

INQUIRY IN TERMS OF SECTION 29

HELD AT

DURBAN

SAHA
ON

4 September 1997

MZUZU ABRAHAM NGADI

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CHAIRMAN: If you can both please just come up and take the oath.

OPERATOR AND INTERPRETER SWORN IN

CHAIRMAN: Good morning, ladies and gentlemen, this is a section 29 inquiry in terms of Act 34 of 1995. Just for the record Ilan Lax is presiding, Mr Ngadi is represented here by Ms Kalitz and Mr van Schalkwyk, Mr Govender will be asking the questions, and he is assisted by Ms Wannenberg.

Before we start let me emphasise the rights of the various parties. As I have indicated this is an inquiry in terms of section 29 of the Act. Mr Ngadi has a right to be represented, and he has exercised that right. That is in terms of section 34 of the Act. And I wonder, Mr van Schalkwyk, whether you have canvassed this with your client, his various rights in terms of refusing to answer questions and so on, or being compelled to answer them.

MR VAN SCHALKWYK: We have in fact, Mr Chairman.

CHAIRMAN: You have traversed that. I won't cover that. Just one aspect I will traverse, and that is the question of offences and penalties, just to draw to Mr Ngadi's attention that it is an offence to wilfully furnish the Commission, or any Commissioner or Member, with information which is false or misleading, and to make a perjurious statement, in other words a statement which under oath is found not to be true. Other than that no evidence obtained during this inquiry may be used against you in a criminal trial or in other legal proceedings. Should we get to the point at which you may decide to refuse to answer questions, just to emphasise that you may

/be compelled

be compelled to answer those questions once I have consulted with the Attorney-General concerned, and if I have decided that your answer to such question is reasonable and necessary in an open and democratic society. So, just so that you understand that aspect.

Before we proceed then are there any opening remarks before I swear your client in?

MR VAN SCHALKWYK: If I may just indicate, I think just for the record ... (incomplete)

OPERATOR: (Inaudible)

MR VAN SCHALKWYK: Certainly I'll do so. This one has been making a noise. Mr Chairman, right at the outset if I may just place on record - you are aware, but just so that the record shows this - that we have in our preparation for the matter, and in an endeavour to assist the Commission, we have requested certain particulars, and I think it's common cause between the parties that the original notice had been amended, for want of a better description - with the tongue in the cheek we don't have difficulties with the - but that we have requested certain particulars to the second set of incidents, which we have not been able to get for various reasons. We don't need to go into that. And that we have subsequently made certain further representations, as a result of which we had a discussion with Mr Lyster, those instructing me, and we have compiled as annexure A, which has been handed up to you, Sir, basically three lists of incidents where we are, firstly, in a position to assist the Commission now, secondly, incident which we can identify because we've heard of them, but we bear no knowledge of them,

and we have not been involved, and then a number of incidents,

/which which unfortunately forms the bulk of the list under the heading 3 - incidents which he cannot say whether he was involved and needs particulars, which we have given the undertaking that once we are placed in possession of particulars by either the Commission or the investigative unit, we will comment on this. We will assist either by way of representations to assist the Commission decide whether or not to have us here for another hearing if it is necessary. Mr Chairman, then for the record that list is annexure A, and I believe that you are in possession of a copy, and I am not sure whether my learned colleague, Mr Govender, is in possession of that. I take it he is.

Those as far as opening remarks are concerned. Just one further aspect, seeing that we are working with recording equipment. If I may just place on record that if we do have a difficulty - our client is a little hard of hearing and wears a hearing aid - we will draw your attention to the fact if there's a difficulty as far as that is concerned.

CHAIRMAN: Thank you, Mr van Schalkwyk. Mr Ngadi, can you hear us properly?

MR NGADI: Yes, I can.

CHAIRMAN: You're free to speak in Zulu, which I understand is your mother tongue. We do have interpretation that will translate that into English for us.

MR NGADI: Thank you.

MZUZU ABRAHAM NGADI (Sworn, States) (Through
Interpreter)

CHAIRMAN: Just for the record, you don't have any
/objection
objection to taking such an oath, do you? --- I have
no objections.

And it would be binding on your conscience? ---
Yes.

Thank you, you may be seated. Thank you,
Mr Govender.

MR GOVENDER: Thank you, Mr Chairman. Mr Chairman, for
the record I would like to go through some of the
personal details of Mr Ngadi. Mr Ngadi, I am just going
to go through your personal record, service record, and
you can confirm or correct the record if we're wrong.
Your force number is [REDACTED] is that right? ---
That is correct.

That you were appointed to the SAP on the 13th of
July 1971. --- That is true.

Stationed at Sandton SAP. --- I was in
Rivonia.

On the 8th of November 1971 you went to the
Hamanskraal Training Institution, is that right? ---
That is true.

On the 6th of May 1972 you were stationed at
Sandton SAP. --- Yes, but it was Rivonia at the
time.

On the 9th of August 1973 you were stationed at
Alexander Road SAP. --- That is true. I was
transferred.

CHAIRMAN: Mr Govender, Alexander Road is in Pietermaritzburg, is that not correct?

MR GOVENDER: That's correct, yes. On the 15th of January 1975 you were stationed at Mazuwana - Mabazwana SAP. --- That is true.

On the 22nd of March 1979 you were transferred to the Security Branch in Osikathi. --- Yes.

On the 2nd of December 1980 you were transferred to

/the Security Branch, Pietermaritzburg. --- Yes.

Then on the 5th of December 1981 you were again transferred to Mabazwana SAP. --- That is true.

On the 2nd of August 1982 you were stationed at Jozini SAP. --- Jozini and Bazwana is one area, so we used to work from one section.

On the 6th of January 1986 you were stationed at the Security Branch, Jozini. --- That is true.

On the 15th of January 1990 the Security Branch, Pietermaritzburg, including the Camperdown Farm. --- That is true.

The 8th of August 1993, Ndumo SAP. --- Yes. No, that's not true. It was Jozini Fire Unit.

Firearm Unit. The 16th of August 1993, the Firearm Unit in Ubombo. --- May you please repeat this question.

16th of August 1993 were you stationed in the Firearm Unit in Ubombo? --- Yes, in Jozini area.

(Inaudible) ... you are in the Organised Crime at Jozini, is that right? --- Yes, that is true.

And are you presently an inspector, your rank in the SAP? --- That is true.

CHAIRMAN: Mr Ngadi, is there anything that we have left out in your background that occurs to you that we might have not got right so far? --- No, everything is correct.

MR GOVENDER: Mr Chairman, in keeping with my learned friend's request and the annexure, I propose that we start with the incidents that Mr Ngadi bears knowledge of as per the annexure.

CHAIRMAN: Before you do that, Mr Govender, if I could /just ask just ask the witness is there any issue, act, offence, or other information that you'd like to give us before we discuss the matters that we specifically want to talk to you about - that you might want to tell us about? We don't have to discuss them now, we can talk about them later if necessary, but if we could note those matters. These are matters which you voluntarily would want to tell us about. --- As for now I don't have anything, because these things have transpired long time ago and that causes a problem to me because I had no records. It's disturbing to me, because the way I work or function I would render and forward every information to my seniors.

You see, you need to understand the purpose of this exercise. This is an opportunity for you to give us any information you think might be relevant to what is generally called gross violations of human rights. That is described in our Act as the killing, abduction, torture, or other severe ill-treatment, of any person, which occurred during the period 1 March 1960 to 11 May 1994, and which occurred with a political motive within the context of the conflicts of the past. It would also

include any attempt, incitement or conspiracy to commit any of those acts. And what I am asking you is - you have an opportunity, before we talk about the specific things we want to speak to you about, to say to us whether there are any other things that you may know about, that you may have been involved in, that you might want to tell us about. Whether you reported them to your seniors or not is utterly irrelevant to us at this stage. Do you understand me? --- Yes, I do understand.

/So is there

So is there any such thing, and if not that's okay. --- There is nothing.

Just one other question. Have you applied for amnesty for any act or omission or offence? --- No.

Are you aware that there is a further opportunity from the 1st of September to the 30th of September this year to apply for amnesty should you want to do so? -- No, I didn't know.

I just feel it's my duty to bring it to your attention that a new opportunity has been created, and it was only passed on Friday, and it becomes law with effect from Monday, that from the 1st of September until the 30th of September people may once again apply for amnesty. So, just so that you do understand that. ---

Thank you for that.

Please proceed, Mr Govender.

MR GOVENDER: Thank you, Mr Chairman. Mr Ngadi, before we come to the incidents themselves ... (intervention)

CHAIRMAN: Sorry, Mr Govender, I've just noticed that the second interpreter is here, and she hasn't been sworn in, and they may switch from time to time. I

would just like to have her sworn in please.

SECOND INTERPRETER SWORN IN

MR. GOVENDER: Mr Ngadi, before we come to the specific incidents, did you ever work for the Security Branch C Section in Pretoria, commonly known as Vlakplaas, or on behalf of Vlakplaas? --- Yes, I have worked for it.

(Inaudible) --- Beginning of 1986.

Were you stationed in Vlakplaas? --- Yes.

Was that in 1986? --- That is correct.

Until when? --- Until 1989.

/And who

And who was your commander when you worked in Vlakplaas? --- It was Eugene de Kock.

Mr Chairman, I propose to move on, if there's any questions arising?

CHAIRMAN: (Inaudible) question arising. I am a little puzzled here. From your record, and you've said to us this record is correct, you were assigned to specific police stations. For example, from the beginning of January 1986 you were assigned to the Security Branch in Jozini, and you were there until the 15th of January 1990. Correct? --- I think I did not understand that, but from 1986 I was removed from Jozini to Pretoria, or transferred to Pretoria, until 1989, and in 1990 I was sent back to Pietermaritzburg.

I asked you whether, as we had related to you, there was anything that had been left out or there was anything extra, and you didn't say a word to us about that. --- I think I was disturbed because I have an ear problem.

Well, maybe you could put the second earphone, which is down away from your ear, closer to your ear. You can adjust the head set so that it's closer. On the other side. --- Right now when I take this other one closer I hear so much noise, and the other one feeds me with information correctly and comfortably.

(Inaudible) ... by turning the knob on the right-hand side of the unit if you need to. How is that now?

--- Yes, that is fine. Just a minute. Okay, I am fine now.

All right, so you were transferred from Jozini to C10 at Vlakplaas. --- That is true.

Okay. And then from Vlakplaas you were transferred

to Security Branch at Pietermaritzburg. --- Yes, that is correct. /to Security

(Inaudible) ... worked under - basically in the Camperdown area under the then Colonel Taylor. He was a major at that time. --- Yes. He was a Colonel. Yes, he was a colonel.

Carry on, Mr Govender.

MR GOVENDER: Mr Ngadi, is there anything else about your service record that we haven't canvassed that you would like to tell us about? --- May I be given an opportunity to go through this paper?

MR VAN SCHALKWYK: May I just indicate that I have handed a copy of the service record to my client that we have, and if I may just place on record that as far as the last aspect is concerned it differs a little from what my learned colleague had put to him, hence perhaps the difficulty, but we will hand a copy of this to

Mr Govender. As far as the last aspect is concerned the Jozini Serious Violent Crimes is as we have the position at the moment, and our information that has been given to us by headquarters is that this is basically a temporary duty arrangement until the application for a transfer is approved. That is the last posting, for what it is worth.

CHAIRMAN: Thanks.

MR VAN SCHALKWYK: It is common cause that Mr Ngadi was in fact at security head office, Pretoria. I think that is the main posting with Vlakplaas C1, so we don't have any difficulty with that.

CHAIRMAN: Yes, okay.

MR GOVENDER: I take it there's nothing else that Mr Ngadi would like to inform us of. --- There is
/nothing
nothing else.

Mr Ngadi, I want to move on to an incident concerning the killing of one Jameson Ngoloi Ngomezulu in 1985. You have indicated to your legal representatives in annexure - sorry. 1985 or 1986 - one of those - in that period. You have indicated to your legal representatives in the annexure that you bear knowledge of this incident. It involved the abduction of Ngomezulu from Swaziland, and the torture of this Ngomezulu, and the subsequent blowing up of his body after he had died during interrogation. Do you want to tell us about that, Mr Ngadi? What do you know about that? --- What I know, we left to arrest Ngomezulu in Swaziland, Jameson. When he was arrested, I mean Ngomezulu, if my memory serves me right there were two vehicles. This one car that I was driving he was not

sent to it, instead he was sent to the other car which was driven by the white man, van Dyk. He's one person I remember quite well because he is the one we were travelling together and always work in hand with in Pretoria, in Vlakplaas.

CHAIRMAN: Describe these two cars for us please as far as you can remember. --- It was a kombi. The other one was a Landcruiser. When he got arrested he was arrested in Swaziland in Nzoko(?).

MR GOVENDER: Who accompanied you to go and arrest Mr Ngomezulu? Who were the people that went with you in these two vehicles? --- I was with - the people I remember very well are Mr van Dyk, but he was not in my car because of the circumstances and the condition of - the changing of the people we used to work with I will not remember quite well. I am afraid I will say it was this

/one and one and yet it wasn't, because people used to change from month to month, although I don't remember quite well. But as for the incident I remember quite well that I was with van Dyk, and the other one, if I am not mistaken, is Mr Pienaar. I don't remember the other ones, but as for the black policemen, I'm afraid. I don't want to say I was with this one, and yet it wasn't him, because people used to change from time to time, every month possibly. Now, it's not quite easy for me to identify as to who I was with, especially the black policemen.

(Inaudible) ... people altogether went in those two vehicles? --- The car I was driving, I don't remember quite well whether we were five or four.

(Inaudible) ... driving. --- Yes.

(Inaudible) ... other car? --- The other car we met it inside. Because it was dark I couldn't tell as to how many people were in that car.

Which car were you driving, Mr Ngadi? --- I was driving the kombi.

In the kombi the only person you remember is van Dyk was with - no, was not with you. --- No, van Dyk was not in the same car, he was in the Landcruiser with Pienaar.

(Inaudible) --- The people I was with, the ones I remember - I have tried to remember, but because of the situation I just explained to you, the way people used to change from time to time, and from month to month, it makes it quite difficult for me. It's not quite easy for me to remember or recall as to who I was with because people used to change from time to time. Now this makes it difficult for me to remember.

/(Inaudible)

(Inaudible) ... your memory. I'll give you names and you tell me whether ... (intervention)

CHAIRMAN: (Inaudible) ... that, Mr Govender. You said there were four or five people in your vehicle. You were driving that vehicle. --- Yes, I was the driver.

(Inaudible) ... blacks or whites with you in that vehicle? --- It was blacks with me.

You said it was a kombi. What sort of kombi was it? --- It was E20, a white E20.

And the other vehicle was a Landcruiser you said.

--- That is correct. Van dyk was the driver of the Landcruiser.

(Inaudible) ... to this place, Nzoko in Swaziland.

The Landcruiser was forward. We were following the Landcruiser in other words.

So where did you meet to follow them? --- Just before you enter Golela. That's where we found them by the roadside.

How did you know to find them there? --- We know the car, and also it was said that we will meet them at that particular point. There is only one road from the border gate.

Did you plan this thing? Did you meet with them beforehand to arrange that you were going to meet at a certain place? Did someone give you an order, an instruction to meet them there? What happened before all of this? --- It was said that when we enter the border gate we will find the car inside, awaiting for us, and true the car ~~was there parked~~ according to the instructions.

(Inaudible) ... the instruction? That's what I am /trying to trying to ask you? --- It was van Dyk.

(Inaudible) ... did he brief you? --- We were working at Piet Retief, and it was then that we were told to go down, and when we get to Golela we will go past and we will see the vehicle, and then we take off from there.

Did you know what the nature of your mission would be? Were you told what your mission was? --- The mission was to arrest Ngomezulu for the cases that we were looking him for. Because there were conflicts and people died, so we wanted him for those reasons.

Now, you crossed the border. Did you have a passport to go across the border? --- Yes, I had a travel document that has expired.

Where is that travel document? --- I took it back when I was applying for a new passport.

(Inaudible) ... did you take it back to? ---
At that time when I was applying for the passport I filled up the forms at work and I took my passport and I gave them -no, I gave them my travel document, then I received after that the passport.

What year was that? --- If my memory serves me well I think it was in 1986 or 1987. It was around there.

Thank you. Mr Govender, you were going to canvass and help him with his memory in regard to who was there.
MR GOVENDER: Mr Ngadi, the white members that were with your team that went to swaziland, was Eugene de Kock one of them? --- No, that is not true. The one I remember is Paul van Dyk.

(Inaudible) ... Gert Schoon one of them? ---
No, he wasn't there.

Was Gerrardus Besselaar one of them? --- No, I /don't don't remember quite well. I know him. I know him.

(Inaudible) ... four white people in the vehicle that van Dyk drove, is that right?

CHAIRMAN: Sorry, Mr Govender, he hasn't said there were four people. He said he can only remember two of them. He doesn't know how many were in that vehicle, it was dark.

MR GOVENDER: I stand corrected. You said there were four people in your vehicle, three or four people in

your vehicle, is that ... (intervention)

CHAIRMAN: He said four or five.

MR GOVENDER: There were four or five people in your vehicle, is that right? --- That is correct.

And all of them were black members of the SAP. -
-- That is true.

And you say you can't remember who they were. -
-- I don't remember quite well because I was driving.
The other ones were the ones were the ones who were referred to as askaris.

(Inaudible) ... Almond Nofumela one of them? ---

I used to work with Nofumela. I don't remember whether he was present at that time. I could be that he was there as well, because in most instances he would work, but not with me. Now, if I remember quite well I think it was once or twice working with him. I never used to work with him quite often.

You can't remember whether he was there or not, or are you saying to us that in fact he wasn't there? ---

It may be that he was there, but I am not certain about this fact because it transpired a long time ago.

Do you know an askari by the name of Bra Moses.

/INTERPRETER:

INTERPRETER: By the name of?

MR GOVENDER: Bra Moses. --- Yes, I know Bra Moses.

(Inaudible) --- No, I don't remember. Bra Moses was a person who used to be like us, and senior to us at the same time. He was my senior. Maybe I should say that.

(Inaudible) ... remember whether he was there or not, is that right? --- I don't remember.

And you're quite certain that Eugene de Kock, Gert Schoon and Besselaar were not in that team.

CHAIRMAN: Hang on a second, Mr Govender. Don't confuse the witness here. It's not whether they were in the team or not. Let's talk about who went into Swaziland with him. They were present during the incident, but at much later - at different stages and at different levels of involvement. So, by saying they were not part of the team you're actually creating a black and white situation, which is not necessarily what happened.

MR GOVENDER: Mr Ngadi, how many vehicles went into Swaziland? Did both the vehicles go or just one of the vehicles? --- There were two vehicles.

(Inaudible) --- Yes.

And what happened in Swaziland? Tell us. ---
When we met with the other vehicle driven by Mr van Dyk we followed that vehicle, that car, until we took a turn into a road at some place somewhere - it was dark - and then the car stopped and they got off the car. And some that I had in my car as well got off, and I remained in the car. They walked to one house, and they came back after quite some time with a man who was resisting arrest. I am sorry, Mr Chairman, they took that man into the other car

/that was that was being driven by Mr van Dyk, then they came to my car now, the one that I was driving, and I started off the car and we took off, going back. Now we splitted, the two cars parted after we had arrested Mr Ngomezulu. Now we parted and we drove off. According to our instructions that we were given we were told that

we should go back to the border gate and we will park somewhere outside Swaziland. And after we've parked our car there we will leave shortly to some place that was normally used for roadblocks by the name of Spoor Farm.

And when we got there we got inside, and the car that was driven by van Dyk arrived shortly thereafter. And they got inside the house, and we were outside the house. Now, this house had many rooms. We were taken into one of the rooms and they went into a different room with the man, Mr Ngomezulu. And when we were still there in the different room Mr Schoon came driving a car or two. I don't remember how many cars they came with. The one I saw and that I identified, I know very well it was Mr Schoon. The others I don't know them very well. Mr Besselaar was in the house, but I don't know with whom he was.

CHAIRMAN: (Inaudible) ~~Mr Schoon was~~ there when you got there, or did he arrive at the house? --- Mr Besselaar was already there in that house, standing or waiting when we arrived, Mr Chairman.

Do I understand you correctly that you left the scene of the, as you put it, arrest of Mr Ngomezulu, you noticed that he was struggling at that scene. They put him in the other vehicle with van Dyk and Pienaar. --- Yes, and some other blacks.

/(Inaudible)

(Inaudible) ... the blacks in the vehicle with van Dyk and Pienaar? --- No, the blacks went back to their car, the one that I was driving.

If I understand you there were no blacks in Pienaar's car. --- No, I don't know because it was dark. It was at night, so I wouldn't be certain about

that one.

Let me just put a question of plain logic to you. Here's a man who's resisting arrest. Of the two of them someone's got to drive the vehicle. There must be someone else in the car with them. Isn't that logical?

--- It may be so that there was one other that I did not see because it was at night.

(Inaudible) ... cuff him, Ngomezulu? --- His hands were at the back.

(Inaudible) ... saw him his hands were behind his back. --- Yes.

Was Ngomezulu a young person, a middle-aged person, an elderly person? --- Ngomezulu was quite an elderly person. I don't know how to describe this man, but I will estimate his age and say he was not young and he was not very old, he was in the middle. In this room there is ~~no one or I will~~ say was around Ngomezulu's age.

His family say he was about 55. --- I won't refute that.

(Inaudible) ... the sort of age you would think a man of that age would be looking at him. --- Mr Chairman, I will not repudiate that and neither will I agree to that ... (inaudible - end of Side A, Tape 1) ... middle-aged what you say in English - middle-aged.

His age is not material in any event. ---

Thank

/you, Mr Chairman.

you, Mr Chairman.

After arresting him you then drove back through the border post. --- That is correct.

With the same people who had been in your vehicle previously. --- Yes.

And then you waited some distance from the border post on the South African side. --- It was nearby the shops just after the border gate. Yes, in the South African side.

When did the other vehicles join you?

INTERPRETER: May you please repeat your question. --

- After we waited for that car we saw the vehicle passing, and they flickered lights to show us that we had to follow them, and we followed them until we reached that particular house.

CHAIRMAN: (Inaudible) ... was on a farm, and you've referred to it as Spoor Farm. --- It's Leeu Spoor Farm.

(Inaudible) ... to clarify that with you in any event, but you've clarified it immediately. And you went directly there with him. --- Yes. This Landcruiser travelled a lot. We cannot compare a kombi with a Landcruiser, and it was running at a higher speed. We drove until we reached the destination.

I am not quite sure what the relevance of what you're saying is. What are you trying to say to us? -

-- What I am saying is that Leeu Spoor, I know it very well, because I used to work around Jozini. It wasn't a problem going there because I know the house and I know the place. We drove there to that house in Leeu Spoor.

(Inaudible) ... had to go to Leeu Spoor? ---

My

/colleagues

colleagues told me that we were supposed to meet at Leeu Spoor after accomplishing the mission. Leeu Spoor was a

farm that I knew very well, and they knew also that I know the farm very well.

So why did you then have to stop at the gate? Why didn't you just drive straight to Leeu Spoor if you knew that's where you were supposed to go? Why did you wait for them? --- That was according to the instructions, that after we've exited we should wait for them and we will drive in a convoy.

(Inaudible) ... drive in a convoy. You said they just drove ahead of you and left you behind, because you don't know where they went. You said they went off at speed. Am I right? --- Mr Chairman, that is true. The instruction was given to me that when they approach we should follow them, but we are headed for Leeu Spoor Farm, and I knew the farm. It wasn't a problem. The fact that they passed us it was to show us that we had to follow them in any case. It wasn't for the fact that they should stop and literally follow them, but we knew that we were going to this destination in Leeu Spoor Farm, and I knew the way to that farm. That is why it wasn't a problem to me when they passed and flickered the lights, and also the speed at which they drove. I knew the house, I knew the road, so it wasn't a problem.

The order was given.

(Inaudible) ... to Leeu Spoor Farm were they there already? --- At Leeu Spoor farm we found them there.

The car was parked there. It wasn't a long time, because from Golela to that farm is a short distance, Mr Chairman.

(Inaudible) ... Ngomezulu? --- When we arrived Mr Ngomezulu was in another room with the white policemen.

/Which

Which policeman was that? --- Those policemen were Lieutenant van Dyk - at the time he was lieutenant - and Warrant-Officer Pienaar, as well as the other name I have forgotten. Please remind - Besselaar, Besselaar, and the blacks.

Were there any other people there that you could now recognise because you were in the light and you were in a room with them? --- There was no electricity there. We used candles or the lamp.

Was there anyone there you could recognise? That is the question I am putting to you. --- The one who arrived that I saw very well was Mr Schoon, because we knew each other. He also greeted me and passed, went to the room where Mr Ngomezulu was with the other policemen.

So you were all in this room with Ngomezulu at this stage. --- The room in which we were was different from Mr Ngomezulu's room with the white policemen, but it's a big house with many rooms, so we were in one room, they were in another room.

What were they doing in that room? --- They were talking, and Mr van Dyk came back to us and said we were free to leave. After then, when he went back to that room, Mr Schoon and the other car - when Mr van Dyk told us to leave, that we are free to leave, go back, we've accomplished the mission, they remained behind. Mr Schoon and the other car, the two cars left, and I told my colleagues that we were told to leave, and we got into the car and we drove back to Piet Retief, where we had camped.

(Inaudible) ... car drove away, your car and which other car? --- If I remember well I think Mr Schoon was using that car. It was a Cortina. There were two /Cortinas.

Cortinas. There was a private one and there was another one which was a van. Now I don't remember which one it was, but the van was there as well.

So, did Schoon ... (inaudible) ... Piet Retief?

--- No, he didn't. We split at Leeu's Spoor Farm. After they finished eating we left.

(Inaudible) ... eat and when did you eat? --- We didn't eat. They were eating. They had a braai and they had drinks, beers and cold drinks, and we left. We only ate at Piet Retief because we were not eating together with them, we were cooking separately.

So, when did they - I'm a bit puzzled here. You said they were talking to this man and they said to you you could go. Now you've mentioned that they had a braai in between. When did that happen? --- As they were talking with this man, Ngomezulu, they were talking with him. Others were outside braai-ing the meat, and while he was talking with Ngomezulu others were standing and others were busy talking to him. Mr van Dyk came to us and told us that we can leave.

(Inaudible) ... now I want to get a clear picture of what was going on. Who was talking to Ngomezulu in the room? --- Mr Schoon, because he used to speak Zulu. He doesn't need an interpreter because he knows Zulu, so he was the one who was talking to Mr Ngomezulu. We were not there with him.

So Schoon was in the room talking to Ngomezulu. Was he alone? Yes, was he alone? --- He wasn't

alone.

(Inaudible) ... with him? --- There was Mr Pienaar and Mr Besselaar. The other one I can't remember his name, but he was with Mr Schoon. He was also

/white.

white. Mr Schoon was the one who was talking to Mr Ngomezulu. We could hear from where we were sitting that Mr Schoon was talking to Mr Ngomezulu, and also interpreting to his white colleagues.

(Inaudible) ... about? --- He was asking about certain cases, and it wasn't so intense. After that Mr van Dyk came to us and just told us that we can leave, but the cars - as we were leaving after we were told that we can leave Mr Schoon shook hands to these others as a sign of saying goodbye. We left. We took a route to Pongola. He drove to Jozini, because that's where he was staying, and also he was an investigator of the cases from Ingawvuma and Mbombo, and he was the one who was having this case. After Ngomezulu was arrested as far as I was concerned it's that he was going to appear in court and face his cases, and what I discovered is that Mr Ngomezulu was killed. I never knew all about this incident. My lawyers told me this. It was for the first time for me to know about this.

(Inaudible) ... he died and you just left that place. That's your evidence? --- When I left he was still alive, and as far as I was concerned is that he was going to appear in court and face those cases which they were talking about, cases from Ingwavuma. And my lawyer told me that Ngomezulu was killed, and I told my lawyer that I remember this incident because I was there

when he was arrested. But all I knew is that he was going to be arrested and appear in court.

(Inaudible) ... that what you did by going into Swaziland was unlawful, a criminal offence? --- At the time I didn't know that. At the time I thought that they

/made arrangements.

made arrangements.

(Inaudible) ... now that it was unlawful? --- Yes, I realise now, but at the time I didn't know that they didn't make proper arrangements. Now that I am here I know. For instance, if there's someone who must be arrested in Mozambique I know that we make arrangements for that.

(Inaudible) ... another country and arrest anybody. The police of that country should arrest the person through proper diplomatic request. That is the law. Do you understand? --- I do understand that, but ... (intervention)

(Inaudible) ... went to Swaziland and kidnapped Mr Ngomezulu. You are a kidnapper. --- What I knew at that time is that he was getting arrested, not kidnapped. As a police I would arrest someone, not kidnap someone, and those who were my superiors I thought they made arrangements for that. They had the right to do the right thing.

(Inaudible) ... you've made yourself an accessory to a kidnapping.

MR VAN SCHALKWYK: Mr Chairman, with the greatest respect, are we expecting the witness to answer a legal question? He's not a lawyer.

CHAIRMAN: Mr van Schalkwyk, it's a matter of plain logic, it's not a legal question. Please answer the question.

MR VAN SCHALKWYK: Mr Chairman, can I get a ruling on that please?

CHAIRMAN: Your client is a policeman. He's trained in law. He understands certain aspects of law. With all due

/respect I

respect I don't want to entertain any further aspects on this issue. Please allow him to answer the question.

MR VAN SCHALKWYK: Certainly, I am not preventing him to answer. Mr Chairman, if I ... (intervention)

OPERATOR: (Inaudible)

MR VAN SCHALKWYK: Ja, it goes off, I don't know why. If I may just make it clear, Mr Chairman, you have put to the witness that he's a kidnapper. The witness has said he was at the time under the impression that arrangements were made. I am simply highlighting that aspect. I think it ... (incomplete)

CHAIRMAN: Sorry.

MR VAN SCHALKWYK: There goes my microphone. I think my microphone goes off if you put yours on, I am sorry about that. I am simply placing that on record.

CHAIRMAN: It's on record already, Mr van Schalkwyk. Mr Ngadi, the fact of the matter is that, whatever you thought you were doing was lawful, if we look back we can see that it wasn't lawful. Do you understand that now? --- Yes, I do understand, but I didn't know at the time. I thought my superiors were doing according to the book.

Your superiors have in fact applied for amnesty for doing these things. Do you know that? --- No, I don't know that, and I happy that you are informing me about that.

So you didn't speak to Ngomezulu at all yourself?

--- No, I didn't.

You didn't question him? --- No, I didn't, because Mr Schoon could speak Zulu fluently so he didn't need an interpreter.

You didn't take him, before you went to Leeu Spoor,

/to Piet

to Piet Retief first? --- No, he wasn't taken to Piet Retief.

(Inaudible) ... Piet Retief for almost a day before he was taken to Leeu Spoor. --- No. I have no idea whether he was taken to Piet Retief, because when I left him there he was already on the hands of my superiors.

You misunderstood my question. Before you went to Leeu Spoor he was taken to Piet Retief and questioned there for some hours. You don't know anything about that? --- No, we didn't go to Piet Retief. After we left Swaziland we went straight to Leeu Spoor.

(Inaudible) --- Yes, I am quite sure about that.

MR VAN SCHALKWYK: Sorry to interrupt here. I apologise. If I may just revert to one aspect. You've mentioned that some of these superiors have applied for amnesty. Perhaps - this was one of the aspects that we've asked and we were not given that information. Perhaps if we can assist, if my learned colleague can at

a later stage give us that information we may take further instructions if you do need so.

CHAIRMAN: Your learned colleague is not entitled to give you that information. All amnesty applications are absolutely confidential until they are heard. That's unfortunately the law.

MR VAN SCHALKWYK: Mr Chairman, I take the point. All I am saying is my client is expected to answer questions. We've asked that information, we didn't know, hence we couldn't assist. Again an aspect of placing it on record. Thank you.

CHAIRMAN: (Inaudible) ... Mr van Schalkwyk, whether /they've they've applied for amnesty or not is absolutely irrelevant to your client's recollection of the matter.

MR VAN SCHALKWYK: Mr Chairman, with respect, we've asked for particulars. You see, what I am trying to place on record - I don't want to argue with you. I am trying to place on record if you look at the aspects that's been put upon which we have tried to assist, on which we had to prepare - for instance, paragraph 3 does not mention that the man was taken to Piet Retief. My client has been asked about aspects - aspects are put to him, we've asked these particulars. I have a duty to protect his interests and a duty to place on record that that aspect had not been given to us. That is - I am just fulfilling my duties. Thank you.

CHAIRMAN: You are wasting our time, with all due respect. This is not a criminal trial. This is not about your client answering allegations. It's about your client giving us information about what he knows. What other people have told us is absolutely irrelevant

to what your client knows or doesn't know, and I am really not going to waste my time hearing you further on the issue. Please, Mr van Schalkwyk, once again this is not a criminal trial. Your client is not an accused. There are no allegations against your client that are relevant to these proceedings. This is simply to - for your client to try and tell us what he remembers.

MR GOVENDER: (Inaudible) ... some assistance there. I think the purpose of this inquiry is some of these allegations and information that we have will be put to your client in the course of the questioning, and he has to answer whether he knows or he doesn't know about it.

/Whether

Whether that's relevant for his preparation in terms of this inquiry I am not too sure, but as we go along my learned friend will notice that certain allegations will be put to the witness, and he will be given an opportunity to answer that. He will also get timeous notice - when these amnesty applications are being heard he will also be notified, and he will have an opportunity at that point in time to answer any allegations against himself contained in those amnesty applications.

CHAIRMAN: So, the issue I was confirming with you was are you quite sure that the witness - that Ngomezulu was not taken to Piet Retief for questioning before he was taken to Leeu Spoor, and your answer was yes, you're quite sure about that. Do you remember? Do you confirm that? --- Yes. I personally don't remember them taking Mr Ngomezulu to Piet Retief. They may say they did that, but I was there. What I remember is that he was taken straight from Swaziland to Leeu Spoor.

MR GOVENDER: Do you know, Mr Ngadi, exactly where this Leeu Spoor Farm is? --- Yes, I do.

Whereabouts is it? --- It's between Pongola River, just after you cross that bridge when you're going to Pongola. It's there. There's a board written, "Candovia." After Candovia you'll get another board. It's written Leeu Spoor Farm. At the moment the area is a game ranch and they are selling biltong there.

(Inaudible) ... Retief? --- It's far from Piet Retief. It's nearer Pongola.

(Inaudible) ... estimate how long driving time from there to Piet Retief? --- When I left Leeu Spoor Farm to Piet Retief I didn't check the time as to how many

/hours I hours I have driven from there to Piet Retief. I don't want to lie before the Commission and tell you so much kilometres, because I might be so inaccurate. What I can say is that maybe it's 120 or 130, but I am not certain. I am quite not certain about this.

CHAIRMAN: (Inaudible) ... what? --- Kilometres.

MR GOVENDER: Now, just to clarify, Mr Ngadi, going back to Swaziland. Did I understand you right when you said that two vehicles went in there, and the people from your vehicle went into the house and arrested Ngomezulu? Is that correct? --- The white policemen also left their car, and also the askaris from my car also left my car to that house.

You remained in the car, did you? --- Yes, I remained in my car.

(Inaudible) ... in the other vehicle, is that right? --- Yes, he was driving the Landcruiser, and

it was parked in front of my car.

(Inaudible) ... went in to arrest Ngomezulu, or did he go with them? --- They all left.

(Inaudible) ... on your own outside guarding the vehicles. --- Yes, as far as I remember I was the only one.

(Inaudible) --- No.

(Inaudible) ... to you about what happened in the house? --- As they were coming back I could tell from their shapes. I can't tell exactly what happened inside the house, but I could tell that they were how many, whatever the number, because I wasn't that far.

(Inaudible) ... before they brought him out? --- They didn't take that long. I am not certain, but it /wasn't such wasn't such a long time.

About half an hour, one hour? What is not a long time? --- It was less than an hour.

More than half an hour? --- No, I can't say it was more than 30 minutes, and I can't say it was less than 30 minutes as well, but it was there.

(Inaudible) ... Swaziland that you went to? Do you know the name of the area? --- The name of the area I do know. I know it because when you are in Ingwavuma you can see that area, because Ingwavuma is on an up rise and you could see down there.

You know it by seeing it? --- In most cases when you ask someone the name they say it's Nzoko and Big Ben -Nzoko and Big Ben.

CHAIRMAN: Not Big Bend?

INTERPRETER: The speaker's mike is not on.

MR GOVENDER: When you arrived at the Leeu Spoor Farm you met Gert Schoon, or you saw Gert Schoon there, isn't that so? --- He arrived there when we were there.


I see. And when you arrived there who did you see amongst the white policemen who were present? --- Mr Besselaar and Mr van Dyk, and Mr Pienaar as well.

(Inaudible) ... talking to Mr Ngomezulu. --- Yes, that's what I said.

You saw him doing that, you personally? --- I heard him.

Was Mr Ngomezulu assaulted by any of the white policemen while you were there? --- While I was there I didn't hear anyone crying or screaming.

CHAIRMAN: Sorry, you haven't answered the question. The question was, was he assaulted by any of the white people

 /while you while you were there? A simple yes or no would do. --- I didn't see, he was in another bedroom, and I couldn't hear any screaming or crying.

MR GOVENDER: Well, the only access you had to what was going on was by hearing, isn't that so? You couldn't see what was going on, is that right? --- Yes, I heard Mr Schoon talking to him in Zulu.

(Inaudible) ... conversation was about certain cases that they were investigating, is that right? --- Yes, that's right.

What was the nature of those cases that they were discussing with Mr Ngomezulu? --- As far as I know is that Mr Ngomezulu was involved in cases where people died, and chiefs were in conflict, Chief Ntuli and Katwane, and these people were families, and the

conflict was between these two families. And people got killed there, and some of them were police.

Well, did you know at the time that Ngomezulu was an ANC operative? Did you know that? --- No, I had no idea, and I am hearing this for the first time.

Are you saying to us, Mr Ngadi, that as far as you were concerned this whole investigation and the arresting of Ngomezulu was a criminal matter as far as you were concerned, a purely criminal matter? --- As far as I know is that he was arrested for those cases of killings in Nongoma, and now I am hearing for the first time that he was PAC or ANC. At the time I didn't know.

Sorry, let's put it this way. Did you at any time understand that those crimes that he was accused of arose out of political conflict rather than purely criminal? --- I didn't know at the time. What I knew is that

/there was there was a conflict between the sons of Ngomezulu and the sons of Mthunjwa.

(Inaudible) ... isn't that so? --- (No reply interpreted)

And black policemen were also members of the Security Branch. --- Yes, that's correct.

(Inaudible) ... understand was the duties or the work of the Security Police? --- The work of the Security Branch was to investigate cases of - in fact political cases and also criminal, highly criminal cases.

(Inaudible) ... with a political content, isn't that - within the political context, isn't that so? -
-- The work of the Security Branch is to investigate

cases of political conflict, but when I arrived there all I knew is that Ngomezulu was involved in conflict, but I didn't know it was political conflict, but I think my white colleagues knew that.

(Inaudible) ... know at the time. That's what you're saying. --- I didn't know that it was political at the time.

Did you think it was purely criminal? --- As far as I was concerned is that we were supposed to investigate or to try and sort the situation between these two groups because they were in conflict, but I didn't know that it involved politics as well.

(Inaudible) ... privy to what was happening between Schoon and Ngomezulu. You could hear what was being said, right? Now, from what was being said, by particularly Mr Ngomezulu, did you understand that he was co-operating with Mr Schoon? --- They were talking, but I heard Mr Schoon asking Mr Ngomezulu about the cases.

/Was he

Was he offering information, was he co-operating?

--- When someone is scared the person can talk, but you can't even hear nicely when that person is talking.

Firstly he resisted arrest, and as he was talking I could hear his voice, but it was tense or he was still scared or crying, and he was like ... (inaudible) ... and he was showing remorse of what he did. But I didn't stand there long enough because Mr van Dyk came back and told us that we can leave.

From what you had been able to hear from Mr Ngomezulu you understood that he was showing remorse and he was giving information. Is that what you're

saying? --- Yes, his voice sounded like he was scared and showing remorse. That's all I could hear.

(Inaudible) ... that you understood he was involved in between Ngomezulus and the Mthunjwas, what do you know about this conflict? --- What I heard is that they were fighting for a chiefship post.

Who is they? Who was fighting for the chieftain post? --- Mthunjwa and Ngomezulu and Katwane.

(Inaudible) ... Jameson Ngomezulu feature in this? --- He was one of the Ngomezulu family.

(Inaudible) ... in that conflict. Why was he arrested? --- As the kids were fighting he was for Mthunjwa, and they were fighting and they were killing each other. Chief Mthunjwa Ngomezulu's kids were fighting with Chief Katwane.

(Inaudible) ... Ngomezulu who was arrested, who was he really? How did he feature in this conflict? Who was he fighting with? --- He is one of the people who had positions there. I don't know really what position, but

/Mr Schoon

Mr Schoon can give you more information on this because he was the one who was on this case.

(Inaudible) ... was arrested because he had a position within the Ngomezulu clan? --- As I've explained that there were cases - as this conflict erupted there were cases of killing, and Mr Ngomezulu was one of the people who killed others, or who was suspected that he killed other people.

(Inaudible) ... people that were killed by Mr Ngomezulu? --- No, I don't.

And this inter-clan conflict merited investigation by the Security Branch, is that what you are saying? -
-- (Inaudible - end of Side B, Tape 1) ... to the Security Branch that they should investigate.

You see, Mr Ngadi, the position that you are adopting in terms of not being quite candid with us in terms of what you know as to why Ngomezulu was arrested, and what his activities are, might have a very consequence upon you from the point of view that the Chairman alluded to earlier on, that a number of your superiors have applied for amnesty. And their allegations are that all of you who went along with the team to arrest Ngomezulu were aware of the reasons and the activities that were being conducted by that group.

--- I've already explained this to the Chairman, that we were told that we were going to Swaziland to arrest Mr Ngomezulu for the cases or the criminal activities he had done. They came to us and told us that we were going to arrest the person. Our duty was only to arrest the people we were told that we should arrest. We didn't have the powers to ask our superiors why we were doing this, or why they were doing

/this and this and that. Most of the things we were not supposed to know. We were supposed to do up to the instruction. We were given instructions and we were supposed to act accordingly. We were - even the law didn't allow us to ask our superiors questions. We were supposed to comply with the instructions.

(Inaudible) --- No, I don't have an idea. I came to know or to hear the word askari in Pretoria, but I didn't know as to what exactly it means.

But you knew the askaris that came along with you on this trip, isn't that so?

CHAIRMAN: Sorry, Mr Govender, if I could just intervene there. You yourself used the word askari right in the beginning. You said there were askaris with you. What is an askari? Why do you call them an askari? Why did you use that name? --- This was a word which we used to refer to the people we were working with, that they were askaris.

(Inaudible) ... about them that you called them askaris, or different about them? You weren't called an askari, were you? --- I was a policeman.

(Inaudible) ... different between you and them that they were called askaris? --- No one told me what it means, but I gathered the information myself that an askari was - were the people who were gathering information, and most of them used to be ANC or PAC members. And they were doing a certain duty which was different from the duties which we were doing. And they were informers in other words. They used to go together with ANC and come back to us and inform us.

Isn't it plain language that an askari was a person

/who was who was formerly a member of MK or APLA, who changed sides after being arrested for one or other reason, and who then worked against their own people together with the police? Put it very simply as that. Isn't that so?

--- At that time, Mr Chairman, when I arrived in Pretoria, I didn't know many things. I only came to know after I worked there, because I would see that this person had been arrested, and then afterwards he would

not longer be arrested and he'll be working with us. No longer belonging to the organisation which he belonged to before arrest.

You never asked any questions, you just worked with them? It didn't bother you that they were previously your enemy and now suddenly you were working with them? --- I only came to know about these things after a long time, that these people were being changed and they were no longer my enemies, instead they were now my colleagues and we were working together. And my main duty was to transport them to where I was supposed to take them, and to set a certain time to meet, and then go back and report. But sometimes it would happen that these colleagues of ours, these askaris, they used to drink a lot, and they couldn't control themselves. And we will set time and then they wouldn't come back in time. And when sometimes they will come drunk and they will be asked - and they will be asked as to why he is so drunk, and they will explain that he just stayed for a long time and drank. And when we go back to where we came I was supposed to report to our superiors, and I would deliver the askaris to my superior so that they report to him. And these askaris used to speak English, they wouldn't

/need any need any interpreter, and they will go to my superior and will tell my superior everything and they will report. And they will also ask them why they are drunk, because most of the cases they used to be drunk. My job was to transport them and control them as to how much they should take in drinking, and also they used to like women. And my presence was to basically control them in

those things. (Inaudible) --- That's actually true.

(Inaudible) --- I will say so, because the way in which we worked was just what I explained to you, Mr Chairman, and you won't ask too many questions.

(Inaudible) ... to Vlakplaas didn't anyone brief you on what your job was going to be there, what was expected of you? --- Mr de Kock said to me I will be with these men, and supervise them and see that they comply and adhere to the arrangements going and coming back, and that they know very well their duties.

(Inaudible) ... briefed about the nature of the activities that they would be doing so that you could cover for them properly in case there were problems? -- The work they used to carry they did that alone. They will do that alone, because in case they were with me that would lead to something else. They used their own lingo, their language, and they would understand one another. And then if I will be with them then it will be understood that I am a police and I am with them, and that will be questionable. That was a way for me to control them in as far as time is concerned, going and coming back from the mission, transporting them to where they were supposed to carry out their duties, and meet at a certain time in the afternoon and take them back to their camp.

/What weapons

What weapons did they use when you went on your missions? --- The ones I used to be with were not using weapons, but they would carry often times or not Makaroffs.

(Inaudible) --- To attract ... (incomplete)

What is a "heha"? I am sure the interpreter is a bit puzzled. --- To attract their colleagues. What I want to say here is that each time they relate to their colleagues it will be understood that they were in one mission, and they also had - or he also has the weapons that they used in exile, or outside - Makaroff. That's what I mean by saying "heha," to attract these other ones so they don't suspect that these people have drifted apart from the other organisations and joined the police force.

So, you would go along as a driver and wait in one place while they went to go and see if they could find any of their ex-comrades? --- Yes, that was what I used to do.

And once they had found them and worked out what was going on what would happen? --- If there was anyone that they have discovered that will come to the surface when they report to the seniors. They will not arrest him instantly. Often times what I used to do was to confirm the information that was conveyed to us, and also they were to look and see what else they could gather, or who else could they find out about from their colleague.

What did you do if one of them was arrested with a Makaroff on him by ordinary police? --- In case they will be arrested we would report to the policeman, because each time we were going to work at a certain area we will report to the particular police station so they know and

/be aware

be aware that we are there. Now, we will go to the police station in case there's anyone who has been arrested, and we will carry on from there. I would therefore go to report that so-and-so has been arrested by the police and we make arrangements that we get him.

And if you were stopped in a roadblock? ---

Yes, we would be stopped at the roadblocks, but now they knew that we will be in the area working, and I will go forth to explain that we are working, we are up to a mission now.

Okay. So, from what you're telling us it's pretty obvious that you knew that these people were political people, they came from the political movements' armed wings, and their job was to find their comrades so they could be apprehended. It's pretty obvious to me that you knew that. You clearly understand that. ---

Mr Chairman, this I only gathered when I was there, but before, prior to that, I did not know as to what was happening. I just heard when we got there, using their own jargon, language, about their camps, what they learn from their respective camps, the training that they received. I would get bits and pieces from there and make something out of that.

(Inaudible) ... fact remains, Mr Ngadi, that you can stand on your head and tell me you didn't know it was political, but it's pretty obvious that it was political. Before you got there you may not have known that, but once you got there you must have known that, not so? --- Yes, this I discovered when I was there, but prior to that I did not know.

We're talking about what happened when you were

/there.

there. We're not talking about what happened before you got there. Not so? So don't try and take me before that. We're talking about what happened when you were there. Don't duck my question, just give me a nice clean answer. --- Yes, that is true. I knew that when I got there, and I agree to that.

(Inaudible) ... back to Mr Ngomezulu now that we've cleared up this issue. Why was it necessary to take askaris and Security Branch people on a mission to Swaziland that had nothing to do with politics? ---

In my opinion, and as far as I think, it was just to assist the Security Branch that we should go all of us and arrest Ngomezulu. Beyond that I did not know if this matter was political or not, but all I knew is that it was this political dispute and the killing of the people.

(Inaudible) ... did you have with you when you went into Swaziland that night? --- I had no weapons myself because the firearms or weapons were not allowed on the other side.

So, how did you hope to arrest somebody who was an MK commander without firearms? --- Truly, as I have explained, I had no weapon whatsoever with me, and the ones that I was with, I did not see any weapons, because after we gained entry from the border gate, or as we were going to gain entry, our car was searched and there were no weapons that I saw.

But you thought it had all been arranged at the border. There wouldn't have been serious searching if it had all be arranged, not so? They knew you were policemen in your mind. Why would they search you as

policemen? They knew you were there to do a job.

That's what you

/thought.

thought. --- Mr Chairman, when you come across the border gate they will not allow the firearms. Even in Jozini the police will not carry any weapons. It will be arranged in such a way that we will go to a certain place and we will meet such people who will render assistance to you, but as for the car, there were no weapons. They searched everywhere - under the seats, on the roof, everywhere, and they did not come across any firearms. I am certain about that one.

(Inaudible) ... that they searched your car, they searched all the askaris, they searched the car in front of you. --- As we were coming through the border gate we only had passports. We were not allowed - it's common knowledge that ~~we were not~~ allowed to go across with the firearms.

Did you get firearms inside Swaziland from anybody? --- No.

And who came to help you on the Swaziland side, as you put it? --- The car that was before us - we only had two cars. As to how the arrangement was I wouldn't know, but Paul van Dyk had better knowledge to that, but the car I was driving and the people with whom I was had no weapons in their possessions whatsoever. Maybe they had weapons, the other car. I have no knowledge to that.

Were you provided with any back-up from the Swazi side, policemen from the Swazi side who were going to help you do the job in case it got dangerous? --- As I was there I did not see any policemen. I don't know

whether they were somewhere in some places because I did not get off the car. Because where we were there were no police. There was no one for a back-up.

/How did

How did van Dyk know where to go? --- It was possible that the place was shown to him before, because he drove with no hesitation whatsoever straight to the destination as if he knew where he was going. Maybe he was showed. I don't know when still.

Well, there's only two possibilities. Either someone showed him before you got there or somebody was in the car telling him where to go. Not so? --- I may not repudiate that because I don't know.

You didn't hear afterwards how he knew? --- I never even took an initiative to ask, because the manner in which we worked in that Security Branch was in such a way that you know or you don't know. You will go as far as where you will go. You cannot jump the line, because if you do that you were breaking the law.

Would it be fair to say that you worked on what people now say and refer to as a need-to-know basis? -- -- May you please repeat that?

You worked on what is called a need-to-know basis.
--- (No reply)

In other words you never asked questions, you just waited until you were told what you should know for that specific job, and you keep your eyes closed as much as possible. You see no evil, you hear no evil, and you say no evil, except insofar as might be necessary for your specific task. --- The manner in which we worked, and the objectives that were set, the need-to-know - the need-not-know basis. You were not supposed

to ask any questions, because if you ask maybe you would be suspected to be on the other side now, to have withdrawn from the team. You were now in alliance with the opposite group.

/Now, we Now, we would adhere to the orders, and I do believe that, Mr Chairman, you know that you were supposed to comply to the regulations, and you weren't supposed to go beyond or ask too many questions.

(Inaudible) ... saw something bad happening you wouldn't ask any questions. It's none of your business, you didn't want to get into trouble, you just kept quiet. --- May things that happened or took place would not happen in our presence. Like, for instance, the Ngomezulu matter, the arrest of Ngomezulu. I don't know what happened beyond that part because it was none of our business. Then he was in the hands of our seniors.

MR GOVENDER: Mr Ngadi, you're a trained policeman, you've got a very impressive record of service and so forth, and from what you say to us and what you've said to the Chairman now, it would appear that you really in reality were just a driver and a nanny. I say this, Mr Ngadi, because at the time when you were a member of the Security Branch that position for black policemen was reserved for very few people, who understood what the conflict was about and were prepared to take a side in it. --- When I was with the Security Branch we would be given instructions to go and investigate, and during the investigation we will come back and put down on paper in our files, SAP files. What I discovered or realised in Vlakplaas was different from what I was told

or trained in the office I used to work for in the SAP section. In the Security Branch there were these need-not-know basis, but Vlakplaas was operating different from these other places, because there was nothing that we would write. Everything was written by our seniors, the white men. He was the one

/who was who was writing and taking all the report. And when the programme was being set it will be set in their way, and they will come back to us and tell us and instruct us that, "You and you and you, you will go with us. We are going to arrest such and such."

(Inaudible) ... farm that you talk about, Mr Ngadi. Had you been to this farm any time before this incident with Mr Ngomezulu? --- At the time when I was stationed in Jozini we used to use that area to camp when we were undertaking the roadblocks, use that road searching the cars coming from Swaziland area.

(Inaudible) ... lived in this farmhouse, is that what you're saying? --- We will just sleep at that house, and wake up the following day and carry on with our duties. We would go in different shifts. There were some who will come or report at 6.00 am and knock off in the evening at 6.00 evening, and some will - the late shift will show up.

(Inaudible) ... owned this house? --- I did not know the owner of the farm.

But you knew that whenever you wanted access to it you and other people who did the roadblock would have access to stay in that house. --- Yes, we were quite clear that we had access to the house anytime, and the owner of the farm - arrangements will be made with the

owner that we will be coming at such and such a date for this duty, and we will be there for how long. Such arrangements will be put into place.

(Inaudible) ... arrangements? --- The seniors, our seniors.

You had no contact with the owner yourself

/personally?

personally? --- No. I don't know the owner, but I know the farm.

Was this the first time that a person who had been arrested, as far as you know, was taken to this farm, or were there other incidents where people who were arrested were taken to this farm? --- The arresting of Mr Ngomezulu was the first one that we undertook such duty, but in the past we will just use the house to sleep, not for this purpose.

(Inaudible) ... ~~arrest of Mr. Ngomezulu~~ was there any other times when anybody who was arrested was taken there according to your knowledge? --- That was the first and the last one.

(Inaudible) ... any reason as to why Mr Ngomezulu was taken to the farm rather than to the nearest police station? --- I bear no knowledge to that, but what I may put in front of the Commission is that it may happen that it was decided that that's where we will meet.

Decided by who? --- I mean the seniors, as they were the ones who were arranging everything and setting out the programme that after we have arrested him we shall proceed to a certain place.

You were given no reason as to why that decision was taken, or you're not aware of any reason why that decision was taken? --- We were not given any

reasons at any stage.

Okay, Mr Ngadi, you say that you at some stage after - or while Schoon was talking to Ngomezulu you and the other black members were asked to leave, is that right? --- That is correct.

And at the point you left you saw - you hear

/Mr Schoon

Mr Schoon speaking to Mr Ngomezulu? At that point when you left. It was the last you heard of that incident.

--- I heard Mr Schoon talking to Mr Ngomezulu before we left.

And when you left was he still talking to Mr Ngomezulu? --- When we left Mr Schoon he was also shaking hands with the other white policemen, and my colleagues, my African policemen, were in the car and we also said goodbye. And Mr Schoon was shaking hands with these other policemen. I think he also left.

(Inaudible) ... name of this policeman that had left? --- Mr Schoon was together with another policeman whom I don't remember his name. I know Mr Schoon. He was with this other policeman whom I don't know his name. I know him because I worked with him before the incident.

(Inaudible) ... leaving with this other policeman, is that what you're saying? --- Yes. When he was shaking hands to these other policemen he was saying goodbye to them. As we were leaving his Cortina was right behind our kombi. The Cortina was right behind our kombi. I don't know which route he took, whether he took the one to Mkuze, but he didn't follow us a long way. I think he took the direction to Mkuze and straight to Jozini. We left Paul van Dyk and Pienaar

and Besselaar. I don't remember this other one's name.

I don't know whether they left afterwards, but we met them the next day.

CHAIRMAN: (Inaudible) ... them the next day? ---

It was in Piet Retief. It was in the morning.

Early? Eight in the morning? --- It was 8 o'clock in the morning.

/Just one

Just one thing, Mr Govender, before we go away from this. You didn't see where Mr Ngomezulu was at that stage? I am saying at the time you were leaving.

Let me be clear. Where was Ngomezulu? Did he go with Schoon? Did he go with you? Did he stay behind? ---

I am not sure whether he was taken by Mr Schoon or van Dyk, but when we left Ngomezulu wasn't inside our car. We left - as we were leaving he was right inside the house, but I don't know whether Schoon took Ngomezulu from the house to his car or whether he was left inside the house. I don't have that information.

(Inaudible) ... Schoon come out the house together with another man. You saw them shaking hands with the other people. You saw them getting into their car and you saw their car following you. Correct? ---

Mr Chairman, I am trying to explain here. I have seen Mr Schoon shaking hands to these other police. As he was shaking hands I got inside the car and I got the message that he was leaving, but I don't know whether Mr Ngomezulu got inside his car. As we were driving, and as I was driving, his car was right behind the car I was driving, and when I continued straight that car turned to the other direction. We turned. I thought the car was going to be behind us, but he turned to the other



direction to Mkuze, heading for Jozini. I saw the lights and I could tell that it was a Cortina.

Did any of the askaris with you question Mr Ngomezulu? --- Not a single one from the askaris who were with me.

(Inaudible) ... on that farm for approximately?

--- It wasn't that long. We left shortly after we /arrived.

arrived. We didn't stay that long.

Well, was it half an hour, was it one hour, was it five minutes? --- It was less than an hour. I don't think it was one hour, it was less than an hour.

(Inaudible) ... Piet Retief. --- It was at night at about half past 10. We arrived at Pongola and we stopped there to buy some drinks, and then we headed for Piet Retief.

(Inaudible) ... ~~an hour and a half~~ to get from the farm to Piet Retief if you stopped for some drinks along the way. About 120 ks. --- Yes, it wasn't that long. We arrived in Piet Retief late and we went to bed. We woke up the next morning and we went to report, and the people whom were with me went back to their groups, because it was a mix. These askaris were taken from different groups.

(Inaudible) ... meeting and reporting to in Piet Retief? --- Security Branch in Piet Retief.

Does the name Moolman mean anything to you? There's a building called Moolman. --- Yes, we used to spend nights there. It's an area called Moolman. I think it was a farm belonging to Moolman, so people named the area Moolman after the owner of the farm. And there's a shop and a garage there - a filling station.

(Inaudible) ... or offices there in that area? -

-- We used to spend nights there. We didn't have offices there.

Now, you said that Mr Ngomezulu struggled when these people were arrested and he resisted arrest. Those were your words. Do you confirm that? ---
Yes, I do.

Was it necessary to injure him in any way, or

/assault

assault him in any way so that they could subdue him and prevent him resisting? --- I think when he was resisting arrest he might have been assaulted somehow, because as they were bringing him towards the car I could see him fighting, resisting.

(Inaudible) ... in any way? Was he maybe bleeding from the nose, or did he have bruises, or from the mouth, or was his clothing torn, was he limping? ---

As it was at night and it was dark I couldn't tell whether he was bleeding or he was limping, but I could tell that he was resisting, he didn't want them to catch his hands because he didn't want to let them handcuff him or arrest him.

You see, you've already told us that when you saw him he had his hands handcuffed behind his back. ---

This happened after they managed to arrest him. His hands were right behind his back. They forced him, and I could tell that they managed arresting him. That's when he stopped resisting because his hands were right behind his back.

(Inaudible) ... evidence was that they went to this area, and there were some houses there, and they came back some time later with him, and he was

resisting, he was - but he already had his hands behind his back, but he was still resisting. That was your earlier evidence. --- Mr Chairman, as I am explaining, as he was resisting they managed to arrest him. That's when they put his hands behind his back, and after that that's the only time they managed to put him inside the car.

(Inaudible) --- Yes, I saw that.

And you saw them put him inside the car. ---

/Yes, I

Yes, I saw them putting him inside the car.

(Inaudible) ... inside the car? --- The askaris and the white policemen.

(Inaudible) --- Yes, it had two doors.

(Inaudible) ... in the back of the vehicle, in the front of the vehicle, through the passenger side, through the driver's side? --- The back - the back door ... (inaudible - end of Side A, Tape 2) ... no, it was a station wagon.

Well, they couldn't have put him through both doors. Which door did they put him through? --- The big doors of that Landcruiser. One could open them, both of them. It's two, not one. You could open them. And then that's what they did, they opened those two doors and they put him inside.

(Inaudible) --- No, they used the other doors, and the driver used his door to get inside his seat, not from the back. They used the side doors.

(Inaudible) --- I wouldn't say so.

(Inaudible) ... didn't get the last part, the bit about touching the latch. You didn't interpret that.

--- He pressed the latch. It's the other person who

used the side door, back side door.

(Inaudible) --- Since it was a night I can't remember whether it was Mr Pienaar. I don't remember very well.

It couldn't have been van Dyk because he was driving. --- No, it couldn't have been van Dyk.

I am going to show you a photograph. Do you recognise this man at all? --- Yes, I see the photograph.

/(Inaudible)

(Inaudible) --- I didn't know Mr Ngomezulu very well. When I was in Jozini Police Station I saw his photograph, a half-photograph of him.

MR GOVENDER: (Inaudible) ... person? Sorry, I didn't get that translation.

CHAIRMAN: He was saying that it was a ... (inaudible)

--- It was an ID photograph.

(Inaudible) ... man that you arrested in Swaziland? --- Yes, that's the man. I used to see a small ID photograph in Jozini Police Station.

(Inaudible) ... photograph? --- It was hanged on the wall in Jozini Police Station.

In what context is what I am really asking. ---

So that police could identify him and know him as a suspect, someone whom they are looking for.

(Inaudible) ... picture, somebody who was wanted by the police. --- Yes.

(Inaudible) --- There was a conflict in Ingwavuma, and people were killed, and there was an inquiry and an investigation was conducted.

(Inaudible) --- Yes, that's the same.

Now, you saw this in Jozini Police Station. When?

--- It's actually not a police station, it's an office belonging to a Security Branch in Jozini.

(Inaudible) ... August 1982 until the time you left to go to Vlakplaas. --- I think it was in 1982.

(Inaudible) --- Yes, it carried on for a long time. It was a dispute basically, and people were attacking each other during the night.

When were the murders he was ... (inaudible) --- It started in 1974, and I don't remember when it ended, /but the but the dispute between these families started in 1974.

MR GOVENDER: Mr Ngadi, the askaris, when you were leaving the house, this farm, on that night, did all the askaris, black members that were present, go with you, or did some of them remain behind? --- They all left with me if I remember very well.

(Inaudible) ... black members, including yourself, ever assault Ngomezulu? --- No.

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

(Inaudible) ... you didn't see any of the white members assault Ngomezulu? --- No, I didn't see any incident of such in that farm. The only thing that I've seen is when he was arrested in Swaziland and he resisted arrest, and that's all.

CHAIRMAN: (Inaudible) ... relationship with some of these policemen like? How well did you know van Dyk, for example? --- I knew them as my colleagues.

(Inaudible) ... with van Dyk? --- We were not enemies. We were working together and we never had any problems. That's why I am saying I knew him, but he had never done anything bad to me. Neither did ...

(incomplete)

(Inaudible) --- Yes, that's true. I never done anything bad to him. As well as Mr Pienaar, we never quarrelled. We were working together harmoniously

(Inaudible) --- No, no reasons at all.

(Inaudible) ... Mr Gert Schoon? --- I also worked very well with Mr Schoon, and he used to work a lot, he used to like his job.

(Inaudible) --- Mr de Kock as well. We never quarrelled, we never had any problems, even though I

/wasn't wasn't working closer to Mr de Kock.

(Inaudible) ... Besselaar? --- Mr Besselaar as well. We never had any problems. We were working together harmoniously.

(Inaudible) ... ~~ARCHIVE~~ never had any problems with them, never quarrelled with any of them. We were ... (incomplete)

(Inaudible) --- And the askaris as well, we never quarrelled, we never had any problems. We were working together peacefully.

Carry on, Mr Govender.

MR GOVENDER: These superior officers that were involved with you in this incident have alleged - they have made application for amnesty, and they say, all of them without exception, that you, Nofumela and Bra Moses, amongst others, assaulted Ngomezulu at Piet Retief for two or three days, and thereafter at the farm, Leeu Spoor Farm.

CHAIRMAN: Sorry, they don't say it was for two or three days at Piet Retief. They say it was for a couple

of hours at Piet Retief. Well, it varies. There are slightly different versions, but at the very best it was a couple of hours there.

MR GOVENDER: (Inaudible) ... Mr Ngadi? --- I don't remember such an incident.

(Inaudible) ... you said that the relationship between yourselves and the white policemen, and the black policemen, the askaris, was a good relationship. Can you tell us as to any reason as to why these people would say that you, Nofumela and Bra Moses, amongst others, assaulted Ngomezulu for long periods of time?

--- I don't remember myself assaulting Ngomezulu. I don't know. /I think I think they are relating what they did to him, not what I did to Ngomezulu.

(Inaudible) ... that you, Nofumela and Bra Moses were involved, and they go further to say that as a result of these injuries Ngomezulu died, and his body was then blown up with explosives. --- I don't remember all of that.

(Inaudible)

CHAIRMAN: Sorry, I was about to say the same thing. You don't remember, or you deny that you did such a thing? --- I don't remember myself assaulting Ngomezulu.

So you think it's possible that you might have assaulted him, but you just don't remember that it actually happened, or do you deny that you actually did such a thing? --- I deny. I never put my hand on Ngomezulu.

(Inaudible) ... questioned him for a long period of time, and you've denied questioning him at all. Why

would they say such a thing about you? --- I have
never spoken to Ngomezulu.

(Inaudible) ... reason to say these lies about
you. --- I don't know. They might have done this
thing and now they are shifting their blame on me. I
have never touched Ngomezulu. I have tried to remember
as far as I can so that I can help the Commission into
finding out the truth, but I don't remember myself
assaulting Ngomezulu.

(Inaudible) ... say that you did that to him would
they be lying? --- They will be lying. I never put
my hand on Mr Ngomezulu.

If they say that Moss and Nofumela did that to him
would they be lying? --- Maybe they'll be relating
/something
something that they've done.

I don't understand your answer. Your evidence so
far has been that none of the black members questioned
or assaulted Mr Ngomezulu. You confirm that? ---
Yes, I do confirm that, but now that the Commission is
telling me that he was taken to Piet Retief, for one
hour he was questioned, that's something new to me. And
now the Commission is putting before me that I was there
when he was assaulted, I actually assaulted him. It's
not true. I wasn't there.

(Inaudible) ... saying that your members that were
with you there say that is what happened. We don't know
whether they're telling the truth or not. That's why
we're asking you this. --- These whites are telling
you what they actually did, not what I did. I don't
remember myself questioning Mr Ngomezulu. The last time
I saw him is when he was arrested in Swaziland.

MR GOVENDER: Mr Ngadi, you're again saying you don't remember questioning him. Now, you must make up your mind whether you in fact did or you didn't, or whether you can't remember. --- I am putting this in my own language. In my language when you don't know something, and when you aren't used to that thing, and even when you try to retrieve a certain information, and if you can't you try by all means that you want to recall that thing, and you find that you've never done that thing, in my language, the Zulu language, you say you don't remember, meaning it's not in my system.

CHAIRMAN: Let me put it slightly stronger. Do you deny that it happened, that you were involved in any such activities? Is that what you're saying? And if you were

to use the Zulu word you would say "ingephika", "I deny that." --- Yes, I deny that.

Because you understand, apart from the idiom, that there's a big difference between saying, "I can't remember that something happened," and, "I deny that it happened." --- The Zulu and English are two different languages. The way you put something, or the way you speak, it's different.

(Inaudible) ... difference in meaning anyway, that must be obvious to you, Zulu or English aside. --- English is taking a short cut when they say remembering or denying something. In Zulu you explain. When you don't remember something it's like you're searching for it in your system and you can't find it, and you deny it. It's the same thing.

So is there any possibility that you might have done these things, you just can't remember whether you did or you didn't. --- I have tried by all means to remember this. I don't remember myself asking Ngomezulu any questions or assaulting him.

(Inaudible) ... say that you didn't do it, or can you only tell us you didn't remember doing it? --- I am saying no, and the reason I am saying no is because I have tried to remember, and I cannot remember myself doing this, therefore I am saying no, I have never questioned him and I have never assaulted him.

Mr Govender, I'd suggest we take a half an hour break now until quarter past two, and then we start with the next incident after that, unless there's anything else you want to just follow up on.

MR GOVENDER: ... follow on one - just two questions /possibly.
possibly. Mr Ngadi, do you know a Constable Mbelo, M-b-e-l-o? --- I can't remember him.

You remember Constable Pete Mogai, M-o-g-a-i? -- There were two Petes, and most of them were Sotho, and their surnames are almost similar. I don't remember them, but I do remember two Petes. And there were also two Oupas.

(Inaudible) ... if these two Petes were present during that incident we're talking about? --- No, I am not saying that. I am talking about Vlakplaas now. There were two Petes in Vlakplaas. There was one young Pete and an elderly Pete.

(Inaudible) ... on the Swaziland trip? --- As I have explained earlier that I don't remember very well who were with us in the trip to Swaziland.

(Inaudible) ... been there? --- I cannot deny,
neither I can say yes on that one.

CHAIRMAN: (Inaudible) ... remember Joe Kool. Mr Kool, he was called Kool - or Karl - Karl? --- Was he a policeman or an askari? If you can remind me that then I'll know who you're talking about.

He was most likely to be an askari. --- No, I don't remember him. There's one other person though I can remember his name. Warrant Kule, Warrant-Officer Kule. I think you're referring to that one. I think it's K-u-l-e, Warrant-Officer Kule. They were using pseudo names, and sometimes short names, Joe, Mike, and some of them were using pseudo names.

(Inaudible) --- Yes, it might happen that he was Joe Kule.

(Inaudible) ... with you? --- I don't remember.



/Shall we

Shall we break until 20 past, grab a bit of refreshment.

MR VAN SCHALKWYK: No problems with me.

LUNCH ADJOURNMENT

ON RESUMPTION:

MR VAN SCHALKWYK: Thank you. Mr Chairman, we're indebted for the time afforded to us to discuss this matter after the long adjournment, and again we're indebted to be able to have extended the long adjournment to a very long adjournment.

We have discussed the matter with our client, and after having discussed it with our learned colleagues would like to at this stage move perhaps for an

adjournment of the matter on condition that my learned
instructing attorney, myself, and our client could get
together, discuss the difficulties we face, and possibly
in the light of the amended period of amnesty,
reconsider our whole position.

We have indicated to our learned colleague that we
are more than willing - and as a matter of fact I think
that should be, with respect, a condition - to discuss
the matter with the investigational team, get the
necessary details on an informal basis, so that we could
be in a position to put pen to paper in this matter.

So, Mr Chairman, our request therefore is that we,
on those conditions, perhaps adjourn these proceedings
formally to give us the opportunity to make use of the
process which had been extended now until the end of
September. Obviously my learned colleague, Mr
Govender's, problem is that we are faced with a deadline
of a month,

/and these
and these discussions have to take place as in - pronto.

Those are my submissions, Sir.

CHAIRMAN: Mr Govender?

MR GOVENDER: Mr Chairman, I confirm my discussions
with my learned friend. We agree to accommodate my
learned friend and his client and his attorney to
expedite the matter before process date. We are also
willing to corroborate in terms of providing information
if you require information for your client's refreshment
of memory and so forth. And I concur that the matter
should actually be adjourned.

CHAIRMAN: Okay. What I then propose doing is
adjourning this matter sine die on the basis that you

will liaise with each other, and if at any stage in the future there's a need to reconvene this matter it will be done by agreement between Mr Govender and yourself, that is Mr van Schalkwyk and Ms Kalitz, and of course Mr Ngadi. And obviously there's a clear understanding that there will be a certain amount of co-operation between our investigation unit and your client and yourselves to facilitate the getting in of information.

MR VAN SCHALKWYK: I confirm that, Mr Chairman, and again place on record our willingness to do so, and also if there are - if I may put it perhaps at this level. If there are matters where we might not be in a position to put pen to paper, so to speak, not having considered it, we will of course give our co-operation in the exchange of information as far as that may be needed. We're willing to do that as well, either by way of representation or direction co-operation with the investigation team. Thank you.

/CHAIRMAN:

CHAIRMAN: Thank you very much. I then adjourn the matter accordingly. Just to add, just for the record, thanks to interpreters and Mr Brummer. Thank you.

PROCEEDINGS ADJOURNED SINE DIE

