

TRUTH AND RECONCILIATION COMMISSIONSECTION 29 HEARING"IN CAMERA"

DATE: 23.04.1997 NAME: CHARLES ALFRED ZEELIE

HELD AT: JOHANNESBURG

DAY: 1

CHAIRPERSON: You have the recording equipment and the interpretation services available. Mr Zeelie could you please put it on to make sure that you are able to hear properly. We will talk in English, it will be translated to you in Afrikaans. Could I make sure that the Interpreters are available in the booths please.

Are you able to hear me now? Could you just check the equipment please before we begin. Are you able to hear now?

MR ZEELIE: I can hear you now.

CHAIRPERSON: Thank you. This is a Section 29 inquiry in terms of the Promotion of National Unit and Reconciliation Act no.34 of 1995. It is an investigative tool and it is being done in the matter of the disappearance of Stanza Bopape a well-known activist who disappeared in the 1980's.

I take it that you have been informed properly of the subpoena and that your appearance here today indicates that you have been given proper notice, will you confirm that for me please?

MR ZEELIE: (The speaker's microphone is not on.)

CHAIRPERSON: Will you put the microphone on please before you talk.

ADV PRINSLOO: Lady Chairperson there are certain objections which we have. This morning on the seven o'clock news and the news thereafter and on the radio it was mentioned that there are apparently pre-judgments and I assume that the Chairperson herself has said that there were unsatisfactory aspects in the testimony of these applicants and that is unlikely, according to the version which I have heard, that the body of the deceased would have been taken from Johannesburg to Komatipoort, and that is in breach of the sub judice rule. It breaches the trust between the applicant and this Committee and what this Committee stands for, and we would like to place these objections on record. And there are also objections lodged before that, the names of these persons be made known in Mamelodi and also other aspects in this regard.

The aim of this investigation is to further reconciliation and it is not being done in this manner. And if the testimony is being leaked out in this way then everyone knows what the testimony will be. It breaches the confidentiality. And to refer to what happened in Durban yesterday Judge Combrinck found that Mamasela's testimony had to be put before him and that "in camera" hearings are obstructing that aim. How would we know that the investigation here today is going to remain confidential and will not leak out to the media? We would like certain consideration to be given to that otherwise my client will not

be comfortable answering questions when we know that that is not being observed.

We were not informed at all as to what the problem area is that the Committee finds with regard to this - with my client's testimony. If we were informed and we were told, and with all due respect, which we were expected to come and testify about today, if those problems were pointed out today we would have known but that was not done, but a judgement was made in public rather and the public now has the perception that these people are not telling the truth, while the Amnesty Committee at the end of the day has to give judgment and not on this occasion.

Thank you very much Chairperson. I am sure my colleague also has certain opinions which she would like to express.

MRS VAN DER WALT: I would like to support the previous speaker Chairperson.

ADV PRINSLOO: I would also just like to mention Chairperson that ... (intervention)

CHAIRPERSON: Sorry, could you switch that off while you are talking. Thank you.

ADV PRINSLOO: Chairperson we would also like to mention that we, in approaching this application made the information available, the public is not aware of that, but the public has not been made aware of the fact that these people have made available all the information they have. And it was said by the legal representative of the families that we are playing a merry-go-round game and this creates a mis-perception in the eyes of the public.

CHAIRPERSON: Thank you. The problems that you have expressed are noted. Insofar as the naming of your clients are concerned, it is the practice of the Commission that once the subpoenas have been issued and served that the names get released publicly. Also the Commission has the right in terms of Section 19 of the Act to decide at which date and place it makes the information public. However, your concerns have been noted and whatever takes place within this room will remain confidential until such time as the Commission chooses to release it.

In the event that the Commission shall decide that it will release that information your client in fact will be notified timeously of that fact, so that the matter will then be discussed with you and you will have prior notice of the fact that the information will be released.

Mrs van der Walt is there anything that you want to add to this?

MRS VAN DER WALT: I would not like to add anything apart from the fact that to mention that the damage has been done because it was said this morning that these people are not telling the truth, and if it carries on at this rate they are not going to get amnesty. That is why I am not sure what we have come to do here today. Why should such opinions be expressed because then the investigation is being done one-sidedly because then the Commission has information which we don't know about, because it was mentioned on the radio that these people are not telling the truth. My client is not happy about this at all, and the public and the other people who we are representing in applying for

amnesty are not going to feel free to come to this Committee.

CHAIRPERSON: Thank you very much for what you have expressed. May I remind you that this inquiry is not part of the amnesty process, this is a Section 29 inquiry which is an investigative tool and it is usually used to service the Human Rights Violations Committee. However, your objections have been noted and will in fact be recorded so that you may at any time feel free to address that issue at the Amnesty Hearing if you so please.

Could I ask Mr Zeelie to state his full name for the record please.

MR ZEELIE: Charles Alfred Zeelie.

CHAIRPERSON: Mr Zeelie do you confirm that these are your legal representatives and if so could they please state their names for the record.



ADV PRINSLOO: I represent Mr Zeelie, my name is Advocate H J Prinsloo.

ADV VAN DER WALT: I am Advocate Louisa van der Walt.

CHAIRPERSON: Mr Zeelie could you advise us whether you are still a witness in terms of Section 204 for the State?

ADV PRINSLOO: Madam Chairperson at this stage no one has been prosecuted, no evidence has been led by the State to state who was being prosecuted or not. I'd just like to say that Mr Zeelie has made a statement to the Attorney General but at this stage nothing has happened so there is nothing we can say in that regard, and only when the court starts its proceedings and the Presiding Officer or Judge addresses these issues will we be in

a position to comment.

CHAIRPERSON: Thank you. May I ask Mr Zeelie to rise while I ask Dr Randerera to ask him to take the oath please. Thank you.

CHARLES ALFRED ZEELIE: (sworn states)

CHAIRPERSON: Thank you. I am not sure if either of your legal representatives have been present with you before or in any other such inquiry because I assume that you will then know what the format of this inquiry is?

ADV PRINSLOO: Chairperson we were not present at a previous occasion. We have been at amnesty hearings but not at such a hearing and we would appreciate it if the honourable chairperson could inform us what the procedure is and what this is all about.

CHAIRPERSON: This is an investigative tool which is used as a mechanism to deal with certain questions and to get further evidence relating to matters within the possession of the Commission.

However, your presence there is really to only be an advisory one, your client will have to answer all questions put to him. You may not answer on his behalf. If you have problems with any questions we will note your problems but in fact in terms of the Act your client can in fact be compelled to answer any question even though it may be incriminatory.

Please note that the Attorney General concerned has been advised that this inquiry is taking place and should a time arise when your client refuses to answer a question we will in fact consult with the Attorney General concerned and then proceed on the matter.

I would repeat that the duty is in fact on your client to be honest with this inquiry and should your client commit perjury in fact it will be an offence in terms of the Act.

Your client should also be advised that he is not to communicate the contents of this inquiry to any other person until such time as we allow him to do so. The questions in fact will be done by members of the investigation team who sit beside me and Committee member Russel Ally, and I myself will ask certain questions as and when the time arises.

I believe Mr Zeelie has made a statement which is in our possession, and before we begin I would like to ask him if there's anything that he wants to add or change in terms of that statement.

ADV PRINSLOO: What is not clear at this stage is that at no previous stage has this client been told what this Committee is not satisfied about.

CHAIRPERSON: The inquiry is going to go over the evidence that has been submitted and to in fact ask him further questions in regard to what he's already tendered.

ADV PRINSLOO: Perhaps I didn't state it clearly, I would like to know exactly is this Committee not happy about, because in terms of the application before the Amnesty Committee certain applications had been heard and in that application certain matters were heard, and on previous occasions we were told what was lacking, and I would appreciate if the Honourable Chairperson could just let us know beforehand what the problem areas are.

CHAIRPERSON: Mr Prinsloo if you consult with the subpoena that

has been sent to your client you will in fact find that the content of this inquiry is stated completely on that subpoena. And in fact the questioning today will go over the matters which are raised in that subpoena.

ADV PRINSLOO: The subpoena, with all due respect, is very general, it is not very specific, and if a witness should refuse to testify in court then questions would be put to the legal representative in writing beforehand so that the witness goes to court and says here are my answers, but in this case it has not been done. How can I advise my client?

CHAIRPERSON: With respect Mr Prinsloo I don't want to get into an argument about it. Your client in his amnesty application, in fact in the papers he has put before us has indicated that he was involved in the disappearance of Stanza Bopape. This questioning is going to relate to his involvement in that disappearance and in fact all of that is stated in the subpoena.

I would like to place on record that the normal rules that apply, this is not a court of law, this is a commission of inquiry, this particular process is a tool that is used by the Investigative Unit. The normal kind of procedures that you are used to in a court of law in fact really don't apply because this a proceeding of a quasi judicial nature.

Now we have noted that you have problems with the generality of the subpoena. However, your client will be asked questions about his involvement in the death and disappearance of Stanza Bopape. I don't think that is very, very wide. I think that the matter is a fairly limited one. We are going to question him

about his involvement and in fact his involvement in the decision-making process. It is all set out in the subpoena. If you have problems during the questioning you can raise them, we will note them and try to deal with them.

But I would please ask you to remember this is not a court of law, and there is a precise purpose for the fact that these proceedings are not supposed to be legal. In fact we allow you to be present to advise your client of his rights, but this is not meant to be a court of law, and in fact we are simply using this as an opportunity to explore certain areas which are not very clear and to explore certain inconsistencies that may be in his statement.

Now I would like to begin with the matter by asking Dr Russel Ally to begin the process of questioning.

DR ALLY: Thanks Chairperson. You did actually - Mr Zeelie you asked if there were any changes which you would like to make or anything you would like to add to the submission which you have made. I am now going to hand over to Andre and if there are no changes you would like to make I am going to ask Mr Steenkamp to take you through your submission.

CHAIRPERSON: Mr Zeelie I had forgotten that in fact I had put that question to you. At this stage do you want to make any changes or corrections to the statement that you have given in? Would you please remember that when you speak press the red button please.

MR ZEELIE: Very well I would like to mention that I am relieved that there are other people that also forget certain things. I

would like to mention that the time of the inquiry by Dr de Oliviera's investigative team the statement which I made there are the statements which I have made here, and I was informed there that they were most satisfied with my statement. That is why I consulted my learned friends and said that I was surprised that you were not satisfied with my submissions while the Attorney General's office was satisfied with my submission. At this stage I have nothing to add and I will answer any questions which you might put to me.

CHAIRPERSON: Thank you. Andre will you begin please.

MR STEENKAMP: Thank you Chairperson. Mr Zeelie is it correct that you have 26 years, approximately 26 years experience in the police force?

MR ZEELIE: That is correct.

MR STEENKAMP: I think before I deal with the content of your submission there is probably one aspect which I would like to deal with and I think that you would possibly give me more clarity. One thing that strikes me about the amnesty application and that of some of your colleagues is that it seems to be the exact same thing, verbatim, and I would like you to explain to me how detailed information can be brought across the same, word-for-word, and it seems as if it was the same thing that happened during the Bopape inquiry, what is your response?

MR ZEELIE: We were all involved in the same inquiry.

MR STEENKAMP: No Mr Zeelie I am referring to the amnesty application, the detail contained in these submissions and I would like to quote you if I may. The paragraphs are the same

word-for-word, how is it possible that a sworn affidavit be exactly the same word-for-word, did you people sit together to submit your information to this Committee or what was the position?

MR ZEELIE: We were one investigative team, we were all involved in the same incident so it was not strange at all that we should have the same submission of the facts.

MR STEENKAMP: Perhaps we should begin by putting more detailed questioning. You are aware of the fact that a certain Mr Nkosi was also arrested is that correct?

MR ZEELIE: Yes, I was also involved in the arrest so I know about it, but that's as far as it went.

MR STEENKAMP: You were also physically present when the late Mr Bopape was arrested, you personally arrested him, is that correct?

MR ZEELIE: That is correct.

MR STEENKAMP: Did you do anything to Mr Bopape while you were arresting him, did you arrest him or anything or did you at any stage arrest or assault Mr Nkosi as far as you can recall?

MR ZEELIE: I would not say that I assaulted them but it's possible that we roughed them up at the time that we arrested them. It was possible that they resisted arrest, so I am not going to dispute that much.

MR STEENKAMP: Perhaps we should start at the beginning. You see my information is that you assaulted Mr Bopape by hitting him with your fist when you were arresting him, would you recall that he resisted arrest or what was the position? Did you assault

him with your fist?

MR ZEELIE: I would not recall with absolute certainty that I assaulted him with my fists because even at that stage there was no charge laid against me for assaulting him with my fists. I do not believe that it was a serious assault. There were various ways of assault and sometimes it was just a matter of dealing roughly with the person while arresting him.

MR STEENKAMP: Did he resist arrest?

MR ZEELIE: Yes.

MR STEENKAMP: I find it interesting that you are providing this information because it was not mentioned in your amnesty application, could you please mention it to me while we are dealing with it?

MR ZEELIE: I do not believe that it has any bearing on this inquiry ... (intervention)

MR STEENKAMP: Mr Zeelie you have to realise that the requirement of the Act is that you have to provide complete details and that is what we are doing here today to get more details from you. Did you assault Mr Bopape with a fist because my information indicates that you did assault him with your fist while arresting him and if so why it does not appear?

(The Speaker's microphone is not on)

ADV PRINSLOO: My apologies Chairperson. With all due respect Chairperson the witness did say that it has no bearing on this particular inquiry. I do not think that it is a very fair question.

DR ALLY: I think that you actually maybe misunderstand the

point of the question. The issue is that for amnesty there has to be full disclosure on every gross human rights violation. Now if the assault was of the nature that can qualify as torture, which is a gross human rights violation, there should be full disclosure and that is the point of the question. It's not just about the death and the disappearance of Stanza Bopape, it is also whether in the process there was torture which is a gross human rights violation, and that is what Mr Steenkamp is trying to establish, and that is very pertinent to the amnesty application.

ADV PRINSLOO: With all due respect Mr Chairperson I think the applicant's answer was very clear because he based it on the death of Bopape and this is a question which does not seem to be dealing with that and it's dealing with the Bopape incident.

CHAIRPERSON: Mr Prinsloo and Mr Zeelie I think that you have had sight of the Act and the definitions contained within the Act relating to what are considered gross human rights violations. Now in the amnesty application of your client he has in fact applied for amnesty for the death of Mr Bopape.

However, we have also established through a question that he answered earlier that there was, in his words, "aanranding" on Mr Bopape. Now we are trying to elicit what the nature of that "aanranding" was, because he said there was "verskye menere van aanranding".

I think that Dr Ally also points to a very important fact, that whatever disclosures your client makes needs to be absolutely full and complete and if within that he has perhaps

omitted to mention something which may be another gross human rights violation. We are trying to establish that because I think for his own sake we need to make that fairly clear.

ADV PRINSLOO: With all due respect Chairperson the problem area is that because he did not mention it in his application the problem is that the question is unfair in the sense that he responded to this question with regard to the death of Bopape and that is why I said that the question was unfair because he was asked why he did not mention it.

MR STEENKAMP: Perhaps I can be of assistance. Mr Zeelie mentioned that he assaulted the person while arresting him. Mr Zeelie started to sketch the picture of assaulting this person while arresting him. That is why we started questioning him about the beginning of the arrest and what happened during the arrest.



CHAIRPERSON: May I suggest Mr Zeelie that you in fact sketch for us your involvement in Stanza's death, right from the beginning please. If you could tell us in your own words what happened from the time Stanza was picked up please.

MR ZEELIE: Then perhaps I should read my submission to you. I think you have it before you. But very briefly I would just like to respond to Andre's question. I told him I did not assault him with the fist and he said to me but I have the information that you assaulted him with the fist. I never assaulted any detainee with a fist in all my life.

MR STEENKAMP: Are you very sure of that statement Mr Zeelie? Had you never assaulted any person that was in custody?

MR ZEELIE: There is a difference now. I said that I never hit anyone with the fist.

MR STEENKAMP: Perhaps I should make it a bit easier for you. The intention is not to put you in a corner here but you say that Mr Bopape resisted arrest, is that correct?

MR ZEELIE: That is correct.

MR STEENKAMP: Did you ever lay a charge against Mr Bopape? It is a criminal offence, you are an experienced policeman, but as far as my records indicate you never laid any charge against him for that and if not, why not?

MR ZEELIE: Because at the end of the day he was arrested. It was never necessary to lay a charge of resisting arrest.

MR STEENKAMP: Is it not because Mr Bopape did not resist arrest?

MR ZEELIE: I think I have answered that question.

MR STEENKAMP: You see before I give my colleagues an opportunity I would like to refer to another aspect. In your amnesty application you said that you wanted to scare Mr Bopape a bit, could you tell us what you mean by that because if one looks at what actually happened to Mr Bopape then it sheds a whole new light on scaring him? Could you just tell us what you meant?

MR ZEELIE: The term scaring a person has several meanings, but basically what I wanted to say was that we wanted to get him to tell the truth.

MR STEENKAMP: Mr Zeelie you then tied this person to a chair.

MR ZEELIE: That is correct.

MR STEENKAMP: You blindfolded him.

MR ZEELIE: That is correct.

MR STEENKAMP: You administered shock tactics on him and if - in my understanding that is a form of torture not of scaring the person.

MR ZEELIE: I cannot really see it as being a form of torture. It depends on the degree of one's action.

MR STEENKAMP: Before we proceed would you agree with the all the other amnesty applicants who provided their information to the Amnesty Committee, do you agree with their information?

MR ZEELIE: Are you referring to the submissions which were made there, the statements which were made there?

MR STEENKAMP: You said that they were all the same so I assume that you agree with it that the detail is correct?

MR ZEELIE: It is correct as far as I am concerned, the versions given there are correct.

MR STEENKAMP: Could you please just tell us exactly what happened to Bopape on this day? Your version states that he was shocked about twice, is that all that happened to him or specifically what happened on that day, could you just give us some more detail?

MR ZEELIE: I think that if you read my statement you will see that I was not directly involved in the interrogation, the questioning, so it is an unfair question to put to me as far as what happened to him on that day. If you read the statement you will find that I was in my office that day and I was not present throughout.

MR STEENKAMP: What was your participation? What was your role Mr Zeelie, I am sure you understand the question very clearly, what happened that day during questioning?

MR ZEELIE: I understand the question but I am sure you also understand what I am saying to you that I was not present throughout. I was in my office busy with my own work and Bopape was questioned by other members and at intervals I and some of my colleagues would go to him and enquire how the questioning was going. I think if you read the statement you will see that this investigation was a West Rand/Krugersdorp investigation and not a Johannesburg investigation. The fact that I was involved and some of my members were involved in the arrest was because it was in our region, it fell in our area, and it was procedure that when an arrest was done in another area, or in another region that you utilised the assistance of members of that region.

MR STEENKAMP: I thank you for what you have just told me because - what you have just said that you were not present throughout is not mentioned in your amnesty application and the next question which I would like - the question which I asked you is whether you agreed with the detail that you were all present, how is it possible that you could support the full detail of the other persons when you were not present throughout?

MR ZEELIE: If you refer to paragraph 5 of my statement you said that this office was next to - I was busy in the office next to - of Colonel van Niekerk and I was in another office, and I can't see how you can say that I did not mention it in my statement.

MR STEENKAMP: Before I hand over my last question to you is the

question of Van Loggerenberg, who told Van Loggerenberg who this person was?

MR ZEELIE: He was not told at any stage who the person was or where he was involved. I think that the only persons who knew him were myself and Colonel van Niekerk. We were the only persons who knew him before then. And he was not told at any stage who the person was.

MR STEENKAMP: Lastly could you give me a list of all the persons from the beginning, from point 1 at the arrest to the end, the persons who were involved in the investigation of Bopape, because you have mentioned certain names in your Amnesty application and I do not think that those are all the names?

MR ZEELIE: I think it is an unfair question to ask me to mention the names of all the persons who were involved in the arrest because I can quite honestly tell you now that to ask me now to - because I have done many investigations, and to ask you who all the witnesses were in matters where you were in court hence it is not possible for me to say to you who were all involved in specific arrests, and that is the question which you are now putting to me and which I regard as being unfair.

I do not believe that it is possible to tell you who was there from Krugersdorp or who were all present there from Johannesburg.

CHAIRPERSON: I think Mr Zeelie I will remind you that you are in fact under oath, insofar as you can remember could you please place on record the names of other people who were involved with you in this particular matter. Please answer the question.

MR ZEELIE: If Andre had just asked me who I could remember, he was asking me to mention all the names of all the people and if I did not mention certain names he would want to know from me at a later stage why I did not mention certain names and that is why I think the question was unfair. Because if he had asked me if I can recall to mention the names of persons who I can recall, hence the fact that he asked me to mention all the names was an unfair question in my opinion.

CHAIRPERSON: With the qualification that you mention could you please name all the people that you remember who were involved?

MR ZEELIE: The names which I can mention, starting with the arrest, would be myself, W/O Mostert, Constable Engelbrecht, and I would also like to mention I am now mentioning everyone from A to Z as far as I can recall who were involved. I mention myself, Mostert, Engelbrecht, Colonel van Niekerk - Krugersdorp people I cannot recall, I cannot tell you who was present.

Other persons in the entire investigation up until the handing over of Bopape to the members of the Eastern Transvaal would be Colonel du Toit, who at that stage I think he was either a Brigadier or still a Colonel, Brigadier Erasmus, who is now General Erasmus and Van Loggerenberg, and at that stage Brigadier Visser as well.

CHAIRPERSON: Thank you. Dr Ally.

DR ALLY: Thanks very much Chairperson. Mr Zeelie your attorneys, the lawyers representing you, and the Advocate earlier mentioned that they saw the Truth Commission as part of the process of reconciliation, and I think that's also the objective

of this exercise. It's not to catch you out, it's really for us to try and establish as complete a picture as possible to get to as much of the truth as possible, because that is the basis for reconciliation. There can be no other basis. When we ask the question it's with that objective that you need to understand that we are responsible as the Human Rights Violations Committee is to the families of the victims, those who come before the Committee and ask us to find out what happened, and for them to be satisfied they need to know everything. So some of the things you may not consider important but the families certainly consider it very important.

So with that I just want to start right at the beginning again as I think it's very important. That Stanza Bopape was arrested you say on the 9th of June 1988, that it was the early hours of the morning so that's not really - it was the 9th/10th June, it was close to midnight that Stanza Bopape was arrested in Hillbrow, at Century Plaza, Smit Street. There was a friend present with Stanza Bopape, Beki Nkosi, or as you say in your statement Simon Nkosi. Now we actually have a sworn statement, an affidavit from Beki Nkosi.

You say in your application, and you've also said earlier that this was not a Johannesburg matter, that you got involved in this thing almost by accident. That this was a matter of the West Rand and Pretoria. Now that may be the case but when you arrested Stanza Bopape on the night of the 9th/10th June 1988 is it not true that you already had certain information about Stanza Bopape? That you had been told certain things about Stanza

Bopape. Could you tell us what it was about Stanza Bopape that you already knew that night when you went to go and arrest him?

MR ZEELIE: No. Firstly I would like to say that I am not telling the truth as far as it is possible, I am here to tell the truth, the whole truth, with all due respect, otherwise I would not be here.

To answer the question I did not know anything about his direct involvement. As I said it was a West Rand investigation and afterwards information was made available that he was involved in certain incidents.

DR ALLY: So when you arrested Stanza Bopape you are saying that you had no knowledge, that the fact that there was a suggestion that Stanza Bopape may have been involved in activities linked to the Maponya group, at that stage described as terrorist activities, you had absolutely no knowledge of that on the night of the arrest?

MR ZEELIE: Could I just make myself a bit clearer. You know in investigations it is not always conveyed to you that this gentleman is being sought in connection with - in this case, the Maponya matter. Because it was another area's matter and he was in this area, my help was requested and I was told that this gentleman was being sought for ANC and terrorist activities and that was sufficient.

DR ALLY: According to the statement by Beki Nkosi on the night when you arrested Stanza Bopape you wanted to know who brings Stanza bombs? You then punched Bopape in the stomach. Bopape fell onto the bed. One of the policemen then asked, what is

wrong with you? Are you drunk? And you punched him again.

MR ZEELIE: Is this question aimed at his arrest in the flat or at the police station? Ja I would just like to mention that I do not know at which stage Nkosi made a statement because such a statement was never brought to my attention at any stage. If he had such facts he should have made them available earlier and it would have been put to me at an earlier stage, so I dispute what he says. I dispute his allegations which I believe had been made for the sake of sensationalism.

DR ALLY: The statement was released at the time of the Harms Commission when they tried to get the Harms Commission to look into the matter of Stanza Bopape, so it's not a statement that has only recently been made. It's an affidavit that was made specifically for the Harms Commission to look into the matter.

MR PIGOUE: Just a point of clarification, the statement was made following Beki Nkosi's release from detention in 1989 and was made available to the Harms Commission.

CHAIRPERSON: Mr Zeelie I believe the question was put to you and discounting the fact that you regard it as sensational I wonder if you could address yourself to the substance of the question which was asked of you.

MR ZEELIE: I did respond to the question by saying that it is untrue. I do believe that I answered the question. I would also just like to mention that in those years it was an ANC tactic, and also people who were arrested, to make allegations and statements against the police to bring them into disrepute. That is why in each terrorist trial you would find a trial-within-a-

trial taking place and that was just done to bring the police into disrepute.

I did respond to the question by denying that and saying that there is no such thing.

DR ALLY: Mr Zeelie I want you to think just very carefully on what you've just said now because I want to read something to you from your own amnesty application. You are making the point now that this was sensationalist, that they did this to discredit the police, yet on page 5 of your own application, paragraph headed 12, on page 5, the last sentence in that you say:

"It was practice in the Security Branch...."

page 5, no.12. It is the last line on page 5 which follows from point 12 which starts on page 4.

"It was practice in the Security Branch of the South African Police and Headquarters, Headquarters knew about it that where persons refused to cooperate certain methods would be used to force them".

Here you say that it was practice that when people did not cooperate, which I imagine would have been very common for activists not to willingly get information, "om dwang metode", "to use force", and yet a few minutes before that you said that when detainees complained to the police about having been assaulted this was sensationalist to bring you into disrepute. Now what is the truth in this matter?

ADV PRINSLOO: Madam Chairperson this question has got two points. Firstly a question is being put about Nkosi and then the other point is about a general practice, and the witness says

that in Nkosi's matter he was not assaulted and then he mentioned that detainees used the strategy to bring the police into disrepute. He did not say that it was not done at all.

DR ALLY: What is the point that you are actually making?

ADV PRINSLOO: The point that I am making Chairperson, with all due respect, is that the witness denied assaulting Nkosi or Bopape. Why would Nkosi say that was the question put to him and he said that it was done to bring the police into disrepute.

And then a general question was put to him with regards to this statement. The two are difficult to reconcile.

CHAIRPERSON: With respect Mr Prinsloo if your client had simply said, had left the answer as something that he denied, he would not have invited the comment and his attention drawn to a statement he made in his own version. He in fact said in a very general way that this was the normal reaction of ANC activists to bring the police into disrepute. And I think that by making that kind of comment he actually invited the drawing of the reference to something which is in his own statement that in fact it was the practice of the police to use certain methods to extract answers. I can't see that there's a contradiction. I think that he in fact invited that kind of comment.

ADV PRINSLOO: I would leave it for the witness to answer.

MR ZEELIE: At no stage did I deny specifically the last sentence on page 5 paragraph 12, but I was responding to a specific question about what Nkosi said, and I maintain what I said, that it was a practice used by them, and the same as these methods to force them to speak were practised. I was responding

to the question put about what Nkosi said.

DR ALLY: Just to get this absolutely clear Mr Zeelie you are saying that yes, force was used, "dwang metode was gebruik", but in this specific case of Stanza Bopape and also Beki Nkosi you did not use force, is that what you are saying?

MR ZEELIE: No, you are not understanding me correctly, I did not say that. I said that what Nkosi said in his statement was not true.

DR ALLY: What force did you use then if force was used, and you are contesting what Beki Nkosi says, what force did you use then?

MR ZEELIE: With all due respect at which stage are we referring? We are talking about a period from when the person was arrested to when he died, to which period are we referring to, when he was arrested or when he was in custody or what? Because this question is very broad.

DR ALLY: What I would like to know, what force was used throughout, from the point of arrest, excluding the question of the electric shock treatment because that is clear in the statement? Other than that no mention of any kind of force, "die dwang metode" which appear in the statement, in the application though the only instance that we get is when Stanza Bopape was tied to the chair and electric shock was used. I want to know, other than the electric shock, what other "dwang metode" was used?

MR ZEELIE: That's very simple to answer. I have already said that a measure of - I would not say violence, but we used certain techniques to counter his resistance and I mentioned the electric

shock and the person who was with Bopape, but I already said that I was not personally involved in the investigation any further, so this is a question which you should rather put to the other investigated - the other investigators.

DR ALLY: I want to be absolutely clear and I want you to be absolutely clear, so you are saying that you personally, other than your presence at the time when the shock treatment was applied, other than that you personally are not aware of any other methods of force that were used and you personally were not involved in using force against Stanza Bopape or Beki Nkosi, is that what you are actually saying? Because it is not enough just to speak generally about methods of force or "dwang metode", it is important for us to know precisely, did you hit him? Did you kick him? Did you use a spade? Did you put a bag over his head? That is what we want to know. We don't want general statements about "dwang metode", we want to know the specifics and the details, that is what the Act actually asks us to do.

MR ZEELIE: That is correct, that is what I mentioned since the beginning to you, but you took this matter further. I mentioned to you what happened at the time of the arrest and also at the time when he was shocked. Beyond that I was not involved in any further investigation or the rest of the investigation.

CHAIRPERSON: I just want to establish absolutely clearly, from what you have said to us, apart from the time when you were present when the electrical shock was administered, you are saying that at no stage were you involved in any kind of rough activity on Stanza Bopape, is that correct?

MR ZEELIE: That is correct.

CHAIRPERSON: Proceed Dr Ally.

MR STEENKAMP: Dr Ally can I just add there, I am surprised to hear what you are saying, you say that you were not involved in the investigation any further but you were the person who eventually assisted in covering up the matter, you wore the shoes of the deceased, you drove the corpse of the deceased away and you arrested the person, but you say that you were not involved in the investigation any further?

ADV PRINSLOO: I would like to state my objection here. We are talking about the investigation of the matter, the covering up has got nothing to do with the investigation of the matter.

MR STEENKAMP: I would appreciate it if you did not interrupt me Sir and allow the witness to answer the question.

MR ZEELIE: Yes I will answer. I am not as aggressive as you are now becoming and we are now talking about reconciliation and I would appreciate it if you did not become all that aggressive. You are becoming aggressive and this is not right ... (intervention)

CHAIRPERSON: This is in the nature of a robust inquiry Mr Zeelie.

MR ZEELIE: Not reconciliation Madam Chairperson, this is an investigation which we are doing without any aggression and that is exactly what I would like to do and I did not become aggressive in any way towards the Committee and I would appreciate it if the Committee members did the same. What I mentioned was with regard to Bopape's activities and not what

happened after his death. If there are any questions in that regard you may put them to me and I will respond to them.

DR ALLY: Let's continue. Mr Zeelie I just want to understand this properly and I don't want it to go on record if it was not your intention. Earlier on a question was asked about electric shock and whether this constituted torture. If I recall your response correctly you said you didn't think so, "marteling", electric shock was not "marteling". I want to give you another opportunity to answer this question. Do you consider electric shock torture or not?

MR ZEELIE: Yes I can respond to this. What I have said earlier and what I will repeat is that I did not say that electrical shocks are not a form of torture, but I said there are levels of application. In this instance since everybody knew that this method had been used since it was done openly we believed that Bopape would be frightened by this, that is why the word "frighten" was used in the statement to let him understand that he could be tortured and that he should start talking before he was tortured. At no time did I say that electrical shocks are not torture.

DR ALLY: So electric shock is torture and was Stanza Bopape - was electric shock applied to him, would you consider that torture then or not?

MR ZEELIE: I would say that the degree of shocks given to Bopape were not yet torture since he had not yet been given big shocks. Our goal at that time was to frighten him with regard to what might happen to him.

DR ALLY: So you are saying to me that you measure torture then in terms of the voltage of the electric shock, is that what you are saying, not the actual - not the electric shock itself, it depends on whether it's 50 volts, 60 volts, 80 volts, what are you actually saying? Is electric shock torture or is it not torture? I am not interested in whether it's two shocks, three shocks or a hundred shocks, I want to know from you whether electric shock, applying electric shock to somebody is torture or not?

MR ZEELIE: In my view it has to do with the degree of application. That is my honest opinion. You might have a different opinion from me, but this is my opinion.

CHAIRPERSON: At what level of voltage would you consider it to be torture then?

MR ZEELIE: I am not talking about particular voltage, I am talking about the degree of application. I am talking about continuous electrical shocks without any breaks, that's the measure that I would consider whether it is torture or not.

DR ALLY: I am going to read to you two versions of the way in which electric shock treatment was applied. One is your own and another is a version of someone who was actually subjected to electric shock and I want you to tell me which is the more accurate version, or any other comments that you want make.

This is the version of Beki Nkosi who was tortured and subjected to electric shock in Pretoria.

"I was blinded by a balaclava. The police tied my hands onto a chair, a rag around my waist, this was

tied to the back of the chair. A tube was tied around my waist as well as tubes around my ankles. Before applying electric shocks the person who was in control felt my heartbeat. One electrode was placed on my left wrist, my left calf, one all over my body, pelvic parts and buttocks and another was applied to my body on different occasions. The electrodes were placed in tubes but I could feel the wires scratching my body from the three cords. They also used cotton wool or cloth soaked in water before shocking me. They shocked me during intervals after questioning".

That's one version of electric shock.

This is what you say in your statement, and this is paragraph 14 on page 5.

"We took a wooden chair from Colonel van Niekerk's office and put it in the corridor and decided to use this chair and to tie Bopape onto this chair. The chair had two armrests and we tied his arms to this with a support for the back. We tied Bopape to the chair with velcro ties which I received from the Murder and Robbery squad. I was told that these were available from the Quartermaster. Bopape's arms were tied to the armrests and his legs to the legs of the chair. The two electrical touch points, or electrodes, the two electrodes (the Interpreter presumes) were encased in rags so they didn't leave burn marks. There was a piece of equipment used by a

Sergeant du Preez and this was turned twice or thrice while the two electrodes were drawn across Bopape's upper body".

You can see that these are differing versions. Do you have any comment in this regard?

MR ZEELIE: Ja, if you return in the statement, somewhat earlier you will note what the purpose was of our activity. The intention was to frighten him. Initially to frighten him and to see whether he wanted to tell us any of the information we wanted that is why we did it in this way. You must pay attention to the preceding paragraphs in order to understand and read this particular paragraph, to understand our methodology.

DR ALLY: So you are saying that this form of electric shock then was to scare somebody. Whereas the other form of electric shock which I was describing to you that that was torture, is that what you are suggesting?

MR ZEELIE: I would say yes. That is why we said from the beginning that our first intention was to frighten this person. That's why it occurs at times that one would use any particular method to frighten someone, one of the most, well one of the easiest ways.

DR ALLY: The first form of electric shock which was described by somebody who was subjected to it, have you ever been involved in that kind of shock treatment? Is that an accurate description do you think of some of the electric shock that people were subjected to? I am not necessarily saying that that was what happened in Bopape's case, I am saying that in this particular

case, this form of electric shock, are you familiar with that? Have you been involved in that kind of electric shock?

MR ZEELIE: Yes it depends from person to person. Every person would do this in a different way. Every person would use the two electrodes and place the two electrodes in different place. I can't identify with the particular description given by Nkosi, but that shock methods were applied in a more serious degree or to a greater extent certainly, yes.

CHAIRPERSON: Could you tell me that in terms of the Police Code, was this normal accepted practice? Was this part of your duties?

MR ZEELIE: I think to answer your question this was an accepted method of obtaining information from persons.

CHAIRPERSON: So this was widespread practice amongst the police? It was an acceptable manner of extracting information?

MR ZEELIE: I would say it is a worldwide practice for obtaining information.

CHAIRPERSON: I am not asking about what is a worldwide accepted practice, I want to be very specific. I asked you two questions. One, was this an accepted practice? And I want you to answer that question in relation to yourself and other members of the police.

And secondly, was this considered to be part of your code of conduct and your method of carrying out your duties?

MR ZEELIE: That is correct. It was an accepted way of interrogation. I have mentioned that it was worldwide since we in the police force had this as an inheritance from the rest of

the world.

CHAIRPERSON: Could you tell me where you were trained in this methodology?

MR ZEELIE: No one provides training in this kind of methodology. If you are a young policeman and you get involved in interrogation you learn it in practice. So there is no particular training in this.

CHAIRPERSON: And this is really not a trick question, I am just exploring this line of questioning. There is a theory, and this is being expressed by the politicians, that in fact only a few policemen carried out these kind of acts and that in fact these are really renegades or mavericks as far as the politicians are concerned, but you are actually saying that this is something that you pick up in the normal course of your duty in the police force. And that in fact it's really something that you have inherited. I would like to know whether this is generally practised or whether this was just confined to a few policemen? It's meant really to get the sense of your own understanding and perspective of some of these kind of activities.

MR ZEELIE: I learnt the electrocuting methods from my very first years in the police force and that is why I want to say that it is a general and widespread practice for obtaining information from unwilling suspects. It was general practice.

CHAIRPERSON: Thank you.

DR ALLY: Mr Zeelie if we can move on to the actual death of Stanza Bopape. Now according to your statement this was on the 12th of June 1988, is that correct?

MR ZEELIE: That is correct.

DR ALLY: You are saying that Stanza Bopape's death was as a direct result of this application of shock treatment. As you say, the paragraph I was reading on page 5, going onto page 6 that,

"The apparatus was turned by him twice or thrice while Engelbrecht drew it over the top part of his body. Bopape was asked if he had anything to say. His head was just leaning forward and it was quite clear that something was wrong with him".

That is the account as far as you are concerned of the death of Bopape?

MR ZEELIE: That is correct.

DR ALLY: Now I want you to appreciate that there are many different versions of the way in which Bopape died, that we have sworn affidavits, here is one account and I want you just to comment on this and your response. Firstly I'd like to ask you whether the names of Piet, Piet Seifret(?) and Chris Wilkinson ... (intervention)

MR ZEELIE: I would just like to mention, as I said, that we all forget minor details, as the Chairperson also forgot minor, with regards to the names, there was another name, a Sergeant du Preez who was involved. That is correct.

CHAIRPERSON: (...indistinct)

MR ZEELIE: That is correct.

DR ALLY: Do the names Piet Seifret and Chris Wilkinson mean anything to you?

MR ZEELIE: That is correct.

CHAIRPERSON: Mr Zeelie you appear to be very uncomfortable.

MR ZEELIE: I am comfortable but sometimes I cannot hear, I am not sure whether you people can hear me or what.

CHAIRPERSON: We can hear you, but do you hear the interpretation?

MR ZEELIE: As I am talking to you now I hear myself and sometimes I cannot hear myself speaking and then I am not sure whether you can hear me.

DR ALLY: Piet Seifret and Chris Wilkinson now, in what capacity do you know them, can you just tell us?

MR ZEELIE: They were both members of our investigative unit.

DR ALLY: Did they have any involvement, to your knowledge, in the Bopape matter?

MR ZEELIE: As far as I can recall, as I said I myself was not involved in the investigation or rather I was not part of the investigation apart from the fact that I was in my office on that day. As far as I can recall they were not involved although a possibility exists that they could have been involved beforehand although I don't know.

DR ALLY: Do you know of their involvement in the torture of or questioning or interrogation of Beki Nkosi?

MR ZEELIE: No I do not know of any such incident. I would like to mention that the way in which I know Chris Wilkinson is that he is not the type of person that would exercise that kind of pressure on any person.

DR ALLY: And Piet Seifret?

MR ZEELIE: Yes he would.

DR ALLY: According to Beki Nkosi's statement he says that he was interrogated on the 15th of June 1988 by Seifret, and I am reading to you from his affidavit. He says,

"He came into the room and said, my friend I've got bad news about your friend...."

meaning Stanza Bopape.

"....He is no more with us. I asked what he had in mind. He replied, your friend Stanza went out on Sunday morning with the police to Sebokeng to a dead letter box to show them his material. On his arrival, when the police dug his material Stanza ran away and the police shot and killed him".

Do you want to make any comment on that?

MR ZEELIE: I think that is a lie, an absolute lie.

DR ALLY: From whom?

MR ZEELIE: From whoever said that. You are reading a statement to me from Nkosi and if you read a statement to me by Piet Seifret I would say that it was a lie too, because neither of them were present that Sunday, and what happened on that day, the true version of those events are reflected in my statement before you.

DR ALLY: So are you saying that Bopape was never, ever taken out to point out any dead letter boxes or any places where there were potentially arms caches? He was never taken out of the Police Headquarters, whether it be Sandton or whether it be Krugersdorp or whether it be John Vorster Square, he was not

taken away from any of the Police Headquarters in a car to point out anything at any stage?

MR ZEELIE: To me it is difficult to say either yes or no, but I could mention to you that I was the head of the bomb disposal unit and we dealt with all matters where terrorist weapons had to be dug up. And the fact that the questioning or interrogation was done by one of our members is that if such an incident had to have taken place I would have known about it and I do not know of any such identification being done by Bopape.

DR ALLY: Let me continue. Mostert, he was one of the people who has applied for amnesty with you, and he was also involved in this affair with Bopape, not so?

MR ZEELIE: That is correct, Mostert and Engelbrecht were to deal with the questioning and interrogation of Bopape and the reason why it happened ~~is because there~~ was too much work for the Krugersdorp Police and in cases like that they would make use of the neighbouring areas investigative unit to assist them. And in this regard it was the duty of these two members to question Bopape.

DR ALLY: Did Mostert go by the nickname "Mossie", is this how people generally referred to him?

MR ZEELIE: That is correct.

DR ALLY: On Thursday the 16th of June 1988, and I am again reading to you from Beki Nkosi's affidavit, he says that he had occasion to be visited by "Mossie" and at that visit Seifret was present, Piet Seifret. Now according to Beki Nkosi "Mossie" said to him in the presence of Seifret, "it's a pity that you are

still alive". He then turned to Seifret and said, "Heh..", that's Beki Nkosi, "he would have seen how his friend died". If you put those two issues together, the fact that Seifret claimed to have some knowledge of how Stanza Bopape died; the fact that in Beki Nkosi's statement he speaks about Mostert being present in the same room with Seifret, again speaking about Stanza Bopape's death. Mostert is here applying for amnesty. Again are you saying that the version that Seifret actually gave Beki Nkosi of what happened to Stanza Bopape that that is totally false?

MR ZEELIE: Yes, firstly once again it is unlikely that when two members were given instruction to question one person that Mostert would also be involved in the interrogation or questioning of Nkosi, that doesn't make sense to me. I cannot accept that Mostert - I am not saying that it is not so, I am saying that I cannot accept because it was not standard procedure with us that he would have become involved in the Seifret matter and the Nkosi matter simultaneously while they had to - that Seifret would have been involved in the Nkosi matter while he had to question Bopape as well.

(The speaker's microphone is not on)

Chairperson where would the questioning have taken place? Is it mentioned in the statement? Nkosi's questioning by Seifret where is it alleged to have taken place?

DR ALLY: The torture took place in Pretoria but this was either in - this was at John Vorster Square, on the 10th Floor of John Vorster Square.

MR ZEELIE: Thank you Chairperson.

DR ALLY: Now after it was discovered that Bopape was dead you say in your statement that, this is on page 6 again and this is paragraph 15.

"It was discovered at a later stage that Bopape was possibly someone with a heart disease, or that he might have had a heart disease, and that he might have been taken up in Princess Hospital..."

I'd like to know first how this was established that Bopape had a heart problem? Who the doctors are, or doctor is who actually established this? When this visit to the Princess Hospital actually took place and whether or not there are records, medical records of this?

MR ZEELIE: I will not be able to answer this question in detail. There might be other members who could give you the detail in this regard. As you know during arrests or subsequent to the arrests of any suspected ANC members or suspected terrorists as we knew them at that time, then these people would be given to the district surgeon for a medical check-up and the district surgeon would fill in a form which would be placed in an envelope and that would be handed to the person who took the suspect to the doctor. That document would then be placed in the file of the person in custody.

The fact that this man died so quickly and in such an easy way concerned us and that is why Colonel van Niekerk checked up on the file and while checking up on the file he found this, and this is just hearsay. You will have to ask him the question how exactly he did this, but he then determined that this person had

been to the Princess Hospital for treatment and people with heart problems were treated there. This is why I am saying that I cannot give you a detailed comment on this aspect. But that is why I mention it in my statement as in the other statements that it had been discovered subsequently that this was the case and that is what I had been told.

CHAIRPERSON: Could I just ask you, were you actually not present in the room at the time when Beki, according to the version that all of you have placed before us, actually died of the heart attack, Stanza? Were you in the room or were you not in the room?

MR ZEELIE: It wasn't in a room, it was in the passage. Yes, it was in the passage, I was present when he died, yes.

CHAIRPERSON: You tell me, my Afrikaans is very poor or it's not very good, could you tell me exactly what do you mean when you say "passage"? Was it outside your office?

MR ZEELIE: There's a passage and on both sides of the passage there would have been offices. The chair was placed in the passage.

CHAIRPERSON: So previously when you said that you were not actually present, if all of this was happening in the passage then wherever you were in the sight of the offices that you must have seen this?

MR ZEELIE: Can I just inform you when I said earlier that I was not present all the time I meant that I was in my office, Bopape was questioned by Mostert and Engelbrecht and that is why I said that I had not been present all the time. From my office I could

not see what had occurred.

If you will give me the opportunity just to finish what I want to say. When I was informed that he was not cooperating then we decided, all of us together decided that as we said that he had to be frightened. When one gives someone an electric shock then the person would shake and you can damage yourself if you shake like that when you have been shocked and that is why we decided to place the person in the passageway so that there would not be any other items or furniture in the area so as the person couldn't be hurt by those other objects. That is why this happened in the passageway.

CHAIRPERSON: I just want to get this absolutely clear. First he was placed in the office and when he didn't respond to your questions you then, all four of you decided that you wanted to frighten him and you were scared that whatever you - if you administered the shock that it would knock on other items of furniture. But I have heard you previously saying that in fact he had been tied to a chair, so are you trying to tell me that with the force of the electric shock administered that the chair could in fact swing around, is that what you are trying to say?

MR ZEELIE: I can tell you that if I touched the battery of a car I also jump, so the chair would also have bounced. It was quite possible that he would have moved inside the chair and that is why he was tied down.

CHAIRPERSON: I'd like to get more details from you. You talk about in fact frightening people. You also, in an earlier question to you about what the degree of voltage was, said that

you didn't actually measure it like that. Now how would you determine what sufficient amounts of shock are to either frighten somebody into answering or how would you know that whatever you are administering will not kill them?

MR ZEELIE: You often misunderstand me and read my words incorrectly. When you asked me whether I knew what the voltage was I said, no. If, however, you look in the statement you will note that two of the members, there were two members, one turned it and one was holding it, it happens often that they test the machine in this way. It is possible to actually touch the electrodes, there are people who hold it in their hands and you can turn it and you will stand there, that is why we used this method by covering the electrodes with wet rags and just rubbing it across his body. If you used this method, as you see in Nkosi's statement where it is tied to - the electrodes are attached to him and when there is no loose movement of the wires that would be an entirely different effect.

From my knowledge of the kind of electrical shocks involved it depends on where you touch the person and that would determine to some extent the degree of electrical shock given to the person. If you just touch a person it's a little like the kind of apparatus with a long stick, it's like a cattle prodder, and that is what we had in mind here.

CHAIRPERSON: I still would like to have an answer to how would you know what amount administered would actually simply frighten somebody or would in fact cause their death? How did you measure it? Or is this just a chance you took?

MR ZEELIE: I said to you earlier that from my first year in the police I had this entrusted - I knew this method, I saw it applied and I never saw anyone having any long-term damage from this.

CHAIRPERSON: So through experience you were able to measure exactly how much was enough?

MR ZEELIE: That is correct.

CHAIRPERSON: One more question, the district surgeon, which division was the district surgeon from, from the West Rand, from Johannesburg, Krugersdorp, where? And the name please, if you remember.

MR ZEELIE: Unfortunately I think one of the other witnesses will be able to answer you in this regard but I don't want to make any sort-of statement in this regard. As I have said I was not involved in the actual physical investigation and the administration of the investigation so I would not be able to give you a true version of those facts.

CHAIRPERSON: Thank you. Sir I want to show you something and I just want you to confirm for me if in fact that was the kind of device that you used to administer the shock. Johannes could you bring that machine please.

MR ZEELIE: You've said that I used this, I did not use it.

CHAIRPERSON: Sir the device that was used.

MR ZEELIE: That is correct.

CHAIRPERSON: I think this is an appropriate moment to break perhaps for 10 minutes, just for tea and then we'll come back at 11 o'clock and we will proceed again.

COMMITTEE ADJOURNSON RESUMPTION

CHAIRPERSON: Before we begin the next line of questioning could I just pursue this matter of the district surgeon. I can understand that you don't remember the name of the district surgeon but could you at least indicate was this district surgeon from the Johannesburg area or the Krugersdorp area or the Sandton area?

MR ZEELIE: I believe that he was from Johannesburg but I speak under correction. Usually it would have been Dr Jacobson, Kraus or whoever, but as I said I wouldn't like to commit myself to any name.

MR STEENKAMP: Mr Zeelie I would like to ask you a question. I have an old telephone before me, is the shocking apparatus something similar to this telephone or could you describe to us how it looked?

MR ZEELIE: It is the inside of that telephone.

MR STEENKAMP: Would it be correct to say that the dynamo of this telephone was used?

MR ZEELIE: Yes.

MR STEENKAMP: The wires which would have been connected to the person, would these be the wires leading from the telephone?

MR ZEELIE: If we could take it apart I could show you which wires those were but I cannot tell you from here.

CHAIRPERSON: Could you just explain again to us how you actually used this machine?

MR ZEELIE: As I had already said several people, different

people use it in different ways but it comes down to the fact that two contact points are placed on the person's body and then the shocks would be administered at short intervals.

CHAIRPERSON: What is the dynamo?

MR ZEELIE: That is what I was trying to explain to you, if we could break open that apparatus I could show you. If somebody could open it we would be able to show you exactly what it is all about.

MR STEENKAMP: Unfortunately we cannot take this one apart, it is part of an investigation, but the dynamo would then be the part connected to the winding apparatus of this telephone?

MR ZEELIE: If you think about the old days when you turned the handle it would ring at the central point and they would ask you which number you were looking for and then they would put you through to the - from the exchange the exchange would then put you through to whichever number.

CHAIRPERSON: (...indistinct)

MR ZEELIE: Ja that is correct.

CHAIRPERSON: Piers.

MR PIGOUE: Thank you Madam Chair. Mr Zeelie I have a number of questions to ask you relating to a range of matters so you will forgive me if I bounce around a bit and obviously we will have to give you the leeway in terms of adjusting your mind to the issue that is being raised at the time.

I would first like to ask you to explain why it is that you have only recently in the last few months given a statement in connection with the death of Stanza Bopape and your involvement

therein? And why you have never placed this information at the disposal of the authorities before in any particular form, whether it was the Attorney General's office or any other investigation?

MR ZEELIE: I am relieved that you are asking me that question, that is why I just asked Andre why he was becoming aggressive, I thought that it was because I was answering the questions he was putting to me, it is precisely because this was not a planned action, it was not planned that we were going to kill this man or injure him to the extent that it would have been fatal, it was purely accidental and it stemmed from the investigation. And I was not prepared, at that stage, to expose either my colleagues or I to investigations which would have been perceived wrongly as is the case now.

That is why, since the beginning I said to the Attorney General that if he were to give me any facts I would be prepared, as an old investigator, to be of assistance and I think the two colleagues on the panel would be able to agree with that. They took several of my documents and I have not received most of them back. And that is basically the main reason why this incident was never exposed because from our side, as people who were involved, there would have been no point in killing or fatally injuring this man and that is why I never exposed it.

When the time for our amnesty application, or the cut-off date for amnesty drew closer we got together as members and we decided that this is something that would be exposed at some stage or another, we discussed it with each other and we decided

that there was no point in holding it back, let us put it on the table as it happened and apply for amnesty in regard to that.

MR PIGOU: So if I hear clearly then the main reason for not having informed the Attorney General was because it wasn't an action which had been planned, therefore the inference is that any unplanned actions which resulted or entailed illegal activities by yourself and your colleagues that if this wasn't planned then you weren't prepared to divulge this information to the authorities?

MR ZEELIE: I would also like some clarity. When you speak of earlier are you referring to pre-1994, are you referring to directly after the incident or which period in time are you referring to?

MR PIGOU: Let me be more specific then. The time period that I am referring to is the time period in which you assisted the Attorney General with investigations into illegal activities of members of the security forces. Thank you.

MR ZEELIE: That is correct. I was not specifically assisting the Attorney General with regards to members of the security branch. The facts were placed before us where I was incriminated and I was prepared to expose my participation in those actions and that is what I did.

And I already answered the question as to why I did not mention this incident in that period of time.

MR PIGOU: Thank you. If, as an investigating officer in a particular case Mr Zeelie, you were presented with a version from several, a number of witnesses, let's say five or six, and that

those versions read almost verbatim, word-for-word, in the normal course of any previous investigation you've conducted, this is the hypothetical situation I am painting here, would you not be impressed in some way about the remarkable similarities and what inferences would you draw from those similarities?

MR ZEELIE: No, absolutely not. What is contained in the statements are facts and these are facts which would have been conveyed by all the members. If you were to find that if you questioned certain members about finer aspects that there would be certain contradictions or differences. But the facts of the matter would in essence remain the same because they were facts.

MR PIGOU: But if you were presented in the course of an investigation with statements which read almost verbatim the same how would you as an investigating officer, in the course of your duties in the South African Police, and we could use an example of any of the investigations that you may have been using, if you had been presented with that scenario would you not have been impressed in some way and drawn certain inferences from the fact that these similarities were there? And in this particular parallel that I am trying to draw, word-for-word, paragraph for paragraph.

MR ZEELIE: All I would have done is exactly what you are doing now, I would have asked for clarification.

MR PIGOU: Would you have not had the impression that there had been some sort of, and you have referred to, you sat down as a group and you discussed the matter, what I would really like to ask is, are these your own words in this amnesty application or

were they presented to you and you agreed with them?

MR ZEELIE: No words were put to me or prescribed to me.

What is contained here is what I experienced.

MR STEENKAMP: Mr Zeelie to try and put Piers' question much clearer, the question was with regard to omitting certain facts and including certain facts.

MR ZEELIE: No, no facts were omitted and no facts were added and that is why I said that facts are the same. The facts coming from everyone would be exactly the same because that is exactly as they happened.

MR PIGOU: Mr Zeelie one last question on this particular point, did you write this amnesty application or did you simply sign it?

MR ZEELIE: The amnesty application which I originally wrote I wrote a statement which went to the office of the Attorney General in Johannesburg and my copy was given to my learned friend and then it was re-typed, but I wrote this statement in my own handwriting and it is in the possession of the Attorney General's investigative team and it is as it is before you. And none of the other persons were near me when I wrote this down. These are my own facts which I wrote down because that was the day before I went on leave and the following day just before I went on leave I took it through to Pretoria myself and I handed a copy to my learned colleague.

MR STEENKAMP: Mr Zeelie you say that you were on your own when you wrote the statement in your own handwriting and that the application is the same as the written version, that is why I find it even more strange that the other applicants' applications

would be exactly the same.

MR ZEELIE: That is not a question that you can put to me.

MR STEENKAMP: To who should I ask the question?

MR ZEELIE: It depends on you who you would like to ask.

MR PIGOU: Would you agree Mr Zeelie that the methods you used to extract information, either in the general or in the specific, and I'm talking about whether you were directly or indirectly involved, that the methods used to extract information that have been described were illegal methods, they were against the law?

MR ZEELIE: Yes I would say that they were illegal, they were against the law, but as I have already mentioned these were common practice during interrogations.

MR PIGOU: Were you in the habit of using any other illegal methods in the course of your investigation?

MR ZEELIE: Could you tell me what you are referring to, what kind of methods?

MR PIGOU: Well I'm actually looking to you for the answer as you were the one that was involved in investigations or whether the use of electric shock torture was the only illegal method that you engaged in or employed during the course of investigation, or whether there were other methods or illegal practices that you were involved in, or others were involved in, that you witnessed during the course of the interrogation of Stanza Bopape and any other person that you were involved in the interrogation of?

MR ZEELIE: This is a difficult question. I would say yes one could describe it in those terms.

MR PIGOU: I can't remember, perhaps you can just remind me what rank you were at the time in 1988, during 1988, were you a lieutenant then Mr Zeelie?

MR ZEELIE: I believe I was a lieutenant at that time, yes.

MR PIGOU: Thank you. What degree of autonomy did you have as an officer in the Security Branch in terms of making decisions on how you treated, physically, a suspect?

Did you have to seek permission from a commanding officer as to whether you would use the kind of methods that we have been discussing today or could you of your own volition make a decision that this person was not cooperating therefore they will be subjected to certain treatment?

MR ZEELIE: I can reply by saying it's your own decision but you make these decisions in terms of common practice.

CHAIRPERSON: Just to follow that up. I think we are trying to get a sense of whether or not there was a kind of framework within which you operated and what that mindset was. Did you have a sense that if something happened you would be covered by your superior officer that your actions would be condoned? Did you have the licence to do these kind of things? That's what we are trying to get at.

MR ZEELIE: In the first place, as in this particular instance, as I said I have been a policeman for 26 years and there had never been any problems. One never imagined that you would get difficulties like this or that someone might actually die. Every person looks at his superior and acts in terms of the example of his commanding officer. If you have a commanding officer that

you can see that through your action under his command you know that if something happens he will cover you, that would be the sort-of framework within which any investigative officer acted. Similarly with investigating officers who served under me. They would have acted in a certain way if they knew that I would take their part.

CHAIRPERSON: So if I hear you, even though these acts were unlawful at the time there was a general sense in the police at that particular time in your kind-of section, that this kind of method was in fact acceptable, and if something happened they would cover for you?

MR ZEELIE: That is correct.

CHAIRPERSON: Thank you.

MR PIGOU: I'd just like to examine something which you referred to earlier when you indicated that you were trying, as you said in the statement, the submission to the Amnesty Committee, that you were simply trying to frighten Bopape. I am a little confused at the distinction that you have drawn between sort-of a mild or more subtle form of electric shock torture, sorry electric shock treatment, as not being torture but more of a frightening mechanism, and I'd like you to explain to me how you distinguish between torture and what is frightening.

Is torture in itself not frightening and is any form of electric shock treatment, can that not be interpreted as torture whether it is physical or psychological in your opinion?

MR ZEELIE: Yes, one could classify that in various ways but in this particular instance we use the word frighten because before

you continue with hard action, that is why at the very beginning - otherwise this person would have been taken right at the beginning and some method would have been applied. This is why the person was interrogated at first and then when he refused to give information you continue and that is why we decided at that time to continue with this method. It was primarily to give him a message. He had nothing over his face, he could see everybody there, he knew who was present with him, there wasn't a bag over his head or anything like that. He knew who was standing in front of him. And now he knows, oh my God this is what is going to happen to me, because he's heard of this before. And that is why we used this method. We wanted to frighten, we wanted to tell him and to show to him this is what is going to happen to you, now you are going to start having a hard time. And then at the very beginning he died.

But the purpose had been first just to frighten him. It had not been the purpose to take him all the way. And in all cases, even in the Nkosi case which you have read to me the person would from the very beginning have had the opportunity after one or two turns of the device to say whether he wants to talk or not. If he's willing to talk then everything is removed and put away. In this particular instance it was the same. We just started with him, or someone just started with him and then he died.

MR PIGOU: What I'd like to ask now in the light of what you've just said and in the light of earlier statements that again hypothetically I understand you can only give me an opinion, if Stanza Bopape had been alive, released from detention and said

he'd been subjected to electric shock torture, and this I am talking about a pre-'94 situation even after maybe, I don't know, would you have fed the same story that you have fed us today that this was a common reaction from detainees to smear the police's name with an allegation..... Do you see my confusion here?

On the one hand you are saying it happened and on the other hand you are saying it was a smear against the police. I would like some clarity because the impression I am getting is that this was a widely used method and other methods of extracting information and we know from experience and testimony in front of this Commission, and prior to this Commission, that numerous allegations have been made against the police, yet earlier on today you informed us that this was one of the smear methods against the police. Are you saying it lies somewhere in-between or can you perhaps give me some clarity on that or did it depend on situation to situation?

MR ZEELIE: The fact that I mentioned the bringing police into disrepute earlier is I had several cases where I was personally involved where I never touched these people, laid a finger on these people and they laid charges against us. That is why I am giving first-hand testimony in this regard.

Yes, if Bopape was still alive today I would have been able to maintain what I am saying today.

MR PIGOU: Mr Zeelie you said earlier today that you were the head of the bomb disposal unit, perhaps you could just give us a little bit more background on what section of the Security Branch you were actually working for at that time and who you

were reporting to directly?

MR ZEELIE: The bomb disposal unit was part of the Security Branch. In each area each regional office had a bomb disposal unit and the unit was not one which was apart from the other duties. I was a member of the investigative unit but I was also the head of the bomb disposal unit. The bomb disposal unit consisted of members of the investigative unit, members who investigated the ANC. And in speaking about an investigation I am speaking more about political investigations not about questioning or interrogation.

Let us speak about the ANC Desk, the PAC Desk, the Union Desk, that was how the bomb disposal unit members were spread out in the Security Branch in a regional office. I was the senior in charge of them and if there was any action it would have come through me, and automatically I was under the command of my investigative unit commander and in our case the regional commander. From there I would report to Head Office.

CHAIRPERSON: Could you please give us names?

MR ZEELIE: At that stage my investigation commander was Colonel van Niekerk and my regional commander was General Erasmus.

MR PIGOU: So briefly you had contact with a range of sections within the Security Branch, is that what you are saying, from section A through to any other section which may be relevant to your kind of responsibilities?

MR ZEELIE: That is correct. The Security Branch operated on the basis that each desk or each officer sat around a conference table and several matters were discussed, various matters were

discussed regarding the staff and the duties.

CHAIRPERSON: Would it be correct to say that you were then specifically involved in the activities of ANC activists?

MR ZEELIE: I already said that I was part of the investigative unit at that stage.

MR PIGOU: One last question on this point and it can be briefly yes or no, did you therefore have contact with Section C of the Security Branch?

MR ZEELIE: Yes, are you referring to Vlakplaas? Because if you are that is correct.

MR PIGOU: Ja, Vlakplaas wasn't the only part of C Section but I think that's enough, thank you.

I would just like to ask for the period under review in terms of - from the 12th in connection with the Stanza matter specifically, was any ~~record of what happened~~ or during this time recorded in your pocket book?

MR ZEELIE: I did not work with a pocket book at all. I never had a pocket book.

MR PIGOU: So you are telling me there was no way of actually recording your incidents? How did you, when you went to trial for instance in an investigation, provide information substantiating what you were saying in the course of an investigation, how did you do that?

MR ZEELIE: I carried a diary, all our officers carried diaries not pocket books.

MR PIGOU: As a lieutenant did your pocket book or your diary have to be signed at all? You weren't under the same obligations

as someone who carried a pocket book?

MR ZEELIE: No my diary was my diary. Just to go a bit further on the previous question I always made notes and in accordance with those I would make statements.

CHAIRPERSON: Is this incident recorded in that book?

MR ZEELIE: Yes it would have been recorded in that book.

CHAIRPERSON: How did you actually enter this?

MR ZEELIE: I am not sure whether I understand your question correctly. Basically we would just write there, "Incident - the arrest of Stanza Bopape" in shorthand.

CHAIRPERSON: Did you record Stanza's death in your book?

MR ZEELIE: No.

MR STEENKAMP: Did your diary reflect his escape?

MR ZEELIE: No because I was not supposed to have been involved there.

MR STEENKAMP: Is this diary still available?

MR ZEELIE: No.

MR STEENKAMP: Mr Zeelie in your application you say that the body of Stanza Bopape was later covered with a blanket, is there anything you would like to add to that or do you maintain that?

MR ZEELIE: While he was lying in the office he was covered with a blanket and at a later stage we covered him with plastic bags when it was decided that he would be disposed of.

MR STEENKAMP: Firstly the blanket in question where would it have come from?

MR ZEELIE: It was a State blanket.

MR STEENKAMP: Would it have been fetched from the cells or from

the office? Was it in the office?

MR ZEELIE: It was in the office.

MR STEENKAMP: Could you tell us, with regard to the plastic bags, are these black plastic bags which would have been opened or how would they have been used?

MR ZEELIE: It is a long time ago, I cannot tell you whether these bags were torn so that they could be used. But if you are talking about whether these bags were torn so that they could be used, but if you are talking about them being opened are you referring to them being used as sails, no, they wouldn't have been done like that they were just pulled over him.

MR STEENKAMP: Was his face still - could his face still be seen after he had been covered?

MR ZEELIE: I doubt whether any part of him would have been open.



MR STEENKAMP: Who was involved in the covering of his body even with the plastic bags?

MR ZEELIE: I believe I was involved, also Mostert and Engelbrecht and du Preez. The four of us were all present there.

MR STEENKAMP: Were any Black members of the unit involved in this?

MR ZEELIE: I just told you exactly who was involved there. I did not mention any Black persons name.

MR STEENKAMP: You also said to me that those are the persons who you could recall so it's possible that you didn't mention names of other people because you did not recall them. I would like to know which route was used to get the body into the

vehicle and who was involved in the carrying of the body?

MR ZEELIE: It is difficult to say who was involved in bringing the body but it was between Mostert, Engelbrecht, du Preez and I, we took it down in the lift, down to the basement where my vehicle was parked at the entrance of the Security Branch offices.

MR STEENKAMP: Mr Zeelie can you recall how many persons were present in carrying - or involved in carrying the body?

MR ZEELIE: To ask how many people were needed and how many people actually participated are two different questions, because it never really occurred to us how many people were necessary. All four of us were present and that is why I could tell you who they were, but I cannot say who carried him from upstairs to downstairs.

CHAIRPERSON: How many of you carried him?

MR ZEELIE: That is the question that I am saying amongst the four of us it could have been two of us or all four of us to make things a bit easier but I do not want to say that all four of us carried him at the same time. It could have been two of us.

CHAIRPERSON: How many bodies are you used to carrying down in this kind of way that you cannot remember how many of you actually carried his body? I think we are trying to understand what actually happened. It's not a trick question. How many of you carried Stanza's body down into the lift?

MR ZEELIE: As I have already said, if I were to say to you four of us were involved I might be lying. If I were to say two of us I might be lying. That is why I say that among the four of

us we took him down but I would not like to commit myself to saying any specific amount of people carried him to the lift, in the lift or to the car.

MR STEENKAMP: Would you be able to say that not one person carried him?

MR ZEELIE: I see no reason why only one of us would have done it if there were four of us.

MR STEENKAMP: At the stage where the body was removed I would like to establish whether it was in the foetal position or whether it was stiff?

MR ZEELIE: It was in a foetal position.

MR STEENKAMP: Was it in a foetal position before you covered it or was it put in a foetal position after you had covered him?

MR ZEELIE: You are referring to after he was covered with plastic bags or the blanket?

MR STEENKAMP: With the plastic bags.

MR ZEELIE: We placed him in the foetal position when we covered him with plastic bags because at that stage he was not stiff yet and we placed him in that position because at that stage we knew that he would have to be removed.

MR STEENKAMP: Mr Zeelie you say in your application that you went and stopped on the freeway to meet the Eastern Transvaal unit members, how did you know exactly where to stop? Was there a bridge somewhere near by or how would you have known exactly where to stop?

MR ZEELIE: Colonel van Niekerk drove with me. He had made the arrangements with Brigadier Visser from the Eastern Transvaal,

so you would have to put that question to him because he made those arrangements. I drove and he said to me use that road and stop there.

MR STEENKAMP: When you stopped at the specific point were members of the Eastern Transvaal already there or did you have to wait for them?

MR ZEELIE: We stopped there and if I remember correctly, once again I don't want to say anything wrong, first I think we used the wrong turn-off and then we drove and stopped somewhere and one vehicle came and then we drove to another point with another vehicle.

MR STEENKAMP: What I do not understand is did you stop on one side of the freeway or did they come from the other side and stop on the opposite side and then come over to you? Could you tell us exactly how this took place?

MR ZEELIE: I would be lying in trying to tell you from which direction whichever vehicle came. All I can say is that we were at one point, we met the members there and from there we went to another point where the body was handed over to the other vehicle.

MR STEENKAMP: How many vehicles arrived at the point for example?

MR ZEELIE: There were two vehicles and we had two vehicles.

MR STEENKAMP: You say that you took a dirt road from the highway, is that correct?

MR ZEELIE: That is correct.

MR STEENKAMP: Does this dirt road link immediately off from the

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MR STEENKAMP: You say that you took a dirt road from the highway, is that correct?

MR ZEELIE: That is correct.

MR STEENKAMP: Does this dirt road link immediately off from the

highway or how does it work?

MR ZEELIE: I believe there was a bridge across the highway. We went across the bridge and then got on to the dirt road.

MR STEENKAMP: If I understand it correctly you left the highway?

MR ZEELIE: That is correct.

MR STEENKAMP: Can you remember how you knew of this dirt road, did someone lead you or how did it work?

MR ZEELIE: No we first met them on the highway and then we took the dirt road and moved to the next point.

MR STEENKAMP: Can you remember when you were on the dirt road was it a very woody place, was it veld, was it long grass, can you remember?

MR ZEELIE: This is very difficult to say, it was at night. I don't think I could really tell you whether it was wooded or not.

MR STEENKAMP: I want to know how it occurred that the body was placed in Van Loggerenberg's vehicle, did anyone discuss it with you that he had to be placed in Van Loggerenberg's vehicle? How did you know that you had to stop at a particular point, and how did you know that it had to be loaded into this particular vehicle?

MR ZEELIE: Colonel van Niekerk spoke to Brigadier Visser when we moved to the other side. I accepted at that time that Colonel van Niekerk - he must have said to me how it should have been done otherwise we wouldn't have done it in that way, that we had to place the body in Van Loggerenberg's vehicle. Since I was driving with my vehicle we stopped with the boot of my vehicle

next to the boot of his vehicle and we then placed the body in Van Loggerenberg's boot.

MR STEENKAMP: So you and Van Loggerenberg were involved in removing the body?

MR ZEELIE: That is correct.

MR STEENKAMP: Did you discuss the matter with Van Loggerenberg? Did he ask you what this was? Did he just take it that it would have been a body?

MR ZEELIE: I would be of the opinion that he knew it was a body but we did not discuss the matter in any way.

MR STEENKAMP: Have you had any dealings with Van Loggerenberg subsequent to the incident?

MR ZEELIE: Not as far as I can remember. It might be possible because of the work that we did, but I can't remember particular incidents.

MR STEENKAMP: Did you discuss this with Loggerenberg subsequently, did you ask him what happened to the body?

MR ZEELIE: No, never.

MR STEENKAMP: You were not concerned that the body had not been properly disposed of?

MR ZEELIE: No I assumed that they would have done their work.

MR STEENKAMP: Who was present from the Eastern Transvaal?

MR ZEELIE: Brigadier Visser and Van Loggerenberg only.

MR STEENKAMP: I want to ask you whether you know whether Colonel de Kock, E de Kock, was approached to make any assistance - this is Eugene de Kock that is involved, with regard to the disposal of the body?

MR ZEELIE: I doubt that he knew of this incident.

MR STEENKAMP: I want to ask you if Chris Deetliefs ... (intervention)

DR ALLY: Sorry just before that. Is it not odd that Van Loggerenberg wouldn't have asked anything about this in your experience? In your experience if somebody were to put in a dead body into the boot of your car you would just accept this and not ask any questions about it? Isn't that a bit strange?

MR ZEELIE: I don't find it strange in any way. I would not have asked questions either if my commanding officer told me this is what is going to happen then I would not have asked any questions of the other party. I find this entirely acceptable.

DR ALLY: So you are saying that if your commanding officer gave you an order you followed it, you didn't ask questions?

MR ZEELIE: That is correct. If he gave me an instruction that a vehicle would arrive and that a corpse would be placed in my vehicle I would not have asked any questions of the other person with regard to what had occurred and how it had occurred. I am talking about myself now. As the saying goes, if someone else doesn't know about it then he can't talk about it.

DR ALLY: So are you saying that it was normal practice also to be involved in cover-ups with deaths and not ask questions? You first said in your statement it was normal practice to use force to extract information. Now you are saying to us that if a commanding officer came and said I want you to dispose of a body you didn't ask questions, was that also normal practice just to follow those orders, to be an accomplice in a killing, in a

murder, is that normal?

MR ZEELIE: No, no I would not say that it was normal practice to be involved in murders.

DR ALLY: So how come then no question was asked? Here is a corpse, it's a dead person, transferred from one boat to another and not a question is asked as to how this person died, who this person is, and you are saying that that is not normal then to be involved in a cover-up on a murder. This was a killing, it was illegal as you said, it was unlawful, and not a single question is asked.

MR ZEELIE: You said to me earlier to be involved in murders, now you are talking about being involved in the cover-ups of murders. These are two different things. As I have already said if my commanding officer gave me instructions or told me that an incident occurred, someone died, and they are bringing the corpse through and that it will be put in my care, then I would not have asked questions about it because my commanding officer would already have informed me someone died under a - or during an investigation or whatever.

CHAIRPERSON: So what you are saying is you operated on the least to know principle, the least you can say about it?

MR ZEELIE: That's correct. The entire Security Branch was based on a least must know basis. For instance in my own area office one section with particular tasks, I might not have known what they did at all.

CHAIRPERSON: I think what we are saying to you is that this is slightly different. Anybody who assisted you with the disposal

of this body would in fact be an accessory to murder despite all of this the accessory doesn't ask any questions, you didn't find that strange Mr Zeelie?

MR ZEELIE: No, as I have already said I accept in any case that his commanding officer would have given him instructions and information as I believed that would have happened with me in the reverse situation. There would have been no need for questions.

DR ALLY: Was this the first and only incident of this kind that you were actually involved in because you are saying that "if", "if" you were in the situation, or were there other situations like this that you were involved in?

MR ZEELIE: Again are you talking about instances where a person died?

DR ALLY: Exactly the same kind of situation where a person has been killed and you are ~~not that you~~ were necessarily involved in the death of the person but in the disposal of the body. Because you are saying that you would have done the exact same thing.

MR ZEELIE: No this was the only incident.

CHAIRPERSON: Perhaps I could ask that question more directly. How many other times have you been in the disposal of other bodies?

MR ZEELIE: I have already answered that, this was the only incident.

MR STEENKAMP: Now Mr Zeelie, when you stopped on the dirt road did you first get out of the vehicle, did you look around to see if this was a safe area or how did you go ahead?

MR ZEELIE: I assume we would have looked around to see whether there were other vehicles on their way. We parked next to each other with our boots next to each other. It was a matter of seconds. We opened the boot, lifted the body out, put it in the other boot, closed the boot.

MR STEENKAMP: What kind of vehicle did Van Loggerenberg use?

MR ZEELIE: I am not entirely sure whether he used or drove a Skyline, Nissan Skyline or a Ford. I would lie if I told you. All that I could tell you definitely was that it was painted white. I believe it was painted white.

MR STEENKAMP: Mr Zeelie would you agree with me that the body of Stanza was covered in black bags and that this is not mentioned in your amnesty application?

MR ZEELIE: I don't know I would have to check. I doubt whether it's been mentioned in my application but I can mention that I had been approached in this regard by the Attorney General's office and I had given him this information.

MR STEENKAMP: Thank you.

CHAIRPERSON: Mr Zeelie you talked about there being two vehicles, can you tell me who were in the two vehicles from your side?

MR ZEELIE: If I remember correctly then in my vehicle it was myself, Colonel van Niekerk and I also believe W/O Mostert was in the same vehicle. In the accompanying vehicle was Sgt du Preez and Constable Engelbrecht.

CHAIRPERSON: And in whose vehicle was the body?

MR ZEELIE: It was in my vehicle.

CHAIRPERSON: You also said that Van Loggerenberg, they also came with two cars, is that right?

MR ZEELIE: That is correct.

CHAIRPERSON: Who was driving the other vehicle?

MR ZEELIE: Brigadier Visser.

CHAIRPERSON: At some stage in your evidence earlier on you talked about knowing that you had to dispose of the body, at what stage was that decision made?

MR ZEELIE: When we realised that Bopape had died we realised that there would be great difficulties due to the political circumstances at the time. We then discussed the matter and decided that Colonel van Niekerk would approach General Erasmus. Then at some stage Colonel van Niekerk left to talk to General Erasmus, he returned and told us how we would get rid of the body.

CHAIRPERSON: How long after Stanza had suffered this heart attack did the district surgeon examine him?

MR ZEELIE: There seems to be a misunderstanding, there was no district surgeon involved after his death. I don't think we are on the same wavelength here.

CHAIRPERSON: At what stage did the district surgeon have a look at Stanza?

MR ZEELIE: Are you talking about prior to his death?

CHAIRPERSON: Yes.

MR ZEELIE: Again, as I have said to you, I was not directly involved in the investigation so I will not be able to answer you in this regard. The people who were involved with that part of

the investigation would have to tell you.

CHAIRPERSON: From your memory, when did it occur?

MR ZEELIE: As I've said I was not involved in that part of the investigation. I would lie to you if I told you I assume that it would have been the day after his - he was arrested in the evening, it would have been the next morning. He would have been seen by the district surgeon the next morning.

CHAIRPERSON: Before you attached ... (intervention)

MR ZEELIE: I believe, and I am not saying it was so, I believe that it was the day exactly after his arrest. It was normal practice for people in custody to be seen by the district surgeon once a week.

CHAIRPERSON: So sorry for my belabouring this point. Was it before the shock was administered or a long time before that, when precisely?

MR ZEELIE: As I have already said to you he was taken into custody on the 9th, he died on the 13th. So it would probably have been three days. I could not have been more than three days.

CHAIRPERSON: Under what section was Stanza taken in originally?

MR ZEELIE: If I remember correctly it would have been Section 29 of the old security legislation.

CHAIRPERSON: Thank you.

MR STEENKAMP: Mr Zeelie another question, can you remember whether Brood van Heerden made a statement with regard to the case?

MR ZEELIE: No I have no knowledge of that.

MR STEENKAMP: You cannot remember whether you took the oath on such a statement with regard to the escape of ... (intervention)

MR ZEELIE: No I don't think van Heerden was involved.

MR STEENKAMP: So you don't think there should have been a statement with regard to the escape of Bopape as part of the cover-up?

MR ZEELIE: Let me put it this way, there might have been statements taken subsequently but I am talking under correction here. For instance Colonel van Niekerk might have sent someone to find out from the doctors with regard to his illnesses or health situation prior to the situation, for instance the whole Princess Clinic matter he might have sent someone there, and since I was the Commanding Officer of Brood van Heerden I might well have signed to such a sworn statement.

MR STEENKAMP: You cannot remember any person, Brood being an example only, that he might have made a statement that a certain source saw Stanza subsequent to the disposal of the body?

MR ZEELIE: I am aware of similar incidents, but whether I personally signed at the swearing of the oath to such statements that I can't tell you. Since this is the normal practice of a commanding officer of a unit this is done very often but I can say to you once again, I am talking about the commander officer, I was the commanding officer of Brood but in the investigative unit we had group heads and that was a sub-section of investigation. I was a group leader.

MR PIGOU: Is it not a fact that in certain instances where torture would not take place in a specific office, but as you've

indicated in this case in a corridor and you have put forward a reason that it was so that he may not hurt himself or damage himself in any way as the chair bounced around the room, is it not also the case that people were tortured outside of offices in order to prevent the individual defecating or urinating as they lost control of their bodily functions during the process of torture?

MR ZEELIE: As I have already said we dealt with a lot of people in the passages especially as in this case it was on a weekend where no one else was in the offices and we would question people in the passage.

MR PIGOU: I'd just like to pick up on that, you say no one was in the offices, I'm a little bit confused, this was an extremely busy time in your life and other lives of Security Branch members and there is no one else around apart from the individuals that were involved in this particular interrogation, I am a little bit perplexed by that situation. Perhaps you could clarify that for me. Was everyone else on investigation or relaxing on a Sunday?

MR ZEELIE: On that particular day there was definitely no one there and the fact remains that no one could have come into the building without our knowledge because we would have had to open for such a person from upstairs by means of a release button and hence we were sure that there was no one else in the building and no one else could have gained access to the building.

MR STEINKAMP: Mr Zeelie you insist that you would have followed through on orders from your commanding officers without any question and you would merely obey the commands of your

commanding officers is that true?

MR ZEELIE: That is not completely true. It depends on what the instructions were. What I said just now in regard to instructions from commanding officers is that if the commanding officer were to say to me look there is a problem, a certain person in another area died during interrogation and that we should assist those people in disposing of the corpse I would have done that.

MR STEENKAMP: Without questioning that?

MR ZEELIE: In such a case, yes, I would have done it without question because in my opinion it was all about the circumstances prevailing at the time in regard to the war against terrorists who were waging a guerilla war and I would have done it. If it was the current government, the ANC government I would still have done it.

MR STEENKAMP: Mr Zeelie, furthermore, your eventual commanding officer in the South African Police was the Commissioner of the South African Police?

MR ZEELIE: That is correct, that is so.

MR STEENKAMP: That is right, that is why I would ask you why did you disobey his orders and obey your commanding officer's orders.

MR ZEELIE: I wouldn't understand why you say I disobeyed his orders.

MR STEENKAMP: I would qualify that question and you wouldn't have to answer on that any further, I would qualify it by saying that each month, at least once a month circulars were issued from

the offices of the Commissioner which were sent to all units and commanding stations with regard to assaults by members and where they were told to refrain from assaults, and yet you deliberately disobeyed that order and followed through on orders from a colonel.

MR ZEELIE: I would answer to that question in the following fashion. The very Commissioner who you referred to is the same one who issued the instruction with regard to the corpse, so I don't understand.

MR STEENKAMP: I will tell you why. Is it so that such instructions were issued or did it come from the same person?

MR ZEELIE: I am talking ... (intervention)

MR STEENKAMP: Let us not play on words here... (intervention)

MR ZEELIE: I am giving you facts ... (intervention)

MR STEENKAMP: I am talking about facts in regard to assault not other instructions, or how fast you had to drive a vehicle and other things, that is not what I am talking about.

MR ZEELIE: I would like to say you are correct, but as I said earlier it was common practice to conduct an interrogation in this fashion.

MR STEENKAMP: Back to your interrogation. In your application you referred to the person that did not want to cooperate after he had been questioned in the normal way, this is the question and answer that you referred to, and he did not react in your opinion the way you wanted him to react, respond ... (intervention)

MR ZEELIE: Yes with regard to the people that were questioning

him.

MR STELNKAMP: You were still part of that interrogation.

MR ZEELIE: No that is wrong. As I said in the original investigation I was not involved but I was present in my office and at intervals I would go into that office and because I was one of the group heads I would ask how the investigation was going and at some stage the person doing the interrogation said to me that this person did not want to cooperate and I was part of the decision that we would look at an alternative means of action. But I was not involved in any interrogation that day at all.

MR STELNKAMP: Were you present when he was shocked?

MR ZEELIE: Yes.

MR STELNKAMP: And the aim of the electrical shock was to extract answers from him?

MR ZEELIE: Yes. That was part of the interrogation, I am referring to the original interrogation, we are talking about before the electrical shock.

MR STELNKAMP: Just back to the point, the aim of the electrical shock was to elicit certain information from him?

MR ZEELIE: Yes.

MR STELNKAMP: So you were present at the time of the interrogation?

MR ZEELIE: You must please be specific.

MR STELNKAMP: I have been specific, do you acknowledge that you were present?

MR ZEELIE: Yes, after he was put in the passage.

MR STEENKAMP: At the time of the electrical shock?

MR ZEELIE: Yes.

MR STEENKAMP: Then the man died and the version which was given was that this man was - these electrical apparatus were run over his body twice and then his head just hung forward and that's when you realised he was dead, but afterwards it was made to seem as if he had a heart ailment.

MR ZEELIE: That is correct.

MR STEENKAMP: If I were to tell you that we have information available that in the process he was admitted to a clinic in Hillbrow for a sinus problem and not a heart ailment would you dispute that?

ADV PRINSLOO: Madam Chairperson could the question just be put which period is being referred to?

ALL TALKING OVER EACH OTHER WITNESS FOR JUSTICE

ADV PRINSLOO: If the person could just give me an opportunity maybe we could just clear that up. When was the person taken up in the sinus hospital, was it long before that or was it at the time of his detention or when was it?

THE SPEAKER'S MICROPHONE IS NOT ON

MR STEENKAMP: After the death of Bopape it was said that - it was then established that he suffered from a heart ailment and that he had received treatment for that during the process.

MR ZEELIE: I already said that in the investigation I was not personally involved so you have to ask another member that.

MR STEENKAMP: I am asking this, I am not saying I expect you to give me a direct consequent answer, you can either say - I

can put any question to you Mr Zeelie and you can say you don't know about that.

CHAIRPERSON: Can I just assist you Mr Zeelie. Just to make it clearer. If you note I think there's a paragraph in your application where in fact you say that later on it was discovered that ... (intervention)

MR ZEELIE: That's correct.

CHAIRPERSON:Stanza suffered from a heart condition and that he had been treated for that at the Princess Nursing Clinic. I think the question is, as my colleague over there is stating, that if it was put to you now that in fact when Stanza was admitted to the Princess Clinic he was in fact being treated for a sinus problem and not in fact for a heart condition, what would your response to that be?

MR ZEELIE: I cannot respond to that if I had insight into such information, I cannot accept it blindly. I cannot say it is not so.

MR STEENKAMP: Mr Zeelie I think there is a misunderstanding. In your amnesty application it is for culpable homicide, you say it was an accident - please give me a chance - now you are saying you do not know about the facts, but your amnesty application is based on what you are now saying you don't know about. Perhaps we can go into your amnesty application.

MR ZEELIE: We are talking about the sinus incident for which he was treated Sir, and not the heart ailment.

CHAIRPERSON: Mr Zeelie I think the problem is that in your amnesty application you in fact make the statement that it was

days after Stanza was brought in, the 12th of June at 09H30 in the morning, it says here,

"Mr Bopape, cell no.228 is taken out for an investigation by Mostert and Constable Engelbrecht".

and then two signatures follow. Now the question I want to know, was, to your knowledge, was Stanza Bopape taken out for an investigation on the 12th of June at half past eight, or is that part of the cover-up?

MR ZEELIE: That was a true fact, he was taken out.

DR ALLY: He was taken out on the investigation. Where was he taken to?

MR ZEELIE: He was taken to John Vorster square where he was interrogated.

DR ALLY: So this is a reference to what was actually happening in John Vorster Square, ~~that he wasn't~~ taken out of John Vorster Square?

MR ZEELIE: No ...(intervention)

CHAIRPERSON: I assume therefore, I just want to follow that question up, that obviously if he was booked out for a visit to the district surgeon it should also be recorded in that register as well, is that correct?

MR ZEELIE: That is correct. Often the district surgeon would visit them in the cells.

CHAIRPERSON: But it would be recorded in this register as well?

MR ZEELIE: There should have been some record, yes.

ADV PRINSLOO: Chair can I ask with regard to these questions, at John Vorster Square there are two sets of record books, one

later discovered that Stanza suffered from a heart attack and that in fact he had been treated for this at the Princess Nursing Clinic. Now if you say, and I think that's what I hear you saying, that you would not be able to comment on the fact that he was in fact treated for a sinus problem, then how did you come by this information? Could you please answer in that respect, how did you establish that in fact Stanza had been treated at the Princess Clinic and that in fact he had a heart problem? Or are you saying that this is hearsay (...indistinct) (speaker's microphone is not on)

MR ZEELIE: I accept that it was conveyed to me by Colonel van Niekerk.

CHAIRPERSON: So you do not have any direct knowledge of Stanza's heart ailment?

MR ZEELIE: No I do not have any direct knowledge of him having had a heart ailment, it was conveyed to me.

CHAIRPERSON: You also said to me in an earlier question that I asked you that the District Surgeon in fact examined Stanza on the third day, and this was conceivably before the interrogation. Now in the District Surgeon's report is there any mention of the fact that Stanza had a heart problem?

MR ZEELIE: Once again I could say that I did not say the third day, the day after his arrest, it could have been three days before the incident. I also said to you earlier that I did not have any insight into the doctor's document.

CHAIRPERSON: Surely, I am sorry Mr Zeelie, I find this preposterous. You have committed yourself on paper to a version

before us which talks about your not being responsible for his death. You in fact say that because of this prior heart condition in fact this shock was probably too much for him. Now you are relying on something your colonel told you, but you also say earlier in your evidence that a district surgeon, a state official in fact examined him before this treatment, and you haven't had sight of the district surgeon's record? I find that really incredible.

MR ZEELIE: I cannot agree with you because to me the direct cause of death I am also speculating about. I assume that I was told that he died from a heart ailment and then it would have made sense to me why he died so easily. That is what I said from the beginning.

CHAIRPERSON: I understand you, but surely it's preposterous not to look at the district surgeon's records if he examined him just before the time that he died, give or take one or two days?

ADV PRINSLOO: With all due respect Madam Chairperson the witness answered that question. The document by the district surgeon has been filed.

CHAIRPERSON: Ja but surely Mr Prinsloo - I hear you, I am saying as a reasonable person in charge or involved in the death of someone, surely the first record you would go to would be that of the district surgeon if he examined the person who died, particularly if you are saying that what you did to him was not the cause of death, in fact the man had a heart condition, what would the reasonable person do?

MR ZEELIE: At that stage I did not know that he had a heart

ailment, at that stage, that is why I said Colonel van Niekerk looked into the matter, he was the commanding officer, to see whether there could have been a possible cause to him having died so quickly. So I did not see why it was necessary for me, if there were five of us involved, that all of us were to run to the district surgeon and look into one matter. That is why Colonel van Niekerk was the commanding officer and looked into that and that is why he would have looked into it.

MR STEENKAMP: The form completed by the district surgeon when he sees such a person in custody under Section 29, would that be the J88 form or simply a handwritten statement or report?

MR ZEELIE: It is a police document ... (intervention)

MR STEENKAMP: Is it the form J88 which is used in all cases of assault, the body, the profile of the body and so on is mentioned?

MR ZEELIE: No it's a different form, it's a particular form, a detention form. The doctor's report, it's a medical report, an official medical report attached to the detention documents.

MR STEENKAMP: Your statement earlier in your testimony had been that the method of interrogation when a person in custody refused cooperation included the use of this electrical device, the shocking device?

MR ZEELIE: That is correct.

MR STEENKAMP: We all accept that John Vorster was a far larger Security Branch than the Krugersdorp Security Branch, is that the case?

MR ZEELIE: Yes it was the largest Security Branch in the

country.

MR STEENKAMP: Exactly. Why then, on this particular day, was this kind of device not available at John Vorster and did it have to be obtained from Krugersdorp?

MR ZEELIE: No it was not obtained from Krugersdorp.

MR STEENKAMP: From any other branch then, why would such a device not have been available at John Vorster on that day?

MR ZEELIE: It simply wasn't available.

MR STEENKAMP: Was it out in the field for another investigation?

MR ZEELIE: I am not able to answer you in this regard.

MR STEENKAMP: Let's pay some attention to your trip with Colonel van Niekerk with the corpse in your boot on the way to Bronkhorstspuit. Accept that you were not present at the discussions between van Niekerk and General Erasmus.

MR ZEELIE: No I was not present.

MR STEENKAMP: But he did return to your office where all of you were tensely awaiting the next move?

MR ZEELIE: That is correct.

MR STEENKAMP: Upon his arrival he must have reported something to you?

MR ZEELIE: That is correct.

MR STEENKAMP: What did he say to you, just in broad terms, what did he communicate to you?

MR ZEELIE: All that I can say to you in all honesty is that the person had to be removed, that we would take the person away to Middelburg.

MR STEENKAMP: To Middelburg not Bronkhorstspruit?

MR ZEELIE: When I talk about Middelburg I talk about the Eastern Transvaal since most of those people came from Middelburg.

MR STEENKAMP: What he actually said to you is that Middelburg was going to become involved in the disposal of this body, is that correct?

MR ZEELIE: That is correct.

MR STEENKAMP: Did he explain the method of disposal to you?

MR ZEELIE: Are you talking about how Middelburg would do this?

MR STEENKAMP: Yes, since they were going to dispose of the body. You were only going to transport it to Bronkhorstspruit.

MR ZEELIE: None of that was discussed, no.

MR STEENKAMP: So all the way from Johannesburg you and Colonel van Niekerk were on your own in the vehicle with this dead man in the boot, you never referred to this dead person or how you were going to dispose of him?

MR ZEELIE: No we were not going to dispose of him, we were just going to hand him over to the Eastern Transvaal, the Middelburg office.

MR STEENKAMP: I don't think we understand Afrikaans in the same way. You have to take ... (intervention)

ADV PRINSLOO: Madam Chair may I - there is aggressive action against the witness here. The question has been clearly answered now the claim that he does not understand Afrikaans, an answer has been given. He said that the Eastern Transvaal office would get rid of the body, that was his instruction, nothing else must

be read into this. If my friend has other testimony he must give it to my friend.

MR ZEELIE: Chair we acted on a need-to-know basis. We had to hand over the corpse and we asked no questions with regard to any other actions.

CHAIRPERSON: (Speaker's microphone not on)

ADV PRINSLOO: I have no difficulty with your asking any further questions, I accept that.

MR STEENKAMP: The file kept on Stanza Bopape which included the medical certificate of the district surgeon and where this was filed in your testimony, is this still available?

MR ZEELIE: I don't know whether it is still available. There were many investigations. I don't know whether they were able to obtain the file or not. I know that at a certain time there was an instruction from Head Office that all documents had to be destroyed. Whether it had been destroyed or not I would not know. I can mention that I accept it should be available since the escape would have required access to the document. It was a criminal case. I believe that such a document should be available.

MR STEENKAMP: A further interesting point or matter is that immediately subsequent to the fabricated escape mentioned in the Vaal Triangle the person, Colonel van Niekerk was then appointed as the investigative officer even though he had been part of the entire matter. After that it was removed to a different investigative officer.

MR ZEELIE: I don't see if he had been part of the escape how

he could have been the investigative officer. This might appear strange but I think you should know that if you were involved in an incident they were not going to give you the case to investigate.

MR STEENKAMP: That is exactly why I am asking you the question.

MR ZEELIE: Why don't you ask him the question, why do you ask me, this is just ridiculous.

MR STEENKAMP: If you don't agree with the question I ask you, you can just tell me that you don't know about it.

MR ZEELIE: I can do that in my own words.

MR STEENKAMP: I don't know what your answers are going to be, that's why I ask you questions.

MR ZEELIE: And that's how I am answering you.

CHAIRPERSON: Mr Zeelie I think you forget that the purpose of this questioning is in fact to get some kind of understanding of the events that did actually happen. It's not an attempt to trap you and I think that you are understanding it in that kind of way.

However, I am going to ask my colleague to move on to the section, the section, I mean dead can run that's what you said yesterday.

MR ZEELIE: I accept what you are saying to me and I know, you have said this to me several times, I am not saying that they are asking the questions to me in that way, but it is my feeling that if I give you information I am looking for greater clarity. These members were in the police force, I want to give you the opportunity to understand the inner workings of the police with

regard to investigations.

MR STEENKAMP: Mr Zeelie I am not being cynical stating this question to you, can dead men run?

MR ZEELIE: With respect I don't understand this question, this is a ridiculous question whether dead men can run.

CHAIRPERSON: (Not speaking into microphone) - perhaps Fanie you could explain further.

MR KILLIAN: Mr Zeelie is it true that subsequent to the so-called escape and death of Bopape you were on the scene where it was suggested that he was supposed to have escape, you then put his shoes on and you ran into the veld, was that true?

MR ZEELIE: That was true.

MR KILLIAN: What was the purpose of this exercise?

MR ZEELIE: The purpose was to pretend the escape.

MR KILLIAN: To stage ~~this escape~~ but the man was already dead.

MR ZEELIE: We all know that this person was dead at the time, none of us are denying that in fact the man was already dead.

DR ALLY: Sorry, just before you proceed Fanie I just want to try and clear up something here. We've got, from I think it's probably the John Vorster Square, the Occurrence Book, where it lists, where it gives an indication of what actually happened or events are recorded, whether they are true or not I am going to ask you to comment on.

The first entry here on Stanza Bopape, the 10th of June 1988 at five past eight in the evening where Stanza Bopape is placed under Section 29 of the Internal Security Act. He is brought in by Mostert. Then it goes on. On the 12th of June, that's two

days after Stanza was brought in, the 12th of June at 09H30 in the morning, it says here,

"Mr Bopape, cell no.228 is taken out for an investigation by Mostert and Constable Engelbrecht".

and then two signatures follow. Now the question I want to know, was, to your knowledge, was Stanza Bopape taken out for an investigation on the 12th of June at half past eight, or is that part of the cover-up?

MR ZEELIE: That was a true fact, he was taken out.

DR ALLY: He was taken out on the investigation. Where was he taken to?

MR ZEELIE: He was taken to John Vorster square where he was interrogated.

DR ALLY: So this is a reference to what was actually happening in John Vorster Square, that he wasn't taken out of John Vorster Square?

MR ZEELIE: No ... (intervention)

CHAIRPERSON: I assume therefore, I just want to follow that question up, that obviously if he was booked out for a visit to the district surgeon it should also be recorded in that register as well, is that correct?

MR ZEELIE: That is correct. Often the district surgeon would visit them in the cells.

CHAIRPERSON: But it would be recorded in this register as well?

MR ZEELIE: There should have been some record, yes.

ADV PRINSLOO: Chair can I ask with regard to these questions, at John Vorster Square there are two sets of record books, one

in the cells and one in the charge office, are these records from the charge office or from the cells? The Incidents Book is not in front of us, there are excerpts ... (intervention)

CHAIRPERSON: Perhaps I should ... (intervention)

MR ZEELIE: This would appear to have been the Incidents Book from the cells. I accept that it will be the Incidents Book from the cell.

CHAIRPERSON: The strange thing about that book is that there is no record of the District Surgeon in fact visiting Stanza or having him booked out.

MR ZEELIE: That is why I said to you that it might have happened, and I am speaking under correction, you will have to talk to the members who were directly involved with the investigation, I believe that it was possible that he might have been held at Krugersdorp immediately after his arrest, that he was taken away to Krugersdorp and then when we were requested to get involved he might have been transferred to John Vorster. Prior to have him booked into the cells he might have been taken to the District Surgeon.

MR STEENKAMP: Mr Zeelie I would like to establish from you the fact that you did not mention in the application that the body was wrapped in a plastic bag, did you forget to do that or is there any other reason why you forgot to do that because here you mention a blanket?

MR ZEELIE: Could I just have a look at that paragraph again please.

MR STEENKAMP: On page 7 it's I think no. 18,

"The body of Bopape was placed in my office and covered with a blanket and the office door was locked".

You elaborate on that by saying that he was later wrapped in plastic bags and those are important facts because you mention the blanket but you do not mention the rest.

MR ZEELIE: The reason why I mentioned the blanket is because it was used to cover him. But you will also notice that I did not make mention here of how many people carried him and those are less relevant facts.

MR STEENKAMP: The reason why I am making this point is because I cannot understand why the other people had to do that.....

MR ZEELIE: What do you mean the other people ... (intervention)

MR STEENKAMP: People like Mostert, I am not asking you why they did it or didn't do it.

MR ZEELIE: What I'd like to know is did they mention it in their applications?

MR STEENKAMP: No.

MR ZEELIE: As I said those are less relevant, those are minor points, there could be hundreds of them, why did we carry him down in the lift - that's why I said the Committee is free to ask me questions about that. But there's no particular reason why they weren't mentioned.

MR STEENKAMP: At the stage where you got involved in the investigation before the arrest, were you involved in the Stanza Bopape matter and also his flatmate?

MR ZEELIE: I answered that question several times by saying

that I was not involved in any investigation of that nature under any circumstances. I was involved in his arrest.

MR STEENKAMP: In other words the person, the identity of Stanza Bopape was totally unknown to you up until you arrived at the flat?

MR ZEELIE: That is correct.

MR STEENKAMP: Can I follow up on that, perhaps I am in the wilderness here. I understand you correctly that you were only asked to assist at a later stage, what do you mean at a later stage? You were not involved since the beginning in the Bopape matter?

MR ZEELIE: No.

MR STEENKAMP: So then I don't understand your amnesty application because if we look at page 3 of your amnesty application there is detail about the Maponya Group and the others ... (intervention)

MR ZEELIE: I can answer you there, that is just to inform you about what was conveyed later. You will also notice that I did not say that this information was conveyed to me before the time. So if you were to understand it as such.

MR STEENKAMP: Hence there are things in the amnesty application that are irrelevant to this?

MR ZEELIE: I wouldn't say they are irrelevant because they are relevant now.

MR STEENKAMP: So you are basing your amnesty application on these facts?

MR ZEELIE: These are facts that are well known

...(intervention)

ADV PRINSLOO: These are facts which are to be placed before the Amnesty Committee ...(intervention)

CHAIRPERSON: But in fact your client doesn't really have any knowledge personally of those facts, apart from what he's been told later on, because as I understand his evidence Mr Prinsloo he didn't know who Stanza Bopape was, he in fact became indirectly involved because I think the questioning took place in the district, it is in fact a Krugersdorp matter. I think why we asked that question is that in a sense it forms the basis for the picking up of Stanza Bopape. But really your client doesn't know if what I hear you say is correct.

MR ZEELIE: I told you that before the arrest I did not know what else he had been involved in, but I cannot see how it has any bearing on this application. These are facts which had become known and I would not have gone along to arrest someone who was not involved in something.

CHAIRPERSON: I think the question which Andre would like to put to you is before you became involved you were not aware of all these other facts?

MR ZEELIE: I already said no.

MR PIGOUE: As you've mentioned the after-the-fact knowledge, or gaining of the knowledge about Bopape being involved with Maponya and the Ronnie Thoko case which subsequently involved into a big trial, would you expect to find mention of Bopape in the Thoko docket, the investigation that resulted in the prosecution of a number of individuals who were picked up on and around this time?

Would you expect to find mention of Bopape in that docket? And how would you explain if there was no mention of Bopape in that docket?

MR ZEELIE: I accept that mention would have been made of Bopape and many times you have to read your investigation diary because certain things not mentioned in your statement would possibly have been mentioned in the diary. So from my side I believe that somewhere there would have been information in one of the dockets about Bopape's involvement.

MR PIGOU: Just a quick follow-up on that, but this matter was delegated to your unit by the Krugersdorp Police, there has been no mention about what feedback was given to the Krugersdorp Police or the investigating team into the Thoko matter, and I am perplexed that this information would not have been requested or you would not have provided the information, particularly as by that stage you and your colleagues were peddling the escape story.

ADV PRINSLOO: Madam Chairperson in the interest of fairness I would just like to place on record that there was an investigation in Krugersdorp and in Johannesburg. There were three different investigations into this matter.

MR STEENKAMP: Perhaps I can assist you in that regard, regardless of the investigation in Johannesburg, the investigators of the Thoko matter would have known of any information which was obtained by the Johannesburg branch or any other police, and the information obtained there says that Stanza's name was never mentioned in the entire investigation,

and that it was strange to him that when facts were provided about - that this should surface whether he was involved.

MR ZEELIE: As I already said I was not directly involved in the investigation. I became involved on that Sunday and Bopape died and that is what my amnesty application entails.

CHAIRPERSON: I think what we are trying to explore is however you became involved in the matter, in your amnesty application you are actually setting out the motivation for why Stanza was in fact picked up, interrogated, questioned and of course later ultimately died whilst in your custody. Now in investigating this motivation it has become clear that in fact Stanza was not mentioned in this particular matter at all and so we put this question to you to try and get some kind of perspective from you on this matter because then one needs to question in fact whether in fact the picking up of Stanza, the interrogation in fact was legitimate.

MR ZEELIE: Once again I can answer you, that is why I said to you I received an instruction from the commanding officer that we should assist Krugersdorp and that they are looking for a certain person and that we should go and search a certain flat, and that was what we did. The investigation has nothing to do with me. So for me to answer all those facts is not right. I would give you all the wrong answers if I were to fabricate anything, but I don't want to do that. I want to provide you with facts and I am giving you facts of what happened here and that is what I would like to stick to.

CHAIRPERSON: I would suggest then that you be very careful

about what is set out in that application because it could create problems for you later on. Could we move on now to ... (intervention) (... tape ends)

MR STEENKAMP: interrupted in my previous questioning of the witness and I would like to clarify this issue please.

Mr Zeelie you maintained before us that you did not know Stanza Bopape at all before his arrest on that evening?

MR ZEELIE: That is correct.

MR STEENKAMP: Who was in charge of the group which accompanied you to go and perform the arrest, who was the senior member?

MR ZEELIE: I already said that I cannot recall the names of the Krugersdorp Unit, who was their senior officer, but I was the senior officer on this side.

MR STEENKAMP: In other words you were in charge of this operation as a result of the rank which you held at the time?

MR ZEELIE: That is correct, that is all I wanted to know.

MR STEENKAMP: Would you then like us to believe that you went with a group of people who were under your command to arrest a person or persons without knowing why?

MR ZEELIE: I already said that it was enough for me if Krugersdorp came here and said they were looking for a person in connection with certain terrorist activities and I was to take them to the place and let them go about their business there.

MR STEENKAMP: Surely Sir it was one of the primary objectives of an arrest to inform a person being arrested why the person is being arrested?

MR ZEELIE: You could say to him that he was being arrested in

terms of Section 29 of the Act of Terrorism and that would be sufficient.

MR STEENKAMP: But that would have meant that you would know beforehand?

MR ZEELIE: As I already said to you it was conveyed to me that he was involved in ANC activities.

MR STEENKAMP: I find it strange that the other allegations have been made by a person who would know Bopape's character because we are referring here to nicknames that were mentioned and I quote from Nkosi's statement. He says that,

"Zeelie asked Bopape who is ST?"

That is an abbreviation, ST.

"Bopape replied, 'some people call me ST'".

That is point number one.

Point number two,

"Bopape are you also known as Walk Tall?"

and once again,

"Bopape replied, 'some people called me Walk Tall'".

So that is indicative to me that you already knew about this character.

MR ZEELIE: I'd like to answer to that. It is possible. I am not going to deny that names were mentioned to me, but you are talking about knowing the character. You are talking about specific investigations, acts where he was involved, I did not know about that beforehand. It is possible that it was conveyed to me beforehand that Stanza Bopape, alias ST or whatever, I am not going to deny that it was possibly mentioned to me. I have

no problem with that, but his involvement, his direct involvement in specific matters I cannot testify about because I do not have any knowledge about that.

MR STEENKAMP: Let us proceed, let us leave that aspect as it is.

DR ALLY: Sorry, sorry before you go on, on this question - so was this the situation with regard to Mostert and Engelbrecht and others as well? Would you say that they also did not have any real knowledge of the case, that you were doing a favour for Krugersdorp?

MR ZEELIE: I would not regard it as a favour, it was part of our duty. I assume so. I do not believe that they had any specific knowledge beforehand. I cannot say to you that they did have or did not have, but it is possible that Colonel van Niekerk, and I am not saying that it is, informed them previously that they were going to go and assist these people, but I myself was only told to take these people there.

DR ALLY: Would it not be strange for people to be interrogating somebody who actually didn't have knowledge of the case? I mean if you were going to interrogate somebody wouldn't it make sense that the people who should be doing the interrogation are the people who have some knowledge of the case, who have done some investigation? Because he was interrogated at John Vorster Square.

MR ZEELIE: As I have already said he was first taken away to Krugersdorp and that is the point which we cleared up, that is why there was no entry in the Occurrence Book, kept in the cells,

because he was first taken to Krugersdorp and then brought back. And in any event when referring to Krugersdorp I am not saying that he was taken to Krugersdorp physically but he could have been taken anywhere in the West Rand, but I think that at some stage Colonel van Niekerk and I went to Roodepoort where he was being held. I do not want to elaborate on that because as I said I was not involved in the investigation. I cannot say what the circumstances were.

CHAIRPERSON: Just to follow that up, what sort of questions did you ask him? What was the point of the interrogation?

MR ZEELIE: Again as I've said I did not do the interrogation myself, I did not do any questioning myself. Not at any stage did I do any interrogation in this regard.

MR STEENKAMP: Mr Zeelie let us go to the fabricated escape. When Colonel van Niekerk returned from General Erasmus did you caucus first with regard to the comments from the General and what had to be done with the body?

MR ZEELIE: Colonel van Niekerk returned, I cannot give you his exact words as to what was supposed to have happened. All that I can say is that Colonel van Niekerk returned and at a later stage General Erasmus and du Toit arrived there. We then removed the person. At a later stage we did make plans with regard to what was supposed to happen. We were initially under the impression that the escape would have been staged in the Eastern Transvaal, that we would have created an incident, but then the Eastern Transvaal said no, they will take the body and what we want to do after that, that is up to us. And that is why we

returned and fabricated the escape. In truth we only caucused with regard to our plans to stage this escape after we returned from the Eastern Transvaal.

MR STEENKAMP: You are saying "after your return to the Eastern Transvaal", was there caucus between yourself, van Niekerk and Brigadier Visser before negotiating with Erasmus?

MR ZEELIE: No.

MR STEENKAMP: Not. Thank you, I am following. The notion that the body had to be disposed of in the Eastern Transvaal when was that discussed?

MR ZEELIE: As I have already said, upon Colonel van Niekerk's return he said that General Erasmus would come back to us and would inform us as to what had to happen.

MR STEENKAMP: And then Erasmus came back to you and said there's an alternative plan, you are going to meet at Bronkhorstspruit and that would then happen?

MR ZEELIE: No, he didn't say that to us. I don't know what was arranged. Colonel van Niekerk spoke to Brigadier Visser directly at some stage. General Erasmus, however, came back to us because he went to Pretoria, and that is why I mentioned General van der Merwe. General Erasmus went to see General van der Merwe about it and what they discussed I don't know. I can't remember. But he returned and there was a direct instruction that we had to take the corpse to the Eastern Transvaal.

MR STEENKAMP: Were you present during the discussion between At van Niekerk and Brigadier Visser?

MR ZEELIE: No.

MR STEENKAMP: But you are aware of the fact that there had been a direct conversation between them prior to the disposal of the body of Bopape?

MR ZEELIE: Telephonically he was in contact but I was not present during that conversation.

MR STEENKAMP: But you did say that such a conversation had occurred?

MR ZEELIE: Yes such a conversation had occurred.

MR STEENKAMP: Now the circumstances surrounding the fabricated escape, the planning and the staging of the tyre and everything that went with that, the key that was lost in the pocket and all of these things that were fabricated, when was this discussed?

MR ZEELIE: As I have already mentioned, upon our return, after we returned from the Eastern Transvaal to Johannesburg myself and Colonel van Niekerk and Mostert and Engelbrecht and du Preez discussed this and made the plan.

MR STEENKAMP: So the so-called escape was only fabricated or planned with regard to the recording of the escape, that only occurred after the body was missing?

MR ZEELIE: No you misunderstand me. I have already said to you earlier that the original escape was supposed to have happened in the Eastern Transvaal, we would have staged it in the Eastern Transvaal, but then Brigadier Visser said to Colonel van Niekerk that this was not going to happen, it was not going to be done in their section, they would take the corpse but we had to stage the escape in our own section, our own area.

MR STEENKAMP: So you only recorded the so-called escape after

the body had already been taken into the care of the Eastern Transvaal people?

MR ZEELIE: Yes. The fabricated escape was discussed previously with the plan of doing it in the Eastern Transvaal but that then never realised. Only subsequent to the handing over of the body was the matter mentioned here in the Vaal Triangle.

MR STEENKAMP: Whose brainchild was this staged escape?

MR ZEELIE: From the very beginning I've said that after Colonel van Niekerk came there was the arrangement to take the body to the Eastern Transvaal and we then planned a staged fabricated escape, whether it was General Erasmus or General van der Merwe's suggestion I can't tell you exactly, but Colonel van Niekerk said that the body had to be taken there and there would be a staged escape.

MR STEENKAMP: So this was arranged. But the detail with regard to the exact occurrence of the escape was that amongst the five of you?

MR ZEELIE: Yes we planned it together, the five of us planned it together.

MR STEENKAMP: So the five people mentioned is yourself, van Niekerk, Mostert, du Preez and van Niekerk....

MR STEENKAMP: Another van Niekerk.

MR ZEELIE: I am counting wrong there might have been four...

MR STEENKAMP: Engelbrecht?

MR ZEELIE: Engelbrecht yes, that was the five persons involved.

MR STEENKAMP: And this was a shared decision and planning with regard to the detail that was going to be mentioned in the

fabrication, a joint decision?

MR ZEELIE: That is correct.

MR STEENKAMP: The provision of the manacles was that brought from your available stock at the office?

MR ZEELIE: I always had these in my vehicle and I am sure the other members also kept these in their vehicle.

MR STEENKAMP: The forensic experts, the Section 200 investigations, forensic investigations, did these people know that this was a staged matter or did you go and arrange it with a specific person?

MR ZEELIE: No, none of these people knew that this was staged.

MR STEENKAMP: Allow me to ask you this question, maybe you can assist me, I doubt whether you can answer me but I am going to ask you, why must we believe you today? If you've already previously perjured yourself when you lied when you got rid of the body, when you were involved, in my view, in a murder, why should the Commission believe you?

MR ZEELIE: For the very same reason that you've believed me whenever I have made statements to you, you have never questioned my statements.

MR STEENKAMP: I am talking about this incident.

MR ZEELIE: I am talking about this incident for the very same reason, I will tell the truth now when I told you the truth previously, you never doubted my statements back then.

CHAIRPERSON: Just tell us Mr Zeelie about your participation in this elaborate escape when you donned Stanza's shoes and clothes, could you tell us exactly what happened please?

MR ZEELIE: I didn't put on his clothes, I only put on his shoes. The entire matter had to do with the escape. How would a person escape? The logical idea was that you have a flat tyre at that time there weren't five persons involved but only three, Colonel van Niekerk, Mostert and Engelbrecht. Du Preez and myself were not supposed to be in the picture since we had to stage the remainder of the escape. Three people are taking a person out, how would such a person logically escape? The easiest would be that there would be an accident or there would be a flat tyre. The person is in manacles, the long foot or leg chains. You can run with these and he also had shackles or manacles on his wrists. Because of difficulties with changing the flat tyre all three of them left the vehicle, none of them expected that someone would jump out of the vehicle, it was late at night, there was a Black rural area, the person obtains a key somehow, which is entirely possible, people have escaped even out of cells with keys like this. They obtain the key, the unlock the foot shackles and run away into the dark. In our view this was a very logical solution for staging the escape.

That is why those three members were involved in the changing of the so-called flat tyre. Du Preez went with the other vehicle to a different point. It was a sort of a mealie land. To make it look more real I donned the shoes of this person and for further identification purposes with regard to the shoes I put the shoes on and I ran as he would have done with the one foot shackle on and holding it in my hand. At another point du Preez picked me up and we left the scene. Colonel van Niekerk

then reported the matter. And that is what happened.

Sergeant du Preez subsequently took the shoes and the rest of the stuff and I don't know what he did with that.

MR FIGOU: Just briefly Kobus, I find it remarkable that you and your colleagues believed that the story which you then played out was one which could stand up to scrutiny or credibility, and it seems to me, and I'd like your comment on this, that the only reason that it had some form of credibility, that version, that so-called police docket, was because it was systematically kept away from scrutiny and it was not investigated. And in fact I put it to you that members or people that are mentioned in that escape docket had knowledge of what you and your colleagues had done. I mean are you saying to us that only the five of you knew what was going on apart from the Generals?

MR ZEELIE: No, one other person did know and that was Johan Pretorius. The only reason why he knew was because du Preez went and opened his heart to Johan Pretorius the next day.

MR STEENKAMP: Why is this not mentioned in your amnesty application Mr Zeelie?

MR ZEELIE: Is this a fact that should be mentioned in an amnesty application? If you say it must be mentioned there I would happily include it.

CHAIRPERSON: We talk about full disclosure.

ADV PRINSLOO: I cannot see, with respect, what the relation is, this is something that was said subsequently, the witness said nothing, du Preez said this, how would someone else have known.

MR STEENKAMP: You said du Preez opened his heart to Pretorius.

ADV PRINSLOO: But surely this is not something within the framework of what should be disclosed by this witness? It has nothing to do with the crime.

MR STEENKAMP: I has certainly Mr Prinsloo, this person was involved in hiding away this crime and he knew about it. This witness knew about the event and he did not mention the involvement of this person in the cover-up.

MR ZEELIE: To the best of my knowledge this was mentioned to the Attorney General. The fact that there are two investigations with regard to this same instance, I have mentioned this to the Attorney General's people, this entire matter, and from the Attorney General's office they linked with people from the Truth Commission, there was liaison and for me this is not something I can always follow, what is the difference - are the two teams working together or are they working against each other, what are the circumstances? I give this information to someone, it has been given and disclosed to someone.

CHAIRPERSON: I think that whatever you tell the Attorney General certainly has implications for other prosecutions and in fact with a long-term view of justice. The Commission's view is the commission of gross human rights violations. We discussed matters with the AG but we certainly don't take his evidence and neither in fact will he take ours because he might have problems later on in further prosecutions. But they are two completely different matters. His job is a very long-term function. Ours is to investigate what happened and those include the commission, omission and involvement of people in acts of violations or

criminal acts for which they might have to apply for amnesty.

MR ZEELIE: I only answered why, I was asked why I did not do this and I've answered to this, it is not a fact which I was hiding away.

CHAIRPERSON: We accept this.

MR ZEELIE: Thank you.

MR PIGOU: Could you just - a very brief question, could you tell me whether ... (intervention)

CHAIRPERSON: Sorry, Mr Zeelie would like to say something.

MR ZEELIE: I was interrupted while answering the previous question, du Preez, the day after the event became worried and he went to Pretoria, he said to Pretorius he had something that he wants to say, Pretorius said you can tell me, and I will tell you what I was involved in, in that way they balanced each other out and that is why I want to say that this was the only other person who knew what happened.

Why I am saying this - that is why we realised at a certain time that this would come out and that is why we decided that we need to sit down, and we had to put the facts on the table, and when I am saying facts, I am talking about the facts Pretorius we knew would come to the fore. Pretorius told du Preez that he hates Zeelie, he hates van Niekerk and he hates Mostert. This is a fact which we knew could not be kept hidden forever. That anyone else knew about the circumstances I don't know with whom General Erasmus might have spoken or with whom General van der Merwe might have spoken, I don't know to whom they might have mentioned the matter, but from the investigative point of view

in our view this was not going to be information available to anyone else. The people who investigated the staged escape did not have any information. They even attempted to catch us out on points, but they failed.

CHAIRPERSON: Did you do your job well?

MR ZEELIE: I believed that we did our job well, yes.

CHAIRPERSON: Please continue.

MR STEENKAMP: Mr Zeelie just for clarity who is this Johan Pretorius? Where was he stationed?

MR ZEELIE: At that time, to bring you into the picture at that time we had an investigative unit in Johannesburg. This will also clear up the matter for you with regard to the device brought from Sandton. We were the investigative unit at John Vorster Square, but because of the many cases of violence in Alexandria and so forth and the criminal courts in the Black areas or maybe the Kangaroo courts, it's not clear, there was a unit brought into being under Major Pretorius, then Captain Johan Pretorius. Du Preez was actually involved in that investigation.

When it came to the point that we needed this device we knew that they often assisted us in security investigations where there was interrogation when we were short of a staff person, we knew exactly what equipment he had available and that is why we approached them. I can't tell you today who exactly phoned whom to obtain the device, but du Preez arrived with the device. Du Preez would not have been involved if he had not brought the device. Having brought the device he became involved.

CHAIRPERSON: One last question please.

MR PIGOU: Mr Zeelie you've said during the course of this morning that this was the only incident in which someone had died during interrogation which you had witness to, or were involved in, and you obviously realise the implications of what this could mean. This was not an assault GBH charge, this was a murder charge, potentially. This could ruin your career, this could throw you out of the force, but you weren't concerned about finding out about the actual what happened to the body, whether this was done in the proper way. You see those elements of the cover-up that subsequently went on you appear from your testimony this morning not to have had any particular concern. It was given to Middelburg, they do their job, that's fine. But this is something which could have wrecked your career. Now what I am trying to find out here is you've acted throughout this process, in terms of what happened with Bopape, with an almost God-like sense of impunity, did you get this God-like sense of immunity prior to this incident or after this incident, or was it reinforced by the actions of your colleagues and your seniors? Thank you.

MR ZEELIE: I do not see it in the same light as you put it. Each and every one has a different way of seeing things. If the ANC was in government at that stage my actions would have been the same, so it is not - it's neither here nor there. As I have already said we operated on a need to know basis and before this whole thing about Eugene de Kock broke I trusted in all my Security Branch colleagues. We had come that far together and the same as the ANC members stood together we also stood

together. I had great respect for the ANC and I would say that I had more respect for them than the other side because they cared for each other and we also cared for each other.

We had a job which had to be done, and in our case it was a matter of serving the government of the day. We were part of the Police Force and we were there for law and order and to protect lives. And in the time I was at the Security Branch more Black people were killed in bomb attacks in Black residential areas than Whites in White residential areas. So at the time it was not about race it was about the protection or maintenance of law and order and the protection of lives, and that is why even in previous matters where I testified in court where I assaulted any person I did not withhold that from the prosecution or whoever was questioning me. I testified under oath to the effect that I assaulted people and even our Premier in this region's trial I testified that I had to assault a man but it was not for the mere pleasure of assaulting him but for the protection of the lives of other people.

DR ALLY: Mr Zeelie I don't want to engage in a debate with you but to make those comments I think are totally inappropriate. When you stand on record and you admitted that you had no regard for the law, you disregarded - you said even your Commissioner of Police you did things unlawfully, illegally and as a consequence of that a person died. You then covered it up. So I think that it's very inappropriate for you to make comments about law and order. Neither of these were upheld.

If you want to speak about the political conflict that is

a completely different matter and people have a different perspective on the nature of the political conflict. So I think that is important that that be placed on record, that we are not speaking about law and order, you yourself have admitted that. There were regulations but as you said those were just on the book. In reality you did something else. You violated your own law and order when you deemed it necessary in order to carry out what you believed were political objectives. That's a different type of argument that we can have.

I will hand over to the Chair now.

CHAIRPERSON: Thank you Mr Zeelie. I think before I close I am going to offer you another opportunity, if you want to take it, to add to anything that you have said here. I don't know whether you want to change anything that you have said or whether you want to offer us any further comment on what you put before us, before I actually close.

MR ZEELIE: I would like to reiterate what I have said earlier, that I acted in the interests of the country and the government which was in power at the day. No one can take that away from me. It is unfair to want to say that it cannot be taken into account, because that was my motivation. That is why I am no longer in the Police Force. It is as a consequence of all those actions which have put me in a condition which led me to resign from the Police Force.

I was approached by senior members in the government and asked where our policemen are from your time and I would like to know why those people would ask the questions because they

realise we were doing our duty. It was a guerilla warfare and in this specific matter there was no intention of killing this person, it was an unfortunate incident and to say that I wanted to kill him or any of my colleagues wanted to kill him, would be a totally wrong perception and I would like that to be placed on record so that we cannot say that that should not be taken into account, because that would be unfair.

CHAIRPERSON: I think with all due respect you have offered us a perspective of your own about why you participated in such acts and I think that in a sense that's quite valuable because at the end of the day one has got to make sure, part of the Truth Commission's functions is to make recommendations to the new government about how we can ensure that what happened in the past doesn't happen again. I think the Police got mixed up in defending the present - that regime, and defending the political activities of that regime, when really the function of the police is to protect people and to protect civilians at large. The people though, that relied on you for protection in fact, in this instance, this man met his death at the hands of the very people who should have protected him. And I think my colleague is trying to emphasise that particular fact.

However, you have placed on record what your understanding was of the nature of the conflict and why you participated in the way that you did.

I have one more question to ask you, which is from what you have said you express an understanding of how most people in the force at that time thought, but the politicians are saying that

you acted completely on your own and that in fact they never gave people the licence to commit violations. Can you give me some kind of response on that issue?

MR ZEELIE: No senior officer would give you such an instruction verbally because it was expected for you to obtain the information and they knew how we obtained that information and never, but never did any senior person say look you may not do this. And as the gentleman on that end rightly put it, the Commissioner of Police would issue circulars saying that you may not assault people, you may not do this and you may not do that, but implicitly that same Commissioner would expect me to deal with that terrorist in a manner of speaking. He expected that of me and that is why he, at that stage, was prepared to cover up this whole matter. That is why I say that they granted their permission implicitly, because at the end of the day when a matter was resolved they would take credit for that. I mean they would be credited for it, not us.

CHAIRPERSON: Thank you very much Mr Zeelie. I would like to warn you that you are not supposed to communicate with any other person who is going to come before us. There are possibilities that we might decide to recall you in terms of the very same section, but thank you for coming and thank you to your two legal representatives. Thank you very much.

MR ZEELIE: Thank you.

COMMITTEE ADJOURNS