

**INQUIRY IN TERMS OF SECTION 29**

**HELD AT**

**DURBAN**

**ON**

**MONDAY, 30 JUNE 1997**

**CHRISTOFFEL GERT GROENEWALD**

**[PAGES 1 - 59]**

1A ON 1997/06/30

IN CAMERA

CHAIRMAN: Full names, please.

COLONEL GROENEWALD: Christoffel Gert Groenewald.

CHAIRMAN: En is dit Meneer of Majoor?

COLONEL GROENEWALD: I was a Colonel when I retired.

CHAIRMAN: Mr or Colonel?

COLONEL GROENEWALD: No, I still have my rank as a Colonel.

CHRISTOFFEL GERT GROENEWALD (Sworn, states) (Through Interpreter)

CHAIRMAN: This is an inquiry in terms of section 29 of Promotion of National Unity and Reconciliation Act of 1995. It's not a hearing. It's an investigative inquiry and it is therefore held in camera. No findings are made at this hearing. I will just briefly outline what our duties are and what your duties are. In terms of section 31 of the Act, any person who has been subpoenaed to give evidence shall be compelled to answer any question put to him, notwithstanding the fact that the answer may incriminate him. Now, there are various conditions which are applicable to this section, as follows. There must have been consultation with the Regional Attorney-General. The Chairperson of the inquiry must be satisfied that the request for information is reasonable, necessary and justifiable in an open and democratic society and, of course, you must have refused to answer the question. Now, the Act also provides that any incriminating evidence obtained at an inquiry or this inquiry is not admissible against you in a court of law, unless you are charged with perjury, arising out of you giving false or misleading

/evidence to

1A evidence to this Commission. Furthermore, in terms of section 39(d) of the Act, it is an offence to hinder the Commission or any staff of the Commission in its work and it is a criminal offence to wilfully furnish the Commission with any information which is false or misleading. Finally, you have a right to legal representation, but we understand that you have waived that right. --- Except for when I feel later that it must become necessary.

Thank you. Those are then the introductory remarks. Just to place on record, the panel here today. Mr I Lax and Mr R Lyster and the leader of evidence, Advocate S Govender, accompanied by Mr Rosenberg. Thank you, Mr Govender.

MR GOVENDER: Is it Major or Colonel now? ---  
Colonel.

Colonel, what we want to do today is ask you for information relating to your investigation or your being in charge of the investigation of Dr Rick Turner, who was assassinated on the 8th January 1978. --- No, I apologise. I was not the officer in command. The commanding officer it was Captain Earle.

Colonel, we understand that Colonel Earle was the investigating officer at the time, but you were, in fact, his superior officer. You were, in fact, the head of the Durban Murder and Robbery Unit. --- That's correct.

And that Chris Earle was under your command at the time he was investigating the Rick Turner murder. ---

Yes, that's correct.

Colonel, what we require from you is information  
that you have relating to your involvement in the  
/investigation

1A investigation itself. --- I've already said I was  
not involved in the investigation.

In your capacity, Colonel, as the head of the  
murder and robbery unit, you had from time to time, I  
take it, to look at the investigation diary related to  
this matter. Is that correct? --- That's correct.

And that from time to time you would make  
recommendations or suggestions or would give  
instructions to the investigating officer, Chris Earle.

Is that correct? --- No, when suggestions were made  
that would have been in the diary.

You would make those suggestions in the diary. Is  
that correct? --- That's correct.

How closely were you involved in this  
investigation, as commanding officer? --- I was not  
that closely involved. Earle investigated the matter.

The matter of investigation of Rick Turner was at  
the time a very sensitive investigation. According to  
Chris Earle he himself, as investigating officer, didn't  
exclude the fact that this assassination may have been  
perpetrated by somebody within the security forces  
themselves. --- I cannot comment on that. Anything  
was possible.

Were you, in your capacity as commander of the  
unit, approached by any other branch of the security  
forces, be it the head of the detective unit nationally  
or the Security Branch or Military Intelligence  
regarding the investigation of Rick Turner's  
assassination? --- No.

Colonel, how it came about that the investigation was terminated at some point - I think in - according to the diary, Chris Earle's diary, the investigations were /terminated in terminated in November 1978. --- Yes, I cannot answer that. I do not know when it was terminated. No, I don't know.

CHAIRMAN: I think it may be useful if we go through some of Mr Earle's evidence and we put to Colonel Groenewald what Mr Earle told us at the time. It may help to jog his memory and it may assist us with some of the answers that Colonel Groenewald gives. I think what I'd like to do ... [break in recording].

MR GOVENDER: (Inaudible).

MR LAX: Why don't you turn your control down on that thing? --- Is this better? Yes, if you can just speak a little louder, Mr Govender. I can't hear you that well.

MR GOVENDER: Okay, Colonel, you see, we had Chris Earle at an inquiry like this and we have asked him a number of questions relating to some of the entries that he's made in the investigation diary and it would appear from his diary that - and from what he said to us than his diary, that the investigations that he was conducting in relation to Rick Turner was being interfered by authority higher than himself. He says that ... (intervention) --- I don't know anything of that.

In fact, Colonel, that the investigations were taking a different direction from what - from his own perception of what it should ... (intervention)

MR LAX: If I can come in there. Why don't you read him the entry from the diary, so you're not confusing the man. This is not about catching anybody out. This is about trying to clarify certain issues in the diary that required clarification. I think it would be beneficial to read you the passage from the diary and then we give you

/what Chris

1A what Chris Earle said about that passage and then you can answer in relation to that. --- Can I just answer to that, please? The possibility is that at that stage I was not stationed at murder and robbery any more. I was transferred to Durban South.

If I can reply to you or answer to you. Chris Earle's evidence before us that you were there and that you were involved and that you were very actively involved at that stage. Now, we understand this is a long time ago and your memory may have failed you a little bit, but we just want to sketch this for you correctly, so we can help you situate the circumstances at that time, which will put you in a better position to answer the questions properly. --- Can you ask the question, please? Let me hear it again. You put me in a very difficult situation. I can't remember the exact date I was transferred, but I cannot remember this specific story any more.

You see, that's why we want to give you the facts, as we know them at the moment, to help you. --- No, I understand that. If I can help you I would love to help you, but I am not aware of anything like this. I can't remember it.

MR GOVENDER: We've given you copies about the English and Afrikaans original and English translation of the diary. I'd like to read to you - you can check what I'm going to put to you now in the Afrikaans version. It's before you, in front there. On the 1st February 1978 an entry was made in the investigation diary.

CHAIRMAN: Just give him a chance to find the Afrikaans version. --- What is it marked? C?

MR GOVENDER: Page 11. --- Yes, page C11?

/MR GOVENDER:

MR GOVENDER: (Inaudible) ... will be at date 1st February 1978. That entry - look at the entry in Afrikaans for the 1st February 1978. (Inaudible). Do you see it? Have you got it in front of you, Colonel? (Inaudible) ... through that entry itself. --- Right.

Dated 1st February 1978, it talks about specimen - received specimens from SAKB. He talks about key to photographs and as you go down the line I'll read you the English translation of what I'm referring to, I want to put to you. He says, and I read,

"Due to intensive enquiries and investigations by Major Groenewald and myself, the investigation is being steered in another direction and is of a very delicate nature".

Do you see that? --- Yes.

"The situation has already been discussed with Brigadier Hansen. Due to the delicate nature thereof not all possible information and leads are written down. The situation will first be explored further."

And it says, "The investigation continues", and  
it's signed by Captain Earle. Do you see that? ---

Yes, I see it.

Now, Colonel, as a result of the inquiry that  
Chris Earle attended before this Commission, he was  
asked - I refer the Commissioners to page 20 - the typed  
page 20 at the top of the record.

MR LAX: The bottom of that page?

MR GOVENDER: The bottom of the page, yes. Chris  
Earle,

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/this very  
this very paragraph, Colonel, this passage that I've  
read to you was put to Chris Earle and he was asked what  
did he mean by that paragraph. --- Which one is  
this? I can't find it.

I just read to you, the one from the - the entry  
at the 1st February 1978. I just read that to you.  
That passage ... (intervention)

CHAIRMAN: Sorry, what we are saying is that that same  
passage that we have read to you, where he talks about  
the investigation is being steered in another direction,  
etcetera, etcetera, now we put that same passage to  
Captain Earle and we asked him what he meant when he  
wrote that in the diary. Why did he write such a thing,  
okay. Do you understand that? --- Ja.

And I'm going to read to you what Captain Earle's  
answer was to that question. You haven't got that  
information in front of you. That's why I'm going to  
read it to you. Okay, Captain Earle said as follows -  
or put it this way, this is my question to him.

"So when you say that the investigation  
is of a very delicate nature, what did



you mean?"

○ Captain Earle's answer is,

"It wasn't intended for everyone's ears and eyes."

My question,

"What did you mean by it? What does, 'Delicate nature' mean? Does it mean there was a possibility that the police or a State employee was involved in this murder?"

/Mr Earle's

1A Mr Earle's answer is,

"That is the case, Mr Chair".

Then my question,

"So you wrote in your diary that the investigation is being steered in another direction. What did you mean by it is being steered? Who was steering it?"

Then Mr Earle's answer is,

"Because we had no motive for the murder it became clear right from the start that there might well have been a political coloration to this murder and I particularly worked in that direction to investigate the political matters surrounding the murder."

Okay, I'll just find another passage now. Okay, now again this is a question from me to Mr Earle.

"Can you just explain, because it seems like a very strange thing to write in an investigation diary, to say that

the investigation is being steered."

Then Mr Earle's answer,

"That is when I received the information with regard to Dolinчек and that he and possibly other members of BOSS were involved. I also had information available that the firearm which had been used to shoot the deceased was of Angolan origin. I was not ever able to gain any additional information with

/which to track

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which to track down that particular firearm."

Okay, I'm going to read some more questions that we put to Captain Earle, okay. This is Mr Lax speaking,

"Did you really expect that BOSS or the Security Branch would assist you with this information if Dolinчек was really involved? --- No, I did not expect this. As I've already said, once I discussed the matter with their chiefs, that's BOSS's chiefs or their commanding officers, the intimidation in the area suddenly stopped. I felt that they were not being honest with me."

Then a question to Mr Earle,

"Why doesn't that appear anywhere in your diary or in any of your reports?"

And Captain Earle's answer is,

"I was scared that someone else would get the docket in their hands and that might have caused trouble for my investigation of the case."

And then the question to Captain Earle is,

"But surely anyone reading that entry would know exactly what you meant?"

And then Captain Earle's answer is,

"That is why you would see Major Groenewald, as well as Brigadier Hansen - you would see that they inspected the docket and subsequent to this inscription they made no comment,

/because I informed

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because I informed them verbally what the case, in fact, was."

Then Captain Earle says,

"That is what happened. Unfortunately, in the past that is how we had to work."

And then I put another question to him. The question is as follows,

"Are you saying basically that in terms of the hierarchy within the South African Police that those units which dealt with State Security issues had dominance or supremacy within the Police Force and that if they didn't want you to do a certain thing then you, as murder and robbery or uniform branch or CID, then it simply wasn't done?"

And then Major Earle's - or Captain Earle's answer is,

"That is the case, Mr Chair."

So what I've done so far is I've put some questions and answers between ourselves and Captain Earle and you can understand from those questions and answers that Captain Earle believed that this was a crime which had possibly been or probably been perpetrated by a member of BOSS or the Security establishment. He says that he made certain entries in his diary, which he was forced to make because that is how he had to work at the time. He says that there were - within the hierarchy of the police that the Security Police, BOSS, they had dominance or supremacy over units like murder and robbery, and he says that he informed you and Brigadier Hansen verbally about what his feelings about this case were. That is just a brief



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summary of the questions between us and - but now, what I want to do is - if you want to comment on that perhaps you can just do so a little bit later. I want to take you to a particular inscription in the diary. Mr Govender, this is the one which was made about the closing of the investigation. 12, written page.

MR GOVENDER: (Inaudible).

CHAIRMAN: About how far down?

MR GOVENDER: 27, 28. --- Mr Commissioner, is the original docket here? I just want to look at something in it?

CHAIRMAN: Where is it? --- Can I see it? Can I see the front page, please? No, no, the original docket. The front page of the original docket. You see, I just want to make sure on which date this docket

was closed. You see, it makes it a bit difficult for me, because I do not know if I was still there at that stage.

We're going to go on and we're going to give you further information from the investigation diary and this is obviously based on what Captain Earle has said, but he made it very clear to us that on the date that the diary -the investigation was closed you definitely were still in Durban and you were in charge of murder and robbery. It was reopened again and at that stage you were not present, but in July 1978 - July 1978, it's very clear from this diary that you were still part of the investigation. Did you find it?

MR LAX: 20th July. I'm still looking for it. ---  
That's November 1978.

That's telling him to put the file away before that, to file it. --- Then it was so. Good.

/If you look at

1A If you look at page 7 and 8, it talks firstly about instructions from ... (intervention)

CHAIRMAN: You haven't got those pages, Major - Colonel, so you just don't worry about our references to page 7 and 8.

MR LAX: Colonel, what I'll do is take you through the evidence of this issue. It says,

"While engaged in this investigation in the direction of Dolincheck, the Commanding Officer was called in to Pretoria with the docket."

He's referring to yourself.

CHAIRMAN: This is now Captain Earle speaking. ---  
That's correct.

MR LAX: : "I believe he would have seen the Head of Detective Services. I do not know exactly who that person would have been and he would have informed that person of the direction in which I was doing my investigation. Briefly thereafter, after his return to Durban, the docket was closed and inconclusively closed to such an extent that there would have been a legal inquest with regard to the case and before the confirmation was received from the Attorney-General's office it would have been J56, the form, the docket was closed, which was not normal procedure. It would not have been like this normally."

It was then put to him,

"So it's correct then to say that you didn't feel that you had given that

/docket all the

docket all the time and energy that you perhaps had planned to give it - that it was closed without you having decided, 'I can go no further with this docket'?"

His reply was,

"That would have been the case. It just did not carry my agreement. I wanted to solve the case, particularly because of the claims made by the family and other persons that the police were involved."

We then asked him,

"Who did you say went up to Pretoria? -

-- If I remember correctly, it would have been Major Groenewald, who was our commanding officer of the murder and robbery squad in Durban."

"You don't know who he spoke to in Pretoria? --- No, I can only deduce who it might have been. It would have been one of the following three possible persons, the Commissioner, the Head of Detective Services or the Head of Security Branch."

I think that's the important relevant stuff there. Then later on at page ... (intervention)

MR GOVENDER: (Inaudible).

CHAIRMAN: Ja, I don't think that's relevant at this stage, unless you want to place - fill the Colonel in. What he went on to say, in response to some questions, was that there were many meetings with Security Branch people during the course of the investigation. He said that,

/"Normally it

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"Normally it would have been Colonel Stadler. There would also have been a Captain du Toit, who later retired as a General. There might have been other persons involved, but Stadler was the commanding officer and it would have been apparent we would have gone to him in this kind of case."

MR GOVENDER: (Inaudible).

INTERPRETER: The speaker's mike is not on.

CHAIRMAN: (Inaudible). --- May I just ask something? Did Captain Earle say that I was also not happy with the docket being closed? Is that what he said?

He didn't pass any comment on your attitude at all. He didn't say whether you were in agreement with that or whether you were happy with it or whether you were unhappy with it. He didn't express an opinion at all about your attitude. --- But that was not what you read there. Can you just repeat that part, please?

You're talking about the piece about whether he was happy or not? --- The closing of the dossier.

Yes. If we go back, it's page 17, Mr Govender, down at the bottom of the page. He says,

"Briefly thereafter, after his return to Durban ... (that's your return to Durban) ... the docket was closed and inconclusively closed to such an extent that there would have been a legal inquest with regard to the case and before the confirmation was received from the Attorney-General's office - it

/would have been

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would have been J56, the form, the docket was closed, which was not normal procedure. It would not have been done like this normally."

The question was then,



"So it's correct then to say you didn't feel that you had given the docket all the time and energy that you perhaps had planned to give it? That it was closed without you having decided, 'I can go no further with this docket'?"

His reply was,

"That would have been the case. It just did not carry my agreement. I wanted to solve the case, particularly because of the claims made by the family and other persons that the police were involved."

We then asked some more questions. We followed this up a bit later on during the inquiry. We then said to him,

"The investigation was closed. The docket was closed some seven months later, after Major Groenewald made his trip to Pretoria? --- That is the case, Mr Chair, as far as I can remember."

"And did he discuss his visit to Pretoria with you on his return? ---

Yes, he did."

MR LAX: Could I just interrupt there? Captain Earle is talking about you now. He was asked - we asked him, "Did he ...", that's you, "... discuss his visit to

/Pretoria with

1A Pretoria with you on his return?". Captain Earle's reply is, "He did, yes".

CHAIRMAN: "And what did he say or imply to you?" His answer was,

"I cannot remember exactly what he said, but it would have implied that since a BOSS person was involved we had to stop the investigation. We had to cease our investigations. That was the impression I got from his statements."

And then we speak about the entry in the docket by yourself and he refers to it at C65.

MR LAX: And he then refers to the entry made by yourself, which you see there in front of you, which is - what does it say, "Docket closed" or, "File put away".

CHAIRMAN: It says, "File docket 4 November". ---  
No, no, no, put file away. I cannot remember closing a file. I just want to know who closed the docket. Mr Commissioner, I want to know who closed the docket, then I can give you your information. I cannot remember closing the docket. Normally I would not have done that. It would have been a more senior officer.

He went on to say - he said that this docket was closed before the inquest was held and it was closed before the Attorney-General had made a decision with regard as to whether there should be a prosecution or not.

MR LAX: If I can just correct you, there was an inquest held, an informal inquest and then the matter was referred to the PG for his decision and before that decision even came the docket was then closed, which is what is so unusual about it.

/CHAIRMAN:

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CHAIRMAN: And Captain Earle said - he said that should never have happened. It never happened like that that a

docket was closed before a decision was received from the AG, and you've heard what he said ... (intervention)

--- That's correct.

You've heard that he says that Major Groenewald - that's yourself - went to Pretoria with the docket, that he saw somebody up there, Major Earle says it was either the Commissioner of Police, Head of Detective Services or Head of the Security Branch. He says that you came back to Durban and that you said or implied to him that because a BOSS member or some other security official was involved in the murder that the investigation should now stop and he says he was very unhappy with that. He says that he wanted to solve the murder and that he didn't feel that he had given this thing a full go, but he had no option but to close - but to stop the investigation, and I think what we really need you to tell us - what we would like you to tell us is what is your recollection of that period. Think about those things that Captain Earle said about the docket being closed in circumstances which were clearly, in his view, wrong, your trip to Pretoria, who did you see there, what did they say and basically why the investigation stopped after you returned from Pretoria. --- I agree that there was a suspicion that Dolinchek had been involved but Brigadier Jansen, who has since died, did go to Pretoria, and we did discuss the matter with the Commissioner. I cannot remember his name. I think he has died since, but he said that there was no evidence. He said that we were wasting our time and I returned to Durban. I couldn't do anything more. That's

/what he said.

1A what he said. He said we didn't have any evidence.

With regard to the closing of the docket, normally the documents are sent to the Attorney-General - first to the Magistrate, and he holds the inquest, and he then comes to a decision and from there it goes to the Attorney-General and he has to make the final ruling. Why this docket was closed then before the report had been received from the Attorney-General I don't know. I don't know who authorised ... [end of tape] ... [break in recording].

So you do recall going with Brigadier Hansen. It wasn't Jansen, it was Hansen, wasn't it? --- No, Hansen. He will be able to say.

So you went to Pretoria with Brigadier Hansen and you spoke to - you can't recall who it was. Do you think it was the Commissioner of Police? Could it have been the Commissioner of Police? --- If I recall correctly, it was the Commissioner.

(Inaudible). --- I will have to think for a while. No, I am sorry, I can't help you. I know it was the Commissioner.

Why would it have been ... (intervention) --- Just a moment, just a moment. I think it was Prinsloo, if I recall correctly. I think he has also passed away since.

Was he Regional Head of murder and robbery or what was his position? --- He was in charge of the general detective division in Durban.

Why was it necessary for you and Brigadier Hansen to go to Pretoria to speak with a senior policeman about this murder? --- It was an instruction of Brigadier Hansen and I just went with. It wasn't my decision. He

was a

/senior officer

1B senior officer and a brigadier and I just followed instructions.

Was it normal to do that? Did you discuss individual murders with the Commissioner of Police on a regular basis or was this unusual? --- No, this was exceptional.

And do you recall what Brigadier Hansen or what you said to the Commissioner during the course of that meeting? Did you tell him about the investigations that Captain Earle was doing? Did you tell him that the evidence pointed towards a BOSS member? What did you tell him? What did you discuss with the Commissioner?

--- I can't remember word for word what I said or what Brigadier Hansen said, but it was mentioned to the Commissioner that we suspected that Dolinchek could perhaps be involved.

And from what you've told us the Commissioner said to you, "You don't have any evidence. You're wasting time. Close the investigation or stop the investigation". --- No, he didn't say it must be closed. What he did say is that there was no evidence, but there was no talk of closing the docket. He didn't say this. Not as far as I am aware.

So why was that entry made in that investigation diary? Or what does that entry mean there actually, which is signed by yourself? --- Which entry are you referring to?

(Inaudible). --- Yes, you see what happened, this case that had to be closed. After a certain period it had to be brought forward again and then the enquiry

would be taken further.

/What are

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What are you saying? Are you saying it wasn't actually closed? --- No, what I said is that once the docket is filed, it is then taken forward - I think it's for three or six months and you write that it's going to be submitted again on a particular date. Then it has to be brought out again for further investigation.

MR LAX: Why would you have done that at this stage?

--- As I've already said, the docket was closed. This is the normal procedure that the file is closed and then it's my duty to make that entry, because I'm in the person in charge, and then to submit for the next date.

That is how it works. In all cases that is the procedure followed. The docket is after a certain period, after having been closed, especially murders, it's brought forward again to a certain date and then further investigations are carried out. That is the normal practice.

CHAIRMAN: We have a situation here where Earle is a Captain at that stage and you are his Major. You are his commander and obviously it's clear from the diary that you had quite a lot to do with this investigation.

You supervised him quite a bit. He obviously discussed the progress with you on a regular basis. --- Of course I did go through the docket.

It was more than you just checking his work, because you went to Pretoria with Brigadier Hansen. You must have known this docket quite well, in order to be able to brief the Commissioner. Isn't that so? --- Yes, that is correct.

The point I'm getting at is Earle felt he was making progress, and he was making progress in a particular

/direction. It's

1B direction. It's because of that the docket was closed, he said. Now, let me ask the question first. We agree on all of that so far. That's what he's told us. Now, you're saying you didn't make the decision to close that docket. All you did was make the note that once it had been closed it should come out again in November. Do we understand one another at this stage? --- Let's make sure that we understand one another. Well, it seems that there is still a misunderstanding. Earle did discuss this matter with me and I discussed it with Brigadier Hansen and then we went to Pretoria. Do we understand each other up to there? Fine.

Before you go any further, you went to Pretoria at Pretoria's request, not at your request? --- No, no, no. We went to Pretoria after being instructed by Brigadier Hansen to do so, after having discussed the matter with him and then I went with him to Pretoria. He felt that I should accompany him as a delegate. As I've explained earlier, the docket was closed. Who closed it I don't know. I cannot remember. I don't have an answer for that, but it is normal procedure that the docket is closed and then this docket is then closed. It comes to me and I have to make a note that you must put it away for bringing out again at a certain date. It's not for me to decide the docket was closed. It's not my decision. I just have to process it further.

The question is a very simple one. Who would have made that decision to close the docket? --- That's what I'm saying to you. I do not know.

There are only two people that would have made that decision. It would have either been Earle himself?

---

/No, no,

1B No, no, Earle cannot close the docket.

But I'm just offering it to you as a possibility.

The other possibility is that it was you, his commanding officer. Who else would it have been? ---

No, in these serious cases the docket may not be closed by me. It would have gone to Brigadier Hansen, because he is head of that section.

It couldn't have been anybody else. --- I'm not sure. Only if I see it will I be able to really say.

You see, there are places in that diary where Hansen made notes and he signed it and you can see that.

You've seen that yourself. --- Ja.

Now, if Hansen took that decision it would have been there. --- What do you mean, wherein? No, no, he doesn't write on the diary. It's on the front of the docket that it is closed. On the front, not in the diary.

Captain Earle has said that he was clearly unhappy that the file - that the investigation was stopped. He said after your trip to Pretoria with Brigadier Hansen it was quite clear to him that this investigation had come to an end. We've read you what he said. He said he was unhappy about it. He felt that he hadn't put enough time and energy into the investigation yet. He



felt he was making headway. Why should a docket be closed when the IO, investigating officer, feels that he is making some headway? Why should it be closed? That's what we want to know. --- No, I fully agree with you. I would have wanted to take it further as well. I wasn't happy myself.

Why didn't you take it further? --- I could not because it was an instruction given to close the docket and I don't know who gave that instruction.

/As far as

As far as he was concerned Martin Dolinchek, or as he was known as Martin Donaldson, the BOSS member, he felt that he was a suspect definitely worth following up. That's what he told us. He said that - well, that's his view. --- But I've already said that. Yes, I've already said that.

Now, one thing that Captain Earle couldn't tell us was why the only piece of investigative work that was taken with regard to Dolinchek was to request him to hand over his 9mm police issue pistol. Captain Earle said that is the only thing that he did. He said that he never took a statement from Dolinchek. He said that he never went to his house. He never searched his house. Can you tell us why that happened? --- I cannot explain that. If he didn't do it, I cannot explain it. I simply cannot explain it.

When you went to Pretoria you spoke to the Commissioner of Police. Did the Commissioner of Police ask you if you had made a warning statement to Dolinchek, if you had taken a statement from him, if you had searched his premises, if you had spoken to his colleagues in BOSS at the time, whether he had an alibi

for that evening? Did he ask you anything like that about Dolinchek, or did you tell him anything like that about Dolinchek? --- No, he didn't ask it.

[Break in recording] ... information out about Dolinchek, if you thought he was a suspect? You've just told us that you thought he was a suspect. Why didn't you find out that information from him? Why didn't you take a statement from him or why didn't you instruct Earle to? Why didn't you instruct Earle to search the house? Why

1B

/didn't you didn't you instruct Earle to speak to Dolinchek's colleagues in BOSS? Maybe he had, you know, in a moment of bravado or drunkenness admitted to this murder? Why didn't you advise Earle or instruct Earle to do those things, which would have been normal if you suspected Dolinchek? --- It wasn't necessary for me to tell Earle. He could have followed it up on his own. It was up to him. It's not necessary for me to tell him to do this. He was doing the investigation.

I'm having some difficulty here. You were the senior officer. It was your job to check his work and here is a man who was clearly not doing the most basic investigative follow-up in a murder and you don't do anything about it. Why? --- I cannot give you an answer. I am sorry, I cannot remember this and I cannot answer you on it. You see, gentlemen, you are placing me in a very difficult position. I cannot understand that he didn't follow it up and I cannot give you an answer.

Not only he didn't follow it up, but you didn't follow it up either and we put it to you that that was

extremely negligent police work. The grossest of negligence. --- I cannot see this. The docket was then closed already.

This should have been done before it was closed.

--- Yes.

It was totally negligent or it was deliberate, which makes you an accessory to a cover-up. What do you say about that? --- No, I'm sorry, but I don't cover up anything. I would definitely not have covered it up.

You can't explain why you didn't take the matter any further. You say it wasn't negligent of you and you say

/it wasn't

1B it wasn't deliberate of you. Well, then give us some other explanation. That's logical. You understand our difficulties? --- I do understand this, but I cannot give you an answer. I do not know. Maybe it's just negligence. I don't know.

I want to suggest to you that it wasn't negligence at all. That the only reasonable, logical conclusion anyone can draw, looking at these facts is what Earle says actually happened. You and Hansen went to Pretoria. You spoke to the Commissioner. The Commissioner made it clear to you you were wasting your time and he wasn't approving of you continuing this investigation. You came back and you simply shut your eyes and closed the investigation. --- No.

Because it was a sensitive matter. --- After coming back from Pretoria I don't know who gave the instruction for the docket to be closed. I don't have the knowledge of this and I cannot answer that.

You wouldn't have made that entry in the diary that we have referred to, unless there was an equivalent entry on the front of the docket by your senior commander. By your own admission, that would have been Hansen. It wouldn't have been anyone else, because he took a personal interest in this case. He was the one who decided you should go to Pretoria. So let's not beat around the bush here. It could only have been Hansen. He was the only other senior officer to you who had any knowledge of this case and that had shown any particular interest in it, and that's obvious from the diary. --- That's correct.

So why are you saying you don't know who did it? It must have been Hansen. It could only have been him.

---

1B

Didn't do what? I think it's Hansen. Where is the docket? Can you show it to me? If I can't see it then I can't say that Hansen was the man that closed it. I think so. I assume so, but I don't have any proof that he closed it.

/Didn't do

[Break in recording] ... seen who actually did it, but the fact of the matter is it could only have been Hansen. There's no other officer that would have taken that decision in this case. --- I cannot answer it.

It could be him. I do not know.

MR GOVENDER: According to Earle's evidence, he says that you, in fact, closed the docket. Just to quote what he says, in answer to the question about the date that you took a trip,

"I cannot remember the date, but I think it would have been shortly

before I made the inscription in the diary."

The one referred to earlier about the direction of the thing.

"He would have written into the diary himself."

That's referring to yourself, Colonel.

"He closed the docket as inconclusive even before the finding of the Attorney-General with regard to the post-mortem inquest would have been received, which is unheard of."

That's the comment that Earle made in his inquiry. He's referring to you having closed the docket. --- I cannot remember having closed the docket myself. I cannot remember this.



/CHAIRMAN:

1B CHAIRMAN: Just to repeat what Captain Earle said, and he's talking about you now,

"He would have written into the diary himself. He closed the docket as inconclusive even before the finding of the Attorney-General would have been received, which is unheard of. It simply doesn't work like that. You're not supposed to do that."

You see, what Captain Earle is saying is that he strongly believes that because the investigation was pointing towards a BOSS official or some other police official being involved that the file was closed. That is what he says his strong feeling is. That's what he told us, sitting right there where you are sitting.

That's what he told us and he said that he couldn't explain why the proper investigation into Dolinчек had not been done, but he did say that within the Police Force murder and robbery were lower down on the ladder, if you like, than Security Branch and BOSS. He says that if they didn't want murder and robbery or the uniform branch to do certain things then you didn't do them. He says that is what it was like in those days. He says it wasn't right, but that's what it was like, that BOSS and the Security Branch had supremacy over murder and robbery, and I want to know what your feeling is about that. --- It's possible. I think I agree with him there.

MR LAX: [Break in recording] ... which is a couple of lines down from that last entry where you talk about, "Bêre die lêer". Look at the second entry after that. 16 October 1978. It's two lines down from there. ---

Ja.

/Just read it

1B Just read it for us. What does it say? ---  
"Bring forward 12/7/79."

[Break in recording] --- There it is.

[Break in recording] ... Magistrate? ---

That's correct.

And then the file is filed away? --- No, not the file. The document was filed. There's the entry.

So at that time was the docket still open? Was the investigation still on-going? --- No, it doesn't seem to be, because I wrote just after that, "Bring forward 12/7/79 for further investigation".

[Break in recording] ... December to continue the investigation. Why wait for a whole year? Sorry, it's

even more than a year. It's a year and two months - 14 months. Why wait 14 months for continuing the investigation? --- But I have already explained that the matter had been closed and then it gets brought forward again at a particular date. That is the procedure is followed. Every few months the case is brought forward again and that's what happened here, so that if you see that November 1978 is entered there, then it was brought forward again later.

[Break in recording] ... is that it never came up again until the 5th February 1980. --- No.

[Break in recording] ... February 1980. --- No, I'm sorry, I cannot answer. I wasn't there any more. At that time I wasn't there.

[Break in recording] ... speaks for itself.

CHAIRMAN: You'll see that date in your diary, Colonel, you'll see there.

MR LAX: What he's saying is he wasn't there at that /time.

time. --- No, I see the date, but I cannot answer because I wasn't at murder and robbery any more. At this time I was at Durban South. I had been transferred there. My transfer was sudden. I do not know why it happened. It was a mystery to me, that all of a sudden I should be transferred.

CHAIRMAN: Were you promoted in that transfer? --- No, it was not a promotion. I just on a particular day, after Brigadier Hansen retired, just shortly after that a transfer came through and I was just sent off to South with no reason given. I do not know why it happened. Nothing was said to me. I thought it rather strange, because it didn't make sense.

MR LAX: Do you agree with Earle's statement that it was most unusual to close a docket before the J56 had even arrived? --- Yes, I agree.

[Break in recording] ... made the entry two months later when the J56 arrived? --- Yes, I agree. I did make that entry, but at that stage the docket had already been closed. It must have been closed and then this thing came afterwards.

CHAIRMAN: We are going to take a short break now, just to give the interpreters a break. They say they need a bit of time out. We are going to take a short break - five minutes.

SHORT ADJOURNMENT



/ON RESUMPTION:

ON RESUMPTION:

CHRISTOFFEL GERT GROENEWALD

MR LAX: Okay, we've had a short break to allow the interpreters a chance to get their breath back, although I'd hardly call nicotine breath, but anyway there we go. Just pulling your legs. Colonel, one of the issues that came up later in our discussion with Captain Groenewald - Captain Earle - I beg your pardon - was the issue of someone else being murdered - a police informant being murdered that very same day. Do you bear any knowledge of that? Do you have any recollection of that? --- No, I'm not aware of that.



When did you leave - when were you transferred?

--- How do you mean, from where?

[Break in recording] --- I cannot remember the exact date. It was shortly after this entry. Yes, it must have been December of 1979. I think so, but I cannot recall the exact date.

Now, you've intimated that you found your transfer somewhat strange? --- Yes, that's correct.

It didn't seem like it was the right thing at the time. --- Yes, it was something that didn't make sense to me that I should suddenly be transferred. I couldn't understand this. It seems rather unusual.

Just to go back to that ... (intervention) ---  
If you'll allow me to explain?

Carry on, sorry. --- After Brigadier Hansen had retired then Brigadier van der Westhuizen took over and immediately after that I was transferred. Brigadier van der Westhuizen was at that stage the detective officer of Durban West, where the murder had occurred, so I found

/that rather

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that rather strange - my sudden transferral.

You said earlier that you shared Captain Earle's feeling that you were unhappy that this investigation was being stopped? --- Yes, that is correct.

[Break in recording] ... amongst your fellow officers? --- No, I didn't speak about it.

Did your transfer have anything to do with that?

--- That would be a possibility.

Captain Earle wasn't transferred? --- No, no.

In fact, he continued to handle the docket, basically. --- That's right.

Till 1980. --- That's correct.

Now, I just want to go back a little bit. We spoke about the fact that the docket was filed before the J56 arrived and you indicated that it was irregular and unusual. --- I wouldn't say it's irregular, but it wasn't entirely correct, but not really irregular.

But you say it was unusual. --- I cannot really explain it. I used the word unusual, but I cannot state why the J56 was received later and it was filed. Now, how all this exactly happened I cannot explain.

[Break in recording] ... strange about it. If you can't explain, I want to know what's strange about it. I want to know why it's strange. --- Look, what usually happens is that the docket is closed after the J56 is received. So what happened in this case I cannot tell you. It seems as though the docket was closed. I don't know by whom and then it was filed afterwards.

CHAIRMAN: I put it to you that it was actually irregular. No docket should be closed off before a decision to prosecute or not to prosecute has been made.

/--- It's

2A --- It's not that irregular, because it doesn't disadvantage anybody. It doesn't prejudice anybody.

MR LAX: [Break in recording] ... to proceedings. --- No, that is correct, that I concede. That was incorrect.

I put it to you it is so that, based on the inquest, which would have inconclusive, or the evidence in the docket anyway, and based on the lack of further thorough investigation, was it not a foregone conclusion that the AG would not request a prosecution anyway?

--- Could you please repeat that question point for point?

Let's start again. At that stage ... (intervention) --- At what stage?

At the stage of conducting the informal inquest - and let's go back and I'll tell you exactly when that was. Just bear with me a short while. I'll try and find you the exact date. It was 2nd May 1978. Documents were handed to the Clerk, attached to the judicial inquest investigation, the position of the judicial inquest, as per B29. So the inquest was held literally five months after the death of the person at a stage when the investigation was totally incomplete. Do you agree with that? --- Well, I cannot explain it.

[Break in recording] ... an inquest being held, had it been referred to the AG yet? --- Repeat please.

Prior to the inquest, which was in May 1978, had it been referred to the AG yet? --- Ja.

And when was that? --- No, I cannot explain it. Look, the documents go to the Magistrate and the Magistrate sends it to the Attorney-General. I don't know what the date was when that was done.

[Break in recording] ... and you would know this, as

/a senior

2A a senior policeman, is that the police put the docket together and send the docket to the AG. The AG decides whether an inquest should be held or not, not the Magistrate. The AG decides if there is not sufficient evidence for a prosecution then he orders an inquest, correct? That's the normal procedure. --- Ja.

Not the other way round. --- Allow me to explain. The documents go to the Magistrate. The Magistrate holds a judicial inquest. Then the documents go to the Attorney-General, and he makes a decision, deciding on an inquest or whatever the case may be. That's how it works.

CHAIRMAN: You see, you've left one important step out.

Before they hold an inquest, other formal or otherwise, the AG makes a decision whether to investigate or not, whether to prosecute or not, rather. If he feels there's insufficient evidence to prosecute he either orders a formal or an informal inquest. --- I do not agree. That's not been my experience. In my cases it went to the Magistrate. He decided and sent it to the Attorney-General, and that's the way we've always operated.

MR LAX: [Break in recording] ... something was irregular when I asked you that question earlier. ---

Referring to the J56? I was referring to that J56, and that's not irregular.

CHAIRMAN: You see, I want to suggest to you, and I'm not for one moment suggesting that you were necessarily the person involved in this or not, but there is clear indication that this investigation was halted the minute Mr Dolincheck's name became involved with it. --- I cannot explain that. I do not know who gave the

2A /instruction for instruction for that to be closed. I'm not aware of this.

[Break in recording] ... a policeman with many years' experience as a detective, if I put these facts to you, what conclusion would you come to as an

independent observer of those facts? As an ordinary human being looking at those facts, what conclusion would you come to? --- As I've already said, I don't know if the instructions came from the top.

[Break in recording] ... or where it came from. I'm saying to you step out of your shoes as a policeman or a retired policeman for the moment and as a thinking person, look at the facts and ask yourself this question. Can you come to the conclusion that there was some sort of cover-up or can't you? Plain and simple. And if you tell me honestly that you can't I'll be very surprised. --- I cannot say that there was a cover-up.

You can say it's most strange that this investigation was stopped and you can say that there's no explanation of why it should have stopped? --- No, I cannot explain it, but from my side I don't see any cover-up.

As a thinking person, looking at those facts, how can you possibly not come to that conclusion? --- Yes, I agree there.

Do you remember at all during the course of this investigation a man who later worked for the police, Leon Mellett? Do you remember Leon Mellett? --- I know him and I know about him. That's correct.

Somebody phoned him and said that the ANC were taking responsibility for this killing. --- I'm not aware of that.

/He went with

2A

He went with Captain Earle to a meeting with the late Bobby Welman and Herman Stadler and they confirmed that the ANC had taken responsibility for this and you

were present at that meeting, you told us so. Okay, he's correcting me. He's saying he's not sure now whether you were, in fact, present. Do you remember any discussion about the ANC taking responsibility for this or not? I can't expect you to remember every meeting you attended. --- I cannot remember it. It's possible, but I have no recollection.

You see, Captain Earle says that - I asked him a question and I said, "Did you believe at the time that the ANC would send a death threat to Dr Turner?", and he said he doubted it very much. "I very much doubt whether that would have been the case." So I said, "So do you believe that Welman and Stadler were trying to mislead you?", and his answer is, "Certainly. Most definitely. That is why I did not trust them". So he says he didn't trust Herman Stadler or Colonel Welman, because he said that he thought they were trying to mislead him, by saying that the ANC had accepted responsibility for the shooting of Dr Turner. What do you feel about that? What do you feel about what Colonel Stadler or ... (intervention) --- No, I also feel that the ANC was not involved. I do not believe that, but those gatherings that you are referring to I have no recollection of. I cannot remember Welman, but I would say that the ANC was not involved.

Did Captain Earle ever tell you that Colonel Stadler and Welman tried to mislead him in his investigation, by suggesting that it was the ANC who had killed Turner? Did he ever tell you about that? Because he says here he

/definitely didn't

2A definitely didn't trust ... (intervention) --- No, I cannot remember that. He may have mentioned it to me, but I do not remember it.

[Break in recording] ... that diary, the copy of the diary that you have in front of you. Captain Earle has written a note about this telephone conversation from somebody to Mr Mellett and he makes a funny remark here. It's 13th January 1978. He says - I'm just going to quote from the diary - 13 January 1978 - okay, if you can't find it I'll just read to you the English translation of what the diary says. It says here,

"It appears that it was also a white man that phoned. He said that the ANC accepted responsibility."

Now, in brackets Captain Earle has written, "(Security Branch style)". Do you know what he meant by that? --- No, I cannot remember.

We questioned Captain Earle about that. He said that is something that the Security Branch used to do to try and mislead an investigation, by making a phone call like that or something like that which would point to the ANC being responsible for an incident or a murder.

--- Well, you see, that's his opinion. I cannot answer to it because I am not aware of it. It's just his opinion.

Does that surprise you, given the context of this investigation and what your feeling was at the time you had to close the docket? --- Well, I cannot say that I closed the docket.

[Break in recording] ... as to who closed it. I used, "You" in the plural. The question is does it surprise you that the Security Branch may have done a

/thing like

2A thing like that, in order to point responsibility for the murder at the ANC? --- That is possible. It is a probability.

[Break in recording] ... possible? --- If you mean, surprised, yes, surprised.

[Break in recording] ... much more open. He said he didn't trust these people at all. He said he thought the Security Branch were trying to mislead him. Do you think the Security Branch were 100% co-operative and honest in everything they did? Do you have a different view? What is your view of the Security Branch in those days? --- Well, if you hear of all the things that were going on today then it's possible that such things did, in fact, happen.

MR GOVENDER: [Break in recording] ... Chris Earle had a better sense of the interference of the Security Branch in these investigations, because he says quite openly that as soon as the file was closed in November 1978, shortly thereafter he was transferred to Middelburg and he says you remained in the unit when he was transferred. What do you say about that? --- No, that's not correct. He was still part of the unit when I was transferred. So it's not correct.

[Break in recording] ... say when questioned about why he didn't continue the investigations when there were certain newspaper reports and I read from his evidence. He is asked the question,

"Just to go back to what you said earlier. You said to me we have to understand how you worked at the time as to why you didn't speak about your



real

/suspicions."

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suspicions."

And he says, "Yes, that is the case, Mr Chair". So it's put to him again,

"So clearly as a policeman working in the police at the time it wouldn't have been a right thing to do in terms of prevailing ethos for you to actually say what your suspicions were. You would have been branded a traitor."

And his answer to that is, "That is the case". He goes on to say,

"If today I was in the police I would not do it in that way. I believe we were simply used at the time to do dirty work."

--- Well, that would be his opinion.

[Break in recording] ... that you don't know who instructed him to close the file or who closed the file.

He goes on to say, when he was asked the question - this is page 32,

"Now, Major Groenewald never told you who instructed him to close the docket?"

And his answer to that,

"It is possible. As I have said, he might have told me, but I can honestly not remember, because it's a long time ago."

That implies that you were instructed. That you informed him that you were instructed that the file be closed and that you ... (intervention)

CHAIRMAN: Give him the next line. --- No.

/MR GOVENDER:

2A MR GOVENDER: And the next line says,

"It must have been someone in Pretoria at the head office?"

--- Well, as I have said, I didn't close the docket. I made this clear. I did not take that decision.

Yes, but he says you did. --- He can say that, but there is no proof that I closed it.

CHAIRMAN: The fact is it was closed. --- I said that I suspected that Brigadier Hansen closed the docket and I'll tell you why. If you look to C64 of the diary, C64, have a look at 18/7/78, at the bottom of C64, Brigadier Hansen has signed there. Do you have the place? Allow me then to explain. If Brigadier Hansen had closed the docket then he would sign in the diary on the date that he closed the docket.

Can I just explain for the benefit of everybody else. On the photocopy of the actual original page in handwritten at the bottom of the page there is a date stamp with Hansen's signature on it. Right next to that entry where it talks about the file being closed off or, "Bêre", is that correct? --- No.

Which entry is it? Sorry, it's the second. ---

No, no, wait. Look, I said I know that Brigadier Hansen, when he closed a docket, on the last copy of the diary he would put the date stamp and sign it, so I then accept, on the basis of this that he must have closed this docket.

MR GOVENDER: [Break in recording] ... that you and Brigadier Hansen were summoned to Pretoria. Is that right? In relation to this investigation.

CHAIRMAN: Sorry, he's actually said they weren't summoned to Pretoria. He said Brigadier Hansen decided to

/go to Pretoria

2A go to Pretoria with him and he asked him to accompany him.

MR GOVENDER: He says otherwise. He says you were summoned to Pretoria. What do you say about that? --- No, no, that is not correct. We were instructed by Brigadier Hansen to go. He said we must go. So he is wrong there.

[Break in recording] ... this investigation? Was this the only reason that you went to Pretoria for? --- Yes, but I have already said that.

You're saying that Brigadier Hansen may have closed this file? He was your immediate superior. Is that right?

CHAIRMAN: Mr Govender, he's going further than that. He's saying Brigadier Hansen definitely closed the file, because that signature confirms it for him. Now, was that, as far as you can remember, did Brigadier Hansen sign that and put his stamp there shortly after you and he had been to Pretoria? --- Yes, I cannot remember the date when we went to Pretoria. How soon after that the docket was closed I cannot tell you. It's very difficult for me.

[Break in recording] ... Pretoria? --- Ja.

Now, just from your recollection of that discussion that you had in Pretoria with the

Commissioner of Police, you said that he did not instruct you or Hansen to close the docket, but he expressed the view that you were wasting your time, because there was no evidence. Is that right? ---  
That is correct.

Do you think then that Brigadier Hansen made his decision based on the opinion expressed by the Commissioner? --- It's possible, unless an instruction

/came from the top, but I cannot explain that. It's very difficult for me.

Yes, I know that's difficult and I don't want you to speak for Brigadier Hansen, who is deceased, but you were the only one present who was at that meeting and we just want to get your sense of what the Commissioner was trying to put across to you. It seems from what you have said that he was dismissive about this investigation. That he was saying, "Listen, there's no evidence. You're wasting time here". Is that right?

--- Yes, that is my opinion which I arrived at, that he wasn't really interested.

MR GOVENDER: In circumstances where a matter is closed because of lack of evidence, is it not normal that the superior officer would discuss that with the investigating officer before a decision is made to close that investigation? Isn't that normal? --- Not necessarily.

But you say you were not intimately involved in this investigation, nor was Brigadier Hansen. The only person that was intimately involved was Chris Earle. Is that right? --- That's correct.

So any decisions that you or Hansen or the Commissioner would take would be based on what is contained in the docket. Isn't that so? --- That's correct.

Anything else that may arise in the investigation. Any knowledge that the investigating officer may have had and so forth would have been of benefit in determining whether there wasn't evidence or this was a waste of time investigating and so forth, isn't that so?

--- Yes.

/In the normal

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In the normal course of things there would be a discussion between the investigating officer and his superior officers as to the evidence and the prospects of this investigation? --- No, no, that is not the normal way it's done.

Normally you would instruct an investigating officer to stop investigating the matter because there's insufficient evidence, without first discussing the matter with him? --- You cannot discuss every case with the investigating officer. It's an impossible task.

CHAIRMAN: Let's not beat around the bush. This was not your every case. This was a very sensitive, unusual instance. A white man being shot dead in unusual circumstances with certain political overtones. It was not your usual, run of the mill case, and you took a very active interest in the case. If one reads the investigation diary. You went to the scene. You went here. You went there. You involved yourself. You were in meetings with Security Branch. It's obvious you played more than just a cursory, supervisory role. So

let's not carry on with that charade any further. ---

I am not playing games now.

Well, you are, with all due respect, Colonel. You are giving us the impression that it was a very hands-off thing for you and the diary makes it very clear that you were very hands-on, and it's obvious that you were hands-on, because this was an important case. It was an unusual case - so unusual that you went to Pretoria to discuss it with the Commissioner of Police himself. So please, let's not mess around now. I want you to be frank with us and if you attempt to mislead us any further I draw your

/attention to

2A attention to the fact that it is an offence. --- No, no, I am not trying to mislead anybody in any way.

Then stop trying to give the impression that you were hands-off this case, when you were hands-on. Let's be frank now. --- No, but I have stated where I was, that I went with Hansen to Pretoria on his instruction. I've said that.

[Break in recording] ... is that you were involved in the day-to-day activities of the investigation. You had a very intimate knowledge of this case at that time.

It wasn't just the run of the mill case that you would have spoken maybe about to the investigating officer. You held detailed discussions with the investigating officer in relation to this case and the diary is evidence of that. --- I have never said that I wasn't involved at all, but I wasn't on a day-to-day basis. I've never said that I wasn't involved.

MR GOVENDER: You see it's strange, Colonel, that suddenly there's an entry in the diary where you

yourself are suggesting that the file be closed by November 1978 or filed.

CHAIRMAN: Sorry, to be fair to the witness, he's not suggesting that. He's explained that time and time again. It was normal procedure. Once a decision was taken to close an investigation down, the file was diarised. That's normal practice. Let's not put words in the witness's mouth.

MR GOVENDER: Well, the normal procedure, Colonel. The normal procedure was that the investigation was then filed. Did you discuss this matter with Chris Earle before you made that recommendation? --- I didn't make

2A

/a recommendation  
a recommendation to close the docket. I didn't make any such recommendation.

[Break in recording] ... before you ...  
(inaudible). --- I can't remember.

Because Chris Earle said otherwise. He wasn't instructed in terms of that. That entry was made as a result and after you'd come back from Pretoria - you and Hansen. What do you say about that? --- It is possible. Yes, it is possible. Then the docket was already closed at that point.

[Break in recording] ... discuss it with Chris Earle? --- No, it's not for me to decide. Brigadier Hansen is the senior person. If he decides to close it, then he closes it and I cannot do anything about it.

As I understand you, Colonel, there are two stages. One is where it is filed, as you have done in the normal course of things. The closing of it is another issue altogether, where you are suggesting, as

arises from the docket itself, that it was closed by Brigadier Hansen, but what I'm interested in is at the stage where you went through the normal procedure and recommended the file be filed in November 1978. Did you discuss that with Chris Earle, before you made that recommendation? --- As I have stated, I didn't make any recommendation that the docket be closed. I never made any such recommendation.

[Break in recording] ... recommendations. I'm suggesting, as you've explained, that it would be filed in the normal course of things? --- Ja. Once the docket had been closed I made that entry that it should be filed, for submission in November again for further investigation. That entry I made.

/I may be

2A I may be confused. I want you to just clarify something. Are you suggesting that the file - the docket was closed and then you made that entry or are you suggesting that Brigadier Hansen closed the file first, then you made that entry? --- The docket was first closed by Brigadier Hansen and afterwards I made the entry.

Did you seek clarity from the Brigadier as to why the file was closed? --- That's the kind of a question you don't ask the Brigadier.

[Break in recording] ... satisfied. You didn't feel quite right about this investigation and you were uncomfortable ... (intervention) --- I said that, yes, I said that.

And you were uncomfortable with the fact that this matter was closed at that point in time? --- Yes, I've already stated that.



Why did you feel that? What was the reason? What were your suspicions? --- I don't know. There was just something worrying me. It didn't seem quite right.

You couldn't put your finger on what that was? --- No, I could not put a finger on it, but there was something just not right about it.

[Break in recording] ... you would have allowed that investigation to continue? --- Even today. If today I were given the chance I would do it, because I don't like to have these things with me. It's a mean deed, if I can express it that way.

[Break in recording] ... Brigadier Hansen involved in this investigation? --- Pardon?

How intimately was Brigadier Hansen involved in this

investigation? --- Well, he was knowledgeable about it. It must have been discussed with him.

[Break in recording] ... himself personally in the investigation? --- He wasn't really personally involved, no.

[Break in recording] ... recommendation as to the progress of the investigation and the evidence and so forth would come either from you or Chris Earle? ---

No, as I've already stated, no recommendation was made by me or Earle. The Brigadier took the decision, and I've already stated that.

So any information or any report that he would receive would be either from you or from Chris Earle as to the progress of the investigation? Is that right?

--- Ja, ja.

You say that he didn't consult you or Chris Earle before he closed the file? --- No.

So there was no report made to him? --- No.

And do you think he took this decision upon himself or was this an instruction that he may have received from his superior officers? --- I cannot answer that. He may have decided himself or he might have been instructed by his superiors, but I cannot give you the answer.

Just look at it logically ... (intervention) ---

It's possible.

There was this Brigadier who didn't have a report from either you or from Chris Earle as to recommendations that this file should actually - investigations should be terminated. Suddenly, out of the blue, a man who has no knowledge of what's going on closes the file. What do you think is the likely scenario in those circumstances? --- /It's possible

2A

It's possible that his superiors instructed him to do that. I cannot answer on his behalf.

If that was the case - let's put the situation - if that was the case, can you advance any reason as to why he would have been instructed to close the file?

--- I cannot answer. It's very difficult for me.

[Break in recording] ... being quite frank with us. You know, a man in your position, head of - commander of a unit - murder and robbery squad, obviously you would have some interest in a big matter like this. --- No, but I cannot answer on the part of somebody else. I don't know what Brigadier Hansen was thinking. You cannot expect me to answer on his behalf. Brigadier Hansen decided something and I cannot

say that he may not close the docket if he decided to.

I'm not trying to be difficult, but you cannot expect me to answer this kind of question. I cannot answer for Brigadier Hansen. He is deceased. If he received instructions from Pretoria, then I don't know about that. So I cannot answer you on this. Please be reasonable.

When he went up to Pretoria to discuss this matter, he asked you to accompany him, isn't that so?

--- Yes, we went together, that's correct.

Is there any reason you can advance for him wanting you to accompany him? --- Well, I accept that they thought it was a delicate issue. That's the only reason, I think, that I was asked to go to Pretoria. Look, we did have some or other idea that the Security Branch was also involved with the deceased. We had that suspicion and that is why I used that word.

CHAIRMAN: Sorry, before you go further. I want to

/suggest to

2P suggest to you it wasn't just a, "Vermoede". You knew for a fact they were observing the man. It was pretty obvious early on in the investigation. It's clear from the diary that that was the case. --- Ja, that's correct.

What was sensitive about the matter was that, in addition to them observing him, he had contact with BOSS. --- Ja, that's right.

So it wasn't just sensitive because of the Security Branch. It involved both side of the security apparatus. --- That's right, correct, correct.

Just as an aside, what was the relationship between the Security Branch and BOSS like? --- Well,

I don't know. I accept that they co-operated well. I believe so.

Listen, again I can't believe that you're giving us that answer. --- Well, what do you mean now?

Just let me speak. I'll explain why. It is absolute public knowledge and to you, as a policeman, it would have been more than public knowledge, it would have been obvious that Security Branch and BOSS hated each other. It was common knowledge in this country and it is still common knowledge in this country to anyone who knows anything about the security establishment that that is the case. Now, you, as a detective, would have known that at the time. And being involved in this case you would have known that. In fact, Colonel, going back to this diary, early on in this investigation, a couple of weeks after the man was killed - 26th January 1978 - Captain Usher writes, "Major Groenewald and myself conducted ..."

Captain Earle says, sorry, Captain Earle says in his diary, "Major Groenewald and myself conducted an interview with MacPherson of Security". Do you remember Vic

/MacPherson?

2B MacPherson? --- Mm. I remember MacPherson, yes.

"According to information received from him ...", that's MacPherson - this is Earle talking now in his diary,

"According to information received from MacPherson, as well as information already in our possession, the integrity and movements of Martin Dolincheck are to be strongly

suspected."

That's two weeks after this man's death, and you've got a senior Security Branch policeman saying that man is a strong suspect - from Vic MacPherson himself. ---  
No, that's right. That's completely right.

So is it likely then that there was an excellent working relationship, as you have said, between BOSS and the Security Branch? --- No, I cannot agree with that.

You say there wasn't a good working relationship between them? --- No, no.

Then I wish you would have said that five minutes ago. It would have saved us a bit of time. So Earle says,

"From information already in our possession, as well as information from Vic MacPherson of the Security Branch, the integrity and movements of Martin Dolinchek are to be strongly suspected."

--- That's right.

So you've got your own information from your own investigations and you've got the word of a Security Branch official. --- That's right.

2B So I'm just putting myself in your shoes. I would /have thought have thought that the correct thing to do would be to go and at least speak to Mr Dolinchek - at least speak to him. It seems, from what you've told us and from what Mr Earle told us, the only thing that was done was to request him to hand over his official police issue weapon and send it for ballistics. That's it. Now, I

know we're going - we've covered this ground already, but that for me is one of the most startling aspects of this investigation and you said that you don't know, it was either deliberate or it was negligent, you just haven't got an answer to that, and I think before we close this session down today we have to get a proper answer to that, because otherwise it's just left hanging in the air. But not to speak to the strongest possible suspect you've got - not to take a warning statement - I don't know. It's very startling for me. --- Yes, I cannot answer you on that. I don't know how the investigation was running at that point and why Chris Earle didn't decide this. I don't know. It's hard to explain.

[Break in recording] --- I am not doing it.

You are. You are saying you can't understand why he didn't do. You were present at the meeting with MacPherson when this information was shared with you. You were his commander. If he wasn't doing it, why didn't you order him to do it? --- No, I can't explain that.

Four days later Captain Earle writes in his diary - we have been over this already, but I'll do it again, just for the record. Four days after that,

"Due to intensive enquiries and investigations by Major Groenewald and myself the investigation is being

/steered in

steered in another direction and is of

a very delicate nature."

So the intensive investigations weren't just by Earle himself. They were by him and yourself. --- No, I

... (intervention)

Do you see why we say you couldn't have been hands-off in this investigation? We've been through this investigation diary. Your name crops up. You went to the scene. You went here. You interrogated certain witnesses. Not on your own, but together with Earle. You, personally. Very unusual stuff for a commander to doing that with his own investigating officer. ---

Can I just look at something for a moment? I have an idea that the reason why this was investigated - but just let me check.

[Break in recording] ... issue. The firearm was his service firearm? --- But he was investigated.

Of course. The question is - I ask you this again, just as an ordinary policeman - do you seriously think that Donaldson would have used his service pistol to commit a murder? Come on. Were you guys that stupid, that you really believed that? Come off it. Let's be honest now. --- Must have been. But it's possible that he could have used it.

You're not a stupid guy, please. It's pretty obvious to me that you ... (intervention) --- You mustn't put words in my mouth.

It's pretty obvious to me that you're a very intelligent man. To become a Colonel in the detectives requires a certain level of intelligence. Even ordinary criminals don't use their personal weapons to commit

/murders with.

2B murders with. They go and get a hot firearm or something like that. You know that. Surely you know that. --- I just can't explain why it happened. It happened. I can't explain it.

[Break in recording] ... way of looking at this case. It smells rather unpleasant. Really. You went through the motions. You didn't try very hard with Mr Dolincheck and you gave him more than ample time to destroy whatever evidence there may have been at that time anyway. That's the only explanation one can come to as to why you didn't do what you should have done, what any normal intelligent policeman would have done in the circumstances. You see, we have spoken to Mr Dolincheck himself. He says the police didn't come anywhere near him. He simply handed over his weapon. He was requested to do so, he thinks, by his commanding officer. He was instructed to hand it over and he says, "They never came to my house. They never talked to me", nothing like that. --- Dis seker so.

Well, is that how you went about every investigation? If there was a strong suspect, what did you normally do in a murder case, where there's a suspect and you believe that he's a suspect because of your own information and because of a big fat tip-off from somebody else like Vic MacPherson? What would you normally do? Would you normally just ignore him? Go nowhere near him? Or would you bring him in and talk to him, interrogate him? What would you do in such a case?

Let's say you're investigating a murder of a woman by her husband or something? A high-profile murder. What would you do if the man was a strong suspect? ---

You see, there is a

/possibility -

2B possibility - I cannot deny it, but it's possible that we wanted to see what would happen and that's all that I can think of.



[Break in recording] ... To watch him, so what's the point of giving him some rope if you're not going to watch him? --- Nee, ek het nie. Moontlik dat hy gaan praat? Hy gaan praat.

[Break in recording] --- Dolinchek.

He would have laughed at you. He wouldn't have spoken to you. --- Dolinchek - once he's had some tots to drink then he's quite chatty. Ek weet van hom.

Well, I mean why didn't you take him to a pub and buy him a few drinks and get him nice and comfortable and then question him? You've just told us that you knew that about the man, why didn't you do that? --- But we didn't do it.

Why didn't you? --- No, I can't give you a reason why not. I cannot give a reason.

You see the only reason that presents itself to us, looking at this, is that that was a territory which, as murder and robbery, were not permitted to enter into. That was State Security, BOSS, Security Branch. That was like untouchable territory. That's how it seems to us. --- We may not. You may not interfere with those people and their work.

That's the first honest answer you've given us in this regard. The fact of the matter is ... (intervention) --- Ek het nou toe ook gesê.

That you had no intention of following up this murder because you were warned off. --- Nee, ek kan nie onthou of ek gewaarsku is nie.

/Well, it

2B

Well, it simply wasn't done. --- But if you get such a negative attitude from your Commissioner and he tells you you haven't got evidence, then it's poor

and then you drop it. You just collapse.

[Break in recording] --- It really breaks a man.

Say that again, please. --- Dit breek jou moed.

INTERPRETER: It breaks a man, and your courage. ---

If you try to do something and you've given this kind of an answer.

CHAIRMAN: [Break in recording] ... happened that you'd made progress and you felt like you were just hitting your head against a wall. --- I've already said that. You lose your interest in the end.

MR GOVENDER: At your meeting with the Commissioner, was it ever discussed that Dolinchek was one of the suspects in this investigation? --- It was mentioned.

What did he say? --- As I've stated, it's said to you, "There is no case. There is no evidence". It was a very negative attitude which he adopted.

Did you think that there was an effort from right up above to cover up this entire incident? Did you get that feeling? --- That is a strong possibility.

[Break in recording] ... closed by Hansen prematurely, he was part of that cover-up strategy? --- Yes, it's possible that he was instructed to do that.

[Break in recording] ... Commissioner, there's no such instructions given? Is that what you're saying?

--- Not in my presence was such an instruction given.

[Break in recording] ... "... you people, there is not enough evidence. Close the file". Is that what the Commissioner said? --- He didn't tell us to close

the

/docket. He

2B docket. He just said there wasn't enough evidence.

CHAIRMAN: Do you remember, when you went to Pretoria that time whether Hansen had meetings with other people as well, either in your presence or out of your presence, but that he might have left you alone and gone elsewhere while you were in Pretoria? --- No, we were together. We were together. There were some other officers present as well, but I don't know who they were. There were a few other people present, but the Commissioner himself was there.

[Break in recording] ... looking at the thing that, in addition to the Commissioner, one would at least have had your Head of Investigations, the Head of the CID, who would have been at head office and possibly the Head of Security Branch. --- I've said it's possible that they were there, but I do not remember who the gentlemen were who were present. It is possible that they were there.

Captain Earle has said in his diary here, the part I read to you a few minutes ago, where he says, "We had a meeting, me and Major Groenewald, with MacPherson from Security", and then he says,

"From information in our possession, as well as information given to us by MacPherson, the integrity and movements of Martin Dolincheck are strongly in question."

Something like that - "Strongly suspected", okay. Now, let's put aside the information you got from MacPherson.

Do you know what information it was that you had in

your possession, as Captain Earle says, that pointed to Dolinчек? Why was he a suspect? --- I cannot recall

2B /the exact the exact information. I just know there was information that he may be involved, but I don't know where the information came from or how we got it. That I cannot remember.

Do you know where Mr Dolinчек is these days?  
--- Ek weet nie.

He left the country. He became a member of the ANC and he's now a very senior officer in National Intelligence Services in Pretoria. --- Ek is nie bewus daarvan nie. Ek is nie bewus daarvan nie.

MR LAX: (Inaudible - microphone switched off) ... Dolinчек. If I may just read something here, please, Colonel. --- Sure.

MR GOVENDER: Colonel, was Colonel Mathee involved in the investigation? --- Who?

Colonel Mathee. --- Mathee?

Yes. --- Nee.

He wasn't involved? --- Nee.

CHAIRMAN: According to Captain Earle, who was present on the day at the scene of the crime, he was present there. --- Ja. No, look, he was a district detective of that division, so it's possible that he was there, yes. I think he would have been there.

MR GOVENDER: Do you know a Beelders? --- Beelders?

Yes. He may have been involved either as a suspect in this investigation. --- Beelders?

Yes. --- Nee, ek kan nie daardie naam onthou nie.

You never came across that name? --- Nee.

MR LAX: Just for the record, I'm just picking up the passage that Mr Lyster has referred to in relation to

/Mr Dolinчек,

2B Mr Dolinчек, and the last portion of that I would just like the Colonel to read. I'm just showing him where it is, and then if he wouldn't mind commenting on that, what it means and so on.

CHAIRMAN: It is the entry on the 26th January 1978 at page 10 of the translation, page C53 of the diary in Afrikaans. "The matter will be gone into further and the necessary action will accordingly be considered".

--- In other words, further investigation. That is what I would deduce from that.

So no further investigation for the firearm was ever carried out? You agree with that? --- I do agree and I've said that before. Brigadier Hansen checked this himself and nothing was queried.

MR GOVENDER: Who do you suspect was responsible for the killing of Dr Turner? --- That is a very difficult question to answer, extremely difficult. If you look at all the investigations - all the things that have come to light - there are so many things coming to light, it really could be a number of persons. It could be anybody.

Just an opinion. We're not going to hold you to that, Colonel. --- No, I am rather not going to give an opinion on that. It really could be anybody. Every day such things are coming to the fore. I cannot give you an answer.

There is one final issue, the issue raised by the Commissioners about the non-activity in investigating

Dolinchek. Was that a decision taken by yourselves as  
investigating officer, or was that specific instructions  
from somewhere that you shouldn't move in that direction  
with your investigations? --- No, I received no  
/instructions.

2B instructions. I don't know if superiors higher up  
perhaps gave some instruction. I didn't.

[Break in recording] ... something to start  
investigating the Security Branch if there are  
suspicions in that direction? --- Repeat, please.

CHAIRMAN: You said that murder and robbery couldn't go  
and carry out an investigation with regard to people in  
the Security Branch or BOSS. You said, "'n Mens mag  
nie". It wasn't the done thing. You didn't, "Inmeng"  
with those people. --- No, it was not something that  
one did.

Colonel, I think we've finished for now. If there  
are any questions that do come to us, do you have any  
objection to us writing to you or telephoning you at a  
later stage if there's anything that we might want to  
follow up with you, rather than avoid you coming up here  
just for a few questions and wasting everyone's money?  
Is that okay with you? --- I have no objection to  
that.

MR GOVENDER: Mr Chairman, I think we will just adjourn  
the matter sine die.

CHAIRMAN: Thank you, Colonel, we are finished with you  
today. Thank you very much for answering the questions.  
We will adjourn the matter. We probably won't need to  
have you here again, but we will adjourn it without a  
date, just in case we need to have you back here, and  
then that means that we don't have to issue a fresh

subpoena on you. So, in effect, you are still under the authority of the same subpoena, but, as you have said yourself, that if there are some short follow-up questions we need to ask we can do it by telephone and I'm sure we won't have to bring you up here all the way again.

MR GOVENDER: Mr Chairman, I want to apologise to the  
/Colonel for  
2B Colonel for the misunderstanding that he may have been  
under when he arrived here this morning that, in fact,  
he was here to assist and not to be part of an inquiry  
like this. The position was explained to the Colonel  
that he, in fact, received the subpoena. It was  
explained in the subpoena exactly what this whole  
inquiry was about. He fully understood and we thank him  
for agreeing to continue with the inquiry.

CHAIRMAN: Thank you very much.

PROCEEDINGS ADJOURNED SINE DIE

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/TRANSCRIBER'S

