

TRUTH AND RECONCILIATION COMMISSIONSECTION 29 HEARING

DATE: 01.04.1998

HELD AT: JOHANNESBURG

NAME: MR MBELO

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CHAIRPERSON: This is a section 29 investigative enquiry. It is a enquiry that seeks to gather information in relation to events which I think have been outlined.

I am pleased that Mr Peter Williams has been able, on very short notice, to come and to consult and I am pleased also that Mr Mbelo is before us. It has been brought to my attention, however, that there is a application that Mr Williams on behalf of Mr Mbelo like to make as a preliminary to the proceedings and I therefore would like to hear what the application is about, it is relevant to my competence as a panellist.

MR WILLIAMS: Thank you commissioner Ntsebeza and other members of the panel. Firstly I would like to thank the members of the panel for the invitation as it is called that was extended to Mr Mbelo. In the same spirit in which it was given Mr Mbelo came here to share whatever he has even though the invitation complies with the formalities of a subpoena. He is prepared to respond in the spirit of the invitation *cum subpoena* and provide the information that you require. I wish to place on record that I

am Peter Williams from the company E Moosa White and Petersen acting for Mr Mbelo and the commissioner is correct when he says that we have an application before we commence.

Firstly I would like to state that we do not wish to offend Commissioner Ntsebeza or this is not a personal or assailment on the integrity of the commissioner but it is the request for the commissioner to recuse himself and it is based on the following: in 1993 Commissioner Ntsebeza acted for the families of the victims of this incident in a legal capacity and we have copies of letters that he wrote to *inter alia* on the physicians for human right's which he requests that weapons be submitted to them for forensic analysis. He also wrote to the police in his capacity of the representatives for the families with a similar request or that the weapons be submitted to international experts. Now my client has a reasonable suspicion of bias on the said commissioner and it is basically based on whatever information might be obtained today might be used for the benefit of the families through the commissioner or the law firm to which the commissioner is a member, might benefit from it. He is the director of that law firm, I also believe that he instituted civil actions on behalf of the families. In other words the commissioner was involved at some stage in the investigation of this incident in his capacity as a lawyer. At the end of the day because he is the director of the law firm also indirectly as his personal capacity, so the fear that Mr

Mbelo has is that I just mentioned and consequently the fear is that this investigation might be conducted with an ulterior motive by the said commissioner. The test that one has to apply when one deals with the recusal of officers is whether there is a reasonable suspicion of bias on the part of the applicant and not necessarily whether there is a real apprehension of bias, not whether the bias itself is real objectively speaking but whether the applicant has reasonable grounds for fearing that commissioner or the chairman, or whoever might be biased.

On the basis of what I have said that the commissioner was centrally involved in some stage prior to the TRC involvement in this matter, one can say that the applicant has a reasonable suspicion of bias and it is possible that the information that the commissioner will obtain today can be used in the future also. If for example after the entire TRC process it's decided that certain people will be charged and the commissioner's law firm will be briefed with a watching brief or whatever, again he can be benefited in that way. Today the purpose of us gathering together here is to investigate certain things. Now if the investigatory process is tainted by bias whether it is real or perceived then subsequent action obtained as a result of this investigatory process can either be nullified or vitiated, and it's clear that the investigations that are currently conducted can be used as a bases for further action in the future. So to safeguard the

integrity of the TRC and this process, we would appeal to the commissioner to recuse himself today and that is the request.

CHAIRPERSON: Mr Khoisan do you have anything on your side?

MR KHOISAN: On our side and with due respect to the esteemed legal council of Mr Mbelo we would like to place on record that from our experience with the chairperson in the person of the Commissioner Ntsebeza, is that he is one who has demonstrated like a track record as head of the investigative unit and as one who has chaired several of this Section 29 enquiries of the investigative unit, he's demonstrated, 1, fairness, 2, it is our position that invariably has acted in a manner which has shown that process and the integrity of the process has been intact. Thus far no action has been instituted against the investigative unit relevant to the role of Commissioner Ntsebeza in any of the proceedings.

The fact is and we have maintained that you Commissioner Ntsebeza, currently chair of this panel have a track record for fairness and also demonstrated in our view the fact that you are not biased and number two is our view is that you acted at that time in your capacity as a legal officer and exercised your duties as a attorney in respect of clients. Over and above that today you sitting in a position to which you were not brought yourself.

You were appointed by the President because of certain traits that you exhibit, because there must have been reasonable understanding and perception on the part of the President of this country and people who have selected you that you have a capacity to sit in judgment or sit in this senior position in this august body of the Truth Commission to act out your duties and execute the mandate of this body and particularly the unit of which you are the head with dispatch.

So our view that notwithstanding the argument brought by counsel that at least you will take in whatever decision you will make that you will take those comments on review and it is our hope that you will remain Chair of this panel. If a different situation obtains, of course we will have to deal with it, we have a duty to conduct this section 29 enquiry and to obtain the information that your client, Mr Williams has indicated he is willing to impart to us and we are very interested in getting that information from him and sharing with him during this session.

CHAIRPERSON: What do you say to Mr Williams's mission that the test is not really whether there is real bias or even potential bias, it is sufficient if there is a perception in the mind of the applicant that there is a suspicion that the person who is going to be sitting might be biased?

MR KHOISAN: In terms of what the perceptions are I can not speak for Mr Mbelo and his perceptions, I can merely speak for

what our experience has been. The issue is that you are here in your capacity of the chair, you are here to be impartial to adjudicate an issue that has been brought before the Commission. You as an attorney during the period under review by the TRC defended many victims and families of victims and you yourself have a long track record and it's known in the public arena of being an attorney that handled many political matters, the issue of the Transkei Raid is just one of them. We are dealing with a very unfair situation then we will have to deal with everything over your whole career because your career essentially is one of being an attorney, a legal officer who has handled that particular profession in the political terrain. There are very few attorneys that I know who have been part of that terrain that can claim not to have interacted with the subject matter of the Truth and Reconciliation Commission over a period of time.

I think it goes to the fact that you yourself as a person and as a judge in this capacity and as the chair in these proceedings have demonstrated that you clearly are unbiased. Now the perception out there may exist but that perception must be measured against - number one, the issue of your functioning as an attorney and number two, your role in this Commission and the subject matter of the Commission is essentially adjudicating a period of great turmoil in our country, of which most people in this part of the world were involved. The only people who can

really claim immunity to that particular process and that theatre are people who for one or other reason were either absent from the country or choose to remove themselves from that theatre.

So I think you should give serious consideration to the fact that it is our view that Mr Williams make a argument, but the argument in my view is not as strong as it needs to be for that drastic step to be taken for you to recuse yourself from the position of chair of this panel.

MR WILLIAMS: Mr Chairman.

CHAIRPERSON: Mr Williams, yes.

MR WILLIAMS: Mr Khoisan with all due respect to yourself, I think you are missing the point. One of the precepts of natural justice is that justice must not only be done but it must also be seen to be done. What I stated earlier it was unequivocally stated in the case of BTR Industries and Another 1992 (3) SA 673 (A) decision where the test that I just postulated was phrased - that is that there must be a reasonable suspicion of bias on the applicant; that is the test.

And that test is also accepted in later cases, *Mock v Net Travel (Pty) Limited trading as American Express Travel Service* 1996 (3) SA 1, that is also an Appellate Division case, that is the test.

Now we are not disputing that the Commissioner did good work in other matters, we are not placing that in issue, we are

saying in this subject matter the Commissioner was directly involved in an investigatory process outside of the TRC and we are saying as a result of that, that disqualifies him from being involved in this hearing today, that is the point we are making.

CHAIRPERSON: Thank you Mr Williams and Mr Khoisan. Can I just have a five minute adjournment. I'd like to consider my position.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: Mr Khoisan wants to put something forward before I make my ruling. It is an indulgence Mr Khoisan. MR

KHOISAN: Thank you for your indulgence and I would just ask that the counsel of Mr Mbelo just bear with me Mr Chairman. In terms of the issue that has been put forward on the table by Mr Williams acting for Mr Mbelo I would be remiss if I did not put the following issues into the record itself.

I would like to say at the time that the Commission was actually constituted, that the Commission was put together - this goes to the issue of not impartiality but what I believe goes to the very heart of the matter. The perception out there in the public that something can not only be impartial but can perceived to be impartial, that goes directly to the person and that is the person of the chairperson of these proceedings. We should say the time that the Commission was constituted and that is based on the Act,



I would like to draw Counsel's attention to, section 7.2b of the Act which states -

"Commissioners shall be fit and proper persons who are impartial and who do not have high political profile".

And I would also like to draw Counsel's attention to the fact that as head of investigation unit Commissioner Ntsebeza, irrespective of his past role in his profession as an attorney, would have to be involved in one way or another in the process of making findings on the side of the Human Right's Violations Commission. And also in respect of the Human Rights Violations Committee and if one understands the role and function of the investigative unit that would be self evident. I would like to draw Counsel's attention to Section 4(b) of the Act which would be -

"To Facilitate and initiate or co-ordinate the gathering of information and the receiving of evidence from any persons, including persons claiming to be victims of such violations or representatives of such victims which establish the identity of victims of such violations, their fate, and present whereabouts; and the nature and extent of the harm suffered by victims".

I would be remiss if I did not put these particular issues here today, I am particularly concerned about the fact that Section 7(2)(b) "fit and proper persons who can act impartially" and I think that at the time you were appointed as a commissioner you certainly had to go through a certain test in terms of what it meant to be a fit and proper person who is capable of acting impartially.

So I would ask that you also take these into consideration Mr Chairman and Counsel also take that into consideration as you move to consider your position in respect of the request.

CHAIRPERSON: Since this is a your matter Mr Williams would you like to say something?

MR. WILLIAMS: Thank you Commissioner Ntsebeza. Mr Khoisan I again have to say that I can not see the point you are making now. I again with respect have to say that you are missing the point. When judges of the Constitutional Court or of the High Court or of the Appellate Division are appointed they obviously have to be fit and proper persons. But in appropriate circumstances they must recuse themselves when there are reasonable suspicions of bias, and if you go through the law reports there are many instances - I can quote you a few if you want, where judges had to recuse themselves because of that perception of bias. So the test is not when they were appointed

were they fit and proper persons, that is not the test with all due respect.

By analogy I just want to say the following, say for example Archbishop Tutu, whom we all know is a man of integrity, he is a fit and proper person, I mean he is regarded internationally, he is a Nobel Peace laureate, but if the issues of the foetuses that were planted at his home, if that issue came before the Truth Commission, we would all in our sane mind agree without doubt he would have to recuse himself from that hearing because of clearly the perception of bias.

The issue is not whether he is competent, whether he is fit and proper, that is not the test with all due respect. The question is, is there a real perception of bias? Is there scientific or an objective basis for concluding that in the mind of the applicant, he might see the person as biased? That is the test.

And if I may just add something; I have omitted to state earlier I have heard of a letter that the commissioner has written to General Meiring dealing with the issue of the Umtata Raid where the letter somehow became personalized, he said I could have been the person of target myself. So just to respond to what you are saying Mr Khoisan what you have just raised and the sections that you have just raised that is not relevant to the enquiry with respect.

**RULING**

**CHAIRPERSON:** Thank you Mr Williams. This is an application for the recusal of the chairperson of this investigative enquiry, an enquiry held in terms of Section 29 of the promotion of National Unity and Reconciliation Act 34 of 1995. The application is brought by Mr Mbelo through his attorney Mr Williams; the issue that has to be determined is whether the applicant has a reasonable suspicion of bias, that the panel in particular, whether the chairperson will be impartial in dealing with the issues that have to be determined in this enquiry.

First of all I must set out that the cases that have been sent here to me are germane, in particular BTR Industries South Africa (Pty) Ltd and Others versus Metal and Allied Workers Union and Another 1992 (3) SA 673 (AD). It is true that, that case very well makes the case the test we adopted in recusal applications is whether there exists a reasonable suspicion of bias on the part of the decision maker and apprehension of a real likelihood that the decision maker will be biased is not a requirement, it is not a prerequisite for disqualifying bias. The very object which the reasonable suspicion tests are calculated to achieve would be frustrated by grafting on to it the further requirement that the probability of bias must be foreseen. This was held to be so in the case of Dumbo and Others versus Commissioner of Prisons and Others 1992 (1) SA 58 (EC) see also the case Thetque Verses

Commissioner of Correctional Services and Another, Jansen versus Commissioner of Correctional Services and Another 1992 (2) SA 2696 (EC). I can not fault the reasoning of these cases. What I have to stress however is that the requirement is that the suspicion must be reasonable.

I must determine for example in this particular case whether on what has been said, the applicant has reason to believe I will not handle his matter impartially. The notion of the reasonable man cannot vary according to individual idiosyncrasies or the superstitions or intelligence for particular litigates. I still cannot determine the reasonableness of the applicant in this person in this particular matter, his suspicions of bias in a vacuum. I have to look at the circumstances of the applicant who raises this objection and I must determine wether a person in his circumstances has reason to believe that I will be partial in dealing with this matter.

So that is the first point. I think the issue here has been missed because there is nothing in what has been said in my respectful view which persuades me that his suspicion is either reasonable or well founded. The point is that this not a hearing, it is not even a trial, it is an investigation. Section 28 empowers the Commission to establish an investigative unit which shall consist of such persons including one or more commissioners as may be determined by the Commission. The Commission in Sub

Section 3 is enjoined to appoint a commissioner as the head of the investigative unit. That is the position that is held by myself.


Section 29 of the same Act makes reference to a hearing or an investigation, commission made purposes of the or in connection of the conduct of an investigation or the whole link of a hearing as the case may be. At any time before the commencement or in the course of such an investigation or a hearing conducting an inspection etc, etc. So it seems to me very clear that the Act makes it a distinction that either investigation or a hearing can be held in terms of Section 29, this is not a hearing, it is an investigation, it is an investigatory inquiry. It should be probing in it's nature, it is intended to be probing. It's intended to be interrogatory and therefore the question whether or not the person who has been investigating the matter before his tendered does not come into the picture. Where the question of the presiding person or the person which as a commission as myself or any of the panelists will be required to demonstrate whether or not he is not such as to be held by an applicant with a reasonable suspicion of bias, who there will be instances where there is a finding that is going to be made on the bases of such information as has been gathered, this does not purport to be a hearing that will make a finding; it is an information gathering exercise. If a finding is going to be made that would then be the time when the matter will still be placed before the applicant by

way of the reference being sent to him, where he will be sent a copy of the transcript. Where he will be told that on the bases of the information gathered there may well be an adverse finding that will be made against him. That is not contemplate. In any case in those circumstances an opportunity will be extended to him for purposes of him making representations and or rising from such issues as he has raised in this particular meeting.

So I do not consider therefore that the cases that had been quoted are germane because the bases are not the same.

Even if I am wrong here, I would like to take the view that the test in fact is not the one that is to be applied. The test that was applied in the PTR case is not the one that should be applied here. I think that case is distinguishable because the test in my view that ought to be applied in a case like this is the test that was applied in the case of Monnig and Others vs Council of Review and Others 1989 (4) SA 866, it was a case of the Cape Provincial Division. It is a case in which Conradie J takes the development of the law for recusal and went through the authorities, he cleared up the confusion which developed, as he put it, where the court seemed to have run two tests for bias into one, one into the other. He held in that case that the real likelihood of biased test retains its utility where a Court is called upon to consider the impartiality of tribunals in the nature of administrative bodies which are known and expected by the

reasonable layman in institutional or departmental bias. In these cases he held the Court will not interfere with the exercise of administrative and even quasi judicial functions unless there appears that there is or is feared to be a real likelihood, that is a probability of actual bias on the part of the decision maker or judicator.

I hold a view that in all the circumstances in this case the investigative unit can rightly be called an institute, an institution which can be constituted to have a institutional or departmental bias. I hold the view that the investigative unit or this sub committee is not unlike the school governors which are referred to in Des...(indistinct)  Judicial Revue of Administrative Action where it states that school governments may have discretionary powers to dismiss teachers. In exercising these powers they cannot be reasonably be required to rid themselves from all personal prejudice and preconceived opinions. They must always genuinely apply themselves to the merits of the individual cases before them and act in good faith.

The force of the hostility towards the person concerned may preclude them from discharging these obligations. Now nowhere has it been alleged in this particular application that the applicant has any fear that I am hostile towards him.

Also the point that has been made by Mr Khoisan was a point that was taken into account in this morning's case. In the



morning case Conradie J held that reasonable litigants are less likely to regard judicially trained officers as inclined to succumb to outside pressure or to be influenced by anything other than the evidence given before them. I am a judicially trained officer, I am therefore of the view that was upheld by Conradie J in the case that I have quoted, less likely to regard to succumb to pressure or to be influenced by anything other than the evidence that will be given before me in the process of the gathering of information exercise.

In all the circumstances therefore in this case I fail to be persuaded on any test whether the BTR test or the ... (inaudible) test that the applicant in this particular matter is entitled to hold that he has a reasonable suspicion of bias.

I therefore rule that the application for recusal should fail.

Having said all of that I take a broader view of the issue, I take the view that the Commission up to this stage has been a commission that has lived and survived on public perception. It has lived and survived on a perception that it is transparent that it seeks not to be tainted by any suspicion that these operations are underhand. I therefore, in spite of the fact that I am not persuaded by anything that has been said on behalf of the applicant, and having considered all the authorities that have been raised before me I have not been persuaded to recuse myself.

I, however, take the view that in the broader interest of the Commission and in the broader interest of this particular enquiry, any suggestion that it may be tainted by my presence should be expelled and I therefore voluntarily, not because of any legal persuasion be led to recuse myself on the basis that the matter must proceed, but it must proceed before others, other than myself.

Mr Khoisan I suppose you will then need some opportunity to rearrange your panel?

MR KHOISAN: That is right Mr Chairman we do require a short adjournment, I do not know what the position of Mr Williams and Mr Mbelo are in this respect but it is our view that we want to conduct this enquiry and to proceed and, reluctantly accede as we should, to your own decision and we now have to make the necessary logistical arrangements to reorganise the panel in respect of this particular Section 29 enquiry.

CHAIRPERSON: In this event then we shall adjourn for such a period we need to rearrange your position. Mr Williams do you object?

MR WILLIAMS: I have no objection to that.

COMMITTEE ADJOURNS

ON RESUMPTION

MS WILDSCHUT: Just to inform you Mr Williams that some of the panellists will be coming in and out during the day, so just expect a little bit of movement as we go along. We reconvene this Section 29 Inquiry and just to remind ourselves that the proceedings for today, this is not a court of law but we will observe the decorum that is observed in a court of law, this Section 29 is an inquiry, it is meant to be an interrogatory, an inquiry so we will be probing. The names on the counter here will tell you who is addressing you at any one time. Mr Mbelo you need to take the oath. Would you like to take the oath or an affirmation?

MR MBELO: I will take an oath.

MR MBELO: (sworn states)

(MS Glenda Wildschut is at this stage the chairperson)

CHAIRPERSON: Mr Khoisan.

MR KHOISAN: Thank you madam chair. Mr Mbelo, good morning.

MR MBELO: Good morning.

MR KHOISAN: I am sorry that we had a couple of delays nevertheless since we got over this mornings' hurdles Glenda Wildschut has graciously agreed to chair this process. We therefore would like to proceed with the subject matter of the hearing today.

Now just to put on the record today Mr Mbelo, you have been called here, you have actually been invited under Section 29 of ACT 34 of 1995 to appear before this body, at this is in camera hearing to answer questions relevant to the raid which occurred in Transkei on or about the 8th of October 1993 at Number 47 AC Jordan Street, North Crest, Umtata where certain members in the South African Defence Force allegedly shot and killed Samoro Mpendulo, Sedat Mpendulo, Mzwandile Mhlea, Sandise Yose, Mtando Ntamo and you have also been called to answer questions relevant to the South African Police involvement in the raid, you have been called to answer questions relevant to information allegedly revealed to members of the police by Azanian People's Liberation Army detainees and you have also been called to answer questions relevant to whether there were coordinating conferences or liaison in respect of the SADF and the SAP.

Now in terms of this enquiry Mr Mbelo it is our view, and we want to solicit your cooperation in respect of matters leading up to the raid, maybe just maybe as a way of introduction so we can begin in a way of opening up. You are known to the TRC process, you have appeared here in other matters and it is our view that you have been helpful to us before, and we valued your assistance, your cooperation and at time your indulgence.

But to begin, at the time in and about 1993 is it true that you were a member of the South African Police?

MR MBELO: That is true.

MR KHOISAN: At that time Mr Mbelo is it true that you came from a section within the police known as C Section?

MR MBELO: That is correct sir.

MR KHOISAN: At the time Mr Mbelo, where were you based after you left C Section?

MR MBELO: From C Section I went to Bloemfontein at the Security Branch.

MR MBELO: In terms of your work at Bloemfontein Security Branch, just to establish your rank at that time, were you still a constable or were you promoted at that time?

MR MBELO: I was a sergeant.

MR KHOISAN: Is that your current rank?

MR MBELO: That is correct.

MR KHOISAN: Now Sergeant Mbelo when you moved to the security branch in Bloemfontein in 1993, who was your commanding officer?

MR MBELO: I was working under Major Landman.

MR KHOISAN: Is this Major Charles Landman?

MR MBELO: No, sir.

MR KHOISAN: So it was a different Mr Landman.

MR MBELO: Yes, it was a different Mr Landman.

MR KHOISAN: In terms of your work with Major Landman would I be correct to assume it was an extension of your work as a member of the security police earlier which will mean that you were located in doing political work?

MR MBELO: That is correct sir.

MR KHOISAN: Would I be correct to assume that there were certain matters which involved Azanian People's Liberation Army or that there was a desk which involved APLA or the PAC to which you were assigned?

MR MBELO: Correct sir.

MR KHOISAN: Who worked with you in these matters at that desk?

MR MBELO: When I arrived from Pretoria I found that in that desk were Major Landman, Major Nicholson Sergeant Gophi is a black person, Sergeant Motjala and Sergeant Motsamai. Those were the persons I found when I moved from Pretoria to Bloemfontein.

MR KHOISAN: In terms of the APLA or PAC desk at the security police, can you give us a sense of what where the five or the three or seven or two or six major issues that you worked on, that you can remember. Just from you memory that you can recall?

MR MBELO: In that year or at that time I remember well many freedom fighters MK assisted to use the armed struggle to

overthrow the government, at that time the freedom fighters who engaged in the struggle were APLA members, APLA was attacking Free State mainly at the Free State border at Lesotho. They were attacking mostly farmers.

MR KHOISAN: Mr Mbelo, just as a point of clarification can you give us the initials of Maj Landman, we just want to know if you have a first name for him.

MR MBELO: It's Dolph Landman.

MR KHOISAN: So maybe I will be correct to assume it's Adolph Landman.

MR MBELO: That will be correct sir.

MR KHOISAN: Alright now, in which capacity did you work with a certain, I believe it's a Warrant Officer Erasmus or - hold on just indulge me for a minute, let me just get this. In what capacity did you know an officer by the name of Stephanus Johannes Hugo.

MR MBELO: I know Stephan Hugo as a major in the security branch in Welkom during the investigations of APLA. We used to meet and discuss and share information from various branches.

MR KHOISAN: And in these meetings would it be correct to assume that there was an liaison or a transfer of information in the respect of the activities of the Pan Africanist Congress or its military wing the Azanian Peoples' Liberation Army?

MR MBELO: That is correct sir.

MR KHOISAN: How would you characterise the position of the Welkom or Bloemfontein Security Police in respect of its perceived problem with the Azanian Peoples Liberation Army. What was the orientation, how would you characterise the way they went about trying to solve or resolve the problems that they perceived to have with the structure.

MR MBELO: They used to try say, for example, if a source from Welkom organise to give information they go to Bloemfontein branch as to whether did they have the information from the source, in other words they will verify as to whether the information they have does it tally with the information from the source in Welkom.

MR KHOISAN: In the respect of in the course of your work earlier with C Section I would assume that some of that **modus operandi** would have come over and would have been found at the various security branches of which Bloemfontein in my assumption and said assumption would be no different and that is that the security branch in attempting to solve or resolve problems with perceived antagonists of the state would go about recruiting sources. Would that be true in Bloemfontein and Welkom?

MR MBELO: That is correct sir.

MR KHOISAN: And was it true that there were sources who were recruited at the time, who in effect were being used by the



security branch to provide information relevant to the Azanian Peoples Liberation Army and the Pan Africanist Congress and it's activities.

MR MBELO: That is correct sir.

MR KHOISAN: In run up into the subject matter that we're dealing with here, how important would you consider the issue of sources to be in terms of the resolution of these problems?

MR MBELO: Sources were very important even now during the police work, if you don't have a source you won't be successful in your police work. They didn't have a good source in regard to APLA before the Umtata incident. Many students were detained from Ficksburg. The reason was that they did not have a very good source of information. The detention of other APLA members that became an important factor to know about the activities of APLA.

MR KHOISAN: And did you personally Mr Mbelo, Sergeant Mbelo did you at anytime develop any kind source network in respect of your work to try solve or resolve the perceived problems the security branch was having in respect the Azanian Peoples Liberation Army and the PAC?

MR MBELO: No, sir I did not have a source because I was new in that area in the Free State. If you have a source you must first identify that source, before you can recruit them to be your source.

MR KHOISAN: Now even though you were new at Bloemfontein it was not your first time of working in the Free State. During your work in C Section you travel around the country, is that true?

MR MBELO: When I was in C Section I was going various places but unfortunately I was not in the Free State because I was born there and if you are born in a particular area you could not work there.

MR KHOISAN: Okay that will of course be a necessary deduction, but when you came there to Bloemfontein and you worked with the people at the security branch there. Who in your view would be the major handler in the respect of APLA and the PAC, at the time you got there in 1993?

MR MBELO: Do you mean a person who was senior? Or do you mean within the full soldiers of the police?

MR KHOISAN: Let me put it this way, let's start at the top because you know the system very well. You have somebody who recruits a source and then you have someone who handles it and then you process it. But then you have people handling one or informal sources and then you have people handling regular registered sources, you know the system. You have people who handle one or more sources, and then you have people whose production is very high in the security and handle source networks. Who in your view at Bloemfontein in 1993 when you

got there and when you started working at the PAC desk do you consider the one who would have been key to either handling or controlling the APLA source network or PAC source network?

MR MBELO: When I arrived there, there was no one whom I could put in that position because we were struggling, we were going up and down and the information we received that if we can move from this place to that place and found the source, it was difficult.

MR KHOISAN: Okay but you told us earlier Mr Mbelo that the person of Stephanus Johannes Hugo and others from Welkom from time to time the Bloemfontein, Welkom corridor of what I would perceive the security branch PAC desks, would liaise and communicate and the subject of the communication would be the information. Because I was once told by a senior man in the security police that they did not work on people, they work on information and files, so maybe in that corridor who would you say was the main person who was on the APLA/PAC problem. Let me give you a sense of what I am trying to find before we go to the documentation that we want to go to. I am trying to set a scenario which will be able to give us a sense of the chain of information. I am well aware that you were a sergeant at that time and so you would necessary be out of the loop of certain information, but I am also aware of the fact that you were well trained and at that time you were a fine hone, your skills were

fine honed in terms of the work of the security branch so I am trying to find out who in that corridor at that time in 1993 would you identify as the key person who would be responsible for dealing with the APLA or PAC questions?

MR MBELO: I would say at that time the person who I could say was the coordinator of the information was Captain Piet Harbron. He was the information coordinator in regard to the PAC and APLA activities.

MR KHOISAN: Where was he based Sergeant Mbelo?

MR MBELO: Harbron is a captain from Bloemfontein.

MR KHOISAN: So he would handle the Bloemfontein corridor dealing with probably Lesotho and surrounds and stuff like that?

MR MBELO: He was the information co-ordinating officer of the APLA desk.

MR KHOISAN: I know that we are here today to deal with the Raid but we understand Sergeant Mbelo that you at that time in September 1993 began to work on certain problems and would I be correct to assume that right around until July 1993 the situation had turned around and you were able to make significant in roads to trying to resolve the APLA/PAC question?

MR MBELO: I would say that I made a break through in the APLA/PAC activities. I would say that is when the information started to flow which tried to help that people who attacked

various places who were responsible were people from APLA, after the detention of some cadres from APLA.

MR KHOISAN: Now just on the question of detention, I want to draw your attention to a document marked A 56, it comes from a document that your counsel had been handling and you had been handling, Umtata MR 178-10-1993 it is A 56(1), and it is the statement of Selemela Ngezi, do you have that in front of you Mr Mbelo?

MR MBELO: That is correct I have the statement in front of me.

MR KHOISAN: Now in respect of this particular person Selemela Ngezi, do you know the person that is being referred to here, Have you ever had any in your view, an occasion when you had to interact or deal with this person? In your view.

MR MBELO: That is correct I know this person.

MR KHOISAN: In what context do you know the person of Selemela Ngezi?

MR MBELO: I knew him whilst he was a detainee under Section 29.

MR KHOISAN: He was a detainee under Section 29 of the emergency laws of the previous dispensation, is that correct?

MR MBELO: That is correct Sir. Not from this Section 29 of this Commission.

MR KHOISAN: That was Section 29 of the Internal Security Act. Did you meet him before or after he was at Grootvlei prison,

did you know his name before this man was arrested or was his name given to you on a list of possible problematic APLA or PAC people that needed to be brought in?

MR MBELO: No, I didn't know him before he was detained, I knew he afterward he was detained.

MR KHOISAN: He states in paragraph five of his statement on page 1 of Umtata A 56 MR 178-10-1993 he states quote " On the fourth of October 1993 I was taken down to Port Elizabeth by a Major Hugo and Sergeant Mbelo from the Bloemfontein Security Branch" is that correct?

MR MBELO: It is correct Sir.

MR KHOISAN: He was detained at Grootvlei prison at Grootvlei Prison but that I would assume that he would have been in the hands of the security police and he says that he was arrested between Elliot and Tshala and Point 2 and, just to read it on the record -

"On the 15th of September 1993 I was arrested between Elliot and Tshala in the previous Transkei area by the South African Defence Force. I had three hand grenades and they confiscated it. The South African police was called to the scene and as they arrived there, they took me into Elliot police station where I was handed over to the detectives."

and then in point four he says that -

"On the 26th of September I was brought to Bloemfontein by Warrant Officer Erasmus and Sergeant Sebeza and another white man unknown to me. I was kept at Bainsvlei police station".

Now relevant to point four of this particular statement Mr Mbelo, when this particular person was brought to Bloemfontein, did you meet him in September?

MR MBELO: I met Ngezi at Bloemfontein police station, that is the same month, that is September.

MR KHOISAN: When you met him in Bloemfontein police station what was his condition or dispensation and what was the nature of your interaction with Mr Selemela Ngezi Mr Mbelo?

MR MBELO: I was called to help to translate because Ngezi was speaking Xhosa and others just brought him there to the tent. That is the time when I started to know Mr Ngezi.

MR KHOISAN: When he was in Bloemfontein in September of 1993, you say you were called in to translate and when we're talking about translating I assume that you were discussing this in the context of an interrogation of Mr Ngezi which may have ensued at that time, is that correct?

MR MBELO: That is correct Sir.

MR KHOISAN: When Mr Selemela Ngezi was being interrogated, he was being interrogated in Bloemfontein police first of all is that correct?

MR MBELO: Yes, Mr Ngezi was taken in the morning where he was detained, from the cells then he will be taken to security branch offices, that is where he was interrogated.

MR KHOISAN: When he was taken to security branch office - first of all what was his physical condition when you first met him? We are trying to establish whether he had been - okay what was his physical condition when you first met him?

MR MBELO: I would say that he was under normal conditions because we took him from our offices to the district surgeon.

MR KHOISAN: To the district surgeon to determine what?

MR MBELO: It was the policy of the security branch that when a detainee arrives, he is taken to the district surgeon.

MR KHOISAN: To be certified well and fit before interrogation, is that true?

MR MBELO: That is correct Sir.

MR KHOISAN: Was there any other occasion when you took him to the district surgeon during or after the interrogatory process?

MR MBELO: I do not remember well it may have been that I did because during that time it was not only Ngezi who belonged to APLA and who was detained, we had three detainees who we were dealing with. Some of them were sick with normal sickness.

MR KHOISAN: Mr Mbelo, when you took this man to security police headquarters, when he was taken from Bloemfontein police



to the office of the security police, who were the people who were involved with his interrogation?

MR MBELO: When Ngezi was detained in Grootvlei other members from various branches in the Free State, we would speak about Bethlehem 60 Branch, which was interested in what he'd say, Ficksburg Security Branch were interested, Aliwal North was interested and Welkom was interested. So those were the people who would arrive then they would interrogate Ngezi further.

MR KHOISAN: I am trying to establish, we can deal with Aliwal North, Ficksburg etc. Let's be in Bloemfontein first because that is your home base as it were. Who were the people who were directly involved in the interrogation of him when he first arrived?

MR MBELO: The people who responsible for the interrogation were Rudolph and Landman, were the people who were responsible for interrogating Ngezi.

MR KHOISAN: Who is that, is it Major Rudolph?

MR MBELO: Major Landman.

MR KHOISAN: What was the rank of Mr Rudolph?

MR MBELO: I did not talk about Rudolph.

MR KHOISAN: So it is Maj Adolph Landman who was the person who was primarily involved with the interrogation.

MR MBELO: That is correct.

MR KHOISAN: And you were in the room translating.

MR MBELO: That is correct.

MR KHOISAN: Did you have occasion to also pose questions of your own towards the detainee?

MR MBELO: I did not have anything to ask from my side because all aspects that he was interrogated about was based on the information he had already. They wanted to verify as to whether he agreed with the information they had.

MR KHOISAN: And in terms of the information that he was being interrogated about, I know it is a few years down the line but can you reconstruct the main issues they wanted to get from the man. What was the main subject matter of the discussion between yourself and the detainee?

MR MBELO: He was interrogated about many issues, which APLA was responsible for at that time. He was interrogated about names of people or people who participated in various activities. He was asked generally about his commanders where he was military trained, with whom he was and as to whether those people are wanted, where go they be found. He was interrogated about people who were in Lesotho or members of APLA who were in Lesotho and these are the issues he was interrogated about.

MR KHOISAN: Did you or Major Landman at that time have occasion to encourage the witness physically?

MR MBELO: No, sir we did not have that opportunity.

MR KHOISAN: How would you respond Mr Mbelo, and I am putting it to you directly there is a view that this witness was beaten to obtain the information to verify information in the hands of the security police.

MR WILLIAMS: Lady chairperson can I just ask the panellist to be more specific, is the view that he was beaten by Mr Mbelo or by other people?

MS WILDSCHUT: I think this will come through as Mr Khoisan asks the questions more directly, I have just asked him to ask the questions directly.

MR KHOISAN: I just want to get your view, did you personally Mr Mbelo, at any time while he was in detention in Bloemfontein, beat the detainee or assault the detainee in order to encourage him to either verify or put information on the table, or did you personally witness any body beating him, like Major Landman at any time, beating the detainee to get him to verify information or provide information to the security police?

MR MBELO: No, Sir I did not assault or beat the detainee and no person assaulted or beat this person in my presence.

MR KHOISAN: During the time that he was under detention did you at any time in Bloemfontein, was there any documents or things put before the witness like photographs for example?

MR MBELO: This detainee was shown photos, there were photos of various cadres that he was shown. After the North

MR MBELO: I forgot who the warrant officer was but his co-worker was known as Bakkies.

MR KHOISAN: Do you know what the rank of the co-worker was?

MR MBELO: He was a sergeant but now he is a warrant officer or an inspector there in Aliwal North. He is somewhere in the Eastern or the Western Cape, I am not sure.

MR KHOISAN: Who was the person who came down from Ficksburg?

MR MBELO: From Ficksburg it was George Thebe.

MR KHOISAN: And did Sgt. George Thebe come with anybody else?

CHAIRPERSON: At times he would come alone or sometimes with somebody.

MR KHOISAN: That covers Aliwal North, it covers Ficksburg what about other areas? Who were the other people that came to see him, because you told us that this was a very famous detainee and everybody was interested in him.

MR MBELO: From Bethlehem it was Captain Stein.

MR KHOISAN: Did Captain Steyn come with anybody else?

MR MBELO: He started with somebody else but later otherwise he was coming alone.

MR KHOISAN: Was there anybody else who joined the tour to see the prisoner, the detainee Selemela Ngezi?

MR MBELO: I do not know how to reply to that question because they could have been there in my absence. Surely APLA was a thorn in the flesh to the government of that day. When other branches know that a certain leader of APLA was detained they would try to make enquiries as to whether he can cooperate or can he be of help. I believe that even though they did not see other people from other areas coming but I would believe that they would be interested in that information.

MR KHOISAN: Sergeant Mbelo did you have any occasion to see any senior officer for example from the security police head quarters from Pretoria coming down to interrogate or discuss with the witness or deal with the issue of the detainee?

MR MBELO: I am not sure as to whether the major, there was a certain major from Pretoria who used to come to Bloemfontein.

MR KHOISAN: You do not know his name?

MR MBELO: It slipped my mind because I cannot remember his name now.

MR KHOISAN: During the process if you remember the name you will provide it to us.

MR MBELO: I will try to remember the name sir.

MR KHOISAN: Thank you Mr Mbelo.

MS CHAIRPERSON: When you were absent during the interrogations who did the translations, do you know? You said your presence there was mainly as a interpreter.

MR MBELO: I would start by explaining this way, that there was other people from various police stations who would come with their own interpreters. If in my absence Mr Mjala would take over as a interpreter.

MS CHAIRPERSON: If we could just go back to the physical condition of the person, how were you able to distinguish between those who were ill and those who were not ill. You took the ill ones to see the district surgeon and can you also explain to me what you mean by normal, how is somebody normal, how would you evaluate normality?

MR MBELO: If a person is a detainee, taking him to a district surgeon, we are present during that examination then we would enquire from the doctor as to whether this person is ill and what kind of disease or sickness does the person have. We would ask the district sergeant about the condition of the particular detainee, whether he is normal or not normal. When he is consulted by the doctor we are present during the medical examination. If we do not take him personally and he complains that he has a head ache or something we take him to the doctor.

MR MAGADHLA: Did you ever have any sources within the APLA cadres during the course of your being a member of the security branch?

CHAIRPERSON: I would not be able to explain that because I did not have one personally, it was a secret of every police man if

he had a source or the identity of that particular source. I do not know of other branches or of my former colleagues but I did not have a source myself.

MR MAGADHLA: Were you ever given any case that you had to investigate for which there would have been a need for assistance and informer within APLA?

MR MBELO: That is correct.

MR MAGADHLA: Would you cope with that situation if you did not have any informers of your own?

MR MBELO: Who would arrive from Mtsabelo; Mtsabelo is a place that was newly settled. There where members of the youth who wanted to be members of the freedom movement. He would send them to go if they were able to make a contact with APLA cadres in Transkei.

MR MAGADHLA: When Ngezi was been shown photos did he identify any of the people on those photos in the interrogation?

MR MBELO: That is correct.

MR MAGADHLA: Did he identify any of the people?

MR MBELO: That is correct.

MR MAGADHLA: Now the people whom he identified, as who did he identify them, as APLA cadres or just people that he knew?

MR MBELO: Some of them he identified as people that he knew and as cadre members.

MR MAGADHLA: The people who were dead, the people he was shown, he was supposed to identify, were those people who have been killed during the raid at Mpendulo's residence?

MR MBELO: No, sir.

MR MAGADHLA: Were those the people? You say yes.

MR MBELO: I say no.

MR MAGADHLA: They were not those?

MR MBELO: No sir.

MR MAGADHLA: Now who were those people according to your knowledge?

MR MBELO: Those people on the photos were people who were known that some of them skipped the country for military training, some of them were from the local branches of the security branch so that he would be able to identify and explain their ranks.

MR MAGADHLA: Were these only photos of dead people or were they photos of other people who were alive?

MR MBELO: Those were photos of people who were still alive.

MR MAGADHLA: Were there any questions put to Ngezi about the Umtata Raid? At least about Mpendulo's residence.

MR WILLIAMS: Lady chairperson does the question relate to before or after the raid? Just to it more clear.

MR MAGADHLA: When Ngezi questioned before or after the Umtata Raid? I'm not certain as to whether this questioning of



Ngezi was before the raid. Was Ngezi questioned before the raid or after?

MR MBELO: He was questioned before the raid.

MR MAGADHLA: Now during that questioning was the residence of Mpendulo referred to?

MR MBELO: I would put it in this way, the time when Ngezi was in Bloemfontein he was not asked mainly about Umtata. The questions in regard to Umtata Raid, he was questioned about that in PE when he was asked about North Crest issues. He was shown the front part of the house in that area and the aerial photographs of that area, those happened in Port Elizabeth before the raid.

MR MAGADHLA: What was his answers to questions around Mpendulo's residence, did he know the place or the people or what did he know about the place in regards to the APLA cadres and things like that?

MR MBELO: When he was questioned he would say that those were the safe houses of APLA cadres and the arms were stored there, even he himself drew a sketch of a house which would say this particular room is where arms were stored, this particular room is where people stay and he would even draw the kitchens and the dining rooms and such. I would say that the whole thing, the video recording was made about what Mr Ngezi identified in regard to the photo and the North Crest house.

MR MAGADHLA: Are you saying that he volunteered all that information without any questions by his interrogators?

CHAIRPERSON: Mr Mbelo can you just start your reply from the beginning because the interpreter was unable to tell us what you are saying. So just start again from the beginning.

MR MBELO: I would request the question again sir.

MR MAGADHLA: The questioning on Ngezi with regards to even the answers that you say he gave without any coercion. Are you saying that -

CHAIRPERSON: The questioning really is around the actual interrogation of Mr Ngezi, was he volunteering this information freely just as the questions were asked or did the persons that were interrogating him actually have to coerce him into actually giving this information.

MR MBELO: At that time when I was requested to help with the interpreting in that particular interrogation room no person coerced him to give that information.

CHAIRPERSON: Were you surprised that he was giving that information so freely without any coercion?

MR MBELO: I was not surprised because he did give more information about other areas.

MR KHOISAN: Mr Mbelo how do you respond and let me direct you to Umtata MR 178-10-1993 (A 56) 1.6 on 1993/10.7 at Port Elizabeth, 'a Warrant Officer Erasmus showed me some photos of

a area and he asked me if I knew the area and I said no. I was then hit by Major Hugo when I answered. Later on that same day I was shown more photos and I was then asked if I know the area of the photos. They told me it was photos of the area Umtata, I was then hit so much that I said I know the area even though it was not the case.' Are you saying that this witness is lying, are you saying that he was not hit, are you saying point 2 is a fabrication on his part, Mr Mbelo? Point 6 of Mr Ngezi's statement?

MR MBELO: I would reply in this way, when he says he was assaulted I dispute that. If he was beaten he could have been beaten before he was taken into the interrogation room. In that interrogation room ~~no one raised a hand~~ because in that interrogation room there was a camera.

MR MAGADHLA: If you say that he volunteered this information you would not rule out a situation where before he was brought out before those cameras and the video that he would have been taught what to say when he got there after a beating up.

MR WILLIAMS: Lady chair is Mr Mbelo asked to speculate or is it a direct question with regard to which he has knowledge?

CHAIRPERSON: Mr Magadhla will you ask a direct question?

MR MAGADHLA: I am just asking this question because my knowledge of the way police would operate sometimes, just

because Mbelo is a policeman and would it be a strange situation to him if in fact this man had been assaulted and had been taught to say what he said under the glare of the videos and the cameras? Would it be something very unusual that, that would have happened so?

MR MBELO: It would not be an unusual thing because I worked with Ngezi and I worked with him for a long time. He gave more information apart from his North Crest incident.

MR MAGADHLA: So did your group or yourself or your superiors, did they run or handle any APLA sources so far as you know?

MR MBELO: In my office I don't know anyone who had a source within APLA, I don't know about other areas because in Bloemfontein the people who were there, we had one askari from APLA, he didn't have any in depth knowledge, he only knew from Tanzania, he went to Transkei, Umtata then he was arrested before he did some attacks. That is the person whom I would say he was helpful about APLA information. Those were the askaris within the police .

MR MAGADHLA: Would you have any knowledge whether or not Ngezi was recruited as a source after this corporation and this help that he gave to the security branch with regards to identifying the photos and the things in terms of the plans and the

maps around the Mpendulo residence and others as you have said he gave more information?

MR MBELO: I don't have that knowledge.

MR MAGADHLA: Did you have any knowledge of the Umtata raid itself, that it took place on such and such a date before you even spoke to Nkezi?

MR MBELO: No, sir.

MR KHOISON: Mr Mbelo you went down to Port Elizabeth with major Hugo, is that correct that was on the 4th of October 1993?

MR MBELO: That is correct.

MR KHOISON: You went with the detainee Selemele Ngezi?

MR MBELO: That is correct.

MR KHOISON: And I assume you were chatting along in the car, was he at the back of a police car or what?

MR MBELO: We used private cars not vans.

MR KHOISON: Of course you were a security police. That is aristocracy in the police force. But did you chat with him while he was in the car, it is a long ride to Port Elizabeth it's a couple of miles. Did you talk to him trying to debrief the witness?

MR MBELO: On the way we were not questioning him because I couldn't. The objective of the trip was to extend his detention under Section 29 of the Internal Secrecy Act.

MR KHOISON: That is, of course just to draw our attention let us back to put that in the record. Are you referring to that

particular thing Umtata MR 178/10 1993 and we are with this statement of Stephanus Johannes Hugo and he says, 'op die 4de van October 1993 vergesel van Sersant Mbelo van Binnelandse Veiligheid van Bloemfontein is Ngezi na Port Elizabeth toe geneem vir verdere motivering van sy aanhouding in gevolge Article 29.'

CHAIRPERSON: Mr Mbelo this was read in Afrikaanse do you understand because the interpreter is unable to interpret for you, are you okay with that?

MR MBELO: I am okay, I understood.

MR KHOISON: Basically you went with this person Stephanus Johannes Hugo, he was superintendent. The position is that you take this prisoner to Port Elizabeth for the purpose of extending his detention but could it be that the real purpose for taking the person to Port Elizabeth would be to bringing him nearer to the point of resolving another problem, of another problem in another region. Could it be that that trip had a dual purpose?

MR MBELO: I was not aware of the second purpose, the only purpose I knew that we went there to extended his detention under Section 29. I did not understand about other purposes if there was any.

MR KHOISAN: What was the reason that you needed to extended his detention?

MR MBELO: At the time when he was interrogated he had a case in Wessels Bron where they attacked a shop, again the arms which were used in that attack were not disposed of. So we were searching for arms and where they were hidden.

MR KHOISAN: Was it the view that the arms were hidden in Umtata or somewhere in the Transkei or the Eastern Cape?

MR MBELO: No one knew where the arms were hidden.

MR KHOISAN: You did not get the information out of him in Bloemfontein after all this long interrogation when all the people did tours of duty around him from Ficksburg, Aliwal North and every other part of the map including the Major whom you will identify later. Was nobody able to obtain this critical piece of information from him?

MR MBELO: It is correct, he identified those weapons later. He did that because somebody shot, then he took us to Wessels Bron where these arms were hidden.

MR KHOISAN: Okay somebody got shot. I'm just to be clear here, when this person was detained, he was detained in respect of a investigation regarding C R 9.7.1993 which was a murder in Wessels Bron, is that correct?

MR MBELO: When he was detained, according to documents, he was arrested because of hand grenades and then during the interrogation it surfaced that he had a role to play during this attack.

MR KHOISAN: During the Wessels Bron attack?

MR MBELO: That is correct sir.

MR KHOISAN: Now when he was arrested, he was not arrested in the Free State is that correct? Originally?

MR MBELO: That is correct.

MR KHOISAN: He was arrested in a foreign country according to the earlier dispensation, is that correct?

MR MBELO: That is correct.

MR KHOISAN: That is Transkei, is that correct?

MR MBELO: That is correct.

MR KHOISAN: With hand grenades?

MR MBELO: That is correct, according to documents.

MR KHOISAN: He is brought from there to Port Elizabeth and eventually lands in your hands. You mean nobody beat this prisoner, nobody beat this detainee all along the way finding him with hand grenades? We are not talking about the new dispensation, we are talking about being arrested with hand grenades by the military, taken to Port Elizabeth which means that he would not have been a high schooler as such, Port Elizabeth's Security Branch has a fairly interesting reputation; you yourself know that place some of the most highly productive policemen were located there. So he is brought from Umtata to Port Elizabeth, he is not beaten at all. You mean when you took him to the district sergeant he had no marks on his face, no



swollen eyes out of the ordinary no knobs, no cut lip, there is nothing that you detected that maybe this guy was beaten along the way?

MR MBELO: It happened that way sir.

MR KHOISAN: Okay now, when you brought him back to Port Elizabeth, you were bringing him there to extend his detention, but now you got information from him in Bloemfontein relevant to Wessels Bron is that correct, he implicated that himself in the Wessels Bron incident?

MR MBELO: That is correct.

MR KHOISAN: Then where does the issue of the arms come from? Now what arms, the arms in respect of what were you searching for, the arms in respect of what were you looking for? You told us when you were on your way to Port Elizabeth there was a question of missing arms, now arms in respect of what?

MR MBELO: Those arms were used to attack in Wessels Bron.

MR KHOISAN: Arms of the arms of the Wessels Bron attack. So were they looking for arms and people or were they just looking for arms?

MR MBELO: They did not only looking for arms, arms that were used in attack and again people who participated in that attack and other attacks around Free State.

MR KHOISAN: When you brought him to Port Elizabeth when did Sergeant Erasmus interact with the detainee exactly, Did you arrive during the night or during the day?

MR MBELO: When we arrived in Port Elizabeth we arrived in the afternoon, it was around dusk.

MR KHOISAN: Was it about five thirty or six?

MR MBELO: It would be around about that time probably.

MR KHOISAN: Given that time, would you have taken him to security office or would you book him in directly into the cells and sign him into the SAP 14 at Port Elizabeth Cells?

MR MBELO: If we find the security branches offices locked we would book him into the cell and wait until the open the office the following day.

MR KHOISAN: My fellow colleagues would like to ask further questions, but I would just like to say something, when was the first time the detainee interacted with this Sergeant Erasmus?

MR MBELO: Do you mean in Port Elizabeth?

MR KHOISAN: Yes, in Port Elizabeth because we are now dealing with the fourth of October.

MR MBELO: Yes, I have already spoken we left with Major Hugo then we drove to PE. When we arrived in PE he was put in the police station cells and the following day I would say it was the fifth, it happened that Major Hugo met with Ngezi. What I know that on the seventh Major Hugo requested that I come and

interpret when he was giving this information about this particular house.

MR KHOISAN: In point four and five of the statement of Stephanus Johannes Hugo there is an interrogation that occurs here before the man is put on video and I will read it in Afrikaans and maybe we can translate it into English. You understand Afrikaans right?

"Op die sewende van die tiende maand 1993 was Ngezi deur my en Sersant Erasmus te Port Elizabeth ondervra in verband met 'n veilighuis in Transkei. Tydens hierdie ondervraaging het hy vrywillig, sonder dat hy aangerand is of beïnvloed is deur enige persoon, ons ingelig in verband met North Crest 47, vuilighuis vir APLA lede is".

He says on the seventh of the 10th month 1993 Erasmus and himself interrogated this man. We've already established that you were the interpreter at that meeting, were you the interpreter when he was interrogated before he was put on video?

MR MBELO: No, Sir.

MR KHOISAN: So somebody else then interpreted?

MR MBELO: That is correct, maybe somebody else interpreted.

MR KHOISAN: That is where we find a problem, because this is three days after the man is brought there. That is three days after the man has been brought to Port Elizabeth that he is being

interrogated. There must have been interrogations before that Mr Mbelo.

MR MBELO: Chairperson I would not imply to that it may have been other interrogations before this one.

MR KHOISAN: Other interrogations at which you were present?

MR MBELO: I would say there could have been interrogations before in my absence.

MR KHOISAN: I want to concede to my colleagues to proceed because I want to -.

CHAIRPERSON: Mr Magadhla do you have any questions to ask?

MR MAGADHLA: I have one question, as a result of this whole interrogation in which you were present and where one of your observations was that the man was cooperative and was helping even about other matters which were of a great concern to you as security branch people, now as a result of that interrogation and as a result of that cooperation do you know of any people or any of the cadres who had been committing these crimes in which he helped, of any such arrests or any arrests of any people as a result of information got from him?

MR MAQUELEZA: Chairperson, I would not be able to be helpful as to whether, I do not know as to how many people were arrested because of the information received from Mr Ngezi and what he said, what he was able to identify before he come to us.

MR MAGADHLA: There were cases besides the - I am not talking about the Umtata rate you said there were cases, things that were happening all over the place, not only were there other detectives who brought this person to yourselves were involved, but with your unit as well as all the other detectives, special branch detectives, had this problem of these APLA attacks. Now within your group, were there any other cases that you were able to solve because of the information you got from him?

MR MBELO: I would say that the Wessels Bron case was solved because of the help of Mr Ngezi.

MR MAQUEKEZA: Mr Mbelo you say that you were a sergeant about 1993 in the security branch in Bloemfontein is this correct?

MR MBELO: That is correct.

MR MAQUEKEZA: You also say that you were actually attached to an arm that was dealing particularly with APLA activities, or to an APLA desk within the security branch?

MR MBELO: That is correct.

MR MAQUEKEZA: So is it correct any information that related to APLA would be of much importance to you, is that correct?

MR MBELO: That is correct.

MR MAQUEKEZA: Mr Mbelo would you agree with me that about 1993 MK had already suspended the armed struggle, is that correct?

MR MBELO: That is correct.

MR MAGADHLA: There were cases besides the - I am not talking about the Umtata rate you said there were cases, things that were happening all over the place, not only were there other detectives who brought this person to yourselves were involved, but with your unit as well as all the other detectives, special branch detectives, had this problem of these APLA attacks. Now within your group, were there any other cases that you were able to solve because of the information you got from him?

MR MBELO: I would say that the Wessels Bron case was solved because of the help of Mr Ngezi.

MR MAQUEKEZA: Mr Mbelo you say that you were a sergeant about 1993 in the security branch in Bloemfontein is this correct?

MR MBELO: That is correct.

MR MAQUEKEZA: You also say that you were actually attached to an arm that was dealing particularly with APLA activities, or to an APLA desk within the security branch?

MR MBELO: That is correct.

MR MAQUEKEZA: So is it correct any information that related to APLA would be of much importance to you, is that correct?

MR MBELO: That is correct.

MR MAQUEKEZA: Mr Mbelo would you agree with me that about 1993 MK had already suspended the armed struggle, is that correct?

MR MBELO: That is correct.

MR MAQUEKEZA: Would you also agree with me if I say that APLA had by then increased its activities, armed activities. Would you agree with me?

MR MBELO: That's what happened sir.

MR MAQUEKEZA: Mr Mbelo, would you then agree with me if I say to you that Transkei or Umtata was one of the most important areas where APLA's activities were taking place, would you agree with that?

MR MBELO: That is so sir.

MR MAQUEKEZA: So in this instance Transkei or Umtata were also important to you?

MR MBELO: That is correct.

MR MAQUEKEZA: Mr Mbelo, the detainee was arrested whilst he was coming from Transkei and are in the Republic of South Africa. Is that correct?

MR MBELO: That is correct.

MR MAQUEKEZA: Would you agree with me that most of the questions that would be asked would centre around Umtata or Transkei, because a lot of APLA cadres were actually based in Transkei; Transkei by that time was as almost like if I put it crudely, like a liberated area in the Republic of South Africa. Would you agree with me?

MR MBELO: I agree with you sir.

MR MAQUEKEZA: Now Mr Mbelo I am asking a question, can you tell us what specific questions whilst you were interpreting, were asked to the detainee by the guys who were actually interrogating the detainee? More especially questions that relate to Umtata or Transkei?

MR MBELO: Though I would not put them the way it was put because it happened after a long time, he was asked as to whether, when cadres arrived in Transkei who were they contacts? Who was responsible for their wellbeing in Transkei. He was asked about senior members whether did they know about clandestine movement in Transkei and then again it was ask whether when the attackers had finished attacking, do they run back to Transkei or not. Those were the kinds of questions he was asked.

MR MAQUEKEZA: Thank you very much Mr Mbelo, one more question. Has it ever occurred during the interrogation Mr Mbelo a question was put to the detainee which relates to what would be the reaction of APLA forces or how soon, let me rephrase the question, how soon would APLA forces mobilise if they were to be attacked by surprise?

MR MBELO: Could you please repeat the question sir I did not understand it?

MR MAQUEKEZA: Has it ever occurred during interrogation that a question was put to the detainee as to how soon could



APLA forces mobilise, that is be ready to fight if they were to be given a surprise attack?

MR MBELO: I do not have a answer to that question.

MR MAQUEKEZA: Is it a difficult question to understand Mr Mbelo or you just remember or are you just not prepared to answer the question?

MR MBELO: It is not that I am not prepared to I am saying I do not remember whether that question was asked and then again if it was directed to me I would not be able to answer to how long they would take to mobilise themselves.

MR MAQEKEZA: A last question Mr Mbelo. After you heard that there was a attack in Umtata by some security forces coming from the Republic Of South Africa did it come as a surprise to you after you have been through the interrogations with the detainee?

MR MBELO: Yes, I was surprised because we were not informed that they were going to attack. We did not have the knowledge of their intention.

MR MAQEKAZA: Thank you Madam Chair.

MR CAMAGU: Mr Mbelo I just want to take you back a little. You mentioned that you do not have sources of your own but you made mention at some point that you had some youths from Botshabelo that you relied on, what was your success rate in

terms of those youths being sent to Transkei by infiltrating APLA ? You did not expand on that.

MR MBELO: Chairperson Botshabelo is an area. In that area there was this sub branch which was under Bloemfontein and it is now an independent branch on it's own. Bloemfontein used to get help from Botshabelo unit.

MR CAMAGU: You gave the impression that you knew of some youths who were sent into Transkei to infiltrate APLA, is that the correct impression?

MR MBELO: You understood me though I never said that precisely. I said Botshabelo branch was the one safe home, for example at school they would select particular students whom they observed because they wanted to join certain liberation movements. They would use those students and send them to Transkei so they would bring information in regard to APLA activities. Mainly they would send them to Sterkspruit.

MR CAMAGU: Do you know the outcome of those?

MR MBELO: The information they brought back was used by the people of Botshabelo because when the people reported they would never say Mr Khoisan is my source and he said this.

MR CAMAGU: I understand your investigations around Wessels Bron I understand there was an attack. What was the purpose of questioning Ngezi about the house at North Crest specifically the house belonging to Mr Mpendulo? Are you building a case

against Mpendulo or what was this whole thing, and interesting enough you also had video unit can you get the story?

MR MBELO: Your question is very difficult or complicated to answer by a junior. For them to bring that media unit to be there I am not able to tell why, it is difficult for me and then again, who came with the idea that the unit should be there, I do not know what he thought or what his intention was. That part is difficult so please forgive me because I do not know.

MR CAMAGU: Did you follow the press conferences that were held after the raid by specifically members of the South African Defence Force where they particularly mentioned the existence of such a video?

MR MBELO: You asked if I followed press conferences? I would say yes because if you took part in a particular incident the following day you will hear that, that people attacked a house then you become surprised or scared and then you ask yourself what happened not knowing before that those things will happen. So I followed how they put the position in that incident, I remember when the photos were shown to Ngezi, he was frightened then he said those were - he had children.

MR CAMAGU: But you do not know that they mentioned the existence of a video that you witnessed the day you came off.

MR MBELO: I do not remember but the video production was made in my presence. Even during Ngezi's Supreme Court those

videos was sought and the video was not found when it was looked for in the Supreme Court during the case.

MR KHOISAN: Who took that video, who was the person - sorry ..

CHAIRPERSON: Mr Khoisan you may now speak.

MR KHOISAN: I just want to find out, I don't know whether my colleague was going to follow up, were you going to follow that Tsuko? I just wanted to find out seeing that the video was not found, let's find, who was in the room, can you give us the names of the people who were in the room so we can locate the video man? If the video is not available then at least we can locate those people who were in the room.

MR MBELO: People who should know about that video is Mr Erasmus from Port Elizabeth, Inspector Erasmus, he's the one who's supposed to know. I believe that he called for the video unit in Port Elizabeth.

CHAIRPERSON: Okay Mr Mbelo, Mr Williams, I think it's appropriate for us to adjourn for lunch right now, we won't have a very long lunch break, perhaps a half an hour. So can we reconvene at 2 o'clock, then we'll continue with the investigation?

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: We resume the Section 29 hearings with Mr Tsuko.

MR CAMAGU: Thank you Chairperson. Mr Mbelo did you witness the showing of the photos of the dead persons to Ngezi, because you mentioned at some point that he was shocked that these were children, I do not want to make an assumption?

MR MBELO: I was present when Ngezi was shown photos of the deceased from North Crest.

MR CAMAGU: Who showed the photos then?

MR MBELO: Landman should him the photos from the security branch in Bloemfontein.

MR CAMAGU: How do you interpret this?

CHAIRPERSON: Mr Williams sorry can you switch off your machine please?

MR WILLIAMS: I'm sorry.



MR CAMAGU: Can we deal with the emotion expressed by Ngezi, would you have interpreted this as 'look I'm shocked, were you shocked because these are children or these are not people I would have pointed out as APLA members', how did you interpret this scene?

Just a follow up because at that point I take it that the purpose of it was to say can you identify this, can you recall this as people that are members of APLA or anything?

MR MBELO: At the time when Landman showed Ngezi those photos from that house of North Crest, he was shocked when he saw it. He then looked at the photos and when he looked from the

side he said it was children they were not trained people, they were students.

MR CAMAGU: As you said previously you follow the press releases that were given out by SADF and you also know that, maybe I should just put it to you, that there were members there, I will not go into names, mentioned that they were certain that they had the right targets and this was confirmed, I assume the information came from Ngezi, would you have taken the scene of the showing of what the photos as a particular confirmation that anybody would refer to in the press conference?

MR MBELO: I would say that because when Ngezi responded he said those are children, those are not trained APLA cadres. When those soldiers who took part in that raid said they hit the right target, I would say the house was hit it was the right house but the wrong people.

MR CAMAGU: Did you notice anything on Major Landman, because Ngezi here on paragraph 8 on the statement marked A 56.2 -

"At night time between the 9th of October '93 and the 10th of October '93 approximately at one o' clock I assume, and two, while I was in the cells of Bainesvlei police station Major Landman and Major Hugo came to visit me. Major Landman should me some photos, I'd say about five or six dead people in

a office at the cells. Major Landman asked me if I knew the people and I said no, I really did not know the people on the photos. Major Landman was the one who actually told me that the people on the photos were dead and I got a shock when I looked at the photos. It was then when I noticed some dry blood on the shoes of Major Landman"

MR CAMAGU: I take it that it's not in dispute that you were present, could you confirm anything about blood on Mr Landman's shoes? Or you didn't take any particular notice?

It is not in dispute that you were present could you confirm anything of blood on Mr Landman's shoes?

MR MBELO: No, at the time when Landman showed him, as Ngezi said that he was shown photos in the cell at the police station at Grootvlei at that night I was not present if Landman went at that time. I spoke about photos that he has shown in the office that night and I cannot say if Landman went that night because I was not with him.

CHAIRPERSON: Mr Khoisan.

MR KHOISAN: Thank you lady chair. Now Mr Mbelo let us just back-track here quickly. I want to take you to a statement by Stephanus Johannes Hugo and it is paragraph 3 where he says that he went with you and the detainee to Port Elizabeth to motivate for the further detention of the detainee as paragraph 3 of the

statement of Johannes Hugo, now where was Major Landman, did he travel in another car or did he go before you guys to Port Elizabeth? Was he there when you got there, or did he follow you guys?

MR MBELO: He did not go to Port Elizabeth. We left him in the office. We met him the following day on the 8th in the morning.

MR KHOISAN: Was it early in the morning was it before or after seven?

MR MBELO: Usually we report at half past seven, so I met him at half seven the following day. We left on the 7th so the following day was the 8th.

MR KHOISAN: I want to put it to you and you can confirm; I want to put it to you that Maj Landman was very interested in Mr Ngezi as you already pointed out to us, he was a novelty around security police headquarters in Bloemfontein. Could it be that Mr Landman could have travelled to Port Elizabeth without your knowledge?

MR MBELO: I do not know.

MR KHOISAN: According to you and according to what you know and what you have told us indicates that Mr Landman had a very deep interest in this particular detainee, could it be that he had travelled to the Eastern Cape without your knowledge?

MR MBELO: It might be possible that he went there without my knowledge but I don't have knowledge that he went to Port



ElizabethH because on the same morning of the 8th he was in the office and all of us as usual we were in the office. When we returned on the 7th we arrived in Bloemfontein around nine and ten.

MR KHOISAN: Mr Mbelo you took this prisoner, the detainee Mr Ngezi down to Port Elizabeth on the 4th, on the 7th he was first interrogated and then a video was made where he, according to statements, made a statement which confirmed or verified information in the hands of the police. When was the last time you or Superintendent Hugo communicated with Major Landman before the Transkei Raid?

MR MBELO: That was on the 4th when we left Bloemfontein.

MR KHOISAN: Did you never communicate with him again?

MR MBELO: No sir, we met on the 8th in the morning.

MR KHOISAN: Did he ever discuss the Umtata raid with you?

MR MBELO: No, he did not discuss that raid with me, it was discussed later when the soldiers attacked the North Crest house.

MR KHOISAN: What was the view of the people in the security police when it was discussed?

MR MBELO: Their view was that the target was hit according to them. They saw North Crest as a springboard of APLA'S attacks.

MR KHOISAN: Who led that discussion?

MR MBELO: It was Major Landman. As he was senior person he led discussion, and when the photos came they came directly to him. I am talking about the photos of the deceased.

MR KHOISAN: Did he ever discuss those photos with you?

MR MBELO: No, he did not talk about those photos with us because we did not know the identity of the deceased from the photos.

MR KHOISAN: What is it that makes you say the correct target was hit but not the correct people? What gives rise to that statement, how do you know that was the right target? How do you know that?

MR MBELO: It came to my mind because on the 7th they were talking about a particular house, on the 8th it was attacked. As a person it came to my mind to make a deduction that particular house you saw on the photo it was the one who was being attacked. So that means that, that target must have been discussed which has pointed by Ngezi.

MR KHOISAN: At what point on the 7th did members of the SADF interact with the police, that is the day before the raid?

MR MBELO: I do not know that one as to whether when they met and how.

MR KHOISAN: But you know they met?

MR MBELO: I have that belief that they met because it seems they found information from the security branch. As to whether where and they met I do not know.

MR KHOISAN: Did they not invite you to the meeting?

MR MBELO: No, sir.

MR KHOISAN: Hugo and Erasmus were there periods during that day when they left for other meetings, or were you with Hugo the whole day on the 7th?

MR MBELO: I do not have knowledge as to whether they went to other appointments because I was with them up until the time I went to the place where I was residing and then collected my bags.

MR KHOISAN: Who brought the map into the interrogation room?

MR MBELO: The map was brought by Erasmus.

MR KHOISAN: Was this the first time you worked with Warrant Officer Erasmus?

MR MBELO: That is correct.

MR KHOISAN: How do you describe him, what was his attitude like?

MR WILLIAMS: Can I just ask what does Mr Khoisan mean by attitude?

MR KHOISAN: Let me rephrase that counsellor. What was his position during this, did he play a very active role in the

interrogation? I am trying to find out who were the main people who dealt with this guy and how did they deal with him? So did he play a very active role in the interrogation?

MR MBELO: Yes.

MR KHOISAN: Besides the map did, you see this map?

MR MBELO: Yes I saw this map.

MR KHOISAN: Was it an aerial photo?

MR MBELO: That is correct.

MR KHOISAN: One that, you have dealt with other court cases before Mr Mbelo, one that for instance the kind of map that you would have used in other cases that you might have dealt with? Who do you think could have taken that map or aerial photo? Were there any distinctive markings on this map that could have been an indication to who could have taken it?

MR MBELO: I do not remember seeing those kind of marks. It is the kind of map that you use when you go into a helicopter or a plane that would be the kind of position that can produce such a map.

MR KHOISAN: What colour was it, was it black and white, was it a colour map, we're talking about an aerial photo let us be clear, black and white, colour?

MR MBELO: I do not remember it being black and white but I remember the photo of the house.

MR KHOISAN: Was the house very clear?

MR MBELO: Yes, the front part of it appeared very clearly.

MR KHOISAN: In that part of the interrogation when they talked about the house, what was the nature of the discussion?

MR MBELO: They were asking where cadres should sleep when they were there and where the arms were stored, what kind of a house it was they asked about things like the doors and windows.

MR KHOISAN: Did it ever occur to you that this might be a wrong house? Was there anything about that day and particularly that video session that looked like it was a set up? You have dealt with those people before.

MR MBELO: There was nothing sinister about that day.

MR KHOISAN: So everything looked to be above board.

MR MBELO: Yes, I saw them that way on that day.

MR KHOISAN: So in the room was Hugo, yourself and Erasmus who else was there?

MR MBELO: The camera man and a certain white person whom I do not know.

MR KHOISAN: Was it possibly a policeman?

MR MBELO: Yes.

MR KHOISAN: Did he wear plain clothes?

MR MBELO: Yes, it was plain clothes.

MR KHOISAN: You do not know for sure if that was a policeman.

MR MBELO: I cannot say whether he was a policeman but he was present.

MR KHOISAN: Maybe a member of the force? Any other force?

MR MBELO: I do not remember. It could have been somebody that accompanied the cameraman.

MR KHOISAN: Mr Mbelo what I want to ask you is, at what point was photos shown to the detainee during the interrogation process in Port Elizabeth?

MR MBELO: The time when the video was taken that is where the detainee was shown the photos of the house and the aerial photo of North Crest.

MR KHOISAN: Did they discuss the occupants of the house with the detainee?

MR MBELO: Yes, he was interrogated about the occupants in the house.

MR KHOISAN: Were there names mentioned?

MR MBELO: He was asked who the owner of the house was.

MR KHOISAN: So did he explain?

MR MBELO: He explained the house and said that it was usually used by cadres.

MR KHOISAN: Did he discuss the political orientation of the owner's house?

MR MBELO: Yes, he explained.

MR KHOISAN: What did he say? I assume he spoke about Mr Mpendulo?

MR MBELO: Yes he explained that Mr Mpendulo was a senior person within the PAC.

MR KHOISAN: So Mr Mbelo was there at any point during that day that you had any idea that there was a plan to launch an attack on this house?

MR MBELO: No, sir.

MR KHOISAN: I just want to draw your attention back to point 8, the same point that was mentioned by Mr Camagu, I want to know from you whether any of the photos that was shown to the detainee according to your information and what you discussed with us earlier because you claimed that you were not there but the time when you were there, when the detainee was shocked that those were children, was there at any time any photos shown to this detainee about the occupants of that house, before the operation?

MR MBELO: He was never shown photos of the occupants of the house before the incident, most of the photos he was shown before the raid were of cadres. Some cadres who were suspected that they could have taken part in various attacks.

MR KHOISAN: Did they ever locate any of those cadres and say that those cadres are also the same people who reside at this house. Was that suggestion put to the detainee?

MR MBELO: There was that inclination that perhaps they could have, but according Ngezi he said he used that house.

MR KHOISAN: I just want to go through quite a few more issues but I think we will need more time, I would have to provide you and your counsel with some more information Mr Mbelo but I would just like to ask what was your personal view the next day when you saw that house that you saw the day before on an aerial photo and the next day it was on the news as the place that has been hit and children had been killed. What was your reaction and did you ever discuss your personal views of that with anybody?

MR MBELO: I was shocked to see that the people who were shot were children. I remember that even my colleagues wanted to find out that how could these people attack this house that was full of children. You can understand that we were shocked that you could not say you've attacked the enemy if you have killed children.

MR KHOISAN: Did Landman and Erasmus have an occasion to discuss this raid with you and to reflect on this problem? This obvious..

MR MBELO: I do not remember whether it was Landman or whether it was Hugo but he said in Afrikaans,

"Hulle het op gefok".



MR KHOISAN: Madam Chair can I translate directly. He said, "Hulle het op gefok" which means "they fucked up".

MR MAGADHLA: Could it also mean that they have bungled? Were there any other places shown to Ngezi to confirm or otherwise those places were APLA bases in Transkei during the interrogation, other than the Mpendulo house?

MR MBELO: No, there was no other places he was shown to verify if they were bases. He was asked about names of various places especially in Sterkspruit area.

MR MAGADHLA: Did he indicate to them whether there were other places which he knew and he named as bases for APLA cadres in Transkei?

MR MBELO: There were other places which he agreed and explained that some cadres use to use those places as safe houses or they use to pass there if they were in Transkei.

MR MAGADHLA: Was he agreeing or was he actually offering this information to them? You say he agreed, was he being questioned about those places, was it that the questions knew about those places and they just wanted his confirmation?

MR MBELO: Yes, they knew about those places but they wanted him to verify.

MR MAGADHLA: Do you remember which places were those then if they were mentioned?

MR MBELO: I remember the one place in Bweyafuti. Whose place was this?

MR MAGADHLA: What place is that then?

MR MBELO: Bweyafuti is some kind of a hotel in Sterkspruit.

MR MAGADHLA: Was this hotel then said to be one of the APLA cadres, as spring board for APLA cadres to go an attack places some where?

MR MBELO: Chairperson they are not saying it can be used as a spring-board to attack. It was mentioned in the interrogation that APLA people were used to be seen around Bweyafuti.

MR MAGADHLA: Was he asked to give names of leadership of APLA in that area?

MR MBELO: It was one of the questions that were asked.

MR MAGADHLA: Did he give the names of those leaders?

MR MBELO: According to Ngezi he only said of names of people that he knew because he was asked about various names and he showed that he did not know those people.

MR MAGADHLA: According to your own knowledge or from what you heard at the time from your colleagues why was it that the other places which Ngezi confirmed were places that APLA people used to frequent and not targeted for this kind of attack as happened to the Mpendulo household?

MR MBELO: I do not know because places like Bweyafuti we used to go there as members of the security branch to make some

observations because Sterkspruit is not far from Zastron. We used to go to places like that.

MR MAGADHLA: When Ngezi was arrested, where was he going to and where was he coming from according to what you got from him, according to the explanation he gave and according to the information given by the people who arrested him?

MR MBELO: According to Ngezi he was from Transkei. I do not know if he was going to Pella or to what place he was going to when he was arrested.

MR MAGADHLA: Where was he taking the hand grenade to and what was he going to do with it?

MR MBELO: Chairperson I do not know and I cannot remember how he answered that question but he said he came from Transkei with them and I do not know if he was going to Pella or what place.

MR MAGADHLA: Did they ask him where he got the grenades from and who handed the grenades to him?

MR MBELO: I believe that around the issues of the hand grenades he was asked when he was arrested because when he was detained in Bloemfontein it was after some time.

MR MAGADHLA: Did you get to know if he had revealed the person who handed these things to him?

MR MBELO: No sir.

MR MAGADHLA: Now the video machine was it only used when the interrogation centred around the Mpendulo residence? Was it the only time when the video machine was used?

MR MBELO: That is correct.

MR MAGADHLA: During the questioning with regards to other happenings to other actions of APLA, was this video not used?

MR MBELO: No sir.

MR MAGADHLA: Were there any photos of farms which had been attacked shown to him to confirm that those are some of the places where he would have been present when the attacks took place? Were there photos of a farm that was attacked?

MR MBELO: Yes sir.

MR MAGADHLA: Did he identify some of those farms as those where he had been present when they were attacked?

MR MBELO: He did not agree that he took part.

MR WILLIAMS: Lady chairperson I do not know if this line of questioning will be continued but I need to know if that is in terms of reference of this Section 29 hearing?

CHAIRPERSON: The line of questioning will be coming to an end soon, I think it is in terms of reference, Wilson?

MR MAGADHLA: Yes it is within reference because it is all around the Mpendulo family attack but it is also about whether these photos and the video and the line of questioning of the suspect at that time was not a build up of these people's defence

of the mistake that they realized that they have done in the attack of the Mpendulo family. I have just three questions to ask further. Was he then asked about other intended targets that they had in their plans, I mean him, was he asked for the list of targets that they had as APLA?

MR MBELO: Yes, he was asked about intended targets and his answer was that he is not the one who issues instructions about attacks and he will not be of help as to whether what were the potential targets.

MR MAGADHLA: Did he not mention anything about targets at Cape Town for instance?

MR MBELO: You mean those who were being attacked?

MR MAGADHLA: Now according to the way you look at the thing, had Ngezi said he did not know anything about that place Hill Crest place, would these people have gone on to attack or what would they have done according to how you view the matter?

MR MBELO: They would still continue to attack that house despite his assistance.

MR MAGADHLA: That means they have already made up their minds and all they wanted to do was to get somebody to help them with whatever they wanted to do in terms of explaining how and why.

MR WILLIAMS: Madam chairperson with all due respect we are really speculating now, because earlier answers by the witness was that he was not party to the planning of the raid, in fact the raid came as a shock to him because he did not have prior knowledge to the raid. So the question that is asked then is in all respects unfair because he will really have to speculate if he answers that question.

CHAIRPERSON: The questions have already been answered and that is the last question anyway. Mr Maquekeza.

MR MAQUEKEZA: Mr Mbelo I will refer you to the statement by Ngezi which is Umtata MR 178-10-93 paragraph 9 of the statement where he says about eight he was picked up at Browns Vlei police station by you and another black man unknown to him and he was then taken to Bloemfontein's security offices. There Major Landman asked him if he knew people on the photos and again he said no. Major Landman then handed him a newspaper and on the front page he could see a piece of writing of people who were shot dead in Umtata and that was the first time he heard of the attack in Umtata, now my question is throughout the period of interrogation of the detainee you were always present is that correct?

MR MBELO: That is correct.

MR MAQUEKEZA: Throughout the period of interrogation Major Landman was always present.

MR MBELO: That is correct.

MR MAQUEKEZA: Major Landman throughout the period of interrogation was always taking a lead apparently asking a number of important questions?

MR MBELO: That is correct.

MR MAQUEKEZA: Was he present on the seventh of October?

MR MBELO: No, he was not present.

MR MAQUEKEZA: Who was leading this interrogation team on the 7th?

MR MBELO: People who were present were Major Hugo and Inspector Erasmus.

MR MAQUEKEZA: Do you know where Major Landman was on that day? Do you have an idea to where he was and what he was doing?

MR MBELO: I do not know what he was doing on that day, I last met him on the 4th when we left Bloemfontein to Port Elizabeth.

MR MAQUEKEZA: You left Bloemfontein for Port Elizabeth on what date?

MR MBELO: On the 4th.

MR MAQUEKEZA: But on the 7th you were present in the interrogation team in Bloemfontein, is that correct?

MR MBELO: No we did not interrogate in Bloemfontein, we interrogated him in Port Elizabeth.

MR MAQUEKEZA: Port Elizabeth, that's correct. Again on the same paragraph the detainee says that it was the first time that he saw the photos of the deceased, was it the photos that were in the newspaper or was it photos that were taken at the scene of the incident that was shown to the detainee?

MR MBELO: The photos that he was shown were photos on the scene in addition to those that were in the newspaper.

MR MAQUEKEZA: At what time Mr Mbelo of was it when the photos to the detainee?

MR MBELO: It was in the morning around eight, because usually we start at half past seven, we fetch detainees after they've eaten breakfast then we fetch them around eight o'clock.

MR MAQUEKEZA: But the detainee says in paragraph nine that there on the fourth line, 

"Then Major Landman asked me again if I knew the people on the photos and I again said no"

Could it be the 7th or could it be some other day that Landman is asking the detainee this question?

MR WILLIAMS: Madam Chairperson I think if my colleague reads the paragraph correctly, right on the top it says on the 10th of the 10th, so in actual fact it was two days after the actual raid.

CHAIRPERSON: What is your objection Mr Williams?



MR WILLIAMS: It seems as if the question has been put out of context as if the correct date is not attached. If Madam Chairperson will just ascertain from the panellist.

CHAIRPERSON: Mr Maquekeza could you please ask the questions more directly as to what you are really wanting to obtain from Mr Mbelo? Just continue to ask a line of questioning so that we can find out exactly what you are wanting to find out from him.

MR MAQUEKEZA: Thank you very much Madam Chair. Mr Mbelo would it occur to you that this guy was interrogated on the 7th and on the early hours of the 8th he was shown the photographs of the deceased. Could it occur to you that it is highly likely or it is possible that maybe some of the security guys could have been present in Umtata when the attack took place?

MR MBELO: I would not be able to respond to that one, I don't know it could have happened I do not know.

MR MAQUEKEZA: Mr Mbelo who in your opinion could have transported the photographs of the deceased from Umtata to Port Elizabeth?

MR MBELO: I do not know who that person could be. The person who received those photos that morning was Mr Landman and he would be the relevant person to ask that question to because he even mentioned that they were brought to him.

MR MAQUEKEZA: They were what?

MR MBELO: The photos were brought to him.

MR MAQUEKEZA: Thank you Madam Chair.

CHAIRPERSON: Mr Camagu this will be the last question you will be asking Mr Mbelo.

MR CAMAGU: Thank you Madam Chair. Does this not sound like a anticlimax for you Mr Mbelo that gathered so much information from the detainee and then just on the day before the attack, well let's assume you didn't know, but suddenly it doesn't look like you had a direction about the interrogation because you were gathering so much, having this video, the photos shown, but somehow other people just have a follow-up plan, they wanted to know specifically what follow up plan do you have about the investigation around this house of Mr Mpendulo, because I did not get the sense that you were building up a case. Some now you had photos of the house, aerial and the ground photos but somehow we did not get any indication from your seniors that you were going to do x-y-z, at the South African Police?

MR MBELO: I did not have any plan because I did not know what was going to be done about that information during investigation. According to me they knew that house before and where it was located.

CHAIRPERSON: Mr Mbelo and Mr Williams we would like to thank you for coming. We would like to say in our concluding remarks that there are still outstanding questions which we as a

commission we would like to pursue with you and so we would like to declare this Section 29 investigative hearing adjourned until a date that can be set between ourselves and yourself.

MR WILLIAMS: Thank you Madam Chair

CHAIRPERSON: I declare this meeting adjourned.

COMMITTEE ADJOURNED

