

INQUIRY IN TERMS OF SECTION 29

HELD AT

DURBAN

ON

5 JUNE 1997

WILLEM ABRAHAM DE WET

[PAGES 1 - 131]

PROCEEDINGS RESUMED ON 1997/06/05

CHAIRMAN: Welcome. Before we start I need to ask the transcribers and the interpreter briefly to come and take the oath, which they're required to do in terms of the statute.

INTERPRETERS AND TRANSCRIBER SWORN IN

CHAIRMAN: This is an inquiry in terms of section 29 of the Promotion of National Unity Act of 1995. This is not a hearing, but an investigative inquiry, and as such it is held in camera. I want to stress that no findings will be made at this hearing today. I will briefly outline the obligations of the - the duties and obligations set out in the Act.

The person subpoenaed today, Mr Willem de Wet, has a right to legal representation, and he is represented here today by Mr Kobus Olivier, who has instructed as counsel Mr Gerrard Roberts.

In terms of section 31 of the Act the person subpoenaed to give evidence is compelled to answer any question put to him, notwithstanding the fact that the answer may incriminate him. There are conditions which are applicable to this section, and they are as follows.

There must have been consultation with the Regional Attorney-General. Two, the Chairperson of the inquiry must be satisfied that the request for information from the person subpoenaed is reasonable, necessary and justifiable in an open and democratic society, and, of course, the witness must have refused to answer the question.

The Act also provides that any incriminating evidence obtained at an inquiry of this nature is not

/admissible

admissible against the person concerned in a criminal court or in any other legal forum. There is one proviso to this, and that is that any evidence obtained at such an inquiry may be used against the person giving the information where the person is charged with perjury arising out of him giving conflicting statements or making untrue statements to the Commission.

I also wish to draw the attention of Mr de Wet and his legal advisers to the penalty section in the Act, briefly which provides that it is an offence for anyone to hinder the Commission, or any Commissioner or member of the staff of the Commission, in the exercise of their duties, and similarly an offence to wilfully furnish the Commission, or any member of the Commission or staff member, with information which is false or misleading.

COMMISSIONER: (Inaudible) ... English and Afrikaans. If you do it's available by putting on the earphones.

CHAIRMAN: Sorry, I apologise, I didn't draw that to your attention right at the outset. There are, of course, simultaneous translation devices available. I didn't notice that Mr de Wet wasn't wearing the device.

MR ROBERTS: Mr Commissioner, if I could just place on record, I have discussed that with Mr de Wet, and he would require the services of an interpreter to interpret from Afrikaans to English and vice versa.

CHAIRMAN: Does Mr de Wet require me to go through those legal technicalities again? I am happy to do so.

MR ROBERTS: Mr Commissioner, I could place on record that I have in fact discussed and informed Mr de Wet in particular of the provisions of section 31 and 39 of the Act. He is well aware of the contents thereof. There's

/no need

no need to go through that again.

CHAIRMAN: Thank you very much. The manner in which we'll conduct this is that questions will be put to Mr de Wet by the head of our investigation unit, Advocate Govender, and that myself and Mr Lax will intervene and ask questions for clarification when necessary. The other people in the room are all Commission staff, investigators, all investigators, and - ja, all investigative staff. Sorry, a researcher at the back is also a member of the Commission staff. Mr Govender?

MR ROBERTS: Commissioner, could I possibly place something on record before we commence the proceedings.

CHAIRMAN: Yes, of course.

MR ROBERTS: A letter was addressed to the Commission on the 30th of May, and a reply was received thereto, and an undertaking was given that Mr de Wet would only be questioned in regard to certain incidents referred to in the letter on page 3. If we could possibly just record that there is such an undertaking.

CHAIRMAN: Yes. In terms of correspondence between the Commission and Mr de Wet's attorneys it was agreed that a list of some eight or 10 matters - that we would restrict ourselves to those matters, and that we would only go beyond that with the consent of - well, I am not sure that that was recorded, but if Mr de Wet obviously gives his consent for other matters to be referred to then we may well do that after he's taken advice from you. But certainly in terms of the undertaking we will restrict ourselves to those matters.

MR ROBERTS: Thank you very much.

CHAIRMAN: Before we start, sorry, I need to swear

/Mr de Wet

Mr de Wet in.

WILLEM ABRAHAM DE WET (Sworn, States) (Through
Interpreter)

MR GOVENDER: Mr Commissioner, I don't know whether you want to deal with the other person subpoenaed for today at this time or at a later stage.

CHAIRMAN: Sorry, the other what?

MR GOVENDER: The other person ... (inaudible)

CHAIRMAN: We've had an informal discussion with Mr Wessels' attorney and his counsel and we've agreed, mutually agreed, that we would reconvene the matter on a date to be arranged, and no necessity to issue a further subpoena. So Mr Wessels in fact is ... (intervention)

MR GOVENDER: Adjourned.

CHAIRMAN: Has been adjourned, ja.

MR GOVENDER: Mr de Wet, can you tell us when you first commenced employment with the SAP? ---
Mr Commissioner, on 1984.01.03 I was attested as a member of the South African Police Force.

In which section of the South African Police did you serve in 1984? --- I went to the College, and after six months I was stationed in Silverton as a quartermaster, and then in 1985 I was placed to Pietermaritzburg Central Police Station. And from there in 1986 I was transferred to the Riot Squad No 8 in Pietermaritzburg. Do you want me to tell the whole story up until today, or did I answer the question already?

Until today, yes. --- After I was stationed at the Riot Squad in 1986, in 1989 or 1990 I was

transferred to Murder and Robbery. I was there for two or three

/years, years, and in 1992 or 1993 I was transferred to Radio Control. I was expelled, and then I went to the Vehicle Branch, and then after that in 1995 I was transferred to the Special Projects Squad in Pietermaritzburg, and I am still stationed there.

Prior to 1984, Mr de Wet, what did you do? ---

I was a scholar. From standard six to matric I was in Lindberg High School, and I was the head boy in '83. Thereafter I went to - I joined the police force.

How old are you, Mr de Wet? --- 32.

In 1985 you joined the Pietermaritzburg - in 1986 you joined the Pietermaritzburg Riot Squad, Riot Unit, is that correct? --- That is correct. I am speaking under correction. These are times I am not all too certain about, but it was '85 or '86 I was transferred there.

In what capacity did you join, what rank did you join the Riot Unit at in 1986? --- I was a constable.

And who was your commanding officer of the Riot Unit in 1986? --- It was Deon Terblanche. I must add that at that stage when I was transferred the Riot Squad consisted of approximately 20 members, and today it's about 500 members.

In 1986 you say there were 20 members? --- Yes, plus/minus 20.

And second-in-command was? --- Once again under correction, I think it was Lieutenant Fanie Ungerer, and Meyer followed him up, who is today a

director.

Were there special constables who formed part of the Riot Unit? --- Could you please repeat that name?

The special constables, did they form part of the
/Riot Unit?

Riot Unit? --- When I joined the Riot Squad we were approximately 20 permanent members. The special constables later on, approximately '87 or '88, they were brought into the South African Police. The reason therefor was that there were not enough policemen available to combat crime at that stage.

Did they operate within the command structure of the Riot Unit, or were they a separate command structure altogether? --- They were under the command, the direct command, of the commanding officer, Mr Deon Terblanche, and their duties were specifically to man satellite stations and also to walk patrols on foot. But they were never allowed to work on their own, they had to be under the command of a permanent member or permanent members.

Mr de Wet, the structure of the Riot Unit, what was it? How was it structured? Can you give us an explanation of that please. --- I am not - I can't understand the question very well. Must I tell you major, lieutenant, and so on, or different sections, or what?

Can I just clarify and put it this way. Was the Riot Unit divided into sub units, and if so what sub units, and who were the sub units commanded by? --- I will try to explain as I understand the question. The fact that there were different persons who worked daily

shifts, let's say morning shift and evening shift, then there were specific members who were a reaction force, and also at a later stage there were sections who were known as field units, who focused on arresting suspects.

Do I answer the question?

Okay, can you explain to us the type of shifts that

/you had you had and what sections there were, and who commanded these different sections? --- I can only tell you that it was approximately - when we were approximately 20 members the riots went out of control and the members worked for 24 hours at a stretch. They had their beds at work, and after 24 hours you can only go home. After that members were seconded from Pretoria. Then the shifts were from six to six, 12 hours, and as the people became more and more we had shifts from six to two, and an afternoon shift from two to 10, and night shift from 10 until six. People who were in command of these shifts - there weren't that many captains in the police at that stage - it would have been a sergeant or an inspector, who used to be known as a warrant-officer.

(Inaudible) ... sergeant, Mr de Wet? --- I was promoted very late in my career because of all the accusations. I think it was 1993. I speak under correction, it was late 1990.

Were you ever in command of any of these shifts or sections? --- Yes. I didn't really work shifts, I was a member of a field team, and I first was commanded by various people, and then later on I was in command of various other people.

Now, Mr de Wet, you've explained to us the shifts

that you had. You also mentioned sections or field units. How many field units were there, and who were the commanders of these field units? --- When we started there were three field units with three kombis. One was a Ford Husky, and then there was a Toyota as well as a Nissan I20. There were approximately seven - five to seven people in each vehicle. In command of those

/vehicles
vehicles was usually a sergeant, and if there were no sergeants available the most senior constable would be in command then of that vehicle.

When you say there were field units, were they designated different responsibilities as field units, and what were they if they were? --- We were put there to help the Riot Investigation Squad. We were seconded to them to do their field work for them. In other words suspects who were identified had to be found by us, because the work load of the inspectors was so great they could not go out and arrest the suspects. We did that for them on their request.

Did all these field units perform the same responsibilities, the same duties? --- Yes. If names were not specifically available we tried to prevent crime. We went to crime scenes and did other general police work.

These units were assigned a vehicle, as you've just said, is that right? --- Yes. Each vehicle was given to a specific member. In other words the officer in command or the driver was in command, and he was the only person who drove that vehicle, except for when there would be a problem and somebody would borrow it.

But that person was responsible for that vehicle.

Sergeant de Wet, did you ever command any of these units, or sections, or field teams? --- That is correct. I was in command of the red Husky.

(Inaudible) --- I speak under correction, but I think it was '86 or '87.

That's the year that you were transferred to the Riot Unit, is that right? --- I did not take command directly after I was placed over or transferred. I had to

/start start from the bottom as any other young man. I received training before I was placed in command of such a vehicle. You couldn't just come there and be placed in command.

Well, how long after you were transferred to the Riot Unit did you assume this command? --- Approximately a year or two years.

(Inaudible) ... 1986, it could have been 1987 or '88, is that correct? --- That is correct.

(Inaudible) ... assume command of a unit. --- That is correct.

Now, can you name the people that were members of your field team? --- Yes. It changed, but I will try to name them. Sergeant Delport, Sergeant Smit, Inspector Hlongwane, Special Constable Shabangu, Sergeant Mchunu, Sergeant Bhengu, and Sergeant Mtshali. He also used to be a special constable.

(Inaudible) ... your unit. --- It might be possible that he did work with us at some stages. I think he is family of mine.

Family of yours? --- I think he's my cousin.

You think he's your cousin. Are you not sure about that? --- The only de Bruyn who was working at the Riot Squad was my nephew.

And was he a member of your unit? --- I don't think he was a permanent member, but I think he was - could have been working there for a month or so, but I don't think it was for two years in close contact. He might have been there for a month or two months and then gone away again. It is quite possible.

Reserve Constable Dumisani Ntungwa, was he a member of your unit? --- Yes. He was not a member of the

/unit, unit, but he did work with us as an informant quite a lot. He supplied us with lots of information.

Well, I take it that Special Constable Shabangu and Mtshali were the only two special constables that were part of your unit, is that correct? --- Yes, that's correct. Later on, just before I went away from the Riot Squad, Mr Ntungwa was also later on appointed as a "kits konstabel," and then he left the police force. But when he worked with me he wasn't working in the capacity of a special constable.

(Inaudible) ... the same thing as a special constable? --- Yes, that's correct.

Sergeant de Wet, can you tell us the nicknames of any of these people?

CHAIRMAN: Sorry, Mr Govender, before you move on, what was Mr Ntungwa's capacity, or orientation, or whatever - designation if you like? --- As far as I know he was an informant. He worked as an informant with us. It might also be that he could have been a reserve

constable or something. I have no information that he used to be a reserve policeman. He worked with us as an informant.

Would he have been paid for his services, or would he just do this voluntarily? --- It is possible that we could have paid at certain stages, but I do not have the records to prove it, but it might be possible. I used to be a young constable then, I didn't know anything about paying informants. Today I pay them, but at that stage I was a young constable. According to the records, if we might check them, we might have paid him.

Thanks.

MR GOVENDER: Mr de Wet, can you tell us the nicknames of

/these these people, if any? --- Most nicknames were given by the members of the public themselves. It's not a name that was given to that person to protect his identity. I know my name was later on Boss. I suspect that I was Boss in the statements that were made, some of the statements. Sergeant Delport was Rambo. He was huge, he was very big. He is much bigger than the advocate asking the questions. And the third one was McGyver, Mchunu. The only reason they gave him that name was that he always wore a shirt with McGyver on the pocket. It was a specific type of shirt. Mtshali was named Chips. I also believe that he got that name from the community. He was well known there and he also lived there. Constable Shabangu, I don't think he had a nickname, but he had one funny eye. I can also mention that I also got another nickname, Madlebe. It means ears. It was also given to me by the community.

(Inaudible) ... a problem. --- Yes, cauliflower ears. I speak under correction, but those are the only ones I can think about now. If you can give me another name I can perhaps answer it or remember it.

Were you also known as Vellem, spelt with a 'v'.

--- That is correct. I believe that's because they couldn't pronounce Willem, then they just said Vellem. I also saw that in statements against me, or in newspaper reports.

Gavin Wessels, was he a member of your unit? ---

That is correct. He came to the Riot Squad a long time after me. It must have been '89 or '90.

And did Gavin Wessels have a nickname? --- Not as far as I know. It might be possible, but I don't know anything.

/You said

You said earlier on, Mr de Wet, that the task of this unit was to assist - sorry, just one more thing. Was there anybody with the name of Dipstick? --- Yes, that is Rambo, but he had that name from school. We went to school from standard six, and that was the name we gave to him. The reason was that when we went to school he was as thin - he was very, very thin.

You said earlier on, Sergeant de Wet, that the duties of this sub unit, and yours also, was to assist the Riot Investigations. Could you describe to us how did you go about investigations? --- What happened was that, because the crime rate was so high, and political murders, they would go to the scenes of the political murders and take the statements. When specific persons were named who might have been

responsible for the murder, or who were in possession of the murder weapon, they would then take those names and information that they found on the scene. They would have given that to us, whether or not with a writ of arrest or not, and then we would investigate the case and we would have tried to arrest the suspects, which we did. And those specific persons were then handed over to the inspectors and the people who investigated the case. But we also worked on any information or crimes that were committed in our presence.

You said much of your work revolved around recovering weapons, murder weapons, as a result of murder investigations. --- Mr Commissioner, yes. Firearms were in 99% of the cases linked to the murders which we investigated. In other words firearms played a large role in the deaths of many black, innocent people. So firearms were also very freely obtainable. Every second black man

/at that

at that stage had a firearm to protect himself with, albeit licensed or not.

Mr de Wet, I just want clarity here. Correct me if I am wrong, I seem to understand you saying that your duties revolved - your assistance to investigations involved in most instances recovering weapons that were used in murder investigations, is that correct? --- As I said, if a murder was committed the name would have been known, and it would have been said, "Mr X was responsible for the murder, and was also in possession of a 9mm pistol," which we would follow up, and in that way we would seize such a weapon and also the suspect.

Requests for assistance in recovering those

weapons came from the Riot Investigation Unit or the Murder and Robbery Squad, or from whichever source? -

-- Sir, I believe that at that stage it came from the Riot - or the Unrest Squad, but when I was withdrawn from the area I also assisted Murder and Robbery in the field and helped search for their suspects.

Sergeant de Wet, I am interested in the duties as a unit in the Riot Unit that you were involved - the unit that you were commanding. The requests in terms of recovering those weapons came from where? --- From the Unrest Investigative Unit, but I should also add that information was also obtained from our own informants about people that were in possession of firearms, even if they were not suspects in murder cases, and we also seized such firearms.

So, if I understand you properly, some of the requests came from the Unrest Investigation Unit and some were on your own initiative as a unit? --- That is

/correct,

correct, Sir.

Now, the responsibilities and the duties of the Riot Squad largely was what? --- If I understand that in its entirety it was to control unrest situations. Where there would be problems they would try and neutralise or try and bring those problems under control as soon as possible - unrest-related incidents, and so forth.

So, like the name suggests, you were responsible for keeping control of riotous situations, situations where there were riots and so forth, is that right? -

-- That is correct, Sir.

And this business about you assisting the Riot Investigation Unit in recovering weapons, was that something that you assumed you went along, or was it a designated task of your unit from the outset? --- As I said earlier, it was merely a request from managerial level by the Unrest Investigative commanding officer. Terblanche was the officer there. As I said, at the time the workload was enormous for every murder case that was to be investigated, and the suspects were never arrested. And I think that the Unrest Unit was under immense pressure in investigating these matters, and then we were launched to assist them.

(Inaudible) ... was merely assisting the Riot Investigation Unit, isn't that so? --- That is correct, Sir.

What percentage of the operations that you conducted were involving the recovery of weapons? ---

Sir, if I understand the question correctly, it was not an operation in tracing of weapons per se, it was acting on information, and also on requests, where a person had been

/identified, identified, or would have been responsible for possession of - or would have been guilty of possession of a firearm or whatever. So, where information was obtained we followed up on it.

No, the question simply is how much of your time did you spend as a unit acting on information or requests that you received for the recovery of weapons?

--- Sir, as I said, when these kombi squads were launched it was our primary task. 24 hours of the day we spent following up information. It was not a matter

of getting information and arresting the man two minutes later. The information was followed up for days thereafter.

Well, let's put the question this way. How much of your duties involved keeping riots down, or engaged in neutralising riot situations and so forth? --- Sir, in all honesty, while we would have been following up this information, and it wasn't a busy - and if an unrest situation or riot situation arose we would attend to it immediately, but there were other vehicles available. As I say, when the Riot Squad requested back-up from Pretoria we were launched. At that stage our primary task was not really combating riot situations, but assisting with the other matters, and 99% we would attend to those complaints.

99%. --- That is correct, Sir.

Thank you, that's what I was looking for, a percentage. Now, did your unit wear uniforms during these operations? --- Sir, no. We were to wear civilian wear so that we could blend with the public. And especially where we were conducting observation if we were to wear uniform we would stick out like a sore thumb.

/MR LAX:

MR LAX: Surely as a white person you would stick out like a sore thumb anyway, because you worked mostly in black areas. --- That is correct, Sir, but 90% of the time when information was being followed up, or where an observation was being done, you would drop the black member in the residential area, and if he had done the arrest, or if he needed your assistance, he would contact you per radio. It was no secret, whether you

were in uniform or not. We were well known to all the members of the community, but it made our work so much easier to work in civilian wear. But at that stage it was a bit of a motivation to be out of uniform. It was a change.

MR GOVENDER: Which areas did the Riot Unit operate in? What was its jurisdiction? --- Sir, I am not 100% certain, but I can recall Hammarsdale, Greytown, Tugela Ferry, Richmond, Bulwer, and also probably near Kokstad. At some stage Kokstad was part of the jurisdiction, but they amended it at some stage. They would change everything from day to day, so it was a very large area to cover.

Mpophomeni, did you operate in that area?

INTERPRETER: Could you repeat that name please.

MR GOVENDER: Mpophomeni. --- Yes, that's near Howick. I think we even went as far as Ladysmith.

Would Table Mountain have been included in that area? --- Yes, that is correct.

And your unit, sub unit, operated in these areas also, is that correct? --- Most of the time we operated more centrally, Edendale, Dambuza and Imbali, but I believe sometimes we also operated there because offences also took place there, and also murder scenes.

/I take

I take it also that, for the reason that you had to blend with the community, that the vehicle that you operated in was an unmarked vehicle. --- That is correct, Sir. As I already said it was a red Ford Husky with an NP registration number. I speak under correction, but I believe it was an NP registration.

Was this red Husky similar to the type of taxis

that are running today? --- That is correct, Sir.

And could this red Husky be mistaken for a taxi?

--- Yes, that is correct, Sir. It happened several times where people mixed it up with a taxi.

This was an ideal situation for you in the sense that your taxi - your vehicle could blend with the surroundings as though it was a taxi. --- That is correct. It was a great advantage that we could pass through as a taxi, and also it was very easy for us as the primary task was for six or seven people to work in one taxi instead of a police van, because we could communicate much better than a police van, because in a police van some would be sitting in front and the others would be sitting at the back, whereas in a kombi it was much more conducive to better communication.

And did this red Husky have tinted windows? ---

No, Sir, it did not have tinted windows, but I would have liked it to have had tinted windows.

This would have assisted you tremendously, in that you would have blended very well and nobody would be able to see you, isn't that right? --- (Inaudible - end of Side A, Tape 1) ... work situation would have been much easier, in the sense that if you were to have picked up an informant to identify certain people you would have been

/able to able to protect his identity that much longer, and the public and the community would have worked with us much more closely if they knew that we went to those lengths to protect their identity and their safety.

It would assist you also, Sergeant de Wet, in that you would be able to get up to suspects without them

being able to identify you well in advance, isn't that so? --- That is true. In areas like, for example, Table Mountain or Muwerfier(?), where we went once in six months, I assume it would have been the case. But in areas like Imbali, where we worked for about 24 hours a days, we were known, and in some areas everyone knew that that vehicle was being driven by a certain person. I might as well have been driving in a yellow vehicle. It would not have made any difference.

How did you protect the identity of your informers? You just mentioned that earlier on. How did you protect their identity? --- Sir, most of the time we provided them with Balaclavas, most of the time they'd sit behind in the vehicle, and often when we drove by we would be assisted by another vehicle, and we would identify the man as Sam Shabalala, who was standing against a pole, and the next vehicle would stop and arrest Sam. In other words the informer was never exposed. We tried to protect his identity for as long as possible, because the community never wanted to assist the police because they feared for their lives. And it was extremely difficult to work under those circumstances. That's why I said if I had a tinted - a vehicle with tinted windows my success rate would have been much higher.

You mentioned other vehicles, Sergeant de Wet. What

/other other vehicles were used by your unit? --- As I said earlier, it was a red and white E20 and a white Toyota Hi-Ace, and later there was also a blue and grey kombi which turned up. At a much later stage there was

another kombi with tinted windows, which came during the course of time. I cannot tell you at which stages, but as vehicles were withdrawn from duty a new one would be acquired and brought in.

So these vehicles were used also in assisting you in your unit? --- That is correct, Sir. As I said previously there were three vehicles which were doing the same duties.

MR LAX: Sorry, Mr Govender, I just want to just clarify something quickly. The red vehicle was a Husky, right? --- That is correct.

The red and white one was an E20. --- That is correct, Sir.

The white one was a Hi-Ace. --- That is correct.

Then at a later stage there was a blue and grey. What was that? --- It was a Toyota, also a Toyota.

(Inaudible) --- That is correct, Sir.

And then you mentioned a last one and you said it was a blue vehicle with tinted windows. What was that? --- It was also a Toyota kombi. I also just have to add that there was also a Husky, a white Husky, which was in use.

(Inaudible) --- Different vehicles came at different times, so we did not use all five or all seven at the same time. Some would be withdrawn and be replaced with others.

One understands that. What other vehicles did you /use, use, because clearly you wouldn't have used these kombis all the time, you would have used other vehicles as well? --- Mr Commissioner, Sir, as I said, as we were

assisting the investigative unit each driver had a different vehicle, and I also had one, and at a later stage I was withdrawn from the area due to false allegations and I was given a yellow police van. I believe those were the vehicles we used most of the time, but most of the time you used one vehicle.

Didn't you ever drive bakkies, or Hi-Aces - not Hi-Aces, what do you call those things? Hiluxes and that sort of vehicle? --- I just said now we drove a yellow van, which was a Nissan one-ton bakkie with a canopy.

(Inaudible) ---- And I know at some stage I also drove a Toyota Corolla, a beige Toyota Corolla, but while one vehicle was in the garage we used another one. It was not a matter of months, it was just a day or two while the one vehicle went in.

Thanks.

MR GOVENDER: Mr de Wet, your unit was associated by the public with the red Husky, isn't that so? --- That is correct, Mr Commissioner.

When I say unit, your sub unit, the one that you were in command of. --- That is correct, Sir.

Was the red Husky given a nickname? --- Not as far as I know, but the kombi that I drove that day was called "Musa baleka," which was also dubbed by the community.

(Inaudible) --- No, the red Toyota kombi.

The red Toyota kombi. Now, Sergeant de Wet ... (intervention)

/MR LAX:

MR LAX: I am puzzled here. This is the first I hear of a red Toyota kombi. Just fill me in. Where did that

come from?

CHAIRMAN: No, hang on, a kombi can't be a Toyota or vice versa. A kombi is specifically a Volkswagen. Maybe he means a Toyota Hi-Ace.

MR LAX: It's just there's no mention in the list I made of all the vehicles of a red Toyota. --- Sir, just to shed light on the topic, I said at the moment I am driving a red Toyota minibus or kombi which has been dubbed "Musa baleka," which the community dubbed.

CHAIRMAN: Oh, that's the present ... (intervention)
--- Is it clear.

(Inaudible) --- Yes, I drive it presently.

MR GOVENDER: Now, this red Husky that your unit, sub unit operated from, travelled around the different areas that you've indicated was your area of operation doing its investigations, speaking to informers, interrogating suspects and trying to retrieve murder weapons and so forth. Much of your time, and your unit's time, Sergeant de Wet, must have been spent in this red Husky. How was this Husky equipped to cater for your unit? -

-- It is difficult to say ... (intervention)

To be specific, if I can finish, insofar as weapons and equipment is concerned to do your work. -

-- Mr Commissioner, yes, it was equipped with certain ammunition, which was also signed for. It was controlled insofar as the ammunition and weapons which we used. I don't have the records before me, but I don't know if you are in possession of the records, but records were kept of which person was issued with which firearms, and hand

/grenades,

grenades, or stun grenades and so forth. As I say, I

cannot tell you exactly what the records reflect, but each person was armed with a stopper(?) or an R1 or whatever, with a shotgun and so forth. But there were safes as well where these firearms were kept.

Okay, maybe I can assist you, Sergeant de Wet. Our information has it that the vehicle was equipped with a Walther P.38 licensed pistol.

CHAIRMAN: According to this there were five of them.

MR GOVENDER: Five. Yes, five pistols. --- In all honesty, Sir, I can only say to you that at that time most black and white members were issued with a P.38 firearm, which would be their own personal issue, and at a later stage the P.38 was replaced by a 9mm Beretta, and today it's replaced by another 9mm. So if there were five members there would be five sets of firearms in the vehicle.

(Inaudible) --- As I said, Sir, I can just confirm that it is possible that each person had a P.38. But I did not have a P.38, I was armed from the start with a 9mm Beretta.

(Inaudible) ... unlicensed also in the vehicle?

--- I don't know about it. I am not aware of any stage where there were unlicensed firearms in that vehicle, except where we seized firearms and took them to the station for safeguarding.

So you are saying that there were no unlicensed Berettas in the vehicle? --- That is correct, Sir, none.

(Inaudible) ... one .45 Colt, unlicensed. --- No. No, no unlicensed firearms were in that vehicle.

/CHAIRMAN:

CHAIRMAN: Sorry, Mr Govender, it's really not going to

serve much purpose to go through this inventory of items. The witness has said as far as he's concerned there were never any unlicensed or unlawful firearms on the thing. He's told us that there were grenades, gas grenades, stopper firearms, things of that nature - R1s.

Let's not waste our time on this issue. If I could ask you to canvass one thing in particular, and that is how were they instructed, how were they briefed, what was their modus operandi? If you could just follow up on that please.

MR GOVENDER: Yes, but I just want to actually finish the list from the point of view that - to make sure that the witness understands - he's mentioned certain things that were there in the vehicle, but to get his response in terms of the unlicensed weapons, the list that we have.

CHAIRMAN: Okay, if you think it's worth anything. -
-- Sir, I would also just like to mention that these that you are questioning me about I read about for the first time in a newspaper report.

MR GOVENDER: Your position, Sergeant de Wet, is that there were no unlicensed weapons in the vehicle? ---

That is correct, Sir.

Were there three Beretta licensed shotguns in the vehicle? --- As I said, specific members were issued with shotguns. I had an R1 which I carried with me. It is very possible that there were three Berettas which were issued to specific persons, but, as I said, there was an inventory kept for that vehicle. I do not have the records before me, I don't know if you have the records.

Who kept these records? Where were they kept? -

-- Mr Commissioner, Sir, one was normally kept at the zip -

/State

State records there, and every two weeks or so an inspection of the vehicles was kept, and the vehicles were also - not the vehicles, the firearms were also inspected from time to time to check whether everything was still in order, so there had to be an inventory to ensure that everything was still in order.

CHAIRMAN: Sorry, Mr Govender, what are these forms normally referred to as? There's a specific form for the inventory of firearms and ammunition, isn't there?

--- Sir, if I could just inform you it was not like a normal station. Each vehicle was issued with its own kit. As I said, at some stage there were 20 of us, and if a situation arose there was no time to run in an issue everyone with firearms, hence each vehicle was equipped. Not just mine, but each vehicle which backed up the Riot Squad. So, if anyone was to park their vehicle all the firearms would be in the vehicle. That's why there was an inventory in the possession of the storeroom clerk and also in the vehicle. It was not kept in a book, issued in book form, so it would be physically issued in each vehicle, and if a situation arose the people would just jump into their vehicles, which were already equipped, and go and attend to the situation.

Okay. It's just that my understand is that in general terms where firearms were issued, even on a permanent basis as you describe, they were usually recorded in a specific firearm register as being issued to a particular vehicle or a particular person on a

regular basis. And that book - or register, if you like
- has a particular kind of reference, like an SAP-
something number usually. --- That is correct, Sir.

There was a book

/which
which was always in the safe - I think it might still be
in the safe up to this day - but this thing which I
described to you had an SAP number, which was a book or
pamphlet which was issued per vehicle. And, as I said,
each person was then to sign that requisition form or
whatever to state that ... (intervention)

(Inaudible) ... SAP-something-or-other, or are you
not sure? I am not sure. --- In all honesty I
cannot give you the number.

MR GOVENDER: You said you had grenades, stun grenades,
six stun grenades in the vehicle. Do you agree? ---

If I remember correctly I did not say six stun
grenades. I did say that there were stun grenades in
the vehicle. I do not know how many of them there were.

And hand grenades also you had in the vehicle,
isn't that so? --- Sir, I will deny the hand
grenades, because not anyone was issued would have been
issued with a hand grenade as far as I know. At no
stage was a hand grenade issued to anyone up to this
very day, because that is not something which you could
take with you in a vehicle.

CHAIRMAN: Sorry, Mr Govender, just to be fair to the
witness. The list doesn't refer to hand grenades, it
refers to stun grenades.

MR GOVENDER: No, I am referring to what he said
earlier on.

CHAIRMAN: He spoke about stun grenades and gas

grenades.

MR GOVENDER: And gas grenades?

CHAIRMAN: Yes.

MR GOVENDER: Was it gas grenades that you mentioned?

I stand corrected. --- Yes, that is correct, Sir.

/Did you

Did you have in the vehicle a reddish-orange rubber from the motor car tyre, the tube, that was big enough to cover the face of a - a person's face? ---

No, never.

You never had that. Did you have a ...
(intervention) --- No, we never had a tube.

Did you ever have occasion to use a tube? ---
No, Sir. At no stage did I used a tube.

Do you know what I am referring to, Sergeant de Wet? --- Yes, Sir, I know what you are referring to. In every newspaper report and every statement that was made against me a tube was always mentioned.

Have you seen such a tube? --- I know what a tube looks like, but I cannot tell you what the tube looks like that you are referring to unless you could show it to me.

It's a tube that's cut in such a way ...
(intervention)

CHAIRMAN: Sorry, Mr Govender, really we're wasting time here.

MR GOVENDER: Yes.

CHAIRMAN: Everyone knows what a piece of inner tube looks like. It could have been red, it could have been black, it could have been anything. There are countless allegations made against members of the police that this is used. I am sure the witness knows all about those

allegations. Let's not waste time on that.

MR. GOVENDER: I take your point. Did you perhaps have a dynamo, or an old cranking type phone? You know those old phones that you used to wind. It's got a dynamo in it. Do you know what I am referring to? --- I know what you are referring to, but I never used it. I have seen a

/dynamo,
dynamo, but I never used one.

Did you see it being used while you were in the SAP? --- No, Sir, never by my colleagues, but I've seen boys playing with it. I think at school it was a common thing which was held with spoons and so forth, putting the bars in and so forth.

Okay. You said much of your work, 99% of your work involved recovering weapons by request, weapons that were used in murder and interrogating people - sorry, interrogating suspects that were pointed out or a request was made. How did your unit go about conducting those sort of investigations? Would you explain to us, Mr de Wet. --- Sir, as I said earlier, I did not do the investigations physically. 90% of the time the suspects were pointed out to us, saying that they were looking for Mr X, and Mr X would be investigated, and then the Unrest Investigative Unit would investigate. Most of the vehicles - or the firearms which were seized were taken from people along the road, smuggling houses, taverns, and so forth. As I said there were so many of them. But the physical interrogation of people I cannot really elaborate on because we never really interrogated people. That was not my task.

CHAIRMAN: Can I come in here? Let's start at the

beginning in a consistent sort of way. Your unit was established to assist the Riot Investigation Unit. You've confirmed that. How did you liaise with them to get instructions? How did that happen? --- Sir, as I said from the beginning, we normally went to them and they compiled a list of suspects, let's say 20 suspects who were being sought, and on a regular basis when information

/was received was received we would either communicate with them per radio, or whatever, and where people were arrested we would hand them over to them and take their names off the lists. Those lists were sometimes five to six pages long, so there was never a time when we were without work.

Are you saying that you simply had this enormous list, and you would just choose names off the list and try and follow them up? --- That is correct, because, as I said, 90% of our work was done in Imbali, stage one, two and three, and my colleagues, Bhengu and Mtshali, stayed there and schooled there. And at a later stage with the riots they had to move out of the area. So, if they were to have said at Imbali, stage one, Sam Shabalala, for example, they would know who the person was because they would have attended school with him. That was why Bhengu and Mtshali were murdered eventually, because they had such a wide knowledge, they knew the people, they knew their names and their addresses. And that is why we were so successful.

What I am getting at is, my understanding of how police generally work is that you have briefing meetings where you get together with whoever you need to, you

prioritise what your main tasks should be. You may have had a list five or six pages long, but you would have prioritised that in some way, you would have had a briefing to do that, you would have had a weekly meeting, or a two-weekly meeting, where you would evaluate how you worked. That's the normal procedure that the police generally work. --- The logic is there. It sounds as if it could have worked like that. It didn't work with us like that. We had a list. Most of the scenes we visited

/ourselves, ourselves, and according to that list, and with the liaising with them by radio or telephone or meetings, we knew exactly who we were looking for, and that's how we operated. I can tell you there was no time to have a meeting each and every second day. That's the problem in the police today, they have too many meetings.

(Inaudible) ... were generally arrested? How would - were they from any particular political grouping? According to our information the people that you mostly arrested were UDF types, or what would later be called ANC types. Is that correct? --- I must admit 90% of the people we arrested were either ANC or UDF orientated. I might just perhaps add that there were various districts. On the one side we had the ANC, on the other side the UDF, but the ANC people had to go through the ANC part to get to their houses (*sic*). 99% of the time I arrested the ANC people because they were the suspects, and that's why I have all these problems now. I have never had a problem from the Inkatha side even though I did arrest them. All the allegations come from the ANC and the UDF.

Which IFP people did you arrest? Which prominent names or people? Approximately how many did you arrest during your time there? --- I can only tell you Mtshali, who got 20 years. He was arrested by us. He was also the brother of Mtshali who worked with me. Jerome Mwali was arrested. He also died later on. I cannot tell you exactly how many I arrested, but I arrested enough of them. Those I knew of and who were involved I arrested. Exactly the same with the ANC. I can't give you names of ANC members I arrested either.

(Inaudible) ... proportion to it? How would you /split split it ANC to IFP, or IFP to ANC, what proportion to what of your work? --- It's difficult to tell, but I will say 70% ANC, 30% Inkatha. Because Imbali was 90% of the time ANC, as well as Dambuza and Richmond. The whole area was ANC country. The IFP people were more stretched out into the bushes and all over the place.

(Inaudible) ... allegations against you? You said that there were all these false claims made against you. Were any of these claims ever made by the IFP against you? --- I have no knowledge whether allegations were made by the ANC or Inkatha. If I did get an interdict against me or something I would not have known whether that person was ANC or IFP. I didn't know on which side he was, I just did my work.

Very few IFP people ever complained about your conduct. That's the honest truth of the matter. --- Yes. I can say 90% of the allegations came from the ANC side. Inkatha could have made allegations, but I did arrest ANC people mostly. Also they wanted to get me out of the area and that's why they made the

allegations.

You said something just now that if an interdict was brought against you you didn't know from which side that person came. Are you seriously suggesting that when an interdict was brought against you, and there were some or several, that you had no idea whether that person bringing the interdict was Inkatha or IFP? I want you to think carefully ... (intervention)

MR LAX: Or ANC.

CHAIRMAN: Sorry, IFP or ANC. Think clearly of your answer. You said you did not know which side they came from. --- That is correct. In all honesty at a later

/stage
stage I would then find out. Okay, Mr Zilwane was a prominent ANC member who I have met earlier, but some of these might or could have been Inkatha. It didn't matter to me. In all honesty a name didn't mean anything to me. I relied on the blacks who worked with me, because they were the people who knew the people. If they said Joe Modise I would not have known who that was before they had pointed him out to me.

The interdicts against you were brought on the basis of founding and supporting affidavits, and in each one of those founding and supporting affidavits the person would describe themselves as whatever he or she was. And I've seen some of those interdicts, and they describe themselves very, very clearly. For example, Mr Zilwane describes himself in the second paragraph of his founding affidavit as the leader of the UDF in Imbali, or wherever it was. --- But, as I've said, it didn't matter to me.

(Inaudible) ... whether the interdict was coming from the IFP or Inkatha. I am not asking you whether it made a difference to you. Did you know which side they were coming from, yes or no? --- Yes, if I went through it I ... (inaudible)

(Inaudible) ... interdicts against you. I think that is a flippant answer. --- I apologise.

MR LAX: If I can just go back to the question of how you worked. You said you had this list, and you would constantly be trying to find people on the list. Or you might arrive at a scene of a crime and - what would happen if you got there? Would you try and take stock of the situation. --- That is correct. We would try to evaluate the situation. We would ask the witnesses what

/happened, happened, who they suspect, up until the detective came to the crime scene. Sometimes we worked from the scene. Somebody said they saw that this and that person was shot, and we would follow it up.

(Inaudible) ... from what you're saying that you had a relatively free hand on what to choose to work on, partly because there was so much work, but also partly no one really seemed to tell you precisely what to follow up, that was your choice. --- That is correct. That was the case. We tried to get results, and to be successful, and to combat crime.

How were you held accountable, and to whom were you held accountable? --- Mr Terblanche was in command of the Riot Squad. He was in command. We reported to him.

How did that happen? --- In all honesty we

would, at the end of the month, have written our results into a book, and they looked there at our productivity.

If there had been a problem one would consult him, contact him, if they had problems they would contact you, and then there would have been a meeting where problems could have been discussed.

CHAIRMAN: Sorry, can I just interrupt? When you say you would write into your report what your results were, what sort of results are you talking about? Are you talking about people arrested, or successful prosecutions, or - what sort of results? --- I can only tell you that the results were about the number of arrests made, how many arms were attached. The number of people found guilty, I would not be able to say anything about it because the courts take so long. Findings of guilty I cannot testify about, but it was about how many people were arrested and

/how much
how much arms were attached, dagga that was attached, etcetera.

And when you arrested people did you give them - hand them over to whom? The Riot Investigation Unit?

--- Yes. Where a specific person was identified as a suspect and a case number was given to us, that person - if it had been at night we would have held him and then informed the investigating officer the next day. If it had been a firearm attached, or if we arrested somebody, we would have held him overnight, and a detective or somebody else would have charged him then.

(Inaudible) ... people. When I say "people," your unit obviously. --- Yes. Yes, we did question people.

(Inaudible) --- Either at the Riot Squad
itself or at the Riot - it's at Pentridge Corner in
Edenvale.

(Inaudible) --- It was the old - it is
possible, and also in the vehicle.

Just for the record, where was your unit based?

--- In Oribi, close to the airport. I can't - don't
know what the street's name was.

You said that you would hold prisoners that you
had arrested. Where would you hold them? ---
Usually when they were arrested at Imbali we would hold
them at Imbali, but if currently the cells aren't in
use, for example, I would have to go to Loopstraat or
Mountainrise, the closest police station that had room
for them.

Carry on, Mr Govender.

MR. GOVENDER: Sergeant de Wet, you paint this picture
of a sub unit that went around doing investigations in a
normal, ordinary fashion, that you would, as a result of
a request, make inquiries, arrest suspects, and hand
them

/over to
over to the investigation team. Now, that's the picture
you paint about how your unit operated. In the course
of the lifetime of the unit, Sergeant, there were a
number of applications made for an interdict
interdicting yourself and many of your colleagues from
assaulting people, arresting people and detaining them
unlawfully, and so forth. Are you aware of many of
those interdicts? We will come to them in specific
details a bit later on. --- That is correct.

(Inaudible) ... applications paints a different

picture, Sergeant. It paints this picture, that the Riot Unit, or your unit, injured and killed people indiscriminately, that you targeted small groups of UDF activists and people who were affiliated to UDF organisations and self-defence units. It also paints the picture that your unit was involved in interrogating, torturing and killing - interrogating people who were implicated in assassinations of IFP people, and prominent amongst them was the death of an IFP leader's son, Ben Njele's son, Mpo, and that of an IFP person, Ngcobo, Thu Ngcobo, and so forth. Now, what do you say? --- I can only say Ben Njele was ANC. That must be a mistake. He was a member of the ANC. What I can say is that all these interdicts and allegations against me, all these people's allegations, were rejected in the Supreme Court or in the Regional Court. In other words I stick to my point of view that those were false allegations to get us out of the area. There are also witnesses and testimony where people held meetings with the communities, with support groups who were put there specifically to watch our movements, and it was found that they actually held

/meetings

meetings to try and get the police, and specifically us, out of the area. The only way they could do that was by getting interdicts and making cases against us, and to make them known and to open cases against us.

CHAIRMAN: Just for the record, Ben Njele was a prominent IFP member, he was a Member of Parliament for the IFP. So just to correct you there. You're obviously mistaken if you say he was an ANC member. -
-- The reason I say Ben Njele is an ANC member, I knew

him myself. He lived in the ANC area. He stayed in State One. I can take you to his house now. He lived in the ANC area, and that is why I say he must have been an ANC member or an ANC supporter.

He was a member of the KwaZulu Legislative Assembly and a member of Inkatha's Central Committee. It was very well known in the area that that was - he may well - he in fact did live in an ANC, predominantly ANC area, that's not in dispute, but he wasn't a member of the ANC, so I am just pointing out that you are mistaken in that understanding.

MR GOVENDER: He had initiated peace talks with the UDF.

CHAIRMAN: Anyway, we can get on to that later. We don't want to get tied up with specifics now. So, just in conclusion of this portion of your testimony, Mr de Wet, you've said that your unit conducted itself at all times within the parameters of the law. It went about its duty, arrested people, questioned them, handed them over to the detectives, confiscated weapons, dagga, etcetera, and never ever engaged in anything which could have been at that time considered unlawful. Is that your position? --- That is correct.

Was that your understanding for the rest of the Riot

/Unit at
Unit at the time, your other field units that Major Terblanche ... (incomplete) --- That is correct.

You don't know of any circumstances or situations where people did anything unlawful, shot people, tubed people, shocked people? You don't know anything about that at all? Assaulted people. --- Not in my

presence, no.

(Inaudible) ... that you know of ... (inaudible) ... Harrington and Erasmus and Madlala. Do you know them? --- Yes, I knew them. They didn't work with me but they were members of the ... (intervention)

(Inaudible) ... in the unit under Major Terblanche. --- That is correct.

(Inaudible) ... presently serving sentences for murder, life sentences for murder. --- That is correct.

And yet you say that you didn't know of anyone in the Riot Unit that ever committed a crime or did anything unlawful. Why did you say that? --- I understood that you asked me what I saw myself.

(Inaudible) ... of anybody in the Riot Unit under Major Terblanche's supervision who committed any unlawful act, tubed anybody, shocked anybody, assaulted anybody, killed anybody. That's what I asked you. What was your answer? --- Then I must say yes. Roy Ngcobo was one of them. He was shot. I know of specific people who were charged with murder who were found not guilty. I know of people who were put out of the Riot Squad. I know about it.

(Inaudible) ... paint a pretty picture for us that you and all your colleagues in the Riot Unit never ever

/conducted

conducted themselves in any manner which could be considered unlawful. That is what you are trying to do.

Please be realistic with us now. Police in this country, and in other countries, commit crimes. Don't try and portray all your colleague as people who never ever did, or could, commit crimes. You know very well

that Harrington, Erasmus and Madlala are serving sentences for murder. You know that. --- That is correct.

Then I would like you to be more frank and straightforward with us. If you knew that why didn't you say so when I asked you? --- What I understood was, was I there? No. Please accept the point that I could have misunderstood you, but I can't give you a list thereof.

(Inaudible) ... picture Constables Harrington and Erasmus have painted for us. They've painted a picture which is so fundamentally different from the one you have painted for us that it looks as though we're talking about two different units altogether. They gave testimony in public at their amnesty application, and at a hearing which was held in Pietermaritzburg relating to the incident which became known as the Seven Day War, and they painted a totally different picture of the Riot Unit. They said the Riot Unit - many elements of the Riot Unit were completely out of control. They said that they indiscriminately assaulted and killed people.

They said that they would fire at people from the back of their vehicle, not knowing whether the people died or lived. They would pick up people, question them, throw them out of the back of moving vehicles. They painted a horrifying picture of what the Riot Unit was all about.

And they

/said

said that they were not surprised when they were subsequently convicted, because it was only a matter of time that they would be convicted of crimes like assault and murder. And they were in fact all convicted of

those ... (inaudible - end of Side B, Tape 1) ... and Captain Brian Mitchell, who I am sure you have heard of, also paints a picture that is so fundamentally different from the picture that you have painted for us of the Riot Unit. He says that the Riot Unit was used, and specifically in the manner in which it made use of the special constables which worked with it, was basically in many areas providing a sort of military back-up for the IFP. And he gave, of course, the example of Trust Feeds, the massacre there, which Brian Mitchell says was specifically organised by your commander, Captain Deon Terblanche, and that members of the Riot Unit, special constables, fully participated, knowingly, in that incident, etcetera. So what I am doing, I am saying that two, three, four people have painted a fundamentally different picture to that which you would have us believe, that the Riot Unit conducted itself perfectly lawfully at all times, and, you know, it was just a - you were a jolly good bunch of guys and never did anything unlawful. What do you want to comment on those two different scenarios which I've painted for you? --- Can I please answer? I am talking - are you talking about Harrington, the Seven Day War? Must I answer about specific persons? Do I understand you correctly? Because I can tell you in the Seven Day War Harrington was not in Pietermaritzburg at all, and I can prove it. The picture he painted is then completely untrue.

/((Inaudible))

((Inaudible)) ... there. Harrington talked about his period of service in the Riot Unit. The Seven Day War was seven days long, and during that time Harrington

was in Newcastle on a course. I am talking about his period of service in the Riot Unit. Examples of behaviour which he and his colleagues got up to ranges from Richmond to - specifically Table Mountain actually, where he was active for some time. So I am not talking about - and Mpumalanga township. So I am not talking about the Seven Day War specifically.

MR LAX: Can I add something just for the record? Director Meyer gave evidence on behalf of the police at the Seven Day War, and it was put to him that the Riot Unit behaved in the fashion that has just been put to you, and he conceded that there were elements within the Riot Unit who did behave like that, who were tolerated.

He didn't approve of it himself, but they were tolerated and they were allowed to operate like that. And we're just flabbergasted that you don't concede that, you paint a different picture. So - just I want your comment on that. --- I can tell you in all honesty there were elements like the Seven Days War. I was also on a course in Newcastle. There were crime elements, there were - I cannot say that there was nothing, but I didn't see any myself, I didn't see what Harrington did. I can only testify about what happened on my vehicle. I drove on my own, nobody followed me. There were many allegations from various attacks and so on. If I can come back to Mitchell's story, what he said was lies. It was not planned at the Riot Squad.

CHAIRMAN: I didn't say it was planned at the Riot Squad. /The evidence

The evidence that Mr Mitchell gave was that it was planned at Marawa House, and it was planned by him, Mr Ntombela and Deon Terblanche, and I am not suggesting

that you had anything to do with that at all. I am saying that that is what Mr Mitchell has gone on oath as saying in public, and it involves your ex-senior commander. That is the picture that has been painted of the sort of top-down leadership that was given the Riot Unit, and Director Meyer, who I understand was or is now head of that unit, has said that the reason why elements of the Riot Unit behaved like this - and he conceded that they did behave as Harrington described - was because of the leadership provided by Mr Deon Terblanche. He said that he tolerated these things and in fact encouraged them. So, are you now - you must be very specific now. Are you basically saying that the evidence given by your commanding officer is incorrect, or is it - is he mistaken, or is he lying? --- As far as I know, and I can tell you now Mr Terblanche would never in his life have discussed anything like that with anybody. Nobody - he wouldn't have told these people to go and kill somebody. He's a Christian. It would never have come from Terblanche. Everybody say that Terblanche was such a great father to him. That was lies. I worked under him for years. There's no way he would ever have done something like that. He was used as a scapegoat. It is time that somebody put the record straight now in all honesty. Mitchell lied about that when he said there was a meeting at Marawa House, and that Terblanche would have told them to go somewhere and kill somebody. That's not what happened. He drank too much that night, that's what /happened, happened, but Terblanche didn't have anything to do with that.

(Inaudible) ... expressing an opinion now. I am telling you what has been said under oath about your unit. I am not - I don't want to get into a debate now whether Mitchell was drinking on the night of Trust Feeds or whatever. I am telling you what other members of your unit, Constables Harrington and Erasmus, have said about Major Terblanche. He said that he encouraged and tolerated their behaviour. Now, that is their view, and you have a different view. I am just - all I asked you to do was to comment on these two very different views, and you've commented, you've said that insofar as you're concerned you knew of no wrongdoing, and that Major Terblanche would never have involved himself in any wrong doing. That's fair enough. Let's move on.

MR LAX: Can I just point something out? I just want to point this out for the record. When you originally commented on this issue you clarified between what you had seen and what you knew. You made it clear at that stage you hadn't seen any of it and you didn't know of any of it. You separated out the two, the two concepts.

I just want to - it's on record, we can play the tape back to you if you like, but you were speaking - not only did you not see any of that happen, but you didn't know of any of that happening, and clearly you must have known. I just want to place that on record. ---

That is correct. I must apologise. Perhaps I didn't understand the question correctly. I knew about these things because it was general knowledge, it was in the newspaper, and the fact

that the unit's people sometimes went overboard was no

/secret.

secret.

MR GOVENDER: Sergeant, you would concede then, your sub unit or the Riot Unit as a whole was not as squeaky clean as you made out to believe at the outset. Is that what you concede now? --- Mr Commissioner, as I said, in the Riot Squad many things happened, but as far as I am concerned I am saying that I did not do it, I was not involved in these things. But what the - as far as the Riot Unit is concerned in their involvement in certain offences, I came to know about it in the newspaper, but it never happened in my presence where people were shot dead or kidnapped or assaulted.

You see, Sergeant, apart from the allegations in the affidavits made by these people applying for interdicts, we have reliable information also that your unit, and with your knowledge, were responsible for torturing victims by the use of electric shocks to their private parts, by the use of the tube that we spoke about earlier, by kidnapping people and taking them to places, in the stadium and so forth, and interrogating people, and so forth and so on. What do you say to that? --- Sir, once again we are talking about the unit. That is possibly where the confusion arises. When I speak about the unit I speak about the unit as a whole, but the sub unit in which - of which I was in charge, the red Husky, is a different story. But when we talk about the unit we're talking about the whole unit.

CHAIRMAN: He said your unit, not the whole unit. Your particular field unit. He's being very specific. ---

That's the red Husky unit. I deny all those allegations, and if I was there, and in my affidavit I would have

said

/if I

if I had arrested anyone and assaulted them.

MR GOVENDER: Is it possible, Sergeant, that some of the people within your sub unit could have been involved in some of these incidents without your knowledge? ---

Sir, while they were working with me they were not involved. When they were not working with me it's very possible that they were involved.

So it's very possible when they were not working with you. --- Yes, that is correct. It is possible that they were working with someone else and they did something, but while they were under my command in the same vehicle as I was nothing happened.

You made sure that when they were under your command that nothing unlawful was done? --- That is correct, Sir.

And all those people who brought interdicts against you, naming you specifically as the person that was involved in some of those unlawful acts, had a motive, you say, because they wanted to get rid of the police from the area. --- That is correct, Sir.

So why did they want to get rid of the police from the area? --- Firstly, if they could get rid of the police they could do as they pleased, they could carry on with their fighting. We were the only people that stood between them at that stage, who prevented them from fighting - although they fought, but tried to limit their fighting and stop them from killing about 20 people a day. And by getting the police, specifically us, out of the area they could do as they pleased.

You identified these people as largely UDF/ANC

people that were interested in getting you out - the
/police
police out of the area? --- That is correct, Sir.
There are court records which would show that, which can
corroborate that.

Corroborate that these people were in fact UDF/ANC
people? --- Yes, that's correct, Sir.

So you know that they were UDF and ANC people? -
-- As I said earlier, Sir, most people were from Stage
One in Imbali, and that was an ANC stronghold, and we
already discussed that.

On the side of the IFP were there any - did the
IFP people have an interest in getting the police out of
the area also? --- I cannot answer that question
because I never spoke to them about anything like that.
As I said, I do not know about any of them applying for
an interdict against us. That's why I cannot say
whether they wanted the police in the area or out of the
area, but I believe that they would probably have wanted
then police there.

They would have wanted the police there? --- I
believe so.

So, following your logic then, Sergeant, that if
the IFP people wanted to get the police out of the area
then they too could have brought interdicts against
yourself and other members of the police force. ---
Yes, Sir.

So they were the ones that needed your protection?
--- I cannot say if it was only them. I believe that
some of the ANC people also wanted us in the area, but
the majority of them did not want us.

Do you honestly expect us to believe, Sergeant

de Wet, that those interdicts were brought for that purpose? Do you honestly want us to believe that? In

/fact one fact one of those interdicts was granted, wasn't it? -

-- No, Sir, none of them were granted. They were all rejected by the court with costs.

MR ROBERTS: Mr Chairman, that proposition that was put as far as I am concerned is not indeed correct. I see in the further particulars supplied that it was in fact stated that in respect of that particular interdict the rule was discharged with costs of two counsel.

CHAIRMAN: (Inaudible) ... granted generally on hearing one party only.

MR GOVENDER: Not ... (inaudible)

CHAIRMAN: Sometimes not, if it's a matter of urgency. So I mean, really, you can't make much of that.

MR GOVENDER: So, Sergeant, if the information that we have regarding the activities of your sub unit as such, and such of the unlawful facts that they were involved in, is made by someone who has in fact been working with the unit itself, would that person be lying? --- Mr Commissioner, Sir, I don't know who you are talking about now, but I believe that it is Constable Shabangu.

I have heard that he has testified in an amnesty application, and I would say that it was a lie because he is also probably not a - he was also found to be an unreliable witness and his testimony was rejected, and in all probability what he has said is not true. We can submit documents to prove that.

So you are saying that what he has - if it's him then what he has said to the Commission is a lie. Is that what you say? --- That is correct, Sir.

Mr Chairman, I want to move on to another area. I do not know whether you want to possibly break now or /what.

what.

CHAIRMAN: Mr Roberts, Mr Olivier, do you - can you do with a short break now for a cup of tea or something?

MR ROBERTS: I am easy, Mr Commissioner. If you want to proceed you can proceed, but we've been sitting for quite some time, I think we could do with a short break.

CHAIRMAN: Sure. We'll break then for about 15 minutes.

SHORT ADJOURNMENT

ON RESUMPTION:

WILLEM ABRAHAM DE WET (Still under former oath)
(Through Interpreter)

CHAIRMAN: Mr Govender, I am not quite sure where we left off.

MR GOVENDER: We were going to move on to a new area ... (intervention)

INTERPRETER: Your mike is not on.

MR GOVENDER: Unless the Commissioners have any further questions before we move on. (Pause) Sergeant Marx - sorry, Sergeant de Wet. We're getting confused. I want to show you an extract from your pocket book for 1990, and I just want you to confirm - sorry, have you got the original? (Pause)

CHAIRMAN: Okay, just show him the extract, ja. I think just show it to Mr Lax first. He wasn't - he hasn't seen it.

MR LAX: I haven't seen it.

CHAIRMAN: And have you got a copy for Mr Olivier and

Mr Roberts? What that is is a copy of an extract from the police pocket book of Sergeant de Wet in 1990, March 1990. And if you just show Mr de Wet the original, so he can

/confirm

confirm the veracity of that document.

MR GOVENDER: Mr de Wet, would you confirm that is your pocket book for 1990? Is that your pocket book? ---

That is correct.

The entry on the 15th of March 1990, can you read that into the record. --- The whole part?

The entry at eight. ---

"Return to Murder and Robbery. Go to unit with Marx to follow up on information."

You confirm that is an entry you made? Is that an entry you made in the pocket book at that time? ---

That is correct. It is my handwriting and it is my pocket book.

What does that refer to? Can you explain to us?

--- It is a big vague. I will have to read the whole thing to get the background thereof, but according to this I was with Brigadier Marx to the Riot Unit. I suspect it is about the Trust Feeds matter, because that was the only time I had anything to do with him.

That entry, what does it indicate? What was your - what were you doing with General Marx on that day at that time, and where were you going, where were you coming from?

MR ROBERTS: Mr Commissioner, with respect, I don't think the request was unreasonable of the witness.

CHAIRMAN: No, I think ... (intervention)

MR ROBERTS: He hasn't seen the pocket book for years I suppose. He must just possibly have - be given time to ... (intervention)

CHAIRMAN: I think just have a read through that thing /just to just to familiarise yourself with what the time was. That couldn't have been Trust Feeds because that is 1990, I think, and Trust Feeds took place in 1988. --- Mr Commissioner, I think it was about Roy Ngcobo's death. Why I went with Mr Marx I don't know, except for if you can tell me something more about it.

Do you recall the incident? I am sure you do. -
-- Yes.

If not that specific entry, you recall obviously the death of Major Terblanche. --- That is correct.

Now, what were you doing in - where is that, Mpumalanga, or is that 'Maritzburg? The "eenheid" that's referred to there, is that your unit? --- It was the Riot Unit in Pietermaritzburg.

Were you in any way involved - because this incident, the death of Major Terblanche, took place in Mpumalanga, is that right? --- No.

MR LAX: To be specific it took place on the highway.

CHAIRMAN: Sorry.

MR LAX: Just at the turn-off to Inchanga, under the bridge.

CHAIRMAN: Near Mpumalanga, but not in 'Maritzburg. -
-- Near Hammarsdale.

MR LAX: (Inaudible) ... the bridge. --- Yes, under the bridge.

CHAIRMAN: Now, were you involved in any way at the scene of the crime, investigating, going to Hammarsdale,

Mpumalanga, anything like that at all? --- Yes, correct.

Can you - I mean not in the scope of your general work, but at that time. --- At that stage on that /specific specific date I was in court in Richmond with the inquest of Ngcobo. We later heard then that Major Terblanche was murdered.

Which Ngcobo is this now? --- Rosemary Ngcobo.

I think it must have been lunch hour. We went to the scene where Major Terblanche was shot. He was still in the vehicle at that stage. I didn't do the investigation myself. It must have been Murder and Robbery, they did the investigation. I helped them at that stage, that was why I was there at the scene. There was a dispute at the scene about his firearm, which was presumably gone. I said no, he never carried a firearm, it would have been in his briefcase. And then they opened the briefcase, and his firearm was in the briefcase as far as I can remember. Major Terblanche was still buckled into his seat with his safety belt. On the scene we could determine by just looking at the scene that there must have been a person next to him who would have shot him. It wasn't a matter that somebody drove past and shot him. The wounds and the burning wound of the firearm was very visible. It must have been at very close range. We also later determined that Major Terblanche earlier that morning communicated with Roy Ngcobo. Roy Ngcobo had a request to go and see an advocate in Durban. Major Terblanche apparently, according to witnesses, dropped him off - or gave him off and told him that he could go

to Durban. Major Terblanche also had a meeting in Durban, which was to take place at a later stage in Durban. And, as we later determined, was - he usually picked up policemen who were standing next to the road. He would always pick them up to give them a lift. Roy Ngcobo as usually - he lived in Hammarsdale,

/right
right across from the NPC offices - he stood there and waited for a lift, and Terblanche apparently on his way to Durban picked Roy Ngcobo up and gave him a lift, presumably to Durban, because he knew that Roy was on his way to Durban. And at the scene it became clear. We then determined that he did Roy Ngcobo a lift. I knew where Roy Ngcobo lived in Hammarsdale. We then went to his house in Hammarsdale. I don't know who was with me. At his house we asked where he was and we were told that just a short while before we arrived he was there, but he went to Durban to go and see an attorney, and that he did indeed see the attorney in Durban. I can't give you the time. We then went to his house. We observed his house in Sweetwaters. He also had a house there. We, however, at around 10 or 11 in the evening, decided well, he's not coming home, we will see him at the Riot Squad the next morning. The next morning at seven me and Inspector Chandler went to the Riot Squad, where Roy came in as if nothing had happened, as if he didn't see - hadn't seen anything. Chandler informed him about the suspicion that he was involved in the murder of Terblanche. He was then taken to Murder and Robbery offices, where he was questioned by various members of Murder and Robbery. I was not involved in the questioning.

Do you recall - not everybody, but do you recall some of the people who were there when he was interviewed? Was this on the same day as Major - the day after Major Terblanche's death, the day after? ---

It was the next day.

So this was the 15th of March. --- Yes, that's correct. Captain Myburgh was there. He was the

/commanding commanding officer. There were members of Durban Murder and Robbery who helped us because it was such a serious case. Mr Chandler was there. Notes were taken by Captain Harvey. He was then an inspector, but he's now Captain Harvey. There was a panel. I think it must have been 10 people who questioned him. Thereafter I heard - I speak under correction, but Chandler then gave me an order to go to Roy's house to go and pick up his clothes, which was in the washing then, either at his sister's or at his girlfriend's place. I then went to Sweetwaters. I attached a bucket with a shirt and pants. There was blood on the shirt. I don't know if it was his sister or his girlfriend. I took her with me to Murder and Robbery, and they took statements from them. That's what I know. Two or three days after that I heard that he took Chandler's weapon and that he was wounded fatally, and that he subsequently died.

Now, was that the next day or was that the same day? --- I don't know. I didn't have any insight. I didn't have any opportunity to read this documentation or statements. I am speaking from my own experiences. I don't have any knowledge. I don't know if it's two or three days afterwards or the same day. I can't remember.

MR GOVENDER: The death of - Roy Ngcobo was killed on Friday. He was arrested on the Thursday, the 15th. Terblanche was killed on the 14th.

CHAIRMAN: (Inaudible) ...

MR GOVENDER: No, Wednesday - Wednesday. It's consecutively, yes, 14th, 15th and the 16th.

CHAIRMAN: Now, can you just throw your mind back to the 14th, which was the day that Major Terblanche died, and

/the 15th, the 15th, which was the day that Roy Ngcobo was questioned, and tell us what you recall about Brigadier Marx, Marx' role in that investigation. --- It's difficult to answer. I know the day of his death Brigadier Marx was there, because he used to attend any crime scene. He liked to be on the scene himself. And I believe that the 15th, the day of his arrest, he could have been at the office.

You're talking about the office in Pietermaritzburg? --- That's Murder and Robbery, Captain Myburgh's office. That's where Roy Ngcobo was questioned.

I see. Now, you will see in the notebook there that it's indicated that you were with Brigadier Marx on the morning of the 15th of March. --- Yes. That's after the arrest was made. That was - in other words while Ngcobo was taken away from Murder and Robbery to the Riot Unit. We took him to Halfway House, to Murder and Robbery. It could be possible that I accompanied Marx there. He never drove himself.

(Inaudible) ... in your pocket book then, are you saying it's just possible that you drove with him, or

that you were in fact with him? --- If I wrote it here I took him.

(Inaudible) ... to Myburgh's office at - which office is it, which unit is it? --- The unit is the Riot Squad, the Riot Unit.

And that is where the questioning took place, or did it take place at Murder and Robbery? --- As I can remember it was at Murder at Robbery at Halfway House.

Now, can you recall anything more about Brigadier Marx on the 14th, 15th, 16th - his whereabouts, or his /presence, presence, or his - what his involvement was with the investigation? --- As I said, the 14th I believe he was on the scene, because he usually did that. It was a serious crime. The 15th, if I said I drove him somewhere I would have done that, but his involvement in the investigation I can't answer, because as far as my knowledge goes Myburgh would have gotten the order to investigate. He would have appointed somebody, or either he would have done it himself. I believe that Chandler conducted the investigation, but Marx' involvement I can't say anything about.

MR GOVENDER: Was Marx present at the interrogation of Roy Ngcobo at the Murder and Robbery offices? --- I was not there with the questioning. It is possible that he could have been there. I was outside. I only went and picked up the clothes. The chances are that he could have been there, but the chances also are that he might not have been there. I stand to be corrected.

You took him exactly to where? According to that entry you took him to the Murder and Robbery Squad

offices, isn't that so? --- It says,

"Go to unit with Marx."

In other words I took him from Murder and Robbery to Oribi, the Riot Squad.

CHAIRMAN: When you refer to "eenheid" you're talking about your own "eenheid." --- Yes, that's Oribi "eenheid"

Okay. And ... (inaudible) ... chief regional detective, CID, so he would have been at - where would he have been based? Where was he based? Murder and Robbery? --- At Trust Bank. He had an office there.

/MR LAX:

MR LAX: Just for the record, that building is now called Davis Alexander House. --- Yes, that's correct.

MR GOVENDER: During the interrogation of Roy Ngcobo were you instructed to go to pick up the uniform of Roy Ngcobo from Sweetwaters? --- That is correct, Mr Commissioner.

(Inaudible) --- It could have been Mchunu. I can't remember. It could have been somebody from Murder and Robbery. I didn't go there on my own. I couldn't speak Zulu, so I had to take a black man with me to interpret there.

(Inaudible) ... instructed you to fetch the uniform? --- I think it might be Chandler.

Chandler. At the interrogation who was the most senior CID present? --- Captain Myburgh I believe was the most senior one. He was the commanding officer.

But as I said there were Durban people, but I don't believe there was a captain or any higher ranking person.

But is Brigadier Marx higher ranking than Myburgh?

--- That is correct. He was a Brigadier.

But you can't remember whether Brigadier Marx was present at that interrogation? --- No, Sir, I cannot.

But you remember, as your entry indicates, that you took him to the Riot Unit from the Murder and Robbery premises, is that right? At what time is that entry? At what time? --- Sir, it is 8.30. I acknowledge the entry and I concede that if I did make the entry then I did take him from Murder and Robbery to the other place. I would not deny having done that. And he was arrested at approximately 7 o'clock that morning if I am not mistaken - early in the morning. I am also not sure about the

/time, but

time, but it was definitely before 8.30.

That's in the morning? --- Yes.

Your entry also goes on to say you took him to follow up further investigations. What further investigations were you to follow up? --- Sir, I cannot tell you which investigation he did, whether at the investigation or whether getting a diary or something, but I would only have taken him if I made the entry, but because he was a senior officer you don't really talk to the people. I did not know about the interrogation or anything else. I know that they were interrogated, but I had no insight into it. My instruction was, "Take him to the Unrest Unit," where he either took possession of something or did something there.

But you cannot remember whether it was in relation

to the investigation of Major Terblanche's killing? -

-- In all honesty, Sir, I cannot say. I assume that it would have linked - or it would have had something to do with it, because I do not drive him around as a general rule. It was probably the first or second time in my career that I had driven him anywhere.

And whenever you make these entries you make them reflecting the date - in other words let's put it this way, that you would reflect in your pocket book what you did for that day, with the exact date on it. You wouldn't refer to incidents that you had done the previous day or days before. --- Sir, it is difficult, because the pocket book is basically a note book. What happens, the date is there, but the time - it's possible that I could have made all these entries that night. While I was sitting I could have made all these entries, so the times

/aren't aren't really to the minute. I could have taken him at quarter to seven, or whatever. It is an approximate time. Each thing I do is not entered into my pocket book immediately. It's when you get a chance that you make all these entries.

CHAIRMAN: Can I just cut in here for a minute. Let's just go back to the beginning of this thing. Ngcobo was arrested early in the morning when he reported for you duty, and you were present there, and that would have been somewhere round about seven, half past seven. That's the time most people report for duty. --- That is correct.

You've also said that you were expecting Ngcobo to come there and report for duty, and you guys were

waiting for him. You'd already determined that he was your suspect. --- That is correct, Sir.

Who was there waiting for him? --- Myself and Inspector Chandler.

Were any other members of your unit there? --- Murder and Robbery or Unrest?

(Inaudible) --- Mr Commissioner, I believe that there were people. At 7 o'clock in the morning everyone reports for duty, so there had to be people.

But I want to put it to you that this was probably one of the most controversial murders that had happened in your unit. Here was the head of the unit who had been murdered by a member of the unit. Everybody in the whole unit would have been interested in what was going to happen. Everyone bore knowledge of it. It was a major event. --- Sir, in all honesty everyone knew about the murder, but I do not think everyone knew who the suspect was at that stage, because if everyone was to have known

/the man the man would probably have left, so we never know. So the suspect was known to Murder and Robbery's investigator. Perhaps there were people from the Unrest Unit who knew, or thought about what happened, but I cannot say that they knew who the suspect was. They might have known about the murder, but not necessarily who the suspect was.

Were any of the Murder and Robbery people from Durban present at that time? --- Not at the Unrest Unit, but at Murder and Robbery where we brought him in, because they assisted us in the investigation.

Was Myburgh maybe present there? --- For the

arrest? No, Sir, not as far as I know.

(Inaudible) ... after the arrest, once you'd arrested him? --- It is possible that he could have arrived there, but in all honesty I cannot recall seeing him there.

Did Brigadier Marx maybe arrive there once you'd arrested the man? --- As far as my memory serves me, Sir, I and Inspector Chandler arrested him at the gate.

There was no time - we took him. Inspector Chandler told him that he was a suspect. We put him in the vehicle and we drove. There was no time wasted. We basically just arrested the man and took him to Murder and Robbery. There was no interrogation at the Unrest Unit, or any transaction or anything. It was just a question of taking the man.

(Inaudible) ... Murder and Robbery Unit was Marx already there? --- (Inaudible - end of Side A, Tape 2) ... because we did not deal with him.

But he must have been there at some stage, because /you took you took him from there back to the unit. --- That is correct, he had to have been there, as I said. But in all my entries - I do not dispute that I could have taken him, and I maintain that if I did make an entry to that effect then I did do that.

And is there an entry in your pocket book that you went to Sweetwaters, and that you went and looked for the clothing of Roy Ngcobo, and that you brought the sister back? --- No, I do not see such an entry.

(Inaudible) ... in your day, why is it not there? --- I cannot answer that question. Certainly I must have omitted it somewhere, but I see that I mentioned

that I then went back to Richmond to the court. Then it must have slipped my mind at the time. I concede that it is an important entry to have made, but I must have missed it. I honestly cannot answer that question as to why I did not enter it.

You see, the fact is on your pocket book you were involved in investigations with Brigadier Marx. So either he went with you to Sweetwaters, to Ngcobo's house, and he must have stayed with you while you carried out all these investigations. --- In all honesty, Sir, Brigadier Marx would not have accompanied me to Sweetwaters under any circumstances. As I say, I had to have taken a black member with me because I had to use him as an interpreter. So I would not have said under any circumstances that Brigadier Marx accompanied me to Sweetwaters. I would definitely have remembered that. As I said earlier, I had very little to do with him, and I cannot remember having taken him, but if my entry reflects that then it probably happened that way.

/What I

What I am trying to understand is you have a fairly clear memory of what you did. (You went to Ngcobo's house, you spoke to the sister, you found the washing, you brought her and them back, she was questioned. You remember all of that, but you don't remember what happened - what investigations you and Marx were involved in, which is an entry you specifically refer to in your pocket book. --- Mr Commissioner, Sir, I did not investigate at any stage. I have never investigation. I have never physically carried a docket. So I never did an investigation with Brigadier Marx at any stage. I say that I did take him

to the Unrest Unit, where he probably went to look for a diary, or whatever, but I was merely his driver. I never had any - did any investigation with him. And when I went to Sweetwaters I took a black member, or two or three, with me, and he was not with us. If he was with us he would have taken a statement on the scene, or he would have seized something there, but I cannot remember him having been with us.

Just read that entry again. Just read it aloud for me, because I haven't read it properly myself. ---

It's vague. It says,

"Went back to Murder and Robbery."

That's 8 o'clock, and at 8.30,

"Went to the Unrest Unit with Brigadier Marx to follow up on further information."

Follow up on information, not an investigation.

But the point is that Marx went with you to get that information, or you went with him to get that information. That's the implication of what you've written there.

/"Vergesel

"Vergesel Brigadier Marx." In other words you accompanied him to look for some information. ---
That is correct, Sir.

So the implication of that is that he was actually directing an investigation and you were just accompanying him. --- That is very possible, Sir. As I said, I was not doing the investigation. He was the boss, and if he said jump you'd jump. Unfortunately that's how it works.

I am just talking about the specific choice of

words you used in that note, which clearly implies as a matter of logic that he would have been directing matters, not you. --- That is correct.

If you were helping him with looking for information it would have been at his instance, not at your instance. --- Yes, I believe that to be correct.

MR GOVENDER: The fact of the matter then, Sergeant, is Brigadier Marx was with you on that day. He was with you on that day from Murder and Robbery to the Riot Unit. You accompanied him, you saw him, and you made the entry to that effect. Is that correct? --- That is correct, Sir. That's what is in the book. I did that.

And the entry in the book cannot lie, can it? -
-- No, Sir. It's true.

It's limited to the person who makes the entry, isn't it, whether it's true or not? --- Sir, it has to be true, because why would I lie? That is what happened.

The entry subsequent to that, the one at nine, 9 o'clock, 09:00, can you read that? ---

"Went to Murder and Robbery. Went back to Murder and Robbery again. Assisted with the interrogation."

/(Inaudible)

(Inaudible) ... when you went back to the Murder and Robbery. --- Sir, I do not know. If I took him there I was to have driven in his vehicle or my vehicle, and he would have had to come back with me, so it is possible that he went back with me, but I cannot remember that. It was not important to me, that is why it is so vague to me.

But it reflects that you went back, and it refers to the fact that you went back to assist with the interrogation. --- I made an entry that says interrogation, but I would have taken him back if he was with me, and probably waited, and at a later stage I went to Sweetwaters.

(Inaudible) ... is the entry to the effect that you assisted with the interrogation that I am interested in. --- Sir, I did enter there that I helped with the interrogation, but I never helped with the interrogation. I was still a youngster at Murder and Robbery.

You've said to me the entry cannot lie. --- Yes, I did say that.

So then the entry is a correct reflection of what you went back and did. You went back and assisted with the interrogation. --- Mr Commissioner, Sir, as I said I wrote there, and what I wrote there was true. The fact that I entered there that I interrogated him, I did not interrogate him. I told you that I made these entries at night, possibly in any spare moment I had at court. That is possibly why I omitted certain things sometimes as well. Possibly the next morning.

CHAIRMAN: Sorry, why did you say you went to help with the questioning or the interrogation when you've told us you weren't involved in that investigation at all? ---

/I was
I was not involved in the investigation.

Then why did you make that entry? --- It's very vague. It's just as well as saying - going to a murder scene and assisting with the interrogation, and whereas I was just in the presence of people doing the

investigation. I couldn't say there that I was in the presence of a certain person. That does not necessarily mean that I physically participated in the interrogation. But at no stage did I interrogate anyone. There was no reason for me to interrogate anyone.

Look, if you write there, "I went to a certain place and I helped with the questioning or the interrogation," what do those words mean? They don't mean that, "I went there and stood around twiddling my thumbs watching what was happening." It means, "I went there and I participated in the interrogation." Not so? It's plain, simple language. So really what we have here in essence is a small problem for you, because you've told us that you didn't participate in the investigation, and here your own pocket book says that you did. Secondly, you did help even further, because you've already admitted that you went up to Sweetwaters, and found his clothes and brought his sister in. Well, if that's not helping with the investigation then I don't know that is. Do you understand? --- I assisted with the investigation. I think I made a statement to the effect that I seized the clothes. It should be in the statement before you, I do not have it with me. But possibly the wording was incorrect. But the fact that I did assist them with the interrogation I cannot deny, but the fact that I physically questioned him I deny. So possibly the wording

/was very
was very ambiguous or wrongly put, but I did not question him at any stage.

(Inaudible) ... put this to you, that at that time

you wrote that thing, which was contemporaneous, you would have had no reason to be vague or ambiguous, you just wrote very simply what you did. Now, with the benefit of - in the light of what you've subsequently told us you're faced with a problem. It's very hard to explain that problem. You have to concede that. ---

That is correct. As I said, the wording was possibly wrong, Sir, the same as I omitted the fact that I went to fetch the clothes. I omitted to enter that. My wording is probably incorrect, but I deny that I questioned him or interrogated him at any stage.

When did you actually write those entries? ---

Mr Commissioner, Sir, as I said earlier, usually what happened was that we would go all day, and either the night or the next morning I would enter all the previous events. It's possible that I wrote this - but usually, because I was the driver, it was impossible to enter every single event as they unfolded, but I would write it in the evening, or possibly the next morning. I'd enter quickly everything that happened the previous day.

A pocket book is very vague, and I am very bad with keeping a pocket book up to date. And up to this day I can tell you my captain that is in charge of me makes my entries into my pocket book. He can testify to that effect.

He certainly didn't do this entry. But what is the purpose of a pocket book? Why do you keep a pocket book? --- That's a very good question, and up to this day I think that the biggest evil, or the greatest whatever, is

/a pocket

a pocket book, because every second day you lose the

thing. And in court there are so many points of dispute about a pocket book, and in my opinion a pocket book is a waste of time. With all due respect towards the police that is my opinion, because ... (intervention)

(Inaudible) --- In all honesty, Mr Commissioner, this serves no purpose to me, and I've never made use of my pocket book. That's why I write a statement when I arrest anyone. That's why a pocket book and a vehicle register have never really served any purpose in my opinion, and it's always been a problem to me. That's why I say to you now it is very vague.

But in essence it's so that you can account for your time and your actions. Isn't that so? --- That is correct.

What are the next couple of entries in your pocket book on that day? --- The same day?

(Inaudible) ... were at Murder and Robbery helping with questioning. What happened next? ---

"12:00 Left Murder and Robbery to go and deliver witnesses to Richmond," and, as I said, I was busy with an inquest there. At 16:01 I came back, and went off duty after that. The following day, Friday, do you want me to read that?

You were at Murder and Robbery from nine in the morning until 12, three hours. --- From about 7 o'clock, the time we arrested him - quarter past seven, 8 o'clock, until about 12 o'clock.

(Inaudible) ... left there, you went back to the unit, you did some other things with General Marx. According to your pocket book you got back there at nine.

/--- Correct.

--- Correct.

So at least you were there from nine until 12 according to those entries. --- That is correct, Sir.

You wouldn't have stood around for three hours doing nothing. --- I would have. I waited. As I said, I went to fetch the clothes at Sweetwaters, whereafter at 12 o'clock they then excused me. You can't just do as you please. If I had to sit for three hours I had to sit.

Did you go and fetch the clothes between nine and 12? --- I believe I did, because I went to fetch the clothes that specific day. As I say I am not even sure about the time.

Carry on, Mr Govender.

MR GOVENDER: You were at the Murder and Robbery offices from approximately nine to 12. Were you in the interrogation room or were you out of it? Where were you exactly? --- Sir, I was not inside while they were conducting the interrogation, I was outside. I could have been in an office, I could have been elsewhere talking to people. As I said there were so many people at Murder and Robbery in Durban. I could probably have been somewhere talking to people.

Did ever go into the interrogation room at any stage during that time? --- Not as far as I can recall, Sir.

Why is it so difficult to recall that, Sergeant? You were there for three hours. There was an important interrogation taking place, it was a very serious matter. One of - your commanding officer in fact had been killed. You had an interest in that, didn't you?

--- Sir, as I've said, I had an interest, but I had nothing to do with the investigation. It's possible for me to say that I did /not enter not enter that interrogation room at all during those three hours.

But do you know who were the people that were present in the interrogation room? Can you remember them? --- As I've said earlier, Captain Myburgh, Inspector Chandler, Sergeant Coetzee. There had to be some black members. Their names are unknown to me at this stage. And I know for a fact that Inspector Harvey took notes, because thereafter I saw some of the notes and it was in his handwriting, and he was very good at taking notes.

Of course you're aware that Roy Ngcobo made a confession during that interrogation. You're aware of that, aren't you? --- Yes, that's correct, he did make a confession which we took.

(Inaudible) ... he made that confession while you were there, or was it after you had left? --- I have no idea, Sir. I don't know when it was made or who took it down, or anything like that.

CHAIRMAN: When you - a few second ago you said - Mr Govender asked you, "Are you aware that Roy Ngcobo made a confession?" and the answer was, or certainly the English translation was, "Yes, he made a confession which we took."

MR ROBERTS: With respect, Mr Commissioner, I listened to that and it was incorrectly translated. I would prefer the record to be played back on that score. I listened to it and I am quite sure that that is not a

correct interpretation.

CHAIRMAN: Do you recall what he said, Mr Roberts?

MR ROBERTS: He said, "Ek het verneem," "I learnt that a confession was taken or made.

/CHAIRMAN:

CHAIRMAN: No, I accept that. We don't need to play it back.

MR GOVENDER: So you say you don't know at which stage the confession was forthcoming? --- That is correct.

When did you hear that the confession was made? At which point did you hear that? --- Sir, I do not know whether it was the same day or the following day. I really cannot say. As my entry says, 12 o'clock I went to Richmond, and I came back at 5 o'clock, so the chances are very good that the Thursday or the Friday morning I learnt that he made the confession. I really cannot answer that question in all honesty.

How did you learn that? --- I believe that I heard from Inspector Chandler, who was the investigating officer. We were good friends, we worked together, and I am sure he would have told me, or one of the members who were there would have said so. I believe that because he was my commanding officer I would have wanted to know whether the man had made a confession or not, and they would have told me whether he had done that or not, and I know that I was told that he had made confession, although I cannot remember when.

(Inaudible) ... you were told that? --- I believe I was at Murder and Robbery's offices.

(Inaudible) ... Murder and Robbery's offices on the Friday morning, that's the 16th? --- I believe I went there, Sir.

Who was present there that was involved in this investigation? --- I cannot answer that, Sir. I do not know who all were there. I tried to remember, but there were so many people, as I said.

/(Inaudible)

(Inaudible) --- I believe Sergeant Coetzee was there. As I said earlier, he was with Inspector Chandler inside the interrogation room. They were the more senior members. I do not think that there was enough place for 20 or 30 policemen to question him in a very small room.

Was Myburgh there? --- Myburgh had to have been there.

Was Brigadier Marx there? --- As I said, I believe that he was probably there. If I took him to the Unrest Unit 10 to one I would have brought him back, but I cannot say with absolute certainty that he was there.

How long did you spend there that Friday morning?

--- Could I just refer to my pocket book? (Pause) According to my pocket book I said that 8 o'clock I was at the Unrest Unit, and 8.30 I left the Unrest Unit, so there is a chance that I could have been at Murder and Robbery before eight. Possibly I wasn't at Murder and Robbery. I cannot answer that with absolute certainty whether I was there or not.

CHAIRMAN: You see - can I say something to you? Our information is that you went to Sweetwaters, you spoke to Ngcobo's sister-in-law. She was the one who was supposed to have his clothes. She said to you, "No, he told me to lie about the clothes," and you took her off to go and question her. By the time you'd finished

questioning her you found out that the fiancée had the clothes, and you went back to Sweetwaters to get the clothes. Do you remember that? --- Sir, in all honesty it is such a long time ago that I said that. It is very possible that it happened like that. As I said to you I have nothing before me, and I never went through the records, and it is

/very
very possible that it happened like that, but I cannot say that it did indeed happen that way. But the fact that I seized the clothes is a given fact, because I can remember that, but I cannot remember the other facts with absolute certainty.

(Inaudible) ... half the answer there, because you said you weren't sure if it was his sister or his girlfriend or someone else. So in the back of your head must lie the fact that it might have been one of two people, and what I am suggesting to you ties in with that. --- That is correct. As I've said from the beginning we do not know if it was his sister or his girlfriend. I never disputed that. As I said, there was somebody, but I could not tell how they were related.

MR GOVENDER: Sergeant, now you say to me that you can't remember whether you were there on Friday morning or not. Your pocket book doesn't reflect any entry to that effect. --- That is correct, but I could have been there before eight in the morning. Nothing would have stopped me from going there before eight. As I said, I went on duty at the Unrest Unit at eight. I could have been there at 7 o'clock. I cannot dispute that. But it's possible that I also didn't go there,

and I cannot remember.

(Inaudible) ... at a meeting on Friday morning where a number of people involved in the investigations had met at Murder and Robbery. Were you present at that meeting? --- No, Sir, I was not at a meeting at any stage.

It was a meeting, according to our information, where it was alleged that the - a decision was taken to kill Roy Ngcobo. --- I do not know anything about that. I had no insight, and I dispute that I knew

/anything
anything about it.

Did you know that Roy Ngcobo was taken to the scene of the crime on that Friday morning? --- After the shooting took place I learnt that he was on his way to go and make - do an identification. That's what I found out.

Did you know that he was going to be taken? ---
No, I did not know, Sir.

(Inaudible) ... how the investigation was progressing? Did you not perhaps ask Chandler on that Friday morning what was happening with the investigation? --- In all honesty, Sir, I cannot remember that I would have asked him, or whether I did ask him. It is possible that I did ask him, but it was not known to me at any stage that he had gone to do an identification. It's thereafter that I learnt that they were on their way to do an identification.

Now, the official version as to why Roy Ngcobo was - or how he was killed was that he attempted to shoot - he had taken hold of Chandler's gun and attempted to escape, and he was shot. That's the official version,

the police version of how he came to be killed. ---

That is correct, Sir.

Do you accept that version? --- Sir, according to the inquest it was found that Warrant-Officer Chandler could not be held accountable, and I accepted that that is what happened. I cannot dispute that or say that that was not the case because I was not present there.

And I take it you know nothing to the contrary. You believe that is what happened, and that's all you know. --- That is correct, Sir. I also learnt later that some or other - there was some or other testimony about a hit

/list on list on which there was a list of names, and my name was one of those names. That's what I found out later.

Where did you find this out from, this hit list?

--- I cannot say who told me, but, you know, as people were talking afterwards we heard about the hit list. I don't know if it was mentioned at the inquest.

I speak under correction that where mention was made about the existence of such a hit list.

Did you ever see the hit list? --- No, Sir, I did not.

You see, Sergeant, our information informs us that in fact you were present throughout the interrogation, that you took an active role in that interrogation. -

-- I deny that very strongly, Mr Chairperson. I was not there with the interrogation at all.

(Inaudible) ... present at a meeting on the Friday morning, the 16th, where ... (intervention)

CHAIRMAN: Your pocket book agrees with that version.

Your pocket book says you were busy with the interrogation, and our information is exactly that. Don't you find that a bit strange? And you're now saying that ou were not in any way whatsoever involved in this thing. --- That is correct, Sir. I stick to my version that I was not involved in the interrogation at any stage.

Your pocket book says exactly what our information says. --- As I said earlier, it's possible that it's just the wording which is wrong. That is only plausible explanation I could give.

(Inaudible) ... write, "I helped with the interrogation." How can you confuse the words? --- What should have stood there is that, "I assisted with the
/investigation."
investigation."

(Inaudible) ... you said to us what it should have said is, "I was present at the interrogation." --- I was present there.

Precisely. --- Present on the premises. I was there, but I was not in the room where the interrogation was taking place. I was on the premises.

(Inaudible) ... between assisting and being present, isn't there? --- I was present, and I assisted them in the sense that they said to me, "Go to his house and go and fetch the clothes." So I assisted them with the investigation, but I was also present.

Is there or is there not a big difference between helping with the questioning and being present with the questioning? --- There is a difference, but as I already said it is possible that I just used the wrong

wording, but at no stage did I assist with the interrogation.

MR GOVENDER: (Inaudible) ... is that you were present at a meeting on Friday morning, the 16th of March 1990, where a decision was taken to kill Roy Ngcobo. --- I deny that most strongly.

You don't deny the fact that you were at the Murder and Robbery offices on Friday morning. --- As I testified earlier I might have been there, but I didn't say I had been there. On Friday morning my pocket book says, "08:00 On duty." That means that at 8 o'clock I was on service. "08:30 Left unit for Richmond." There I said I went there to go and testify, but I never testified. In other words I also used the wrong words there.

/Sergeant,

Sergeant, you've suggested, rather than me, that you may have gone to the Murder and Robbery squad before 8 o'clock, and no such entry has been made in your pocket book. That was to explain how you had come to know that Roy Ngcobo had made a confession. You suggested that. --- That is correct. If I remember correctly you asked at what stage I had heard that he had made a confession. I said it might have been the Thursday or the Friday morning. I didn't say I had been there. I said it might have been. I might have heard about it Friday or Thursday. According to my pocket book I went off duty Thursday at 5 o'clock. If he had made a confession I would have had to go to his house and heard it personally.

CHAIRMAN: Sergeant that's the most absurd statement you've ever made. The man was in custody. You wouldn't

have gone to his home to find that out. --- I am referring to Chandler, to hear from Chandler whether or not he had made a confession. I must have heard that from a policeman. That's what I am saying.

(Inaudible) --- No.

(Inaudible) ... other time would have been some other point. --- That's why I am saying before 12 o'clock, when I went I must have heard it. I don't know at what stage I heard that. I do not know when Ngcobo had made a confession, whether or not it was 1 o'clock, 2 o'clock, when I wasn't there, if it was before I left. I can't answer the question, except if you know the time he made the confession.

You see, what's difficult to believe, Sergeant, is here you have a situation where your commander - and to all intents and purposes, and by the manner in which you /speak speak about the man it would suggest that you had tremendous respect for Major Terblanche. A man who was your commander had been killed. You spend from nine to 12 on the 15th, according to your version, observing - or not involved in the interrogation, but hanging around the offices of the Murder and Robbery squad, and you tell me that you would not have had an interest on a continuous basis to find out whether Roy Ngcobo has made a confession or not, that you had not inquired during the course of the Thursday the 15th, or the Friday, to find out whether the man in fact has confessed. And you suggest to us that you cannot remember an incident like that, a major incident in your life. --- As I have already said it was accepted that he had made a confession. I cannot tell when he did it. It was

important to know, but I can't give the time and the date when he made a confession. I can't tell you. I never saw the confession. I don't know if he did make a confession.

(Inaudible) ... for your lack of memory, Sergeant, is simply that our information has it that you were present when a confession was made. You were present in the interrogation, and when Roy Ngcobo was confronted with this uniform that had bloodstains on it that you had brought back from Sweetwaters he then confessed to the killing, and you were present. --- I deny that.

I deny that I was there with the questioning. The fact that he had made a confession after I had brought the clothes there I don't know. The fact that he had made a confession I heard, but I never saw it. The fact that he had made a confession after I brought the clothes, I can't answer that. It might be so, but I don't know. I have no

/knowledge

knowledge thereof. Then it must have been before 12.

Just coming back to the entry on the 15th, the one relating to Brigadier Marx, you have said - and you confirm there is no error of that entry, that is what happened on that day, otherwise that entry would not have been made in your pocket book.

CHAIRMAN: Can I add something to it? You also said that was probably the first time you'd ever driven him anywhere and so that's why you remember it so clearly. That's what you said earlier in your evidence. --- I cannot say in all honesty. What I did say was that it would be very seldom and very rare that I had driven him around. It might have been the first or the second time

if I did drive him around. And because my pocket book says so I expect that I would have.

(Inaudible) ... event. You hadn't done it many times before, at the most once before then, and that's why you were able to confirm it, because it sticks out in your mind as something unusual. Correct? ---
That is correct.

MR GOVENDER: You see, Sergeant, you'll be - well, Brigadier Marx was at a section 29, and he denies being at the investigation on the 15th or the 16th. He in fact says to the Commission that he was off sick at home on those two days, and he denies that you took him anywhere on that day. What do you say to that? ---
I stick with my entry. I wouldn't have taken him there if I didn't take him there. Why would I have entered this note if I hadn't taken him?

(Inaudible) ... say that in fact this entry is a lie. --- Well then, I can say that the man hadn't been

/on leave.

on leave. I wouldn't have made an entry about something that is so unique, as the other Commissioner said. If I said that I had driven him around that must have been the first or the second time that I would have taken him anywhere. Then I would say that he is lying and that he had been there, and that this entry - if I had made this entry I would have done this. There's no reason why I would implicate him if he hadn't been there. What possible reason could there be?

Well, if General Marx is denying that is he lying, would you say?

CHAIRMAN: He's said so already.

MR GOVENDER: I'll move on to something else.

CHAIRMAN: Can I make a suggestion? It's now 10 past one. Maybe we should take a lunch adjournment, a short one, not a long one, and let's reconvene at 20 to.

MR GOVENDER: Quarter to.

CHAIRMAN: Quarter to?

MR GOVENDER: Ja.

CHAIRMAN: It's up to you, but then we'll deal with your new area then.

MR GOVENDER: Ja.

CHAIRMAN: Thanks.

LONG ADJOURNMENT

/ON RESUMPTION:

ON RESUMPTION:

WILLEM ABRAHAM DE WET (Still under former oath)
(Through Interpreter)

CHAIRMAN: (Inaudible) ... apologies for the delay. Sergeant de Wet is still under oath. Mr Govender, continue please.

MR GOVENDER: Mr Chairman, I intend moving to a new area. If the Commissioners want to deal with some of the questions they may have in the last incident we dealt with? (Pause) Sergeant de Wet, I want to move on to the matter of the torture of Bonginkosi Zondi, incident four. (Pause) Now, Sergeant, you're familiar with this incident in so much that it was a subject of a court application by Bonginkosi Zondi and another. The allegations are that - well, the allegations in terms of the application's founding affidavits are - set out basically three separate incidences in which it is alleged that you, together with other members of your unit, were involved in the abduction and assault of Bongani Zondi. Now, in terms of your replying affidavit in that matter you've denied that incident one, which I will deal with now, ever took place. In incident one it is alleged that on the 14th of August 1989 Bongani Zondi and Mboyi Zondi, Thulani Ndlovu and Mlungisi Zondi were proceeding to a supermarket in the area of Imbali, near the Imbali Service Station, and that near the supermarket they were stopped by yourself, together with other members of your unit, and that you were in a red Husky, and that Mboyi Zondi was called by Rambo, and we've heard earlier on that Rambo was in fact Delport, is that right? --- That is correct.

That Thulani Ndlovu and Bonginkosi Zondi were

pushed

/into the

into the kombi, where Zondi was struck a number of times with a sjambok, punched with fists, and questioned about the whereabouts of his brother. They were then driven to Alexandra Park, where Zondi was taken into the dressing room beneath the stands. Rambo tubed Zondi. He fell to the ground unconscious. When he regained he was kicked by Rambo, and that you placed a tube around his face and again he lost consciousness. When he came to he was struck by Mchunu, one of your members of your unit, with a shotgun butt in the middle of the chest, and that he screamed because of the pain. He was asked about a firearm, which he replied he didn't have any, and that he was, as a result of the assault coughing blood. He was then taken to the kombi, and Thulani Ndlovu and Zondi - sorry, Ndlovu was released and Zondi was taken to the Hammarsdale Police Station while being forced to lie on the floor of the vehicle. And at Hammarsdale he was assaulted again by Rambo, who punched him several times in the face, and again the tube was placed over his face and he fell to the floor. This was done twice. He was locked in the cells at approximately 16:30. A policeman fetched him. He was still coughing blood. He was then taken back to Pietermaritzburg in the same kombi and returned to his home. His house was searched while he was still in the kombi, and he knew he was home because he could hear his mother talk. He was then released near the Funluwasi Lower Primary School, about three kilometres from his house. He was then taken to a Dr Maharaj, who examined him, and according to the medical report he had sustained a number of

injuries, namely a 6cm linear weal on the left shoulder blade, a 4cm linear weal over the left shoulder,

/a 2cm

a 2cm x 1cm minor bruise over the lower posterior chest wall, tenderness of the breast none, and so forth, and the conclusion of the doctor was that in fact this was consistent with sjambok injuries, and also the injuries were consistent with blunt trauma, but all the injuries were of a minor nature. Those are the allegations, Sergeant, that appear from the court records. What is your response to that? --- As I said in my affidavit, I maintain what I said there. I deny that I ever picked him up on that day.

(Inaudible) ... on that day? Are you aware if any of your fellow colleagues in your unit had picked him up on that day? --- I have no knowledge that any of the members who worked with me in that vehicle ever picked up the person on that day.

(Inaudible) --- I have no knowledge.

Now, it's quite clear, Sergeant, from the application and the medical report that this person did in fact sustain certain injuries. There's no dispute about that fact. --- That is correct.

His allegations are that he sustained those injuries as a result of his abduction and assault by you and the members of your unit, and you refute that. --- That is correct.

Do you know Bongisani Zondi, or did you know him prior to this application, sorry? --- Yes. I didn't know him personally, but the members who served under me knew him.

And was he an individual that was under

investigation by your unit? --- That is correct. He was arrested on two or three occasions after that, and he

/was also was also charged.

For what was he arrested and what was he charged for? --- I have it here in front of me. I think it was murder and theft of a firearm - robbery. What happened with the case I don't know. I don't know if he was found guilty or not guilty.

CHAIRMAN: Do you know Gwanzo Zuma at all?

INTERPRETER: Sorry, I didn't get the name. Just repeat the name please.

CHAIRMAN: It's Xiso Zuma, sorry. --- I know him, and I have arrested him on a previous occasion.

(Inaudible) ... charged with the attempted murder of Xiso Zuma - this Zondi, when he appeared in court finally. --- I have no knowledge of that. I don't know what he was arrested for. He was arrested for murder, but I don't know if it was on Zuma, and I don't know if he had ... (intervention)

(Inaudible) ... Zuma because he's still very much alive even at the moment. --- That is correct. Zondi is dead, but Zuma is still alive, yes.

MR GOVENDER: Are you aware that the charges were withdrawn? Are you aware of that? --- Yes, at a later stage we heard that the charges were dropped. I do not know how long after the incident that was, how long after he was arrested. I have no knowledge thereof.

Were you responsible for his arrest? --- Yes.

On two or three occasions I was responsible for his

arrest. That is our kombi, the red Husky.

How did it come about that you became responsible?
Who was this request made by that you should arrest
him? --- There are affidavits and statements in here.
If I

/can go
can go through them I will be able to tell you, if you
want me to go through it quickly. It was at the request
of one of the investigating officers that he was
arrested on both occasions.

Do you know the name of the investigating officer?
Do you just want to - you can check that. You can
check through that, yes. (Pause) --- Vincent
Johannes Khanyize. He's a constable.

(Inaudible) ... is he? And that request was made
of your unit to arrest Zondi. --- That is correct.

And the allegation - he was arrested for
what? What was the charge going to
be? --- I can read it to you.

"(Inaudible) ...Thulani
Mtshali ... (inaudible) ... murder was
committed on 9 September 1989. I am
also the investigating officer of
CR297/6/1989, the charge of attempted
murder of Xiso Zuma, which crime was
allegedly committed on the 11th of
June 1989."

It's two cases. (Speaking English)

He was arrested in respect of two cases, an
attempted murder and a murder, the murder of Mtshali.

--- That is correct according to ... (intervention)

CHAIRMAN: I thought you said to us earlier in your

evidence that you never investigated cases, that you were never the investigating officer, that you were simply there to pick up people and hand them over to the Unrest Investigation Unit. It was that from time to time you might have followed up certain aspects, but you weren't the investigating officer. That was a specific detective task that you wouldn't have been given. Now here in an

/affidavit

affidavit you're saying something completely different.

Please explain this to me. --- Sir, this affidavit is by Khanyize. (Speaking English)

My humble apologies. I thought it was your affidavit you were reading from. Humble apologies. -

-- Have you got the page there? I can give you the page.

MR GOVENDER: What page is that? --- It's 123.

Of whose affidavit? --- Vincent Johannes Khanyize. That's after Shabangu's statement. After Mchunu as well. (Speaking English)

And that instruction or request was made to you.

--- That is correct.

That you were to arrest Bongani for these charges.

--- That is correct.

So, when you went to arrest Bongani you then were aware of the fact that he was wanted for attempted murder of Zuma and the killing of Mtshali. --- I cannot say that I specifically knew that it had been Zuma and Mtshali, but that they were searched for on two charges of murder was a fact, but I was only looking for a suspect. It didn't matter who the complainant was. We didn't go on the complainant's names. I was just

looking for a suspect on murder and attempted murder, and I was looking for him.

So in this particular instance, Sergeant, when you arrested Bongani were you informed - this request to arrest them was made to who in your unit from the investigating officer? --- The request came from Constable Khanyize to the unit, or to Mtshali. Most people were known to Mtshali and Bhengu, therefore the request was addressed to them, or us, or perhaps to myself. We had a list on which the names of the suspects

/were put.

were put.

In this particular one were you informed by who that you had to seek and arrest this person for those charges? Were you personally informed? --- We were requested by Khanyize to arrest this person. He could have told me, it could have been on the list, but I do believe that the request would have been addressed to me.

You were commander of the sub unit, weren't you, Sergeant? --- That is correct.

(Inaudible) ... the unit will undertake any request like that you ought to know of these before you can make the arrangements for these operations to be undertaken. Isn't that so? --- There were never - we never talked about operations. We had a list of names, and as we were searching for specific people it doesn't just take five minutes. You can find somebody in two or three days perhaps. You can drive past a suspect or an accused and then arrest him. It was not a matter of us going out and trying 24 hours a day to find

him. If we didn't find him we tried the next day, or the day after that. As the information was followed up we did pick him up at some stage, but we didn't get a specific order to spend all our time on that.

You were personally involved in the arrest of Bongani, weren't you? --- At the first incident, yes, I was involved in the arrest. And the second one was at a bottle store, but that was done by two of the members.

So, on the first instance where you were involved in the arrest of Bongani you had information. Can you remember from who, whether it was from your members of your unit, or from Khanyize directly, where a request was

/made for made for you to arrest Bongani? Who made the request to you as commander of the sub unit? --- It must be Vincent Khanyize who said that a certain suspect is being searched in connection with a particular murder. 10 to one he was on the list. Information was followed up and the man was arrested by the red Husky.

Was that request made to you personally, or who was it made to within your sub unit? That's what I want to know. --- I believe to me. I believe the request was made to me.

A request was made to arrest this man for murder, and you were given the details about that arrest or that crime. --- It was just said that a certain person is being searched for murder, and given the MI number. Thereafter we arrested him and kept him on that MI number, and he was - the matter continued.

When you arrest someone don't you inform them as

to what charges, or on what incident, what crime you're arresting them for? Do you not do that? --- That is correct. That's why I said it was for murder or attempted murder. And I believe we did tell him he is being arrested for murder and attempted murder, and he was arrested and he was kept in the cells.

Did you tell him for whose murder and whose attempted murder you were arresting him for? --- Sir, no. As I said to you, we worked off a list 90% of the time, and the accused or the complainant's details weren't always available. So, you said to somebody, "We're arresting you for murder." We would keep the person, and the investigating officer would do the rest. All they expect from me is a statement.

/CHAIRMAN:

CHAIRMAN: But with all due respect, Sergeant, we all know the law. You know the law. When you arrest a man you're supposed to tell him in respect of precisely what offence you're arresting him, precisely what the details of that charge are. You know that. You're in fact supposed to read him the Judge's Rules. As a policeman you should know that. That's your standing orders. Correct? --- That is correct.

(Inaudible) ... in the course of your duties.) Because clearly you didn't. You couldn't have. You didn't know the information. --- It's clear, because I did not have the information. All I knew was that the man is being wanted for murder. I was informed of the charge against him, and the investigating officer was supposed to do that for them. It may be unlawful, but that is how we operated. That's how the people were ... (intervention)

(Inaudible) ... rules and standing orders? ---

Then I had to.

(Inaudible) ... modus operandi. --- That ...

(intervention)

(Inaudible) ... in fact. --- That is correct.

But I cannot warn the man when I don't have all the details.

(Inaudible) ... have that information. --- But we did. He was arrested and he was detained and there was never a problem.

(Inaudible) ... acting unlawfully. The fact that you didn't have a problem doesn't make it right. Is that correct? --- That is correct.

Okay, carry on, Mr Govender.

/MR GOVENDER:

MR GOVENDER: So you and your unit went around, Sergeant, picking up people that you had on a list, and you say, "I am arresting you for murder, I am arresting you for attempted murder," without those people even knowing what murder they're being arrested for, whose attempted murder they're being arrested for. Did you go around doing those sort of things? --- That is correct, Sir. That is what we did. That is how we operated.

So you were given a request, or a request was made by an investigating officer, "Go and arrest X, Y and Z on charges of theft." You went along as a policeman and you arrested them, without even affording them any rights in terms of the Judge's Rules, or any other rights. --- I cannot deny that, Sir. That is how we operated. It is basically to carry every docket with you. Do you think that if there were 100 people on the

list I'd have been able to carry 100 dockets around with me? So I cannot deny that that is how we did it.

(Inaudible) ... be reasonable if you then went to arrest somebody, and you said, "I am arresting you for murder," and they turned around and said, "Whose murder?", and you didn't know, and they then would to some extent resist arrest by yourself because you don't know any information about the murder that you're arresting them for. Wouldn't it be reasonable for somebody to do that in those circumstances? --- Sir, I cannot answer that question by saying that is not what happened. That is what we did, that is how we went about it, and that is what we did. I cannot give you any other explanation than what I have already given you.

Was there ever an occasion where people in fact /resisted resisted arrest, or were reluctant to join you in your red Husky? --- No, I do not think I have ever experienced such a problem.

You've admitted the - have you got a copy of your replying affidavit there? --- Yes, Sir.

Page 21. That's the typed page, not the index. Have you got that? --- I do have it before me, Sir.

Paragraph 6.9. Would you read that. It's ad paragraph 30. Have you got the right one? --- Yes, Sir. I just want to read it.

Could you read it aloud for the record. ---

"I do not know about what the investigating officer said to the applicant, or what was said in court.

At the time of the arrest I did not

know what the complainant's name was,
and could not convey it to him."

So that is consistent with what you are saying now, that you did not know the name of the complainant when you arrested people. --- It is possible. That is why I said they were more familiar to the black members. And, as I said, I did arrest him on two or three previous occasions.

CHAIRMAN: Sergeant, your evidence so far is that you guys didn't know who the complainants were, all you had was a case number and a name. That's how you worked. -- That is correct. As I've said, I did not know who the complainant was. As I said, I did not know who the complainant was.

MR GOVENDER: Did any of the members of your sub unit know who the complainants were? --- Sir, I do not know

/if any
if any of them knew who the complainant was, but - I know the complainant, but at that stage I did not know who the complainant was, but I know the complainant now.

I would be able to identify him if he was to be brought before me.

The murder of Mtshali, was Mtshali the brother of Mofiki Mtshali, a member of your sub unit? --- Mofiki Mtshali was a member of the unit. He was a special constable.

(Inaudible) ... Zondi, was he the brother? --- I really don't know. I cannot tell you now whether it was his brother or not. It is very possible. It's highly likely, but I don't know.

When you arrest Zondi was Mtshali, the member of

the unit, with you at the time that you arrested Zondi?

--- It's highly likely that he was. I do not have any records saying that he was there, but I believe that he was there. I speak under correction.

When Zondi was arrested did Mtshali question him?

--- I do not know who questioned him. I do not know if we detained him or if we handed him over directly to the investigating officer, but according to this it seems as if I handed him over directly to the investigating officer. So I cannot say that Mtshali questioned him because, as I say, we did not question people. We found them, we handed them over.

Okay. I want you to describe to us, Sergeant, how it came about that you arrested him. Not why you arrested him, but how, the sequence of events that took place when you arrested Bongani Zondi. --- I have arrested so many people, and to ask me to explain to you specifically how I arrested this man, I can't. I cannot tell you how.

/we - what we - what we did. I cannot tell you which street he was. He mentions a shop where we found three people, but I really cannot tell you how and in which manner we arrested him, whether we drove past him and received information.

(Inaudible) ... Sergeant, with this one is that this has been the subject of a court application, in which the allegations made by Bongani as to how he was arrested on the second incident, you answered that. You gave instructions to your attorney to answer that, right. You must have remembered. It must stick out in your mind as to how you answered his allegations as to

how it came about that he was arrested on the second incident. --- Sir, I can read my statement and then I can give you more clarity as to how and where I arrested him, but it was in 89/90, so I don't think it's set out here how we went about it.

MR LAX: Why was a policeman, whose brother was allegedly murdered, part of the investigation? That's highly irregular. --- I cannot answer that question, Sir.

You were in charge of the unit. Why did you allow that to happen? --- That it was the brother? As I said, I wasn't even sure that it was the brother.

(Inaudible) ... known. You may not remember that now, but at the time you would have known it was his brother. Correct? --- No, I deny that I would have known.

Here is a man in your unit whose brother is murdered. Don't you know when the relatives, especially the brothers, of your own members are murdered? You don't know about that. It is his brother, yes. It's common

cause that it was his brother. --- Well, let me tell /you I you I didn't know it was his brother. (Speaking English)

I am telling you it was his brother. You can rely on me telling you that. Now, do you remember Mtshali?

--- Yes, I remember him well. (Speaking English)

Well, his brother did die. You remember that? -- I cannot remember that his brother did die, but it's possible that he did die, because I know Mtshali also died. (Speaking English)

His brother died, and you guys were involved in investigating the murder and trying to find some of the suspects. And the question I want to ask is why was he involved in trying to arrest the suspects of his own brother's murder? That's very irregular. --- Why not?

Because he's personally involved. He can't exercise a fair, reasonable judgment in the matter. That's why. It's normal practice if - for example, even your own unit shouldn't have been involved in the investigation of Terblanche's murder. You're too close to the issue. That's why another unit did it on the face of things. --- Sir, at the time I was still a young policeman, and it's the first you are saying it to me now. It makes sense now, but nobody said it to me. I even did the investigation of Mtshali. I investigated the matter where my member was killed. Nobody said to me that it was irregular.

MR. GOVENDER: If you can have an opportunity just to read that now. (Pause)

CHAIRMAN: Mr Govender, are there some important points you wish to make in connection with this investigation?

Sergeant de Wet has said that he knows nothing whatsoever about the allegations made against him, and he's given us

/some
some background as to who this person was and how he came to be arrested. I am just concerned that we've dealt with one and a half incidents today, and I am not quite sure how many more we're going to get through and how long it's going to take us.

MR. GOVENDER: I don't think we'll be too much longer on

this incident itself, which is the matter about the Mtshali ... (inaudible) (Pause) Sergeant, are you having any luck finding anything? --- No. No, I haven't had any luck.

Are you, Sergeant ... (inaudible) ... the allegations made by Bongani in his affidavit as to what happened in the second incident, how it came about that he was arrested? Are you familiar with that? Do you know - have you read the papers regarding that recently?

--- Sir, no, but if you could shed some more light on the topic for me I might be able to answer.

Just in summary, in summary form, the allegations in the second incident by Bongani and the other are that on the 29th of September 1989 he was walking with friends in Pietermaritzburg when he met Dumisani and Mofiki Mtshali. These are two members of your unit. They allegedly forced him ... (intervention)

MR LAX: If I can just correct you there. Dumisani was never a member of the unit. That's been his evidence so far. --- That is correct, Sir.

MR GOVENDER: He was a ... (intervention)

MR LAX: He was an informant.

MR GOVENDER: An informant. Okay, I stand corrected. They allegedly forced him to accompany them to a nearby shop, where they phoned you. --- That is correct, Sir.

/Is that

Is that correct? You received a phone call from them. --- That is correct.

And that you arrived about 10 minutes later in a bakkie. --- My private vehicle, yes. I don't know what time, but I did arrive there.

MR LAX: I asked you whether you ever used a bakkie to do your work. You said no. Here you're conceding you used your own vehicle, which was a bakkie, for that purpose. --- Sir, that was on one occasion where I used my private vehicle. When you put your question I understood it to ask what kind of police vehicles.

You still said no, but you remember using a Toyota Corolla sometimes. --- Well, I understood the question to be asking in the context of police vehicles, and on this particular occasion I used my private bakkie, and I picked it up while I was reading these documents. It's such a long time ago that I couldn't even remember.

MR GOVENDER: By the way, why did you have to use your private bakkie on that day? --- Sir, I cannot answer that question. I think that Constable Delport must have had the State vehicle. It could have been at the garage or something. I cannot answer that question in all honesty. I can just say that I read it here about my vehicle. I did use it, but I cannot tell you where the State vehicle was. It could have been with Sergeant Delport. As I said, I later went to his house to go and pick him up as well, so possibly the vehicle was there while we went there, or possibly I used my own vehicle. I really cannot answer that question.

(Inaudible - end of Side A, Tape 3) --- I just want to read here. I don't think it was at Loop Street, /I think I think I went to fetch him at his house. I believe I went to - yes, I say that I fetched him at his house. From his house we went to Plessis Avenue.

INTERPRETER: Oh, Plessis Primary. I heard it like

Plessislaan. He needs to put up the volume. (Pause)

MR. GOVENDER: So you say it wasn't Loop Street, that you in fact went to Rambo's house and picked him up. -

-- Would you please repeat that question.

You say you went to Rambo's house and not to Loop Street. --- According to my statement here I said that I went to Constable Delport's house. From his house we went to Plessis Primary.

The allegation is that Mofiki Mtshali accused Zondi of killing his brother, that's Mtshali's brother.

--- It is possible that he could have accused him.

Can you not remember whether this happened or not?

--- Sir, I do not know at which stage he would have threatened him or asked him about the murder on his brother. If you could just give me some clarity as to which stage it happened.

(Inaudible) --- Yes, I believe that I was present most of the time, but I believe that if they spoke to each other they'd have spoken in Zulu, and as I said earlier, I was not conversant in Zulu. So if they did argue with each other I would not have known about it.

Did you not see Mtshali push him to the ground and tell Zondi that he was going to use his firearm to kill him? --- No, I do not know, Sir.

Zondi was asked by Mtshali about details of the vehicles that were used in the killing of Mtshali's brother. Do you remember anything of that nature? ---

/No, I No, I cannot remember. He never informed me about it if he did question him at all.

Zondi was then, you said, taken to Plessislaer, is

that right? --- According to my affidavit that is so.

And his fingerprints were taken and he was then officially formally charged for murder, is that right?

--- That is correct. The fingerprints I don't believe were taken by us, but rather by the investigating officer, and he was charged by the investigating officer, not by us.

And then he was locked up in the cells. --- Yes, I believe so.

Now, on Sunday the 30th of September, about 15:00, Rambo arrived and took him to the Mountainrise Police Station, where he was put into the cells. Do you know anything about that? --- That is correct, Sir. I read it here in my affidavit. And I maintain that we were under the impression that his time would have expired and he would have been released Sunday afternoon without the investigating officer having charged or questioned him.

But he goes on to say, Sergeant, that the next day yourself and Rambo fetched him in a grey and white kombi, and that Mofiki and Dumisani were also in this kombi, and that Dumisani was in fact wearing a Balaclava. --- Sir, I cannot deny that we probably took him out the following day. If he says so then we probably did. But that Dumisani would have had on a Balaclava on, I cannot see the logic in that because he arrested the man together with Mtshali. Why would he then have worn a Balaclava? He goes on to say that he was interrogated about the gun, and he was taken to an area that he couldn't identify,

/where

where he was choked by Rambo and he fainted. --- I deny that we tortured or tubed him in any way. The man had already been arrested.

He said that you were very ... (intervention)

CHAIRMAN: Sorry, if I could just intervene there. The fact that he was arrested is irrelevant to your questioning him, and the reason why people were generally tubed - although you deny you ever saw it happen - was that they weren't co-operating when questioned, and you people wanted information from them.

We've had numerous witnesses appear before this Commission, voluntarily and otherwise, who've admitted that the police, and elements within the police, regularly used the tube method. And some of them aren't amnesty applicants, so they've got a reason to tell us what we want to hear, they're just ordinary people giving us information. So the logic of your last statement simply doesn't hold. Will you concede that?

--- All I can say then is that we did not tube the man, we had no reason to tube him, and I maintain what my statement says, that we did not tube him, and I was not part of assaulting him.

MR GOVENDER: (Inaudible) ... been present when he was tubed. Nothing of that happened. Is that what you're saying? --- That is correct, Sir.

And if you picked him up from Mountainrise Station where did you take him to, or what did you do with him?

--- I think if you read a bit further you will see that the man said he was prepared to point out a firearm. We took him, could not find the firearm, and then we took him back and kept him in the cells.

Bongani Zondi is dead, isn't he? --- That is

/correct,

correct, Sir.

(Inaudible) --- I have no idea.

Are you familiar with the third incident that he sets out in his affidavit? --- Could you just tell me which incident that is?

The incident of the 25th of October 1989, where he was arrested outside the Pietermaritzburg Magistrate's Court. --- That is correct. I can remember it. I read the statement where I said that we took the man away, and then we explained to his mother or his granny that we were taking him for questioning, and that we dropped him later.

He was picked up outside the Pietermaritzburg Magistrate's court on that day. --- That is correct, Sir.

(Inaudible) ... Mtshali to summon him to you because you wanted to speak to him while you were sitting in the red Husky. --- That is correct, Sir.

And that a certain Mrs Zondi intervened when he complained to her that you people were trying to arrest him. --- That is correct, a black lady did speak to me, and I informed her and explained to her that we were just taking him away for questioning, and that we would bring him back and drop him off, and that is exactly what we did.

On this occasion, Sergeant, he was accused of taking a firearm from a policeman by the name of Shezi.

Do you know anything about that? --- That is correct, Sir.

So this was a further request or complaint about Zondi, is that correct, that he had stolen a firearm

from Shezi? --- That is correct, Mr Commissioner.

/You got

You got this request also from the investigating officer in this matter, the matter of the theft of the firearm. --- I believe we would have received it from the investigating officer or from the person from whom it had been stolen.

Do you remember independently whether - who this person was that requested you to arrest him for that crime? --- No, I am not 100% certain. Possibly if I read it, if I read through this thing I might be able to come up with more information.

(Inaudible) ... and that he was taken to Imbali, and that on his way he was told that he might be pushed over a cliff in Hammarsdale, like others who disappeared without a trace. Do you know anything about that? ---

It is possible that the blacks could have said that to him. As I said I am not conversant in Zulu, and it's possible that they spoke to him and asked him certain questions. So I cannot answer that whether they said that or not. I did not hear them tell him that we are going to throw him down this cliff in English.

Well, this allegation was made in the court papers. Obviously your lawyers would have answered that allegation. Did you tell your lawyers what you are telling us now, that it's possible that the black policemen could have made that threat? --- I cannot say whether I did. I do not even know if I was asked. I do not know what the black people's statement was, or what was contained therein. But, as I've said, it is possible that they could have said it, but I cannot say in all honesty whether they said it or not. \

Is it correct that another youth was arrested on the

/way at way at Injuba - at Injuba Road? --- No, it is iJuba - at iJuba warehouse, where he was arrested for housebreaking and theft.

Is it so also that they were asked to direct yourselves to a certain shebeen? --- I do not know if he took us to a shebeen, or if we found the shebeen on our own initiative or information, but I cannot say he took us there. I believe that we knew that there was such a shebeen.

Did you confiscate any liquor at that shebeen? -- Sir, I confiscated liquor on several occasions, and in regard to this incident I cannot say whether we did confiscate liquor or not. But if you look at the records the SAP13s will reflect the dates as to whether alcohol was handed in or not.

And were they then taken to Pentridge Corner? -- If I said that in my affidavit we did take him there.

(Inaudible) ... said that. I am saying these are the allegations of what happened in the third incident, that they were then taken to Pentridge Corner and identified by a Detective Mchunu, also known as McGyver.

--- Mchunu and McGyver are the same persons who worked with us in the vehicle, so under which circumstances we took them there to identify him if they were members of my unit I don't know.

On this occasion was the intention to arrest him?

--- I won't be able to say if that was the intention, but I expect that we wanted to question him

about the firearm. There was no evidence in that regard, but this black man was willing to help us and that was why we approached him.

/And he

And he was then eventually - they were eventually - he was then eventually dropped at a school, Ekuhayani School. Do you know anything about that? --- Yes. We dropped him at that school, as I said, or wherever we dropped him. It was usually at the request of the person himself, or the person we arrested, to protect his identity. If we dropped him at his house the people would have thought that he was an informant, and at his request we dropped him at certain places - or them at certain places.

And was he told that he had to stay at home because you would be returning that night? --- I believe in that instance he was told that if we came back at 10 o'clock he would be able to help us, in that he would have more information so we could arrest somebody or the other. But for me to tell him to come back at 10 o'clock, if he didn't want to help me, would be a waste of time, so he would have had to give some sort of an indication that he was willing to help us.

You see, Sergeant, much of what are the allegations against you as to what happened in the third incident seems to be common cause, of much of what happened that day, except for the fact that you can't remember whether he was threatened or whether he was assaulted. Everything else seems to common cause, as to where he was picked up, and what happened, and where he was dropped, and so forth and so on. --- That is correct. As I have already said, at no stage did we

assault him. There was no reason to assault him.

Just one last aspect of this area. You categorically deny that Zondi was arrested on the first /occasion, occasion, that's the 14th of August. --- That is correct.

At the time when he sustained injuries that have been - at the time that he was examined by a doctor, or there's a medical certificate to establish in fact that he had sustained certain injuries. --- That is correct.

You maintain, as you did previously, that the reason these interdicts were brought was to get rid of the police from the area. --- That is correct.

And you maintain that Bongani went to the extent of having injuries inflicted upon himself in order to get a medical certificate to ground an application for an interdict against you just for the purposes of getting rid of you from the area? Is that what you are saying to us? --- That is correct. There was another interdict brought against us. It was refused in the Supreme Court. The fact that he had been assaulted cannot be denied. He might have been picked up by the other members.

(Inaudible) ... unit? --- Not my unit, but the unit who worked with us. Other policemen, another kombi, but not the red Husky.

CHAIRMAN: You're saying that he may have been picked up by your other unit. How many kombis were working at that time? --- There were three kombis working. It is highly likely that he might have been picked up by somebody else and that he is now implicating me.

(Inaudible) ... accused of these things didn't you check with your other unit whether they might have picked him up? --- No. I cannot say. These interdicts came about two months after - or three months after we arrested him then the interdict came, so I am not aware of who or

/what was what was involved. The first thing that happened was I had to make affidavits. The accusations were always against us. It's difficult for me to answer that question honestly. I can't say. Even if I did find it out they would have denied it in any case, who would have been able to say that I did assault him,

(Inaudible) ... was to get rid of the police from that area then it would have been important that no police were involved in this assault on him. Isn't that so? (Pause) If the purpose of these interdicts was to get the police out of the area it would have been important for you to make sure that no police assaulted him. Not just you, but no police. --- Just the fact that he had been assaulted we can't deny. The fact that he was assaulted can't be denied.

(Inaudible) ... that he might have been assaulted by one of your other units who might have arrested him.

--- That is correct.

What I am saying to you, if the object of the interdict was to get the police out of the area, which is what you allege, then it would have been important that you follow up whether other police might have assaulted him or not to cover yourself. --- I don't know how to answer the question.

Didn't you follow that up? --- No, I didn't,

because in Zilwane's case I wasn't even there, but they still maintained that I was there.

You were involved at some stage. That's obvious.

--- That is correct, with the arrest. I have never denied that.

And you yourself say it might have been one of your

/other

other units that picked him up. --- That's highly likely.

Well, why didn't you canvass with your other units whether they might have picked him up at that stage? -

-- I can't answer that question. The allegation was made against me. I just accepted it. I had to go and fight in court.

(Inaudible) ... whether - if other policemen were the ones that assaulted him. --- I won't say that I didn't care, but yes, one can say that. It didn't bother me. They accused me.

MR GOVENDER: But that's very strange, Sergeant, because here you are facing an interdict, accusations are being made against you by certain people that you were involved in this. Wouldn't it be in your interest to find out if other members of your unit had been involved in that for then purposes that at the end of the day you could say, "I wasn't involved with it, somebody else was involved with that"? Wouldn't you have done that? --- Yes, to be honest that was perhaps what I should have done, but if I said I hadn't been there, I hadn't been there. In Zilwane's case I had people who could testify that I hadn't been there, but the interdict was granted. What would my

participation then have helped if the interdict hadn't come that I would have been able to defend that interdict better, or to protect ourselves against that?

MR LAX: (Inaudible) ... purpose would have been served, because according to you the intention of the people was to get rid of the police. What would be the difference if they had named the people who had really assaulted them, or assaulted him, in the papers? It would still have been

/the police, the police, it would have still had the same effect. Why would they single you and your unit out to be named in the interdict? --- To get the police out of an area is virtually impossible, but these people who did do the physical work would be much easier than to get all police out of the area. So, in other words they brought the interdict to get us out of the area. The interdict had been there to get us out of the area.

When you say "us" are you talking about you and your five, or six, or seven - the red kombi? Now, were any interdicts - I don't know whether this question has been asked. Were any interdicts brought against any of the other - you said there were three kombi units, teams. Were any interdicts brought against them and their fellow commanders - you know, people in your position - that you know of? --- I have no knowledge thereof. There had been one against - some interdicts against the Riot Squad, but I don't know specifically against whom and who were involved.

Ja, but you and your colleagues were all based there at Oribi. You would have known, surely, if the driver of the white E20, or the grey and blue Toyota,

was facing a Supreme Court interdict. Wouldn't you have known that? From what you've been saying it seems to follow that the police targeted the red Husky team. The community targeted the red Husky. --- That is correct.

And you're saying that they targeted the red Husky and its policemen in order to get them out of the area. Why wouldn't they have - in this strategy why wouldn't the community, whoever they are, have targeted everybody in your - similar positions to yourself, the other two kombi

/teams?
teams? Why wouldn't they just have randomly or strategically brought interdicts and applications against them? Surely that would have been the best way to do it, to target them all together. --- That is correct, but their success rate was not as high as ours, and it's simply because if they could have gotten us out of the area the other would have had to withdraw. By focusing on one specific vehicle that would have been much easier.

Why would the others have had to withdraw? ---
Because we had the highest arrest statistics. We would have been the biggest problem to the criminals. The other vehicles were basically on standby. They didn't make as many arrests as we did. The members who were with me lived there, and they knew all the movements of the community. If they wanted to get rid of us that would have been what they had to do.

If you were withdrawn why would the other two units have had to withdraw? That's what you said. Why would they have to withdraw? Why would it follow that

if you were withdrawn by your superiors, or Major Terblanche, why would the other two kombi units have to withdraw? That's what you said. --- I believe that Major Terblanche would have withdrawn them. It doesn't help if you have two vehicles in there who wouldn't have been able to do anything.

Are you suggesting that the other two just didn't do anything, they were useless? --- At a later stage the two vehicles were withdrawn because of their work, and we were alone in that area. We were left alone afterwards in the area. In other words we did more than they did. We can't say the other vehicles didn't bring their - didn't

/do what do what they had to do, but they just didn't have such a high success rate as we had.

(Inaudible) ... success rate was so high? --- Because we used good informants. We had two members who were well known in the area and knew the area well. They knew about each and every member's movements. If one, for example, said Mr X, they would be able to say, "He works there, and he lives there, and his brothers and sisters are those and those, and he is fleeing there and there," and whatever.

So you think that the community wanted you to leave that area because you were excellent policemen and you were doing a very good job in tracking down criminals. That's you - basically that's your conclusion. --- That's why they wanted to have me withdrawn, that's correct, because I was a problem to them. They couldn't do what they wanted to do, and that is why they wanted us out of the area. And that came

out in court that that was the case. They had meetings to get us out of the area.

(Inaudible) ... Sergeant, they didn't have meetings to get you out of the area because they wanted to do what they wanted to do. They had meetings to get you out of the area because they were really concerned about the methods you were using. They were concerned about all the complaints that were being lodged about you. Isn't that in fact so? That was the purpose of those meetings, and that's why the Imbali Support Group was formed, and that's why they monitored your actions.

That they weren't very successful doesn't mean that they had some other motive. CHAIRMAN: I just want to - you've basically given us the reason why the community wanted you to withdraw, because

/you were you were basically good policemen, and you stuck at all times within the law, and you did an excellent job at tracking unlawful activities. That's as I understand - that's what I understand you to say. --- That is correct.

I want to give you an alternative view. I am just going to read some things here. The things that you are alleged to have done, or participated in, or been associated with are the following. I don't expect you to remember all these, or to even comment on them: torture of Mandla Mthembu, torture of Wellington Chia, torture of Siyabonga Christopher Dladla, Mpulale Indaba and two others, torture of Bonginkosi Zondi, murder of unknown black male at Henley Dam in 1990, assault on Larrington Sodwane, murder of three UDF members, Sifiso Zondi, Maxwell Molefe and another, torture of Khanyasile

Mazibuko and Bongane Lehlayile, torture of Zimande Mazibuko and Mthu Mthembu, murder of Kwazi Mazibuko, torture of Patrick Vilakazi, murder of Lionel Singabane and another, death of Roy Ngcobo, murder of Special Constable Luthuli, murder of Gcabashe, murder of three youths, names unknown, death of five persons, names unknown, murder of Rosemary Ngcobo, death of Mkhize and eight others, death of six youths, names unknown, murder of UDF members, Mpumalanga, murder of UDF members, Mpumalanga, death of businessman and two others, murder of UDF members at Maqonqo, 1989, and attack on taxi at Maqonqo. Now, in all these matters you have been implicated in some way, either directly or indirectly, in the sense that you were commander of the unit, and that you allowed these things to happen, or that they happened with your consent and you didn't take steps

/to prevent to prevent them happening, or that you participated directly in them. Is it your version then - I am not asking you to remember all these things, but these are a whole host of allegations against you, there are more than 20 of them - is that if they involve unlawful activity not one single one of them is correct and true? Is that your version? And let me tell you that they range from areas from Mpumalanga, Mpophomeni, Richmond, Pietermaritzburg, Table Mountain, Bulwer. It's not Imbali I am talking about, it's a very, very wide range of areas in the Midlands. Are you saying that every single one of these allegations is untrue if they - as I am telling you, if they involve you in unlawful activity, either by commission or omission? --- I will deny all of them. I deny that I have ever been

involved in anything like that. I deny that I have ever assaulted anybody. I stick with my affidavit and my statement that I have made. Some of those cases were heard in the Supreme Court and I was found not guilty. All the witnesses - we can hand up things and statements that the people said that they were lying. It was one person making all the allegations.

(Inaudible) ... in your position, team leaders or unit leaders, were charged with murder and attempted murder. --- I think at the Riot Unit it was only me and Sergeant Wessels, and I don't know of any others.

What is of concern to me is that - I agree with you that you were acquitted, but the fact that the police, whoever they were, Murder and Robbery or - saw fit to charge you, and the Attorney-General felt that there was a prima facie case against you, and we all know as attorneys that cases fail for many reasons. The fact that

/you were you were singled out on several occasions and serious criminal charges were brought against you - there's a host of cases here where allegations have been made involving you in very serious criminal activities, the death of many people, torture, etcetera, is it your version that not one single one of them has any validity or truth? --- That is correct. I stick to my

statement that I say that I never assaulted anybody. If I shot somebody it was reported. What they accused me of I was found not guilty of, and I stick with my affidavit. Except if you can show me anything else that can ... (incomplete)

MR LAX: In this inquiry, whether we can prove anything

against you, we're wanting you to tell us information, so the fact that you were acquitted is irrelevant to us.

As Mr Lyster says, people are acquitted for lots of very bad reasons. Sometimes good reasons too of course.

--- But I stick to my statement when I say that I was not involved in any activities.

By the way, the allegations we've got here are not related to one person only, we're not reliant on one informant only. Just so you know that.

MR GOVENDER: Sergeant, by the time the last incident took place with Zondi you became very familiar with this person, didn't you, because you were involved, on your version, in two of the incidents, and on his version three? Did you perhaps know who lived with him? ---

Sir, in all honesty these people did not stay at one house. It is very seldom that you would find these people at their own houses. They slept around at different houses, and if it was at his house I cannot say who his brother, or mother, or sister was.

/(Inaudible)

(Inaudible) ... of his death. --- I learnt about his death when they said that the interdict fell through because Mr Zondi was deceased. I don't know if - during that time we were busy with our duties in tracing suspects. If you can tell me when he died I might still be able to tell you whether I was a member of the investigating unit or not.

CHAIRMAN: We have researched numerous data bases of reported incidents of allegations of violence, that include many allegations by IFP people, and ANC people, and UDF people, and ordinary citizens of non-aligned nature. We have researched press clippings, we've

researched every conceivable angle. We have found not a single instance where anybody from the IFP has laid a complaint against you. --- It's highly likely. As I said in my earlier evidence I said that it was possible. I do not know about that.

What was your relationship with the IFP? Did you have dealings with their members, with their office-bearers? Were some of them your informants? --- It is highly likely that they were our informants. It was known that Mtshali was a member of the Inkatha. His brother was a prominent Inkatha leader in Imbali, so he was in Inkatha. I cannot dispute that. I had Inkatha informants, I had ANC informants, but with all this you will find that 90% of the country's complainants were ANC, not IFP.

MR LAX: (Inaudible) --- To try and answer now would be very difficult. I have been out of the area six to seven years, and those people - I wouldn't be able to remember their names.

/You worked

You worked in that area for many years, and if you had ANC informants you would have had to work very carefully with them in that area. They would have been well known to you, correct? --- That is correct, and as I said we can go and look at the records as to whether money was paid out, but I cannot give you any names off-hand.

(Inaudible) ... come back here I want you to have checked your records, and I want to know which ANC people were your informants. --- I will try my best, Sir.

CHAIRMAN: I just want to deal now with an issue in

1988. Who was in charge of the special constables at the Riot Unit? --- I do not know. It was either Mr Tokkie - at some stage it was Warrant-Officer Piens, and I know Dawood was one Indian that worked there, but who was in charge there I cannot say. It could have been Mr Terblanche, who was the OC in charge, but I do not know specifically who was in charge. But I know Dawood did the administration, Piens worked there once, van der Heever, from what I could deduce was in charge, so it wasn't - I cannot just point to one person specifically.

I think Captain Tokkie van der Heever was - lieutenant - was in charge of them, certainly for an extended period.

MR LAX: In 1988 Lieutenant Tokkie van der Heever was in fact the person responsible for the specials. --- I you say so I accept it.

(Inaudible) --- That's correct, Sir.

CHAIRMAN: What role did you play in the special constables in December 1988 with regard to the so-called Trust Feeds incident? --- We rendered a special

/service service in Hammarsdale/Mpumalanga, and Sergeant Rose was in charge of them, and I visited people and - Trust Feeds itself there were five or six people who volunteered to go to Trust Feeds, and I took them from Hammarsdale to Trust Feeds with their clothes and money, took money to their families, and took them with the Riot Squad. And from there Sergeant Le Roux took them to Trust Feeds, where they were handed over to Mitchell.

And on the Friday before the incident there was an operation arranged by Mitchell and van der Heever, and I

believe Terblanche, where there was a cordoned off search and people were searched in all the houses. And I think the Friday morning I still spoke to some of them, I was in contact with them. On the Friday afternoon, I don't know at what time, we were withdrawn, the search was over.

Were you present on that house-to-house search?

--- Yes, that's correct, the Friday, I believe I was present. And there are statements to that effect. I do not dispute that I was there. I also learnt later that Sergeant Rose received instructions that he was to take these special constables back the Friday afternoon, and there were either transport problems or something - I speak under correction, but the Friday evening the shooting took place, early Saturday morning, and the next day we learnt that there were Inkatha people who were killed.

Tell us a bit about that house-to-house search that morning. What happened? --- Sir, it was - there were various houses. The normal thing to have done would have been to go to a house and search it for firearms, and if there were any suspects we would have taken them all out.

/At some

(At some stage we took all the young men out to a specific field, where an informant would have been sitting in a vehicle and identifying who would have been involved in certain incidents. That is how we conducted a house-to-house search. We would take 15 to 30 out and ... (intervention)

(Inaudible) ... under the age of 36 was taken to that field. Everyone who was present there was taken to

that field. All the young men, I beg your pardon, under 36 were taken there. --- I think that is correct, Sir. As I already said, with people of a certain age it was normal practice.

(Inaudible) ... divided? --- It is possible that they were divided ... (inaudible - end of side B, Tape 3) They were marched past a vehicle and somebody pointed out certain individuals. On what basis were they pointed out? --- What would have happened was that the investigating officer who was looking for certain people would have sat in the vehicle with his informant, and there were statements and/or warrants of arrest or whatever, and they would have would have walked past, and when someone was identified they would be taken and put in another vehicle. That is how we did it.

(Inaudible) ... not in general. --- I believe we did it the same.

(Inaudible) ... on that day, according to Mitchell and according to other witnesses, is that all the ANC men, the UDF as they would have been in those days, were separated out. Anyone who wasn't UDF was allowed to go.

Not a single person who wasn't UDF was detained. ---

I cannot respond honestly and say UDF was kept one side

/and Inkatha and Inkatha on the other side. I did not know the area. It is very possible, it's highly likely, but without me knowing which was UDF and which was Inkatha - because I had no interest in who was who, I was just doing my work.

But Mitchell has told us that, and other witnesses

have told us that, and in fact all those young men were detained under the emergency regulations. --- It is highly likely that it did happen and that they were detained, but I do not know.

(Inaudible) ... was charged with a crime or detained in terms of the Criminal Procedure Act on that instance. --- Sir, I did not arrest the people. I did not divide them into ANC and other people, so I cannot say whether - what happened, whether they were charged or not. I do not know about that. They could have been subdivided, that could be true, but I cannot say with absolute certainty whether that was the instruction or not. That possibly was the instruction.

(Inaudible) ... there you thought people were being pointed out for offences with investigating officers, with informants indicating who should be taken. What you tell us is at odds with what other people tell us. --- I can only comment on what I know to have happened, and what I know is all I can say to you. I cannot testify in anyone else's behalf, and I cannot say whether people are telling the truth or not.

(Inaudible) ... who were actually detained, who went into prison, and other special constables who have given evidence, tell exactly the same consistent story.

--- It's as I already said. I cannot dispute it. It's possible that it happened like that, but I did not know

/specifically
specifically which were ANC and which were Inkatha. That was not known to me. I just did my job. It's possible that the captain and lieutenant who organised the operation discussed it with each other, but it was

not said to us, "This is ANC and this is Inkatha, and we are going to detain them."

So in your view it was possible that it did actually happen like that? --- Yes, it's highly probably.

You see, the evidence that Captain Mitchell and the special constables have given is that it was part of the same pre-arranged plan, that the police would go into the area, they would arrest any able-bodied young man of UDF persuasion, search for arms, disarm them, detain them for some days, and then the special constables would go in there that evening, attack houses, burn houses, and kill people. That was the plan which the special constables understood that they had to do, and that was the plan which Brian Mitchell understood he had to do on the instructions of Major Deon Terblanche and others. So basically the story that you've given us - you've said it is very probable that could have happened, that's consistent with the story that's been given by former policemen relating to what happened at Trust Feeds on that day. --- As I said, Sir, it is possible that that is what happened, but I cannot see the logic behind detaining 30 to 40 people? Where would we have detained them? The police station can only contain a certain amount of people. This is - my version that I put to you is that it never happened in my time where we took one or two lorries of people and we detained them at a certain police station, with the idea that the special constables could

/now go
now go in and steal, or shoot people, or disarm them, or anything like that. I do not think it was ever the

objective, our objective, and that it succeeded, and I do not see that Major Terblanche would have issued any such instruction.

The Court in the Trust Feeds trial found that that was in fact what happened, so we're not particularly concerned with your ideas of what is logical and what is not logical. The fact is those people were detained and they were separated from each other, UDF people, and they were detained. I don't know where they were detained, but they were detained. At the New Prison, Mr Lax says, in Pietermaritzburg. So just try and restrict yourself to the facts. You may think it's illogical, but in fact there was a logic to it. Do you know anything at all about the Joint Management Centres, JMCs as they were called? --- I have no knowledge. Except if you can give me more information I can answer, but I don't have any knowledge of such a meeting. I have never been at one.

You've never heard of the term? --- No.

Just for the record, the Joint Management Centre was part of the ... (intervention) --- I know each morning everybody met at the centre.

(Inaudible) ... centre, which was the liaison between the SADF and the police at that time, so that they were liaising in the same direction. Joint Management Centre was an offshoot of the National ... (intervention)

MR LAX: Gesamtenlike Bestuur Sentrum. --- If I can just tell you what happened there. I have no knowledge thereof.

/CHAIRMAN:

(Inaudible) ... The State Security Council at the

highest point. And at its lowest point was what was called a Mini JMC. The Mini JMC operated at a magisterial district level, and would have included the head of Security Branch of that area, the station commander of that area, probably a representative of the Unrest Unit, any SADF units in that area, usually the town clerk of the area, or someone involved with civil protection, and sometimes a representative of business and other civic organisations. The sole purpose of that system was to carry out the total onslaught. You're familiar with the total onslaught, the total strategy to meet the total onslaught? You never had any lectures on that while you were in the police? Well, you're the first policeman I've ever come across whose never heard of this. --- There were such meetings, I am sure of it, but we never heard anything from the higher command. The higher command never informed us about anything. There was one meeting per month. We never knew what they discussed on managerial level. It is still today a problem.

CHAIRMAN: No, we know that a person of your rank at that time would never have been included in a Joint Management Centre meeting. It was people, as Mr Lax has said, in civil defence, town clerk, Security Police, police, even the postmasters were involved, and that is undisputed. The State Security Council's minutes relating to the establishment of those structures are available, they are undisputed, nobody disputes them. What the government of the time does dispute is what the intention of those systems or centres were. And the evidence from Captain Mitchell is that this attack to - this plan to disrupt and

/attack

attack the Trust Feeds was a Joint Management Centre plan. But nevertheless I don't - the fact that you know nothing about it is not important at all. I just asked in case you had heard any mention of it.

MR GOVENDER: Just coming back to the Trust Feeds matter, Sergeant. You said that you transported the special constables to where? --- To the Riot Unit No 8 in Pietermaritzburg.

Did you not take them to New Hanover, or to Brian Mitchell? --- No, I took them to the Unrest Unit, the Riot Unit, and Sergeant Le Roux took them from there to New Hanover.

Because you see, Sergeant, Brian Mitchell says something else, and I'll read to you what he says in his statement. He says,

"After the meeting ...
referring to the meeting where this was discussed,
"... we returned to the unit, and that
night six special constables were
brought to the New Hanover police
station in a kombi, all wearing
civvies. They were brought by
Sergeant de Wet, who was known to me
from when I worked with Terblanche."

What do you say to that? --- I took the people only to the Unrest Unit. They were taken to New Hanover from there. Mitchell must be confused with me and Le Roux. You will see in the evidence of each and every special constable not one of them will say that I took them there. All of them - the name is unknown, but it must have been Le Roux because he was a new member.

/(Inaudible)

(Inaudible) ... say in the trial, Sergeant, that you in fact paid them their cheques. All of these people that were involved in Trust Feeds, in the trial records of the Trust Feeds case they say, "Accused No 4, Ngubane, had later received a cheque, which was handed to him by Constable de Wet." That's the evidence which was led in the trial. --- That is correct. I possibly did pay their cheques to them. I can't deny that. But where do they say where did I give the cheque to them? Did I do in New Hanover or where?

Can you give me any reason as to why Brian Mitchell would say that you brought those people to Trust Feeds when you didn't? Is there any reason why he would say that? --- I cannot answer that question.

CHAIRMAN: You've said that you were there the next day, you took part in the house-to-house search, and that in fact Mitchell may have been mistaken if he says it was you that brought them, it may well have been Le Roux. I don't think that's particularly important. It would have important if you denied that you'd ever been to Trust Feeds on the Friday. Now, this question of paying them, when did you pay these people? --- I am not exactly sure when or where. I later heard that people were paid with cheques. I don't know if I paid them in New Hanover or in Mpumalanga or where. I am not sure where they said I paid them, but the fact that I could have paid them I can't deny. If I was told to pay them I would have paid them. Somebody must have given the cheques to me and they must have told me to go and pay the cheques. It would have been an instruction which I would have had to fulfil. I wouldn't have had a

choice.

/Why it's

Why it's important is because very shortly after the Trust Feeds incident, in fact about 12 days after the Trust Feeds incident, when two reservists by the name of Burton and van Wyk - have you heard of them? - -- The witnesses? Yes, I've read their statements. I don't know them personally. I've never met them.

10 days after Trust Feeds Burton and van Wyk went to Captain Wattress, who was the investigating officer, and told Captain Wattress that they had been taken into Trust Feeds late on Friday night by Captain Mitchell, and that they had seen Captain - they were with Captain Mitchell when he picked up two special constables from an Inkatha leader's house, Mr Gabela, and that they had seen houses burning and they had heard many, many shots being fired, and that they had seen - when Captain Mitchell came back to the car they had seen him take a whole lot of shotgun cartridges, shells, out of his pocket and throw them out of the window into the grass.

And they thought something was very strange about what had happened, particularly obviously when they heard that 11 people had been killed the next day, and they went and made a statement to Captain Wattress. And very, very shortly after that all the special constables who had been involved in Trust Feeds, just those six, none others, disappeared. And they disappeared completely for two and a half years. Nobody knew where they were. And during part of that period, for about six months, they were paid by cheque, which was not the normal way of paying them. And the personal files of these people indicate that they received their cheques

on a monthly basis. Is that possibly the period that you were involved in handing their cheques to these people?

/Because

Because they were not paid by cheque at any other time.

After six months they were integrated into the KwaZulu Police, when they received their cheques by direct payment into their bank or post office accounts. ---

As far as I know I did pay them with a cheque. I can't tell you if it was once or 10 times. I know thereof. Those cheques were signed. I can't deny it that I did pay them with cheques, but I can't say when it was, whether it was the first six months or wherever. If you say that they disappeared for two years I can tell you that cannot be true, because I personally looked for these people from here to Ulundi with Captain Upton, who went with me.

They were - we had Brigadier Marx here yesterday. He confirmed in his evidence that from the 6th of January, or the 8th of January 1989 until August 1991 these people disappeared, totally and utterly disappeared. He said that he searched for them. He searched for them for two and a half years. They were suspects, and he searched for them for two and a half years. So please don't say that it's not possible that they were missing for two and a half years. The official record of the South African Police, Riot Squad, CID unit of which Brigadier Marx was the head, was that these people disappeared for two years - two and a half years from March 1989 until August 1991. I'll tell you what happened in August 1991 after you people spent such a long time looking for them, is that Major Dutton got

the docket, and he got it in the beginning of August 1991. And do you know how long it took him to find all these people and arrest them? 10 days. After you and Upton and Brigadier Marx had been searching for two and a half years - or maybe not you, but

/certainly

certainly Brigadier Marx. Major Dutton found them in 10 days. Have you got any comment to make on that? ---

It's difficult to comment on that. If that is on the record like that, if it took them two and a half years to find them, I can't deny that, but I do have knowledge that I did go and look for them at a certain stage. About the cheques, I did pay them. I must have been told and ordered by somebody to go and get the cheques.

(Inaudible) ... Sergeant de Wet. We will find out when they were paid by cheque, and if it's during that period March 1989 to August 1991, and there's evidence that you paid them by cheque while you were meant to be looking for them, then that creates a little problem for you. --- That is why I say, with all respect, do go through the records. I did sign a statement where I signed for those cheques. It could have been any period of time. I have no knowledge. I didn't know when they were looking for them. I can remember one incident I knew where the people had lived. We drove to Ulundi at one stage. Upton went with me. We heard from the KwaZulu Police that they were working there. When we got there two people ran away. We suspected that one of them was one of those. I never tried to look for them again. I went away. I was out of the force.

(Inaudible) ... to sign for their cheques and go and pay them. --- One will have to go through the

records. I believe it was only once as far as I can remember. I cannot deny that I had paid them at one incident. I did pay them at some stage. I believe that that was also mentioned in the Superior Court.

(Inaudible) --- It is difficult to answer that.

/Either
Either at the Riot Squad, or I might have paid them at their houses. I knew where they lived at Hammarsdale or Mpumalanga. They all stayed in one white house.

So some of these people lived in Mpumalanga. All of them? --- I believe all six of them that were involved in Trust Feeds lived in Mpumalanga. That's why we took them. That's one reason they were all taken to Trust Feeds, it's because they were from Mpumalanga.

You see, some of the accused - at least two of them, if not three of them - gave evidence in the trial where they said they received cheques from you. And what is very interesting is the date they received those cheques from you, the 24th of February 1989. They're so sure. The one guy was so sure he could give the exact date. The others said it was some time at the end of February, he wasn't exactly sure. --- The fact that I could have done it I cannot dispute. As I said, I did pay them, although I do not know about the date. And to me it was -I did not know - obviously if I didn't pay them when I went to pay them that they - I knew for a fact that they confiscated firearms, and I was with them when they took them for ballistics, so I knew that they were suspected in a matter, but I knew that you either got your salary or what, but at the time I did not know what the circumstances were.

With the greatest of respect, you knew these people were involved in that incident. Warrants were out for their murder. By that stage it was so. (Inaudible) ... nobody in the Unrest Unit would not have known that those special constables were involved in the Trust Feeds Massacre. --- Perhaps they knew, perhaps they were

/under under the impression. Perhaps I knew, but somebody would have had to have told me to go and pay these people, so it wasn't strange for me to pay these people. It was an instruction to go and pay these people.

(Inaudible) ... it wasn't that unusual to you. If you got orders to do something you simply did it, you didn't question the orders. Correct? --- That is correct. I was still very young.

(Inaudible) ... consider your orders, whether you're a lightie or not. The law requires every human being to decide whether the order they've been given is actually reasonable, legal or other wise. You must have known those people were suspects at that stage, and not only were they suspects, they were fugitives. It was common cause in the police. In fact the evidence is so overwhelming that there was a huge cover-up of this case. It's public knowledge. You must have known about it. --- Even if I did know about the fact that they were being sought, and I was told to go and give the man a cheque, I went and gave him a cheque. If they told me to go and arrest the man I would have gone and arrested him, because at a later stage I did go and arrest him because they accompanied me.

(Inaudible) ... to that cover-up, because you bore

knowledge of it. --- I did not cover up anything. I am honest in my answers. What you are asking me I am being honest with.

(Inaudible) ... being so open about it. --- That is why you asked me to come and testify here. I told you what I - I said what - I promised that I would tell you what I knew.

/MR GOVENDER:

MR GOVENDER: Sergeant, do you normally pay specials their salaries or their cheques? --- As I already said, everyone was paid by hand, and I was always there when they were paid in cash. But there were certain incidents where people were probably to have been paid - where the pay was back-dated and they were paid by cheques, so it wasn't strange to me that these people were paid by cheque. I didn't think twice about going to pay the cheque. I had received an instruction to go and pay the man and I went and paid him.

(Inaudible) ... occasion that you did that, isn't that so? (Inaudible) ... for a few months or a year or so, but it was a one-off incident that you had to pay - you specifically had to pay people, special constables, by cheque. --- It is possible that I had previously paid special constables per cheque, or paid various people per cheque. We have to browse through the records. It's not strange for me for someone to say, "Take this cheque to this man." I would have gone and taken his cheque to him.

Do you know Rolf Waber? --- Only in the capacity as a policeman who was affiliated to the Security Branch.

Did you ever work with him? --- Never. I

never worked with Security.

Do you know Captain Brookes? --- Yes.

Did you ever work with him? --- Never.

Mr Chairman, I think - Sergeant, you said you knew Rolf Waber. He worked apparently in the Imbali area. Did you come across him? --- Yes. I was not in physical contact with him. I saw him in the area, I knew what kind of vehicle he drove. He was in the area on a regular basis. He was one of the people that I saw the most in

/black
black residential areas, but I never spoke to him or swapped information or anything. We were not on that level. We greeted each other and that was it.

(Inaudible) ... co-operation between the Security Police and the Riot Unit at any level? --- Sir, with all due respect, Security was very secretive, and up to this day they are secretive. Whatever they do they do not want other people to know about, and, as I said, they actually sign their signatures with an eraser so you don't know what they've written. And as I said we didn't work with them, and if we were requested to go with them it was in the capacity of a supportive role of circling a house and penetrating a house, and where they would have been able to arrest a man and take him away to their office or whatever. But their movements were not known to us. They were very secretive - up to this day.

(Inaudible) ... that you were at times - you worked with them in certain operations where you assisted them. --- I do not think I was ever in an operation with Waber. I do not think I was ever

involved with Brookes in any specific operation, but I was with Colonel Pieterse and Colonel Vosler. Not involved with them in operations as such, but where we assisted them in searching certain properties, or to secure certain properties so that they could execute their duties. But never with Waber. I cannot even recall one operation that we conducted together.

So there were no incidents where you would have assisted the Security Branch in any operation in the Imbali area. Is that what you're saying? --- I could possibly have assisted them in Imbali, but when Security

/operated

operated in Imbali - I believe I assisted them there. I know that I assisted in Dambuza, so I did help them in Imbali.

Well, if you did help them in Imbali, and if Waber was the security personnel responsible for that area, you would have come in contact with him in terms of the joint operation, or you assistance with them in any operation. MR ROBERTS: Mr Commissioner, could I possibly just intervene here? Could I just be enlightened in respect of which of the incidents is this questioning being referred to? Because it seems to me that the undertaking is he's only to be questioned in regard to these incidents, and I don't have knowledge of the fact that there has been any allegations in the section 29 notice of reference to any involvement with the Security Branch.

MR LAX: These are general matters of general operation, in the sense that, frankly, we find it quite utterly surprising that his unit, being involved in so

much political crime, would not have had some dealings with the Security Branch. It's patently obvious to me that anyone working in unrest investigation would have had some contact with the Security Branch on a regular basis. It's well known that Rolf Waber was a man working in Imbali, and that he had no dealings with him is utterly astounding. So it's a general matter of general operation, how they conducted their activities. It relates to no specific matter.

CHAIRMAN: We're not going to refer to a specific incident.

MR GOVENDER: No, just to - I think it arises also from the witness' evidence itself. He talks about the problems

/in terms in terms of they were having with the political differences in the area, and it arises out of that question in the sense that the witness is saying that they were increasingly coming under pressure as the Riot Unit because of the conflict between the IFP and the ANC, and attempts to remove them as a police force in that area. The fact that Waber and the Security Force worked in that area - it's a general question, as the Commissioner put it, to actually ascertain a broader picture of how the security forces in that area worked with each other. So there's no specific incident that we need to actually ... (intervention)

MR ROBERTS: Mr Commissioner, with respect, as far as I understand the undertaking he would only be questioned in regard to the incidents in respect of the items referred to in the letter. The argument with respect to that it's of general application in regard to their

actions, with respect, he was not prepared on this, the name of Mr Waber was never mentioned in any summary being provided to us, and I must place on record that if he is being questioned on this he might be prejudiced because he hasn't had the opportunity to do so. With all respect I submit that it's not unfair for me to intervene at this stage in regard to that.

CHAIRMAN: Thank you, Mr Roberts.

MR ROBERTS: If I could possibly get a ruling on this I would appreciate it.

CHAIRMAN: Sure. In the beginning of this morning's session Sergeant de Wet was asked a series of questions about personal details, the structure of his police unit, the different shifts he worked in, etcetera, etcetera,

/etcetera,

etcetera, and these are things that are within his own personal knowledge, they are clearly not controversial, they are in order to assist us with an understanding of how the unit worked at the time. A question put to this witness as to whether he worked with another lawful police unit within the South African Police is clearly a reasonable question. It has nothing to do with an incident. We're not going to ask him whether he colluded with the Security Police to assault anybody, or kill anybody, or supply anybody secretly with weapons, we're asking him whether his unit had dealings in any way with another branch of the same force, and it's an entirely reasonable question. Thank you very much. Sergeant de Wet, what were your dealings with the Security Branch? --- As I already said, we assisted them. We never worked together physically, hand in

hand, and we never swapped information. From a security aspect their arrests were not known to us, and the people that they were looking for were not revealed to us either.

(Inaudible) ... requests and lists that would be supplied to you from other security forces. Did you ever receive a list of suspects from Waber through your commanding officer for the Imbali area? --- Mr Commissioner, I never received any such list from them with such names because they would never have revealed their suspects to us.

CHAIRMAN: Amongst others Captain Brookes has told us that there was a regular meeting at your unit with their members, where they discussed the situation in Pietermaritzburg, the crime, the violence, the political violence. Information was shared. A general meeting of /that that nature happened on a regular basis. So that if you say that you didn't work with these guys at all it's utterly surprising. --- It was never disclosed to us what they discussed at managerial level, and the fact that we were of assistance to them in certain instances, or cases where they arrested certain people, we would deny that we worked with them like that. But that they disclosed any of their suspects to me, or any list - they did not do, and they would not have done.

Just by way of explanation, when you would go in and support them in some of their activities you were acting as a reaction unit in that instance, is that right? --- We could have acted in such a position. When they went into houses we could have been there. Sometimes we went into houses with other people, took

people out of the house, and then they would have taken whoever they wanted. We left the scene, and they went their way and we went ours.

MR LAX: I just want to go back to the question - are you having problems again? --- Ja, it's very soft as she translates in English.

Okay, just turn the volume up. I just want to go back to the issue of the cheques. I am not sure that this has been canvassed properly, and I just want to just clarify. Maybe I wasn't listening properly. Who gave you the cheques, or who instructed you to issue out those cheques ... (inaudible) ... where did you get the cheques from? --- I would either have received them from Dawood, who was in charge of the administration, or Lieutenant van den Heever, or Rose, or Terblanche. But to say exactly from whom I got it, I unfortunately cannot do

/that.

that. One of those four would have instructed me to go and pay the cheque. Somebody must have told me.

(Inaudible) --- Then I will be able to answer you.

That's all I have for this session. I don't want to move on to a new area now because there's not going to be time. These matters that are remaining as per the agreement we will canvass on the next occasion when this matter is back after my learned friend has got some of the further particulars that he required. So, I recommend that the matter be adjourned sine die, and I could liaise with either one of my learned friends to set a date for continuation of this matter.

CHAIRMAN: Does that suit you, Mr Olivier, Mr Roberts?

MR ROBERTS: Mr Chairman, yes. If the matter is adjourned sine die by arrangement a date could be arranged at any time. I am not sure when - if an indication could be given more or less when this would be to enable us to arrange our diaries accordingly it might be the best to do so, otherwise we phone up and down and it might be a problem.

CHAIRMAN: I would say it probably wouldn't be before the second week in July, because we've got a very, very busy month here with other sorts of hearings and ... (intervention)

MR ROBERTS: If it's in the Supreme Court recess I don't think it would be a big problem because then we might be available.

CHAIRMAN: When does that start?

MR ROBERTS: I think it starts the 1st of July. Normally the first week in July. But in Pietermaritzburg

/the first the first two weeks in August - sorry, in August, only the Full Bench appeals are being heard and there are no trials. So any time from middle of July to the middle of August might be available.

MR LAX: (Inaudible)

MR ROBERTS: Mr Chairman, could I just place something on record. We have certain documents which we have obtained in regard to a certain witness, who we believe had testified, one Mr Mason Shabangu. I do not know whether anybody would want to make copies of these. We want to hand them in. It relates mainly to the fact that there's a warrant for his arrest out at the moment, I believe, according to the documents, and also his

SAP69s and all sorts of other documents which we have managed to obtain in the meantime.

CHAIRMAN: We'll be happy to have a look at those. Thank you. And there will be no need to issue a further subpoena to Sergeant de Wet?

MR ROBERTS: We will ensure that he's present, Mr Chairman.

CHAIRMAN: Well, thank you very much indeed. We will notify you in due course, or we will arrange a date in due course. Thank you very much.

PROCEEDINGS ADJOURNED SINE DIE

/PROCEEDINGS