. And I asked you can
you remember on how many occasions you did that in your
career, you say to me this type of answer you give to me
now. --- I am becoming confused now, because as I am
saying that a person would be detained by my team, but
not personally by me. For instance, if a person would
get detained I would be driving the car, other people
detained that person.

Sergeant, why are you playing games with us? You
know the question, you can understand English. You know
what I am saying. --- I can hear you quite clearly.

And you answered my question, and now you are
saying you are getting confused. --- I should say

that because there wasn't any specific team that was designated to detain people. People would be detained at certain police stations, but there wasn't a specific team to

/detain

detain people.

(Inaudible) ... what you are saying, Sergeant, but I've asked you specifically whether you were part of a team that detained people, and you said yes. Now, is that true or not? --- No, I was not in a team that detained people.

So now you are saying to me that you were not in any team that detained people, is that right? --- There was not a team that was specifically designated to detain people.

So you were not involved in any detentions of people. --- I never got involved with detaining people.

Did you get involved with detainees in any way, apart from detaining them? --- Yes, there is something that - when I was sent that there should be a detainee that must be fetched I would drive the car and fetch that person who would be later detained.

You would fetch him from where? --- People would be detained at different police stations.

Answer the question, Sergeant. Stop avoiding these questions. Answer it. From where would you fetch them? --- At times if the person was detained in Howick I would bring him to this particular police station where I was working.

So you would fetch him from one police station to another police station. Is that what you are saying?

--- No. For instance a person if he's detained in Howick, I get an instruction to fetch that particular person from Howick, being already a detainee, then ... (intervention)

/I asked

I asked you do you transport a person from one police station, a detainee, to another police station. Is that not ... (intervention) --- That is correct.

Well, why did you say no? --- I did not say no.

Well, why did you say no and answer that you would transport the person from Howick to another police station. That is from one police station to another police station, isn't that right? --- That is correct.

Did you ever fetch a detainee from a house, or any other premises besides a police station? --- Yes, it happened.

Tell us about that. --- As I have already said that when Buwiyane Madlala was detained or arrested he was taken from Kwezela, which was a private house, and to 'Maritzburg.

(Inaudible) --- There were many of us.

(Inaudible) --- That is correct.

(Inaudible) --- It was at Kwezela.

(Inaudible) ... house or somebody else's house?

--- It wasn't his house, it was somebody else's house.

(Inaudible) ... at that house? --- No. At the house he was arrested and he was taken to 'Maritzburg Police Station.

So why don't you just give us a straight answer?

--- I was answering the question that he was asking as to whether there wasn't any other police station, so I was saying yes, there is, it's Bulwer Police Station.

Who was present with you when he was arrested? -

-- It was myself, Captain Humphreys, as well as members of the Riot Squad. There was many of them, and they were white people so I do not know them quite well.

You told us earlier that Makhaye was there. ---

Yes, Makhaye was present.

/Who else?

Who else? --- There were other members who I think were coming from Port Shepstone, but they were white policemen.

You see, you're leaving out some very important people that we know who were present there. --- There were other black members from Port Shepstone, but I do not know who they were. They came together with the white members.

(Inaudible) ... black members there who may or may not have been members, but they came from the Camperdown farm. Do you remember now that I tell you? --- I wouldn't know where they were coming from, but we were so many.

You knew Sikhakhane, didn't you? --- No, I do not know Sikhakhane.

Did you know Neville? --- No, I do not know Neville.

(Inaudible) ... present. --- It could be possible that he was there, but I did not know some of the people who were there.

Do you know Colonel Taylor? --- I have never
seen him with my own eyes, but I do hear about him.

Yes, well he was present there. --- I wouldn't deny it and I wouldn't say it's not like that, because I didn't have any knowledge of them at that time.

Let's take you back to the beginning of your evidence, where we started asking you about this issue, the arrest of this man. You told us that you were not present when he was arrested, and here you've described everyone who was present when he was arrested. Explain yourself please. --- I was not asked if I was there at

/that time.

that time.

You told us distinctly you came there after he was arrested to collect statements, and I explained to you he was arrested in the evening. You said no, you only went there the next day. So don't come and try and run for cover now. I want you to explain this issue please.

Don't tell me I never asked you whether you were there or not. Honestly, we're not stupid here. Answer my questions. --- I will answer the question. The question that I was asked was when did I start going to Bulwer, and I explained that I went to Bulwer when we were going to get the statements. Maybe I made a mistake there of not explaining that when I went to Bulwer I went there because we were going to arrest this gentleman.

I asked you whether you went there to arrest him.

You said, "No, I went there to take statements." So then we discussed the issue of arrest and statements, and we worked out, with your agreement, and it's on the

record, that you couldn't have been there at the time he was arrested because you only went there after he was arrested to take the statements. You still said to me - you still said to me - listen, instead of trying to answer the question. You still said to me it was the next morning that you went to take the statements, and that was the first time you went to Bulwer. --- That's where I made a mistake.

I see. I asked you earlier to be very careful about whether you've made mistakes or not, to think very carefully about these answers, because I warned you that if you mislead us you will be prosecuted. --- I hear that.

/(Inaudible)

(Inaudible) ... in due course.

MR GOVENDER: Do you want to say something? --- No.

(Inaudible) ... detained by the Security Branch that they are taken to Alexandra Road Police Station in Pietermaritzburg. --- Won't you please repeat your question again?

When people are arrested or detained by the Security Branch is it common that they are taken to Alexandra Road Police Station? --- Yes.

That is the Security Branch headquarters in that region, isn't that so?

MR LAX: Sorry, Mr Govender, just to correct you. It's not the headquarters, it's where the people who work in the outside areas are based for that area. There's another SB place at Loop Street as well. Sorry. Just so you understand that.

MR GOVENDER: But it's common that detainees are taken to this place, is that correct? --- Yes.

(Inaudible) --- That is correct.

(Inaudible) --- Yes, there were a group of us.

We transported him to 'Maritzburg together with the group.

(Inaudible) --- That is correct.

Who was the superior in charge of that group that transported him, arrested him and transported him to 'Maritzburg? --- There was a Unit 8, but Captain Humphreys was present.

/Now, you

Now, you said he was taken to Pietermaritzburg.

Whereabouts in Pietermaritzburg was he taken? --- At the Alexandra Police Station.

What distance is it from where he was arrested to Alexandra Police Station in kilometres approximately?

--- From where he was arrested up to where he was detained, is that what you are asking me?

(Inaudible) ... to where he was taken to Alexandra Police Station. --- From that place it's more than 100 kilometres.

That was the nearest point that he could be taken to, is that right? --- There was a police station that was nearer, for instance Bulwer Police Station.

Why wasn't he taken to Bulwer Police Station? -

-- I cannot say, because there were superiors there who were actually giving instructions and taking decisions that he should be taken to 'Maritzburg.

MR LAX: He was taken there because he was taken to the Security Branch based at Alexandra. It was Security people who were picking him up. It's pretty obvious.

Correct? --- That is correct.

And you said you've been part of this detaining of this person that you've mentioned to us from Bulwer. Apart from that have you ever been involved or part of a team that's been responsible for detaining any person?

--- No, I never took part.

(Inaudible) --- Yes, I am sure.

You're quite sure about that. --- I am quite sure of that.

(Inaudible) ... Hlanzeni region in Camperdown.

--- I don't remember quite well. I have never heard of that word before, that name before.

(Inaudible) ... H-l-a-n-z-e-n-i.

MR LAX: Have you ever worked in Camperdown at all? -

--

/No, I

No, I never worked for the Camperdown area.

Did you ever work with the people from Andy Taylor's unit at Camperdown? --- I don't remember, but when he explained to me about the people who he said were there when Madlala was arrested - but I think that was the first and the last time I saw those people that day.

Oh, so you saw them there? --- I am trying to explain that when Madlala was arrested there were people I did not know, but when he explained to me he told me that those people were Andy Taylor's people, but I did not know those people.

You see, I am not saying to you they were Andy Taylor's people at all. I don't know who they were, but what I am saying to you is that Andy Taylor's people were there. In fact this cock and bull story you're giving us about you being present there, Makhaye says you weren't there. He told us you weren't there at all

on that day. He was alone with these five members, and they arrested that person, and you weren't present. He said no one else was present. So you tell us now you've made this big cock and bull story up, and now we must believe you. --- I don't know about any other thing except what happened when I was there. I will not talk about things that happened when I was not there, but I am talking about things that happened when I was present.

Concentrate. You know about the farm at Camperdown. --- No, I don't know the Camperdown farm.

Have you heard about the Camperdown farm? --- No, I have never heard even about that farm.

Do you know Frank Sandy Bennetts? --- No, I don't know the person.

SAHWA
ARCHIVE FOR JUSTICE
/You know
You know Andy Taylor. I don't know Andy Taylor, but I used to hear about him from the news, and the newspapers as well.

Do you know Shabangu? --- Yes, there was a boy who was a special constable that I knew and worked with.

Do you know Mabaso? --- Yes, there was one who's late now by the name of Mabaso who we used to work together with.

Yes. Now, we have evidence to say that you were working with them at Hlanzeni in the Camperdown area.

--- That I am refusing. I am repudiating that. The places I worked for I have explained to them already.

Were you ever involved in the arrest of a priest?

--- I don't know that. I have never been.

Who was held at the Security Branch offices at Alexandra Road. --- I don't recall that.

Do you know what tubing is? --- No, I don't know that term.

Do you know the method of taking a piece of rubber tube, wetting it, putting it over someone's face and pulling it tight until they can't breathe? Have you heard of that? --- Yes, I once heard about that, although I did not witness it.

Well, you must be the only policeman I've ever come across that's never heard of it by name. When I say tubing, every single policeman that we have spoken to in the Commission knows the word tubing. --- I hear that, but as I say I have never seen it, I have never witnessed that.

So you do actually know the word tubing? --- Yes, I hear about tubing, an also as you have explained /the method. the method.

What other forms of torture for making witnesses co-operate do you know about, or have you heard about? Tell us. --- Ways of torturing? I just know that one would be investigated about the case that he was suspected of or alleged of. At times I would hear people talking, saying one was once assaulted, probably with a clap, although that ... (intervention)

Please. Please, don't - really, don't insult me.

I am getting more and more irritated with you. Don't insult me. Don't tell me your heard these things from prisoners. Many of your colleagues have openly admitted to us that they know about these things, that they did them. I want to know what you have heard from your colleagues about these methods. And if you tell me you didn't hear about anything else besides tubing then

we're seriously going to consider having you prosecuted for misleading us. --- I would not witness and give evidence about things I have never seen or I have never done.

MR LYSTER: Sergeant, do you know this man Shabangu, the special constable? --- Yes, I know him. Yes, I remember his face.

What are your recollections of him? Not what he looked like, just what was he like? What was he like as a person? Was he somebody that you worked with well?

--- He was a healthy person, and friendly with everyone.

Did you trust him? You felt safe working with him? --- I had no problem with him. I was not suspecting anything about him.

Did he work with you in Bulwer? --- Yes, he once

/worked
worked with us in Bulwer.

(Inaudible) ... Ekhumeni. --- Everywhere, all the places I've already counted, even Ekhumeni as well. He used to be there when we were patrolling in the area.

And were you with him in about 1993 when you undertook an operation at Ekhumeni? --- What I remember is ... (incomplete - end of Side A, Tape 5) ... correct, I am sure.

(Inaudible) ... without him, or was there one that you undertook without him at Ekhumeni? --- Even without him there was no operation that we undertook.

You've very, very sure about that? --- Yes, I am certain.

And if we put it to you that we have sworn evidence from people who have implicated you in an incident at Ekhumeni where people were shot dead, what do you say about that? --- I am repudiating that. I never took part and came across such an incident in my life.

Do you know that you could be prosecuted for that thing? --- I know that I may be prosecuted, but if there is enough evidence that I took part I have no problem, I will face the whole thing head on.

Did you work together with Captain Brooks and Mr Shabangu? --- Yes.

And Mr Makhaye? --- No. Mr Makhaye never worked the area of Bulwer except when Mr Madlala was being arrested.

MR LAX: What vehicle did Mr Makhaye used to drive? -- I want this to be explained to me. When? We are talking about when?

Round about that time. He was a member of your /unit, but unit, but he was working in another area, correct? --- That is correct.

So you knew him, you'd see him at the office from time to time. What vehicle was he driving at that time? --- At that time he was using Isuzu, cream-white in colour.

Can you explain why his vehicle was seen at that place and you say he wasn't there? --- I would not explain that. I may not be able to explain that. If he was seen in that area, and I was not there I don't know the consequences. I don't know why.

Not only was he seen there, but he was seen with you there, and you participated in this incident with him. --- I don't remember anything to that effect.

And afterwards, after the people were killed, you phoned Captain Brooks, who came the following morning to remove evidence. Do you remember that Brooks came there the following morning? Do you remember that? --- No, I don't.

Well, he told us he did come there the following morning. So, I mean if he tells us he came there, and you don't remember it ... (incomplete) --- I repudiate all of that. I don't remember.

MR LYSTER: Sergeant, are you going to apply for amnesty? I don't know whether I've asked you this. Are you going to apply for amnesty from the Commission for any crimes that you may have committed? --- What I know is there are no incidents that I took part at. As I was coming here all I had in mind was that I am coming to answer questions that are put across to me.

So you're not going to apply for amnesty from the Commission? --- /Commission?
Commission? --- I don't remember any incident that I took part in, but if there's anything wrong that I did I will apply for amnesty.

You realise that after the middle of December you can't apply for amnesty any more. Did anybody in the police tell you that, that the amnesty - the cut off date is the middle of December? --- No one told me that.

After the middle of December this year then you can be prosecuted for any crimes which you may have committed. --- I never heard of that. It's the first

time.

And you're aware that if you are convicted of offences, including offences like murder, that you will - that will be the end of your career in the police and you will go to gaol? Do you realise that? --- Yes, I am aware of that, but if really I have to go to the court of law, and there is enough evidence that I have done what is being alleged, I have no problem in as far as that is concerned.

Did you ever speak to Captain Brooks about this incident? --- No, I never spoke with him.

So if he says he knows about this incident then it's something that you don't know about, or he's lying, or what does it say? --- It will be his problem that. I don't have any idea of these things.

Did you ever work with Riot Unit 8 from 'Maritzburg? --- To be with it, the day when we went to arrest Madlala that was the last time I was with the unit.

And have you worked with - is Shabangu the only special constable that you worked with? --- Yes, in Bulwer.

So he's the only one you've ever worked with,
/special
special constable? --- Yes, he is the only one who was a special constable in our office.

Do you know anything else about special constables? Do you know any other special constables?

--- There are some that I knew that I saw around the police station.

And what were they involved in, special constables? --- What I knew about them is what they

were doing was to assist, and especially in the patrolling in town. There's nothing beyond that.

So, as far as you are aware did they carry out their jobs properly and lawfully and always doing the right thing? --- I used to hear - I remember particularly this one incident that some of them were arrested as a result of the incident in KwaShange, although I don't even know what was happening there.

You see, I am asking you this because lots of policemen have told us that not only the special constables, but also Riot Unit 8, that it was commonplace for them to do things which were in contravention of the law, like shooting at people from their vehicles, and throwing people off their vehicles, and using their vehicles to transport Inkatha people, giving guns to the IFP. Do you know about those things?

--- Yes, I used to hear that, but what I know is that the special constables were working together with the Riot Unit 8.

Yes, but you never did anything like that, those things which I've just mentioned? You have never been involved in anything like that? --- No, truly.

You never ever committed a crime that you know of in the police, since you've been in the police. --- What I remember, and this is a long time ago, I was in the

/station,
station, is the boy that I assaulted, and I did get a warning for that act.

(Inaudible) --- No, there's nothing else.

(Inaudible) --- There's nothing else. Really I would not lie.

MR LAX: Sergeant, if I was you I would go home and think very carefully now. You've got until the 14th of December to apply for amnesty for things that you may have committed. Whatever your senior officers are telling you about how they may or may not protect you, I would just be very careful if I was you. --- I hear that.

Do you know Klein Boy? That's one of your colleagues. --- I know that police by the name of Klein Boy.

He's a member of your branch, isn't he? --- That is correct, stationed in Greytown.

At the present time. --- Yes.

But he was stationed in 'Maritzburg before that too. --- No, he never was stationed in Pietermaritzburg, but they used to come.

But he worked in 'Maritzburg. Let's put it that way. He sometimes helped out in 'Maritzburg. --- It may happen, or that might have happened before I got there.

Did you ever have reason to go to Greytown and work with him there in the course of following up issues? --- No, I never worked with him or go with him to Greytown to work.

You see, the witnesses say you worked with him in Greytown. --- That I will refuse because I don't know the area of Greytown. I will not even explain or describe

/it.

it.

Do you know the farm at Kranskop? --- I don't know that farm, and I have never been to the area.

Sergeant, I warn you you're under oath. --- I know that very well.

Well, we have witnesses who put you in all these different places, who implicate you in all sorts of issues. I am just telling you so that you can go home and think about this, and consider your position. I think we should stop there at this stage. --- I don't have any problem with that.

MR GOVENDER: Sergeant, do you know the school in Ekhumeni? --- Yes, I know two of them in Ekhumeni.

(Inaudible) ... schoolteacher that lives near the school, near one of the schools? --- There's one that I know by the name of Mrs Ncgongo, if my memory serves me right. I think she is Mrs Ngcobo, the one that I remember.

(Inaudible) ... approximately? --- She is quite old. I think she is approximately 40 - 39 years.

How do you know her, Sergeant? --- As one person who used to work in the area I used to meet them.

It happened one time one day she asked for a lift, for a ride after school, and she was going to Bulwer in the village.

So you do know her casually. Is that what you're saying? --- Yes, that's what I am saying.

Did she ever have occasion to complain to you about problems in the area? --- No.

She never did. --- No.

Do you know what her political affiliations were?

--- That I may not say. I don't know, because she was

/simply a

simply a teacher who was teaching there, working there,
but not coming from the area.

(Inaudible) ... in the school as such. --- I
don't know her place where she was staying.

Have you ever heard of a farm called Hopewell
Farm? Hopewell Farm. --- I never heard of that
farm.

You haven't been to a farm which was called
Hopewell at any time in your career, is that right? ---

MR LAX: Sorry, Mr Govender, there are a thousand farms
called Hopewell Farm. I think you need to be a bit more
specific if you want this evidence to be of any value.

MR GOVENDER: (Inaudible)

MR LAX: Maybe I can help you, because I know where
that farm is. You know Hopewell, the location? ---
I know.

Yes, I know Hopewell Location.

It's near Thornville, right? --- That is
correct.

You know you take that road through Hopewell to
Eston, through the forests. You eventually come to
Eston. --- I used to go to people's houses in
Hopewell. I never went past in one of the major roads.

There's a farm on that road. It's not a major
road, it's a dirt - it's a gravel road. Now, there's a
farm just past Hopewell. That farm belongs to the
Security Police. --- What I know is that I will just
go as far as where the tar road ends. I never used to
go or drive past there.

So you never had the privilege of being invited to
the braais at that farm? --- No, I never had the

privilege.

Did you ever go to braais at any other farms that
/the police
the police owned? --- No, I never.

You worked the Boston area and the Impendle area.

--- That is correct.

And Boston's right next to Elandskop. That's
correct, right? --- That is correct.

You never went to the Elandskop farm? --- No,
I never went to Elandskop farm.

Well, it seems that your friend Mr Makhaye knows a
hell of a lot more than you do. --- It may happen
that he knows much more than I do because he is a person
who has been working for this branch for quite some
time.

Do you know what an askari is? --- I used to
hear that there are people like those.

You can't be serious, you used to hear that there
are people like those. How? --- That's correct.

You're a field officer, is that right? I think
I'd better speak to your commanders about this. You're
a field officer. --- That is correct.

Employed by the South African Internal Security
Service. --- That is correct.

You just might have heard about an askari. ---
That is correct, I used to hear about askaris.

Your superiors would be very interested to know
about your lack of understanding of the security
situation in this part of the world. --- I don't
have anything to explain about those people.

(Inaudible) --- I can't explain. I don't have
anything to explain about askaris. I used to hear about

askaris.

What is an askari? Just tell us. I want to know what your understanding of an askari is? Or don't you /know?

--- What I heard was that the askaris were people who were in the MK, who were MKs, and who came back to the country and started working.

Started working for who? --- Working for the police.

MR GOVENDER: Sergeant, you say you never heard of this Hopewell Farm, you haven't been on this farm. ---

No, I have never been.

But why would your commander, Warrant-Officer Brooks, say to us that it was you that brought a Mchunu from Hopewell Farm on one occasion? --- I don't remember that. I don't remember that.

(Inaudible) ... your commanding officer told us that. --- (Inaudible)

You can't remember, are you saying, or you don't know? Which is it? --- I don't remember, and I can't even explain. I don't know.

MR LAX: You just told us you don't even know this farm. If you don't know about this farm then it's not a question of not remembering. You don't know about it, correct? --- I don't know.

To re-put the question to you - why would your Captain Brooks, the man you work for right now, tell us that he instructed you to fetch a certain person from that farm? --- That I don't know.

Because, you see, wherever you were, if you were going to fetch that person you would have had to drive beyond the tar road to that place, and you've never been

beyond the tar road, you've told us. Is he lying when he tells us that? --- I think he is the one who is lying.

I must once again caution you. If your senior /officers officers are implicating you in things you be very careful when you go home tonight. --- I think they are implicating me so I can get in trouble about things I never committed.

MR GOVENDER: So you're saying that your superior commander is implicating you falsely. Is that what you are saying? --- Yes, I could say that.

MR LAX: Why should they do that? --- I wouldn't know, because I do not know Mchunu, I don't know the farm. I don't know the reason why they would do it.

MR GOVENDER: You don't know the reason why they would do that, Sergeant? --- I have no idea.

(Inaudible) ... you have one of two options, Sergeant. You have either that your commander is falsely implicating you for some purpose, or alternatively you are not telling us the truth. You must make that choice. --- As I am saying I can't even explain. I don't know the things he's alleging.

(Inaudible) ... just for the last time. You were not involved in detaining a priest at all from the Hlanzeni area? --- Never. I know absolutely nothing.

(Inaudible) ... the torture of that priest, do you? --- I have no idea.

Absolutely nothing? --- Absolutely nothing.

Because we have sworn testimony to the effect that you were involved in that detention and torture. What

do you say to that? --- I flatly deny that. I can face that in court if that is the case.

And again I put it to you, you were not involved in the incident in Ekhumeni where a rondavel was attacked? --- There is not an incident like that that I have been

/involved

involved in.

(Inaudible) --- I was not present. I know nothing about that.

(Inaudible) --- Absolutely nothing.

Again we have sworn testimony to the effect that you were involved in that. What do you say about that?

--- I also say the same thing, that they must bring this to court and I can challenge it.

You have been told, Sergeant, about your rights. You have been warned in terms of the amnesty, and you have been given an opportunity about the allegations against you. --- Yes, I have been warned.

(Inaudible) ... those are the questions that we want to ask the sergeant. We would like the Commission to consider the question of the testimony on oath, the perjury that possibly exists in his testimony before the Commission, and possibly make a ruling on that. And we would like also to recall the sergeant at a future date to be arranged with him.

MR LYSTER: Ja, thank you. We will look at the evidence that he has given and decide whether any basis exists for prosecuting him, but we certainly won't make a ruling at this stage on it. --- I understand.

Sergeant, we want to speak to you again, so we won't be issuing you with another subpoena. We will be

contacting you at your office in 'Maritzburg and making
arrangements for you to come down to speak to us again.

--- I can come any time.

MR GOVENDER: (Inaudible) ... the subpoena has been
served. There's no objections to it.

MR LYSTER: Sergeant, you are not permitted to talk to
/anybody
anybody else outside of this room about what has been
discussed today. It is an offence to do so. --- I
understand.

Thank you very much. You can go now. Thank you,
Sergeant.



/TRANSCRIBER'S

