

TRUTH AND RECONCILIATION COMMISSIONSECTION 29 HEARING"IN CAMERA"

DATE: 23.04.1997 NAME: HENDRIK ALBERTUS BEUKES MOSTERT

HELD AT: JOHANNESBURG

DAY: 1

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HENDRIK ALBERTUS BEUKES MOSTERT: (sworn states)

CHAIRPERSON: Do you confirm Mr Mostert that you have been properly subpoenaed and that those are your legal representatives sitting beside you?

MR MOSTERT: Yes I do.

CHAIRPERSON: I would like to advise that this is an investigation proceeding the objective of which is to deal with some questions relating to the affidavit that you have placed before us. It is also to get to the bigger picture about what actually happened in the murder of Stanza Bopape. The details of the question have in fact been dealt with in general terms in the subpoena that was sent to you. I'd remind you that you are under oath and that the penalty for not telling the truth is that you can be criminally prosecuted in terms of Section 31.

Before we begin I'd also like to advise that part of the function of the Truth Commission is in fact to deal with recommendations about what can happen in the future so as to prevent the commission of human rights violations in the future.

The purpose also is the question of reconciliation, and so this questioning session is not meant to be an entrapping of you, but rather an attempt to get to a full picture and to the fuller truth so that the victims, whom this Committee also represents, can be apprised of all the facts in the matter.

Before I ask the investigators and my fellow Committee member, Dr Russel Ally, about whether they - before they begin asking their questions I'd like to ask you if you want to make any kind of opening statement?

MR MOSTERT: I have no such comments to make.

DR ALLY: Thank you very much Chairperson. I want to establish clearly your involvement in this matter, the Bopape involvement, were you involved in the actual arrest of Stanza Bopape? Were you present the night he was arrested?

MR MOSTERT: Yes.

DR ALLY: Were you involved in the interrogation of Stanza Bopape?

MR MOSTERT: Yes I was.

DR ALLY: You were present when Stanza Bopape died?

MR MOSTERT: Yes I was.

DR ALLY: Were you also involved in the cover-up of the death of Stanza Bopape?

MR MOSTERT: That is correct.

DR ALLY: Were you also involved in the actual disposal of the body of Stanza Bopape?

MR MOSTERT: Yes partly.

DR ALLY: When you say partly, will you explain what you mean?

MR MOSTERT: Yes I went along until Bronkhorstspuit, from there I returned. I don't know what happened to the body of Stanza Bopape subsequently.

DR ALLY: So you have no knowledge other than what was told to you once you returned from Bronkhorstspuit, what happened to the body?

MR MOSTERT: I never heard exactly what occurred to the body subsequently.

DR ALLY: Let's start then at the beginning that you were involved in the arrest of Stanza Bopape. Stanza Bopape was arrested on the 10th of June 1988 or the 9th, it was midnight.

MR MOSTERT: That is correct.

DR ALLY: What was Stanza Bopape arrested for, do you have any knowledge? Why did you go and arrest him?

MR MOSTERT: On the particular evening of his arrest I did not know what the reason was why he was arrested. I only accompanied the group under instructions.

DR ALLY: So you were essentially assisting the West Rand Division of the Security Police?

MR MOSTERT: That is correct.

DR ALLY: Now on the actual evening of the arrest was there any physical force used for the arrest of either Stanza Bopape or his friend who was with him in the flat, Beki Nkosi?

MR MOSTERT: Not as far as I know.

DR ALLY: So statements by Beki Nkosi that Stanza was actually punched, that he was hit in the stomach, are you saying you don't have knowledge of that?

MR MOSTERT: I have no knowledge of that.

DR ALLY: Can you tell us, sketch for us the events that happened once Stanza Bopape was taken from this flat in Hillbrow, what happened after that? Where was he taken to, which police station? And when did you actually commence with the questioning or interrogation of Stanza?

MR MOSTERT: On the particular evening of the 9th of June, subsequent to the arrest of Stanza Bopape and Simon Nkosi they were taken away by members of the West Rand Security Branch. I returned to my station on John Vorster Square with the remainder of the staff from John Vorster Square.

DR ALLY: What happened after that?

MR MOSTERT: What happened for the remainder of that night I would not know since the person or persons did not accompany us. We continued with our own work at John Vorster Square.

DR ALLY: When did you next have contact with Stanza Bopape?

MR MOSTERT: On the 10th of June 1988 in the afternoon at John Vorster Square.

DR ALLY: How did he get back to John Vorster Square?

MR MOSTERT: I had been informed that there were negotiations between the commanding officers of West Rand and John Vorster Square and there had been an arrangement that these two persons would be transferred to Johannesburg, Mr Nkosi to Central, it appears and Stanza to John Vorster Square. I did not accompany either of them from West Rand to either of these two places, but I only found Stanza Bopape on the 10th of June 1988 at John Vorster Square.

DR ALLY: Why was he brought back to Johannesburg or what was your understanding for that decision? I ask this because if this was a matter for the West Rand and the Pretoria Police, this was in connection with activities in those regions that the Security Police were interested in Stanza Bopape, why then bring him back to John Vorster Square?

MR MOSTERT: I could not give you details in this regard. These are decisions that were made at a higher level by the commanding officers. What I do know, however, is that the instruction had been to bring this person, Stanza Bopape, to interrogate him with regard to terrorist activities of which at that time we had been given certain detail.

DR ALLY: And were you given more information as to what terrorist activities you had to question him about or was this just a general request?

MR MOSTERT: No, it was not only a general request, there were already on the Friday discussions, and this is how I was informed between Major Kleynhans of West Rand and Colonel van Niekerk of John Vorster Square. Certain information then became - or was transferred to myself and Constable Engelbrecht with regard to the direction into which the investigation has to be ... (intervention)

DR ALLY: Could you tell us what that information was?

MR MOSTERT: It had to do with bomb explosions in Pretoria and environs where there had been a suspicion that Stanza Bopape had been involved.

DR ALLY: At that point were you given a file on Stanza to

actually study? Was there a file on him?

MR MOSTERT: To the best of my knowledge there had not at that time been a file available for us to use.

DR ALLY: So you were given an instruction to ask questions in relation to these bomb explosions in Pretoria and in the West Rand, that was the instruction given to you?

MR MOSTERT: Yes, broadly speaking that was the verbal instruction given to me.

DR ALLY: Now tell me when did this questioning of Stanza actually begin?

MR MOSTERT: We started with the interrogation, Constable Engelbrecht and myself late on the afternoon of the 10th of June 1988.

DR ALLY: That was a Saturday?

MR MOSTERT: No that was a Friday.

DR ALLY: Friday the 10th of - you started at - could you just repeat that, late afternoon you said?

MR MOSTERT: It was fairly late in the afternoon, I would say or guess that it must have been around three o'clock or maybe a little before.

DR ALLY: That's the 10th of June the Friday, afternoon.

MR MOSTERT: Ja.

DR ALLY: Who were the police officers involved in this first questioning of Stanza Bopape?

MR MOSTERT: The police officers involved in the first investigation I would not know, from the Krugersdorp side, who was involved. At John Vorster Square it would have been myself

and Constable Engelbrecht.

DR ALLY: Now was this - on how many occasions did you actually question Stanza Bopape?

MR MOSTERT: On the Friday of the 10th and if I remember correctly the Sunday of the 12th.

DR ALLY: The Sunday the 12th, that's the date of his death, correct?

MR MOSTERT: That is correct.

DR ALLY: So on the Friday the 10th it was only the two of you present in the questioning, can you tell us how that session actually went? Was it an interrogation session? Did you apply force? Was there a physical beating? What exactly happened during that initial questioning of Stanza Bopape?

MR MOSTERT: No I did not assault him in any way nor had he been assaulted in my presence at any time during the first enquiry of the first day.

DR ALLY: What happened after that, until when did you question him on that Friday?

MR MOSTERT: It could not have been very late. I think it must have been till about five or six o'clock in the early evening and then he was booked back into the cell.

DR ALLY: Were you satisfied at that point with the answers he had given to your questions?

MR MOSTERT: The answers at that time had rather to do with his personal detail, his background, we took fingerprints, we completed some forms and so forth.

DR ALLY: It was a very general preliminary enquiry and

questioning?

MR MOSTERT: That is entirely correct.

DR ALLY: So you took him back to the cells in John Vorster Square that evening, the Friday evening?

MR MOSTERT: That is correct, yes.

DR ALLY: What happened on the Saturday?

MR MOSTERT: On the Saturday we were called out to Krugersdorp for discussions with members of the Security Branch of the West Rand where myself and Colonel van Niekerk were present and information was exchanged.

DR ALLY: Can you tell us what information was supplied to you then?

MR MOSTERT: Yes I can tell you. The explosions of bombs to which there had been reference earlier, these were mentioned. And as I said in my statement there were about 15 persons present, it involved acts of terror and we were informed that Stanza was trained locally in the country by a person Maponya whose name I then heard, I discovered later there was a sort-of a Maponya Group that was involved, and that there were several bombings in and around Pretoria. We were informed in general terms with regard to this and that was what the interrogation of Stanza Bopape involved.

DR ALLY: Were you given any new instructions after this meeting that you had with the West Rand Police on that Saturday? Were you told that it's crucial that you now extract this information, that you use whatever means is necessary to get the information, or was it still just this general brief to ask him questions



relating to these incidents?

MR MOSTERT: I continued with the initial instruction to ask questions in this direction from the person and to gain information.

DR ALLY: So the Saturday then you had no contact with Stanza Bopape, you were busy with consultation with your colleagues from the West Rand?

MR MOSTERT: Yes, we were involved in consultations during the morning and on this particular day, as far as I can remember, Stanza Bopape was not questioned again. It was only on the morning of the Sunday that we would have continued with the questioning.

DR ALLY: So you then booked him out of the cells again on Sunday morning of the 12th of June, is that correct?

MR MOSTERT: That is correct.

DR ALLY: And was that early in the morning, at nine o'clock, just past nine on the Sunday morning?

MR MOSTERT: I cannot tell you exactly at what time, but it was in the early morning.

DR ALLY: According to the Occurrence Book it says that he was booked out at 09H30 on 12 June 1988, by Mostert, which is yourself and also a Constable Engelbrecht.

MR MOSTERT: I would accept that.

DR ALLY: That was 9:30 in the morning....(intervention)

ADV PRINSLOO: Apologies Mr Ally. Chair could we obtain a copy of the Incident Book extract so that we can follow.

DR ALLY: And present this time was it only yourself and

Constable Engelbrecht?

MR MOSTERT: At a certain stage it was myself and Constable Engelbrecht on our own. Colonel van Niekerk also arrived shortly after we started with Stanza Bopape. At a later stage Lieutenant Zeelie arrived and at an even later stage Constable du Preez also arrived, or rather Sergeant du Preez.

DR ALLY: The two main people involved was yourself and Constable Engelbrecht, you were there throughout? The others came in and left and joined you, but you and Engelbrecht were present throughout. You never left the room at any stage that Stanza Bopape was being questioned?

MR MOSTERT: No, the two of us were present throughout.

DR ALLY: So you started questioning him at let's say 9:30 - 10:00 because at 9:30 you booked him out so let's say at 10:00 in the morning, what exactly happened then? This was in Constable Engelbrecht's office not so, that the questioning took place?

MR MOSTERT: We asked questions in the direction as already indicated and we were provided with information. We were unsuccessful.

DR ALLY: Can you explain what you mean by that?

MR MOSTERT: Yes, the person did not offer any cooperation with regard to information on acts of terror.

DR ALLY: Now during that stage of the questioning of Stanza Bopape was physical force used?

MR MOSTERT: No, no violence was used, no force was used.

DR ALLY: Nothing at all?

MR MOSTERT: No, not at all.

DR ALLY: Because in the amnesty application of - who was the lieutenant then, Zeelie, he makes mention of the fact that it was actually common practice, it was the practice to use force if you didn't get answers to your questions. Now to be fair that statement is made in a general context. Now what I would like to know is if this was the case, if the police as a common practice used these methods, and he described some of these methods that they used, why in this particular case, when you are questioning somebody who you suspect is actually involved in their, what at the time would have been considered very serious offences, terrorist activities is the language used then, bomb explosions, attacks on police, in fact the death of policemen, why would you not have used, in that particular instance, force to extract information if it was common practice, and in other instance force was used? Why in this case no force?

MR MOSTERT: Our commanding officer sat directly next to our office, his office was right next door to ours and that was not my technique of interrogation anyway. So at that stage there was no force or anything used.

(The speaker's microphone is not on)

DR ALLY: .....by Beki Nkosi, who as you say was also taken in at the same time that Stanza was taken in and he was questioned in Sandton and also Pretoria, but he says that,

"I knew of one security policeman who was questioning Bopape called "Mossie".

Is that the nickname that you were sometimes known as, Mossie?

MR MOSTERT: I was known as Mossie.

DR ALLY: And he goes on to say,

"A White tall policeman who is very aggressive".

Now you are saying that was not your style and here is a detainee saying that this was a reputation that you had for being very aggressive and that he knew that you were questioning Stanza on this day that we are referring to. Are you saying that that is not an accurate description of you?

MR MOSTERT: That's not a true description of me at all.

DR ALLY: Now what I would like to know then is, if this was the case that you didn't use any physical torture at all, there was no assault, you didn't even smack him, how come the decision is then taken to use electric shock treatment?

MR MOSTERT: Colonel van Niekerk came in at some stage and spoke to Stanza Bopape himself to explain the seriousness of Section 29. We proceeded with the interrogation and at some stage the Colonel asked us once again how we were doing and we said this man is not cooperating. At that stage the then Lieutenant Zeelie arrived on the scene and then such talks were held. But no mention was made of serious assaults.

DR ALLY: You don't consider electric shock a serious form of torture?

MR MOSTERT: My personal opinion is that it depends on the degree applied.

DR ALLY: That was a similar response from Charles Zeelie, so just elaborate for us, what do you mean the degree of - because I would, my understanding would be that electric shock is a form

of torture. The only difference would be is how long and the voltage, but as to whether or not you can classify the act as - depending on the degree, I find that a bit difficult. I would, my understanding would be that electric shock would be torture regardless of the degree. The degree would be the degree of torture, not whether or not it was torture.

MR MOSTERT: If I may answer you in this question, if you say a degree of torture, if you assault someone with a pickaxe or something similar, or 20 volts of electricity you should know - 220 volts of electricity you should know that it will have a serious effect and that to me is a high degree of torture.

DR ALLY: When was this decision taken that Stanza Bopape was not being cooperative and you had to use other methods? Remember we are speaking from 10 o'clock in the morning now, can you remember approximately when this decision was taken?

MR MOSTERT: It would be very difficult for me to give you an exact time because I either have noted the time in the form of - in my diary or something like that, but this is approximately nine years ago and it was in the morning before 12.

DR ALLY: So it's more - two to three hours of questioning and then you decided that he was not being cooperative and you were to use other methods, would that more-or-less be accurate?

MR MOSTERT: That is possible. I am not sure about the time, as I said I knew that was still in the morning.

DR ALLY: I am going to ask this question one more time for the record. During these two to three hours before electric shock was administered or the decision taken, Stanza Bopape was in no

way physically assaulted or tortured or beaten up?

MR MOSTERT: No, he was not, I can guarantee that.

DR ALLY: So you say then that you reported to your commanding officer that he was being uncooperative. It was then suggested that you use other methods and that the method of electric shock be used. What was the purpose going to be of applying this electric shock? Was it going to be to continue the - was it going to be part of torture or was there any other reason that you decided to use electric shock?

MR MOSTERT: I think the important thing here is that we had to look or we had to see if we could not elicit information which was of cardinal importance without actually going to any extremes with him.

DR ALLY: I asked that question because in the other amnesty application the reason is given that it was to "scare" him.

MR MOSTERT: To scare a person was a general term used at the time by the investigators. I must tell you that at the time I wasn't with Security Branch that long. I had been a criminal investigator all my life and not at the Security Branch, and this was fairly new terrain to me.

DR ALLY: So I think you will appreciate that there is a difference between frightening somebody as opposed to wanting to extract information from somebody? Because if it was a case just of frightening somebody then it would be different to if the objective was to extract information, then it's not just about scaring the person, it's about using whatever means are necessary to get the information. And that's why I asked you to think back

and what your understanding of the purpose of electric shock was.

MR MOSTERT: The electric shock apparatus was something which was used, which was fairly common at the time and it was something which when not done in excess could not have been extremely dangerous, that was my idea.

DR ALLY: Was this your first encounter with the use of electric treatment with a detainee?

MR MOSTERT: No, I had been present in previous occasions through the years.

DR ALLY: Would you not consider that part of something you would also have to apply for amnesty for if electric shock is considered a form of torture and one of the gross human rights violations that we deal with is torture? In your amnesty application the only matter that you refer to is the matter of Stanza Bopape.

MR MOSTERT: I understand what you are saying but I am also here to tell the truth in this regard and I am applying for amnesty for the death of Stanza Bopape ... (intervention)

DR ALLY: The question was do you not consider, if you are saying now that you are involved in other tortures, because electric shock is torture ... (intervention)

ADV PRINSLOO: With all due respect Chairperson he says he was present, he did not say he was involved.

DR ALLY: I will phrase the question differently, were you involved in other cases of applying electric shock?

MR MOSTERT: Not as far as I can recall. I did not apply electrical shocks but I am aware of such things happening in the

past.

DR ALLY: I would just like to remind your legal counsel that the Act also speaks about commission and omission, not necessarily also direct involvement in the commission of a gross human rights violation. So the presence of a person at a torture without intervening to actually prevent that would be considered part of that act.

So I think it's important to realise that what we are speaking about here is full disclosure. And if there are instances where detainees or anybody else were subjected to torture, were subjected to electric shock, I think that's important that your client be aware of that, in the event that those people who were subjected to this torture while you were present at some point decide to lodge a civil claim. So I think that it's important that your client is aware of that.

But to proceed. Now can you describe to us the actual process then whereby the electric shock treatment, torture was applied to Stanza Bopape? What exactly happened, your recollection of how you went about doing this?

MR MOSTERT: There was a chair brought from Colonel van Niekerk's office into the passage and Stanza Bopape was seated - was placed on the chair in a seated position. His arms were tied to the arm rests with velcro bands and his legs to the legs of the chair and the shocking apparatus was then used and Sergeant du Preez wound the apparatus and Constable Engelbrecht used the ends of the wires and ran them over the person's chest.

DR ALLY: At that stage was Mr Bopape dressed or undressed?



MR MOSTERT: As far as I know he was dressed, he had pants on but not a shirt.

DR ALLY: So the place where you actually applied these wires that was on his naked body?

MR MOSTERT: Yes, the electrodes were drawn over his naked body.

DR ALLY: How long did the shock treatment continue for?

MR MOSTERT: Very briefly, it was not at all an extended process.

DR ALLY: Approximately how long, give us an estimate?

MR MOSTERT: Maybe a minute, two minutes at most.

DR ALLY: And as far as you recall was this at a low or a high voltage that this shock treatment was applied?

MR MOSTERT: As far as I could observe Sergeant du Preez did not turn the device quickly so I assume that it could not have been a high voltage shock.

DR ALLY: Now you have said that you have been, if not directly involved, you have been present where electric shock has been applied to people, you've witnessed it, this was not the first occasion that you saw something like this. This may have been the first occasion that you were directly involved. You grant that this certainly was not the first occasion, according to your own admission, when you were present when something like this happened. Now in your experience someone is subjected to this kind of electric shock, one to two minutes, this apparatus is just turned once or twice and the person dies, is this something that you would consider unusual?

MR MOSTERT: For me this was just unacceptable under the

circumstances, I could not believe it.

DR ALLY: Because in the amnesty applications of all those who have applied, who are involved directly in Stanza's death, is this statement that was later established, which is very important, established, "vasgestel", I think that's - would that be the correct translation "vasgestel" is "established"? Which means that this is something which is considered factual. It's not guessed, it's not surmised,

"It is established that Bopape might have had a heart illness".

Now we have investigated as far as we can, we have spoken to the family, there is no history of anything, as far as we have been able to establish, that Stanza Bopape had any heart problems. That the only case of him being at the Princess Hospital was to do with sinusitis. Now you must appreciate then that it is difficult to understand how somebody can be subjected to this light form, as you yourself acknowledge, of electric shock, that before this there is no torture whatsoever, no physical assault, so we assume then that the person is reasonably healthy, the family says that the person was in good health, and after this electric shock is applied the person dies. Now are you asking us to believe that that is actually what happened?

MR MOSTERT: What I have told you here is the reality. I am not sitting here to tell you tales, this is what actually occurred.

DR ALLY: I want to read to you from the affidavit of Beki Nkosi. Now remember that Beki Nkosi is picked up by chance, okay. That night that you went out with the police from the West

Rand your assistance was required in connection with Stanza Bopape, not Beki Nkosi. It just so happened that Beki Nkosi was present and he was taken along, is that correct?

MR MOSTERT: I don't know what exactly went before this but I was present. We only had to supply support services. Apparently the West Rand police didn't know what the address was, but there were a large number of people involved. I do not know what charges there were against Mr Nkosi at the time.

DR ALLY: You say the principal person who you were looking for, who you were going to pick up that night was Stanza Bopape?

MR MOSTERT: At that time I did not know. Lieutenant Zeelie would have known because he had liaised with the people from the West Rand.

DR ALLY: Now this is the kind of torture that Beki Nkosi was subjected to. Let's assume for the moment that Beki Nkosi was picked up purely by chance. We can go back to Mr Zeelie and establish it, but that seems to be the case, that it was really Stanza Bopape because as you said the West Rand police were interested in questioning him in relation to the bomb explosions, the Maponya Group, even Thoko. In fact in the affidavit of Beki Nkosi he says that the questions they asked him were really about Stanza Bopape. So let's assume that Stanza Bopape is the principal person that you want.

And you say that firstly when you arrested him, as far as you are concerned, you don't recall any incident of assault. Beki Nkosi's affidavit says that he was punched in the stomach by Zeelie. That he fell down on the bed. That one policeman

asked him, "is jy dronk?", he was then punched again. Okay, you don't have any knowledge of that.

When he is actually tortured, this is his description, he says:

"I was blinded by a balaclava. The police tied my hands onto a chair, a rag around my waist tied to the back of the chair. A tube around my waist as well as tubes on my ankle. 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, 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. The torturers also used cotton wool or cloth soaked in water before shocking me. They shocked me during intervals after questioning. The officer in command was standing to my right and was asking questions in Afrikaans or English. The torturers referred to themselves as Charlie. They would say Charlie if they felt I was not giving satisfactory answers and then they would apply electric shocks to me".

Now this is somebody who is picked up by chance, who just happens to be with Stanza Bopape, and this is the lengths to which the police are prepared to go to extract information from him. How are we to understand then that Stanza Bopape, who is the principal person, and he's asked questions as you yourself

admitted in relation to very serious offences, is treated with relative kid gloves? How are we supposed to accept and believe that version?

MR MOSTERT: I cannot assist you with regard to the question of Mr Simon Nkosi, I had not been present or involved in it. Perhaps if I think back, if this incident did not end with the early demise of Mr Stanza Bopape it might have gone further, but I cannot give you a proper answer in this regard.

DR ALLY: Piet Seifret do you know him?

MR MOSTERT: Yes I do know Piet Seifret.

DR ALLY: Did you ever discuss this matter with Piet Seifret, Stanza Bopape's matter, the way that Stanza died or anything about Stanza's interrogation?

MR MOSTERT: No I did not discuss Stanza Bopape's case with Piet Seifret.

DR ALLY: Were you ever present when Piet Seifret was interrogating Beki Nkosi?

MR MOSTERT: No I had not been present.

DR ALLY: Because Beki Nkosi in a sworn statement says that on occasion, on the 16th of June 1988 actually, he was being questioned, interrogated by Seifret and he says that you then walked in, you were present, and he refers to you by the name "Mossie" again, he says,

"Mossie asked me what Bopape was doing in Johannesburg".

He said, and this is what Beki Nkosi alleges you said,

"He said it's a pity that you are still alive".

Beki Nkosi is saying that, that's what you said about him. You then said to Seifret,

"He would have seen how his friend died".

That's in a sworn statement.

MR MOSTERT: I deny this in the strongest terms. I had not been present at any time while Mr Nkosi had been questioned.

CHAIRPERSON: Thank you, Andre.

MR STEENKAMP: Who physically arrested Stanza, who took him under arrest, was it yourself or Zeelie?

MR MOSTERT: It's difficult for me to say, I did not arrest him personally myself. But there was a large number of people present. I was only present for assistance in the event that things went wrong or there were difficulties.

MR STEENKAMP: As far as you know there were no problems, Stanza did not resist arrest? You went into the house, you arrested him and that was the end of the matter?

MR MOSTERT: To the best of my knowledge there was no resistance and no fighting.

MR STEENKAMP: But this is not what Mr Zeelie said. Mr Zeelie said, if I remember correctly, that the person resisted arrest. You were present on the scene, why do your versions differ?

MR MOSTERT: This is strange for me. What I am telling you is what I recall from that particular evening. I cannot recall any assaults. There was a large number of people present, it's not a very large flat. If the person was assaulted it might have been while I was still on my way into the flat. I cannot give you an entirely correct answer.

MR STEENKAMP: I find it strange that a person should resist such a vast mass of police. In your view then there had not been any resistance and there had not been any assault of Bopape or Nkosi?

MR MOSTERT: Not as far as I can remember, no.

MR STEENKAMP: Where would Mr Zeelie get this story from that Bopape had resisted?

MR MOSTERT: He would have to explain that to you himself.

MR STEENKAMP: You say that at a certain stage during the arrest of Bopape you were involved in taking his fingerprints, was that the normal charging process?

MR MOSTERT: It was a normal practice that people who were kept in detention that there were a large number of forms to complete and fingerprints had to be taken.

MR STEENKAMP: You would then know why he was arrested. Do you know why he was arrested and what the charges were against him?

MR MOSTERT: Initially I did not know why the person was arrested. We are referring to the 9th of June 1988. I did not at that time know, and it was not important to me, the West Rand wanted to pick up a person or people, I was given instructions to be present for support services and that is what I did.

MR STEENKAMP: Do you know whether Mr Bopape was taken to the Attorney General subsequent to his arrest for investigations or prior to his death?

MR MOSTERT: He was taken to the Attorney General but not by myself. I do know that he was taken. Constable Engelbrecht and one of our Black members took him to the Attorney General on, I

believe, the 10th of June 1988.

MR STEENKAMP: Which Attorney General would this have been, can you recall?

MR MOSTERT: I would believe that it would have been the Attorney General of Johannesburg.

MR STEENKAMP: You refer to Black members, apart from the White security police officers were there Black members involved in the arrest or interrogation?

MR MOSTERT: It is possible that on the evening of the arrest Black members would have been present, but I don't want to take any risk in this regard. What happened during the Attorney General's visit Constable Engelbrecht was accompanied by one of the Black members. There had to be two members present.

MR STEENKAMP: During the interrogation, please tell me if I misunderstand it, you say that Lieutenant Zeelie entered, would he have taken part in the interrogation, asked any questions?

MR MOSTERT: No Lieutenant Zeelie apparently arrived at the offices just for some other reason. We don't know for what reason this would have been. And then myself and Constable Engelbrecht explained to Colonel van Niekerk that this person was not giving us his assistance.

MR STEENKAMP: Was Zeelie present at any time while Bopape was interrogated? Did he ask any questions? Did he help to tie Bopape? What exactly was his contribution?

MR MOSTERT: He did not assist with the asking of questions. If I remember correctly he did assist with the tying down of the person since he had supplied the velcro ties.



MR STEENKAMP: Where was this questioning, in an office?

MR MOSTERT: No it was in a passage immediately in front of Colonel van Niekerk's office.

MR STEENKAMP: Why in the passage?

MR MOSTERT: It was a wide space, it was a Sunday morning and the place was empty.

MR STEENKAMP: Is that the only reason why you used the passage and not the office?

MR MOSTERT: The chair which was suggested for use is a fairly big chair and a heavy one and the space in Colonel van Niekerk's office was small and there was furniture in there, and for some or other reason it was decided to do this in the passage.

MR STEENKAMP: Did Bopape give you any information at any stage, did he tell you anything?

MR MOSTERT: No he did not give me any information.

MR STEENKAMP: Did he not answer any questions? Did he ask for an attorney? Did he say that he would like to see a doctor or his legal representative? Didn't he say anything to you?

MR MOSTERT: No the questions which he answered were about his personal details, who he was, where he lived and who his family was and so forth.

MR STEENKAMP: Did you inform him of his right to a legal representative?

MR MOSTERT: Well at this stage you must recall that he was being held in terms of Section 29 of the Act. He was informed by the person who had taken him into custody in terms of that Act.

MR STEENKAMP: Who was that?

MR MOSTERT: If I can recall correctly it was Colonel du Toit.

MR STEENKAMP: This Article 29 which you refer to who did the application that this person be detained in terms of that Act?

MR MOSTERT: I assume that they were members of the West Rand because between them and Pretoria they would have proceeded with the investigation.

MR STEENKAMP: And did you provide him with food or clothes or any help at any stage, or did you just leave him there?

MR MOSTERT: It was a standing rule that there was a chance for coffee or tea that you offered the person that. And in a manner of speaking you try and win the person over to your side. If a person did not want to cooperate then the idea was that that person had to be punished a bit.

MR STEENKAMP: In other words the state of administering shock was a way of punishing him for not giving his cooperation? I don't understand because you had no information on Bopape, you had no idea why Bopape had to be taken into custody and you decided that when nothing else worked you had to punish him.

MR MOSTERT: You must remember that it was not just my decision. We had already been informed by members of the West Rand who had been dealing with the matter of Boma(?) and Maponya. These people had information and that information was made available to us.

MR STEENKAMP: When I asked you the question earlier on, I think the Chairperson asked the question, why did these people not question Bopape themselves, why did you have to question Bopape?

MR MOSTERT: It was just as strange to me that Bopape and Nkosi were sent over to Johannesburg, but it was a decision by the two commanding officers. That is what I heard at a later stage.

MR STEENKAMP: The last question I'd like to put from my side is, in your amnesty application I see you've got 35 years experience as a police officer where you received a docket where someone had died and it was on the scene or you got somebody that was on the scene to give you a hypothesis, would you accept statements that were exactly the same word-for-word? What would your reaction be in a case like that? If you had to submit your statements to the Attorney General and say look I've got three witnesses whose statements are exactly the same ... (intervention)

MR MOSTERT: Are you referring to my amnesty application?

MR STEENKAMP: Yes. I find it very strange that your amnesty applications are exactly the same and I would like you to explain to me how it was possible that these applications are exactly the same. It seems that these are four statements that have been - the exact same statement which had been signed by four different people.

MR MOSTERT: I provided the details of my application to my legal representative and she made notes of that and thereafter she drew up the statement and gave it to me to read and to sign and I found that corresponded with the one I had made. I then signed it.

MR STEENKAMP: You did not at any stage sit down and discuss with the other applicants how you were going to present your application? Because you have to agree that the fact that these

applications seem to be exactly the same word-for-word could raise suspicion. Or would you like me to believe that this information is exactly as you said it?

MR MOSTERT: The information contained in this application is more-or-less what I said, but before the time we, as a group, had to contact our legal representatives and consult with them.

MR STEENKAMP: So you did discuss what would be said in your amnesty application. I would like to put it to you and then tell you that I believe that the possibility existed that you feared that certain members would receive amnesty and others not and that the Amnesty Committee or whoever else would also become equally suspicious. I believe that is why you decided to submit the same, the exact same application.

MR MOSTERT: I do not believe that it is about getting together with the intention of drafting the same application. I think with all the technology, modern technology available in the drafting of an application, as long as all the facts are contained in the application it could save a lot of time to omit certain sections in recording it on computer or something.

MR STEENKAMP: Mr Mostert perhaps I don't understand your question very well. The same question was put to Mr Zeelie and he denied it. He said that there was no ... (intervention)

MS VAN DER WALT: Perhaps I could assist you. Mr Zeelie said that he did not write this application. He said that he did his application in writing and submitted it to the Attorney General and that information was also given to the legal representative. And I think if you look at the application of Mr Zeelie before

the Attorney General the facts are exactly the same as the one before you here. But he never at any stage said that he submitted this to the Amnesty Committee.

MR STEENKAMP: I would then like to know how was it possible that the information contained in Mr Zeelie's application is exactly the same, word-for-word with what is contained in your application?

MR MOSTERT: It goes on the basis of the same facts. (This was not translated by Interpreter - done by the transcriber)!

MR STEENKAMP: Thank you. Thank you Chairperson.

CHAIRPERSON: Piers.

MR PIGOU: Thank you Madam Chair. You said that the substance of the amnesty application is more-or-less the version that you've provided to your legal team, can you perhaps unpack that a little bit, what's more and what's less or can you not remember?

MR MOSTERT: I cannot add to that and I cannot take anything away from that.

MR PIGOU: I presume, and I'm addressing this to counsel, that the notes, the original thing would be available so we could determine what is more and what is less, is that correct?

ADV PRINSLOO: It's all on computer.

MR PIGOU: Mr Mostert's original notes to you were on computer were they? Was that on the form of a disc, Mr Prinsloo?

ADV PRINSLOO: ....his consultation. As he consulted ... (intervention)

MR PIGOU: Oh so he consulted with you, he didn't provide you

with a list of notes?

ADV PRINSLOO: No he consulted with me.

MR PIGOU: Oh I see, sorry, I was under the impression there were a list of notes.

ADV PRINSLOO: No, because of the time problem I must mention and the number of applications we had, we had to rush to get this in time before it ... (intervention)

MS VAN DER WALT: I am sorry I would just like to rectify this, this is what Mr Mostert said, he came to me, the two of us were alone and he told me what the happenings were, which I did in my own handwriting and I thereafter put it on computer and processed it, and Mr Mostert came in at a later stage and read the facts. So the notes which were made were made by me as is the practice during consultation. The only person who submitted a written form was Mr Zeelie who gave that to the Attorney General.

CHAIRPERSON: I think the point though is that there is an extraordinary similarity between what is set out in all the amnesty applications, and what is stranger is that Mr Zeelie in fact says in his evidence that he made a statement to the Attorney General in his own handwriting, and then of course all these amnesty applications were in fact presented to us. If you read almost every single application the language is similar, the facts are similar and in fact there is very little difference except I think the names of the various applicants. I think that's the kind of point that is trying to be made.

MS VAN DER WALT: Well I think if you were to look at any attorney's statements which they do on draft on behalf of their

clients there's a certain format because the one person could say to you the one on the end, and the other one can say he's sitting in the middle, but any attorney would try and rectify the language without changing the person's facts. But the facts contained therein would be the facts as provided by the client.

CHAIRPERSON: I don't want us to belabour this point, but certainly what one drew attention to in Mr Zeelie's evidence is he claimed that he really didn't know why Stanza was actually picked up, but in his application there is reference to the Thoko matter and to the Maponya matter, but these were facts which he only came to know about much later. He never had personal knowledge, initially. And I think in a sense when the applications prepared are the same one gets that kind of fact into applications where somebody will perhaps not know.

But I would prefer us to pass on please. Piers.

MR PIGOU: Thank you Madam Chair. With regards to the preliminary investigation on the 10th of June you indicated to Mr Ally and to the panel that this was a preliminary investigation to get background details. I am wondering whether you knew whether Mr Bopape had been previously detained on another occasion and the background details about his family and so forth may well have been available in the Security Branch file? And because of that I am wondering why you didn't insist or request further particulars which you could then check for a process of verification during interrogation, because it seems to me to be a very crass form of interrogation that you were engaged in.

MR MOSTERT: If you are referring to the personal details of such a detainee each time such a person would be detained that is how it happened. I found it to be the practice and that is how it was. Each time a person was detained these details would be obtained from that person. That was a lot of paper work to do.

MR PIGOU: Are you able to then explain what the point then of this was?

MR MOSTERT: It is possibly not very easy for me to explain that but some of that information gets fed through to Head Office and all the places and ten to one I assume that such was to do with whether the person was detained before and whether the person gave the correct details before. I really can't say that that was what we had to do.

MR PIGOU: Mr Mostert did you hand the notes of the preliminary interrogations or indeed subsequent interrogations of Mr Bopape to anyone?

MR MOSTERT: I cannot recall what happened with regard to those particulars. It remained at John Vorster Square and I don't know who took care of it.

MR PIGOU: You were never asked to produce those notes in the course of any investigation, either the continuing investigation by the West Rand Unit or indeed the subsequent investigation into the cover-up, sorry into the escape of Stanza Bopape?

MR MOSTERT: No as far as I can recall what was used then, what we used ourselves for the purpose of circulation was his particulars, last address and so forth. But I was never asked



for any other notes.

MR PIGOU: You responded to a version presented to you in an affidavit by Beki Nkosi when it was put to you that you acted in an aggressive manner and you took strong exception to this description, however, you subsequently in the course of interrogation of Bopape went on to use electric shock torture or treatment, however one would like to interpret that. Now why did you participate in these acts of electric shock torture when, (a), it was to quote you, "not your style", and (b), it was illegal, you were breaking the law, why did you participate in something which was illegal?

MR MOSTERT: To make the story very clear to you it was not a written rule but it was expected of one at times to use force since the matter had to be solved and Pretoria wanted answers.

MR PIGOU: So you are saying that the use of torture solved your problems in terms of your immediate needs or whatever of the Security Police?

MR MOSTERT: It didn't solve my problems in this case, it only caused me additional problems and I regret this.

MR PIGOU: I would like you to take us, Mr Mostert, from the point of Mr Bopape's collapse in the chair and to take us through slowly exactly what your role was in the subsequent actions that resulted in you getting to Bronkhorstspuit.

MR MOSTERT: You want me to tell you the entire story from when he collapsed until he was handed over in Bronkhorstspuit, is that correct?

MR PIGOU: Yes please.

MR MOSTERT: After Bopape was removed from the chair and put on the floor there was an attempt to resuscitate him with mouth-to-mouth resuscitation. Nothing helped. ... (intervention)

MR PIGOU: Excuse me, sorry Mr Mostert, I'd like to just interject every now and then, I know that will interfere with your train of thought but there are certain points that you raise - mouth-to-mouth resuscitation, who did that?

MR MOSTERT: As I've just said to you Sergeant du Preez did the mouth-to-mouth resuscitation on Mr Bopape.

MR PIGOU: Was any attempt made to call a medical practitioner to determine whether he had fainted perhaps?

MR MOSTERT: No, not as far as I can recall.

MR PIGOU: Would that not have been your immediate reaction if someone slumps over why would you assume that there was no need for medical attention?

MR MOSTERT: It was already a problem. If you called in medical aid you would have only increased the problem. That was honestly my point of view as the matter occurred.

DR ALLY: Just to go back to that point, you said that you found it odd that somebody should collapse after one or two turns of this machine, but then you immediately assume that the person is dead and there is no need for any kind of medical intervention, were you medical experts all of you then so that you could determine right there on the spot that there was nothing more that could be done for Mr Bopape?

MR MOSTERT: No I am not a medical expert in this sense but for some time du Preez attempted to resuscitate the person through

mouth-to-mouth resuscitation. In my personal opinion, as I've said, it appeared to me that the person was dead.

MR STEENKAMP: Was any heart massage attempted?

MR MOSTERT: I cannot recall....

CHAIRPERSON: Have you ever found yourself in such a situation before?

MR MOSTERT: Not ever before.

CHAIRPERSON: And none of the three of you decided to call a doctor?

MR MOSTERT: No we did not. I think that the circumstances were, and I'm talking from my own perspective, I was shocked. It was a bad thing that happened. The eventual decision should have been the senior persons present.

MR PIGOU: Thank you. After the failure of an attempt to resuscitate Stanza Bopape what were your actions subsequent to that?

MR MOSTERT: I stood around with the group. We were aghast. We discussed the matter to decide what to do next.

MR PIGOU: Who actually took the decision as to what to do next?

MR MOSTERT: I think it was Colonel van Niekerk who made the decision and said that the commanding officer of the Security Branch had to be acknowledged with regard to the matter.

CHAIRPERSON: So if I understand correctly, shock related really to your own involvement in someone's death, so your first reaction is not to try and see if anything can be done about the person but rather that it's further going to exacerbate your own position if a doctor is called, yes or no?

MR MOSTERT: I must admit, yes. I could see that this was a dangerous situation facing us. I am saying this again. I am not trying to lie to you, I am trying to tell you the truth. I believe that for some time all of us were to some extent shocked to see what had really happened. The first person who acted was du Preez, who attempted mouth-to-mouth resuscitation. And that's as far as I can take that part of the story.

CHAIRPERSON: The next thing was what to do with the body, am I right?

MR MOSTERT: Yes, that decision came from the top. That was after Colonel van Niekerk liaised with Brigadier, now General Erasmus. They had consultations and in the meantime we waited for the decision to see what we had to do next. He came back to us and told us to wait. The Brigadier was on his way, he would come in, and he did in fact come in later. Zeelie and Colonel van Niekerk had discussions with him.

From these discussions they returned and Colonel van Niekerk told us that the Brigadier had made contact with Head Office and that our instructions were that the body had to be taken away to Bronkhorstspuit where members of the Security Branch from the East Rand, would be taken away, and they would take care of it from there. And then we would have to arrange the fake escape.

MR STEENKAMP: Was this decided before you went to Bronkhorstspuit, that the escape would be arranged in your office?

MR MOSTERT: As far as I can recall it was decided beforehand, before we left, that the body would be handed over there and we

would then arrange the fake escape, the staged escape.

CHAIRPERSON: How long did all of these discussions take?

MR MOSTERT: It was an extended period of time during which we waited. Colonel van Niekerk first went to see the commanding officer, then for an extended period of time, somewhat less time though, we waited for the commanding officer to return to the offices, or for the commanding officer to come to the offices. We then waited for a very long time again, yes I can say that much time lapsed.

CHAIRPERSON: What do you remember of the precise time that Stanza actually collapsed?

MR MOSTERT: As best as I can recall it would have been in the morning. It had not turned 12 yet. I cannot give you the exact time, however, I'm guessing, but it would have been before the afternoon.

CHAIRPERSON: What time did you actually then begin to carry the body down?

MR MOSTERT: We had to wait until it had turned dark, that would then have been after dusk, after sundown, that was in June during the winter when the sun goes down fairly early, it would have been after dark. We then took the body down to the cellar and then we placed it in Lieutenant Zeelie's vehicle's boot in the basement.

MR STEENKAMP: Can you remember who of you carried that body?

MR MOSTERT: Yes I can remember. I think it was four of us. The blanket in which the body was covered, we carried him in this blanket. He had to be carried for a considerable distance from

the office to the lift and then from the lift to the motor vehicle in the basement.

MR STEENKAMP: What happened to the blanket subsequently?

MR MOSTERT: I can't recall. I think it might have been left in Mr Zeelie's vehicle.

MR STEENKAMP: Are you telling me that the body was handed over without the blanket?

MR MOSTERT: I cannot recall. It happened very quickly. It might be that it was handed over with or without the blanket. I can't recall.

MR STEENKAMP: How heavy was the body?

MR MOSTERT: I don't think it was very heavy. I think that I might have been able to handle it on my own even.

MR STEENKAMP: In what position was the body and was there rigor mortis already?

MR MOSTERT: The body was in a sort of a crouched position. That was pre-arranged after we made all the decisions that the body might have to be removed and then we put it in these black plastic bags, large black garden plastic bags and it was closed and placed on the blanket and then already there had been rigor mortis. That is how we removed him and put him in the vehicle.

MR STEENKAMP: According to the amnesty applications after Stanza died he was covered with a blanket, at what stage did these black plastic bags come into play?

MR MOSTERT: If I recall it would have been during the period of time while we were waiting for it to turn dark. I cannot recall exactly at what time.

MR STEENKAMP: What happened to the blanket after the body was put in the plastic bags?

MR MOSTERT: What actually happened is that the body, the blanket was placed over the person and then when we took the person to the vehicle he was on the blanket, and every one of the four of us each took one of the corners of the blanket and we brought these together and then we carried them.

MR STEENKAMP: Isn't it difficult to carry a body like this in a building, each on one of the corners? You just said that you might have managed to carry the body on your own.

MR MOSTERT: If I had to I might have been able to but it was difficult in the passage. We carried the body in its length as if you picked up the corners you could walk next to each other. It was easier to carry because then you had four people assisting you.

MR STEENKAMP: Can you recall where this blanket came from?

MR MOSTERT: No I cannot remember where this blanket came from.

MR STEENKAMP: Could you recall if it was a police blanket?

MR MOSTERT: No I cannot recall if it was a police blanket.

MR PIGOU: Mr Mostert would you agree with me that during this time, coming up to the 16th of June, 12 years after the '76 riots or uprisings whichever way you want to look at it, you were having an extremely busy time in the Security Branch, there was a lot going on, you were under a great deal of pressure even according to the Commissioner of Police, people were working 48 hours shifts, there was a lot of work going on, would you agree with this?

MR MOSTERT: Yes I would admit that we worked long and uncomfortable hours.

MR PIGOU: Would you also agree that John Vorster Square was perhaps one of the busiest stations in terms of Security Branch activities in the country?

MR MOSTERT: I do not have any details about any other part of the country but I was at the crime investigation unit in Johannesburg, I was based there for a long time and I would admit that it was a very busy station.

MR PIGOU: Although this was a Sunday we have been led to believe that no one else, apart from the people that have been mentioned in amnesty applications were actually present on the 10th Floor, your offices, can you confirm or deny that?

MR MOSTERT: You see the doors, and in referring to the doors I am referring to exclusively the parts that were used by the Security Branch were controlled with some electronic locks and others with electronic and manual keys, and it would hence have been practically impossible for someone on the outside to have gained access into the building apart from somebody inside the building opening up for the person on the outside and here I am referring to someone on the outside that did not know the access codes. Even if someone knew the access codes if someone inside the building had locked the doors the person on the outside wanting to enter would have to raise the alarm by means of a bell or something. Otherwise it would have been virtually impossible for someone to gain access to the building.

MR PIGOU: Would it have been a likely scenario that Security



Branch officers going about their duties on a Sunday and who would have tried to get into their offices or even to come and perhaps interrogate another Section 29 detainee upstairs would have been somewhat upset by the fact that they couldn't get access? I mean I am finding it hard to believe that there was this vacuous space upstairs with no one apart from yourselves working on that particular day at a very busy time. Do you remember or do you recall anyone trying to get onto the 10th Floor? I mean I know what the 10th Floor looks like. I know there are a large number of offices up there. I am just a little bit surprised that at this time of the year no one else was working.

MR MOSTERT: Unfortunately I cannot answer that. It is possible that people came, it is possible that people didn't come but of course there would have been someone that would have had to man the door. I cannot recall who that person would have been and also the keys could have been with Colonel van Niekerk. It is possible, I really cannot elaborate on that.

MR PIGOU: You are a Warrant Officer at the time, did you keep a pocket book during this period?

MR MOSTERT: Yes, yes I kept a pocket book.

MR PIGOU: Was the period under review from the 10th through to the 12th and perhaps your subsequent actions with regards to - or alleged subsequent actions with regards to Beki Nkosi included in your pocket book? How did you fill that space in your pocket book? Who was the officer who signed your pocket book?

MR MOSTERT: Coming to the pocket book it works as follows,

briefly. When you reported for duty in the morning you would report for duty and your immediate commanding officer would sign your book and from there all the notes which you made of whatever took place during the day with each reference number for each case would be noted, and yes, the notes were made in my pocket book, that is correct. Whether or not that pocket book is still available I do not know. I left the force in 1991.

MR PIGOU: Do you remember - well first of all the first part of the question, you wrote in your pocket book as you went along during the day obviously as information arose, is that correct?

MR MOSTERT: Yes, but it is not as broadly as you make it seem. In your pocket book you would merely refer to interrogation with a certain person and the case number, for example John Vorster Square, MR number so and so, and then you would have an investigator's diary which you would have to fill in, the times which you interrogated that person, the interruptions for example, when that person needed to answer the call of nature and so forth, or lunch breaks and coffee breaks and so forth, and the times and the exact times when the person would be taken back to the cells.

MR PIGOU: Were you requested to provide your pocket book to the investigating officer into the alleged escape of Stanza Bopape?

MR MOSTERT: No I never received any such request.

MR PIGOU: Do you not find that a little bit strange?

MR MOSTERT: It may sound strange but I cannot prescribe to another investigating officer what to do and if he did not deem it necessary to ask for my pocket book at the time it was his

opinion.

CHAIRPERSON: Do you still have your pocket book?

MR MOSTERT: It's very difficult to say, as I said I retired in 1991. I know that for the time I was at the Security Branch I got there in 1986 our pocket books as they became full were kept and records were kept of them and whether they still exist I cannot say. The police might be able to answer you but not me.

MR PIGOU: I have a copy of a statement, or a typed statement that you made in connection with the escape docket, MR129/06/88. However, it's not been signed and I'm not saying that you didn't sign it, but can you remember who took your statement?

MR MOSTERT: As far as I can recall I wrote out my own statement and signed it.

MR PIGOU: Do you have any recollection of who oathed the statement?

MR MOSTERT: No I cannot remember who oathed it.

MR PIGOU: Were you ever questioned by Krappies Engelbrecht or any other member of the team that was investigating the allegations made by Johnny Mokoleng into the disappearance of Stanza Bopape?

MR MOSTERT: Yes at some stage I was questioned by General Engelbrecht. Not questioned as such but it was more conversation, we were on our way to Natal and he asked me from approximately Johannesburg to Harrismith and I later said to him that he was bullying me with questions in his rank and that he should leave me alone. I said that I was questioned by Brigadier Engelbrecht to an extent, we were en route to Natal per

car in connection with another matter and he questioned me about this matter of Stanza Bopape and all the way from Johannesburg up until Harrismith he had been asking me questions and I said to him that he was trying to intimidate me with his rank and he should leave me alone ... (intervention)

DR ALLY: What kind of questions did he ask you?

MR MOSTERT: For example he thinks he knows what happened to Stanza Bopape and that I should tell him what happened, and where the body is. More-or-less those are the questions ... (intervention)

DR ALLY: And how did you respond to those questions?

MR MOSTERT: I acted dumb.

DR ALLY: You are saying that General Engelbrecht had no knowledge of at least from you of what actually happened to Stanza Bopape?

MR MOSTERT: He did not receive any answers from me but what he got from other places or what he knew I cannot say. One reads also such strange things in the newspapers since the inception of the Commission.

DR ALLY: From the types of questions that he asked you and the things he said to you did you get a sense that he actually knew what was going on or was he guessing? Was he in the dark or do you think that he actually knew some things and he just wanted you to confirm them, what was your sense?

MR MOSTERT: My personal feeling was that he was guessing more than anything else and I'd leave it at that.

DR ALLY: Why would you not have told him about this? Why would

you have wanted to keep something like this away from him?

MR MOSTERT: It is very difficult to answer that question but I will attempt all the same and try and be honest. To trust - I might as well have trusted everyone at Head Office and told everyone there about what was going on, and then we would have been in trouble from top to bottom. I was not obliged to give him any information. I did not see how he could use it against me. These are things that could be used against one where things like this came to the fore and it was an easy way, you know you're giving that person a weapon to use against you. So the less people knew about it the better.

CHAIRPERSON: Did you not want to tell him because you thought he - was he known for spreading this kind of story around?

MR MOSTERT: I do not know about spreading any stories, but let us put it this way, it was my personal feeling that I did not want to talk to him.

MR PIGOU: Just a couple of questions based on the submission made to the Amnesty Committee. I would just like to know on two issues whether this information is a product of your personal knowledge, direct experience, or whether this was information that was given to you and who it was given to you by?

The first point is with regards to the presentation you have made concerning why Bopape was picked, Maponya, the Thoko case and so forth, where did you receive that information from?

MR MOSTERT: The first time I heard about this information was when Colonel van Niekerk informed me, these were in discussions which he and Major Kleynhans, Johan Kleynhans of the West Rand

had on the 10th of June 1988. Major Kleynhans was the investigating coordinator of the West Rand and he provided Colonel van Niekerk with this information, and furthermore information surfaced on Saturday the 11th during the get-together at Krugersdorp where these talks were held between this group of ours and if I remember correctly Colonel van Niekerk and I, and I don't know if anyone else was present, I think our commanding officer Brigadier Erasmus was also present. I cannot say that for sure though, but what I do know is that we were there and the information as I just explained to you was then conveyed to us and brought to our attention.

MR PIGOU: Thank you and the second item is with regards to the so-called heart condition which some member or members of the people that you were working with had established that Bopape had a heart condition. Did you know that for a fact yourself or was this just something that you heard or were told?

MR MOSTERT: This is just something which I heard subsequently through Colonel van Niekerk. I did not know this beforehand.

MR PIGOU: So as far as you're aware, with regards to the so-called heart condition, there's no documentary facts substantiating the version presented to you by van Niekerk. This is just something he has been told, you have adopted, put it into your amnesty application, is that correct?

MR MOSTERT: Yes as far as I know that is how the matter was told to me, whether there's documentation, you would have to ask him but I have no documentation in this regard.

MR PIGOU: But just lastly, you adopted the version provided to

you and you presented it as your own information in an amnesty application?

MR MOSTERT: I agree.

MR SWART: Mr Mostert can you remember the route taken to Bronkhorstspuit?

MR MOSTERT: I will attempt, I haven't prepared for this.

MR SWART: I want to know, did you take the highway to Pretoria and then to Bronkhorstspuit or did you go through Delmas or how did you go about, just roughly?

MR MOSTERT: Now I want to be honest and say that I really cannot remember, I cannot recall what route we took. I imagine at one stage we were on the Witbank Road but I am just guessing, I don't know those roads well as all.

MR SWART: Can you recall why you stopped at a specific place on the highway when someone from the Eastern Transvaal unit met you? How did you know, was there some beacon or some sign or some way?

MR MOSTERT: Radio contact between the vehicles did exist. I don't know whether the meeting point was pre-arranged where the meeting would occur, but I accept that that would have been the case, otherwise how would we have known where to meet? We did, however, go down a certain highway and at a later point we did meet with Brigadier Visser and another vehicle.

MR SWART: You are saying there were two vehicles from the Eastern Transvaal, did these two vehicles meet you there or did you arrive before them?

MR MOSTERT: If I recall correctly they were there before we

were and from there we moved further, we left the highway and went into a sort of a quiet road, it was a sort of a tarred road or something, I can't remember, but we stopped on the road and the two vehicles of Lt Zeelie and the other accompanying party, which I did not know at that time, the two vehicles were parked with their boots next to each other and the body was transferred.

MR SWART: Who was involved with the transfer of the corpse?

MR MOSTERT: I believe it was Lt Zeelie and the driver of the other vehicle.

MR SWART: Can you recall the environs, was it bushy, was it veld, was it long grass, can you remember at all?

MR MOSTERT: I don't want to try and answer that, I might make a mistake. I think I can imagine that there were trees in the background, large trees in the background but I can't guess what kind of trees or what.

MR SWART: You believed that this was from the Eastern Transvaal that the arrangement had been made?

MR MOSTERT: Yes I believe that they knew the site but I did not. Apparently these were blue gum trees.

MR SWART: A final question Mr Mostert. I would like to know what moved you in your amnesty application, was this not because of pressure on certain persons involved from the investigative teams, what moved you to make this application for amnesty?

MR MOSTERT: That would be a very long story. The persons involved that day at John Vorster Square, and I'm referring particularly to myself, Colonel van Niekerk, Lt Zeelie and Sgt du Preez and Constable Engelbrecht, to some extent we maintained



contact, although du Preez and Lt Zeelie were kept out of the picture at the start, the remaining three of us maintained contact over time. We met quite regularly to discuss the incident, there were investigative teams involved with the matter but to be honest we tried to see what the exact circumstances were and how things were going here at the Commission, and with the passage of time we came to a point where we thought or where we believed that du Preez might have made something known. Then we were already well advanced in our decision to make the whole matter known. So we met, we discussed the entire event, and we decided to open up the matter and to conclude it. One cannot continue with your life while something like this rests on you.

MR SWART: You never wondered what happened to Stanza's body?

MR MOSTERT: Yes I did, but I never received any direct answer with regard with what happened to the body.

MR SWART: But you did make enquiries?

MR MOSTERT: As I moved along among the people that were involved in the matter I asked them whether they had heard anything, what had actually happened to the body, but I never had been able to determine what had happened to the body.

MR SWART: Thank you.

MR KILLIAN: Mr Mostert, you say that you did not trust General Krappies Engelbrecht and that is why you did not give any of this information with regard to the disappearance of Stanza Bopape to him?

MR MOSTERT: Yes. I felt that it was actually not proper with regard to the other people involved to make any sort of statement

like this. It's not that I didn't trust the man, but this was such a sensitive matter that one couldn't really discuss it with other people.

MR KILLIAN: I note in addition that you did not even know the name of the person in whose vehicle the body was placed at that time?

MR MOSTERT: I did not know the person at that time. Subsequently I did determine who this was, we did meet but this is only some days ago.

MR KILLIAN: At that time when the body was transferred, that person was entirely a stranger to you, is that correct?

MR MOSTERT: That is correct.

MR KILLIAN: Brigadier Visser was known to you by name but not in person?

MR MOSTERT: I knew Brigadier Visser well.

MR KILLIAN: He was also stationed at John Vorster earlier on?

MR MOSTERT: Yes and I worked under him in Soweto for some time.

MR KILLIAN: You don't trust Engelbrecht but you put your entire future in the hands of a complete stranger whom you don't know, the person who had to dispose of the body?

MR MOSTERT: I hear and accept what you are saying but the matter was arranged already and we had to take our chances.

MR KILLIAN: After the body had been removed by the Eastern Transvaal Security Branch, did you then determine that van Loggenberg would have been the person who had to dispose of the body?

MR MOSTERT: At a certain point I heard much later, maybe months

subsequent to the event, that there was mention of a "Loggies" and I only met "Loggies" a few days ago.

MR KILLIAN: Had you had any contact with him?

MR MOSTERT: No not at all.

MR KILLIAN: You were not concerned with the manner in which he might have disposed of the body?

MR MOSTERT: Colonel van Niekerk and he know each other and we believed that in this case this is something which did concern me, which worried me a great deal. Colonel van Niekerk assured me that the person was trustworthy.

MR KILLIAN: When formulating your amnesty applications there must certainly have been contact among you?

MR MOSTERT: Not between myself and von Loggenberg, no.

MR KILLIAN: You're suggesting to me that between yourself and van Loggenberg up to date, and from the formulation of your application there had been no contact?

MR MOSTERT: There was contact between us a few days ago during consultation with our legal representatives, and that is when I met the person.

MR KILLIAN: Did you then ask him how he got rid of the body?

MR MOSTERT: No I did not ask him.

MR KILLIAN: It was however a matter of concern for you?

MR MOSTERT: Yes but he would have to come and give answers here himself?

MR KILLIAN: Thank you, no further questions.

MR STEENKAMP: A single question, the family of the deceased, Bopape family and the brother of the deceased, did he ever

approach you or any of the members involved, your commanding officer, to the best of your knowledge to ask what had happened about this person? He had been arrested now he's missing.

MR MOSTERT: No I don't know about any such occurrence. He certainly didn't approach me.

MR STEENKAMP: Thank you.

CHAIRPERSON: Mr Mostert I just have two questions for you. I find it very strange when you gave evidence that although you were not from the West Rand, you and I think Mr Engelbrecht were given the task of interrogating Stanza, why was this since the case didn't really originate with your unit?

MR MOSTERT: Let me answer you in this way. Looking back at the events, I have often wondered about this. We were far busier at John Vorster Square in terms of volume of work than the West Rand. This decision however was made as far as I could determine between the two commanding officers of West Rand and Johannesburg, that these two persons for whatever reason would be interrogated at John Vorster Square and Central in the Johannesburg offices. What their reasons might have been, I don't know and those two persons would have to tell us.

CHAIRPERSON: What was the point of your interrogation if you had no background information about these two people, what were you in fact asking them about?

MR MOSTERT: Again, as I have already explained to you earlier, we obtained background information. Colonel van Niekerk on the 10th and during the discussions on the 11th at Krugersdorp at the Security Branch offices, we were presented with information with

regard to these terrorist groups of which Stanza Bopape was involved, that he had been trained locally and that there had to be questioning in that direction.

CHAIRPERSON: Did you get any answers from him?

MR MOSTERT: None in this specific regard of terrorist activities.

CHAIRPERSON: Did you get any other answers?

MR MOSTERT: No apart from his background, who he was, where grew up, where he schooled and so forth.

CHAIRPERSON: You also mentioned in your evidence that you wanted to - and the words you used are "to punish him a bit", what exactly did you mean by that?

MR MOSTERT: That is the word which we used just now, "to punish a bit", we also said that we wanted to scare him a bit. To an extent one had to use a certain measure of force to try and obtain information from him because you have to recall that this information was of cardinal, it was of vital importance. Bombs were being placed all over the show, people were being attacked, and as you said I was not a seasoned security man at that time. I had only joined them in 1986, but even at that stage I started to become involved in investigations into bomb explosions and what was to be looked for at the scene and so forth. And that is where you realise how important information is to attempt to prevent something like that happening in the future.

CHAIRPERSON: If I also heard you correctly you said your superiors didn't really care about the means that you used as long as you got the information?

MR MOSTERT: I would not say they didn't care which methods we used because that would be a very bad reflection if one were to use the worse possible manners, it doesn't make sense because the person giving you the information would then - might as well be a lost cause. But what I am saying is where force was used you do it as minimally as possible.

CHAIRPERSON: I do not want to interrupt you but from what you are saying there was very little force used but people died with the type of force which you placed on them.

MR MOSTERT: Yes, as a result of the force that we used but it is something which I still cannot understand up to this day, I just cannot accept it as such.

DR ALLY: Just two final questions from my side. Firstly, to your knowledge, the people who have applied for amnesty in connection with the - first of all the death of Stanza Bopape, then the actual cover-up and disposal of the body, are those the only people to your knowledge who are aware of what happened in this case? Or are there any other people who also have knowledge whose names are not on the amnesty application?

MR MOSTERT: You know it is difficult for me to answer it like this because I really do not know how many people really do - I know only of our group ... (intervention)

DR ALLY: To your knowledge, what you know, are these the only people who are actually involved in the killing and the cover-up and the disposal of the body of Stanza Bopape? Or are you aware of other names that are not part of this amnesty application?

MR MOSTERT: No, I do not know of any other names of any other

persons who have or have not applied for amnesty.

DR ALLY: Then the final question, you have admitted that you were involved with four others, five of you, in fabricating a story about what actually happened to Stanza Bopape in claiming that he escaped while in police custody, that story was made up, that you sat down together, you discussed all the details, so you have experience in this kind of thing, why do you want us to believe you now?

Why should we also not believe that this is another fabrication for the Truth Commission, and that the real story of Stanza Bopape is not being told?

MR MOSTERT: I can accept that you could ask me such questions because illegal methods were used but I would like to add that what I have conveyed to you is the truth for which I took the oath and we have moved beyond that time. I am no longer in the South African Police Force. I have no aim or reason to lie for you and I have told you nothing but the truth.

CHAIRPERSON: I will ask you for the last time before you actually leave us if there's anything else that you want to add to what you have given us already, if there's anything in your application that you want to change?

MR MOSTERT: No. I think we have covered most of the finer details about which you have questioned me and I have nothing more to add or to omit.

CHAIRPERSON: I think that I would like to advise you that at this point in time the evidence that you have given to this hearing is confidential in terms of Section 30 and Section 29 of

the Act. It will remain so until the Commission chooses to release it. However, should the Commission decide to do that we will take the opportunity of informing your legal representatives accordingly.

I would also like to impress upon all of our staff persons here that this information that is taken in this room remains confidential. You may not discuss it Mr Mostert with any of the other witnesses who will be appearing and I will caution you to do so.

I would like to inform you that we may at some later stage decide to recall you for questioning. We will choose if and when we want to do that.

Thank you very much for coming. We value your assistance and we hope that you've begun to get this off your chest as well. Thank you.

Thank you Mr Prinsloo and Mrs van der Walt.

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