

**TRUTH AND RECONCILIATION COMMISSION****SECTION 29 INQUIRY****DATE: 03.04.98****HELD AT: JOHANNESBURG****NAME: MTUNZI GABRIEL MTHEMBU**

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**CHAIRPERSON:** Good morning ladies and gentlemen, this is a Section 29 inquiry. It is an *in camera* hearing and is an investigative inquiry in which we are seeking to gather information about issues that were indicated in the invitation that was extended to the witness today. I'm very pleased that you have come and we have to express our appreciation that even though the notice was short and you had to deal with voluminous documentation from us, you were however willing and able to accept our invitation as indicated. This was intended to be a panel of three commissioners with Mr Khoisan leading the questions. However Ms Jasmin Sooka who was meant to have come from the government office took ill this morning and has not been able to come. Mrs Burton is with us here but she also will be with us for a while and will have to be excused because there is an engagement in the office that she has to go to and then she will come back as soon as that engagement has been discharged.

I have a sense that at half past eleven we will have a short break for tea and at one we will adjourn for lunch and if needs be we will then continue from there on. I take it that Mr Kupedi, you are representing Mr Thembu.

MR KUPEDI: That is correct Mr Chairman.

CHAIRPERSON: If you could then formerly place yourself on record.

MR KUPEDI: My name is Brian Kupedi and I appear here on behalf of Mr Mthembu.

CHAIRPERSON: Do you have any opening remarks that you want to make at this stage?

MR KUPEDI: Well save to say that we have prepared some sort of a written response to the questions which were on the invitation. We would want to perhaps hand this in; what one would like to know is should we read through it first or do we hand it in so that when we read it the commissioners follow where we are?

CHAIRPERSON: Thank you very much, it assists us to follow and it facilitates in that the process if we have a copy of the documents as and when they are being read into the record. So if you could let us have the copies.

MR KUPEDI: May I apologise Mr Commissioner in that we only have one copy prepared for you, we did not make sufficient copies. If it is possible we would request your assistance in

making three copies, in fact two copies for yourselves as we have one here.

CHAIRPERSON: I am sure that can be arranged. Miss Donna can you see to it that we have sufficient copies for..? Just for the sake of completeness, your panel then now constitutes Mrs Mary Burton to the left who is a member of the Human Rights Violations Committee, myself Ntsebeza who chairs these proceedings and also a member of the Human Rights Violations Committee. Mr Zinzela Khoisan is an investigator in the Cape Town office and will be leading the process on behalf of this process on behalf of this subcommittee of the Commission. Maybe to save time let us swear the witness in or let him take an oath of affirmation, whatever he believes in and I will ask Mrs Burton then to administer that ceremony.

MTUNZI GABRIEL MTHEMBU: (sworn states)

MRS BURTON: Chairperson may I then ask your forgiveness and that of Mr Mthembu to be excused for a short while, I will return as soon as my other commitments allow me to, thank you?

CHAIRPERSON: Your'e excused Mrs Burton.

Do you have the statement in front of you Mr Mthembu which you..?

MR MTHEMBU: Yes I do Commissioner.

CHAIRPERSON: Go ahead then and read it in the interests of time.

MR MTHEMBU: Thank you. To begin with I should like to thank the Truth and Reconciliation Commission for me to appear before it. I have attempted to provide a concise background picture of the ANC camp Quatro that is, but there may be questions of clarifications arising from my presentation and I'm willing to answer any further questions related to the relevant issues.

On a practical not I should begin by pointing out that in the initial invitation extended to myself by way of a letter, I'm referred to as a national commissar. The actual positions occupied by me within the ANC/MK ranks in Angola were those of camp commander, deputy regional head of security and intelligence and national head of security and intelligence in Tanzania. It appears that some of the questions have been formulated for the person occupying the post of national commissar and therefore related to matters beyond the realm of my jurisdiction. I have therefore only answered those questions so far as they relate to my role during the period under review.

My background:

I was born on the 2nd of June 1916 in Soweto and joined the ANC in Swaziland in 1976 in the wake of the Soweto uprisings. I received my first military training in Angola over a period of five months before moving on to a formal training from Cuban specialists, at Nova Gateng in Northern Angola. In 1978 I

was transferred to Quebashe and then to the then German Democratic Republic where I was trained in urban guerilla warfare for six months.

On returning to Angola I was deployed as an instructor in Fazenda, the Northern part of Angola. After a couple of months I was sent back to the GDR for specialised training in security intelligence. On my return I was deployed as a recording officer at Quebashe until the end of 1979. After this I was appointed camp commander of Camp 32. I was camp commander at Quatro from 1979 to 1982.

1982 I went to the Soviet Union for further training. Upon my return from the Soviet Union in 1984 I worked in Luanda as deputy head of the intelligence and security department for the region. In 1986 I was transferred to Tanzania where I was the overall head of the Department of Intelligence and Security for the region for two years. In 1988 I went around the world with the cultural ensemble of the ANC called Amandhla. After a six months tour I returned to Tanzania and assumed my former responsibilities. Subsequent to that I went to England to study. At first I enrolled as a student in advanced levels and subsequently I did a BA Hons degree.

In 1991 I left England to return to South Africa. In that same year I went to work for the ANC at Shell House as the national administrative secretary for counter intelligence until the

amalgamation of the old apartheid intelligence units. I'm currently employed by the National Agency.

Now in reference to the questions I'm specifically now going to respond to question 2 which refers to the setting up of detention facilities in Angola particularly Quatro, the structure of those facilities, the procedures and the standing orders issued to the administration and the command.

When I left South Africa to join the ANC's military wing I did so with the aim of receiving military training so as to return to South Africa and fight against the system of apartheid. I never had any particular interest in intelligence work but as a soldier was prepared to be deployed wherever the movement deemed it necessary and in relation to the setting up of these detention structures I must point out that the ANC did not always have detention facilities like Camp 32. It was only in the wake of the watershed of June 1976 at the time when the ANC was receiving an exodus of students of new recruits when many problems had arisen, problems of a security nature for instance like the bombardment of the camp where we trained which was housing about 500 to 700 people.

I must point out that the precision with which that camp was bombarded gave an indication that the information of the assailants was so precise that it could only have been coming from people who were within the camp itself. Added to that the

poisoning of MK soldiers was yet another indicator that there had to be a need to cleanse the ranks of Mkhonto weSizwe. Whilst we were training some there were individuals who randomly shot at comrades and against Cuban specialists and when investigations were mounted, it emerged that some of these people were actually in the employ of the racist apartheid regime.

CHAIRPERSON: Perhaps can't we adopt a procedure in terms of which you should read what you have drafted into the record and then thereafter you can expand when questions are put on each and every issue? Let's just read what you have, although it's not prepared in the form of an affidavit, at least it's a structure or a framework in which we can begin to ... (indistinct) the issue that you are going to be dealing with?

So you had gone as far as the ANC did not always have detention or holding facilities at Camp 32. Then you can read from there on until the end and then thereafter we will put questions to you.

MR MTHEMBU: Thank you very much Commissioner. I shall proceed.

The ANC did not always have detention or holding facilities at Camp 32. It was only set up after the watershed of June 1976.

At this time the ANC received the mass exodus of new recruits. Though many of the new arrivals were known to each other, the ANC did not have a sufficiently developed network within the

country to cross check information they provided. A contributing factor was a difficult situation in which the ANC had to operate in certain front line states as an underground outfit with few resources. In many incidents the movement had to rely on the bona fides of the new recruits. Because of this some apartheid agents used these opportunities to slip through the security net to infiltrate the organisation. The period following 1976 was an extremely dangerous one for the ANC; the movement became the target for acts of sabotage, random shootings, poisoning of its soldiers, attempted assassination of its leaders. It was in the context of this period that a detention camp was set up as a place to hold enemy agents. This was necessary both for their own safety and for the safety of MK cadres. The policy of the movement was that these detention camps were initially started as rehabilitation centres.

The structure of the detention camp specifically Quatro or Camp 32:

The camp commander was under the command of the commander. His deputy was the camp commissar. The rest of the administration consisted of the chief of staff, chief of logistics, chief of ordinance, the chief recording officer. The staff consisted of the staff commander and staff commissar, the communication officer, the medical orderly, drivers and recording officers. The next layer of administration was a platoon of



guards led by a platoon commander and the platoon commissar. This platoon was divided into sections each with its section commander and commissar.

Procedure and the standing orders issued to the administration and camp command.

The purpose of the camp was a rehabilitation centre. The only people detained in Quatro were suspected, confessed or proven enemy agents. The camp leadership was required to provide maximum security for detainees and the instruction was that nobody should be allowed to escape. The standing order was that no excessive force or torture should be tolerated regarding the treatment of detainees. On arrival detainees would be put in isolation cells until their cases had been cleared, processed that is. They would be issued with uniforms different from other people in the camp. Those in isolation were exempted from participating in any camp activities. The only people with whom they would have contact with would be their interrogators. As soon as the investigation had been completed they would be integrated with other inmates in communal cells. Each communal cell had a commander and a commissar who saw to the discipline and general welfare of cell mates.

Being deployed in the camp for guard duty did not mean that the cadre concerned was cut off from all other opportunities but there was a general perception that once deployed in this

capacity, one's chances of ever taking on other duties in the movement were very slim. Cadres tended to regard the inmates as being the cause of their being what they saw as grounded and this resentment contributed directly to certain cases of abuse of prisoners. The situation was not made easier given the fact that some of the inmates would taunt the guards. One of the most insults was that the guards, fearing to go to the front areas and tackle the forces of the regime, had pleaded to be deployed at the rehabilitation centre where life was relatively easy and less dangerous. This infuriated the guards.

Contrary to the perception created by the deliberate disinformation, prisoners often got better food than the guards. This was because it was envisaged that those who already irretrievably lost in serving the regime's cause could in future be used in prisoner exchange programs, thereby freeing some of our captured combatants.

When there was a food crises, this policy also aggravated the relations between guards and inmates. The inmates followed a program which included political education, manual chores and during leisure times, sport or reading.

Question 3 - The interrogation of detainees.

Camp 32 was a holding area for suspected, confessed or proven agents. These inmates were brought from different ANC camps in Angola, Tanzania, the front-line states and even from within

South Africa itself. Because it had already been established that these inmates were serving in the apartheid state prior to their arrival at Camp 32, the need for their interrogation was very minimal and as such this procedure was rarely necessary. The instances where interrogation might become necessary included:

when a detainee was implicated in a new case that he or she had confessed to prior to their being sent to Camp 32, when new information was gathered inside the country that implicated a detainee in another case,

when new information was gathered by our own internal camp intelligence networks.

Question 4 - Authorisation for use of force.

Political persuasion was the principal method used to establish information. There was a standing order that force should not be used to extract information from detainees. We were instructed that because the detainees were black South Africans they were part of the oppressed masses and therefore should be seen as cases for rehabilitation rather than punishment. However there were instances when force was used. When we were told by the national director the late Comrade Mzwai Piliso, that we had to extract information using whatever means it takes from certain suspects, these suspects were believed to be harbouring crucial information that could result in the death or arrest of comrades as well as the exposure of arms caches during double agents and

other operational strategies. Therefore the possible use of force was seen as a preventative measure under the circumstances.

When rehabilitated detainees were released and promoted to the status of an armed guard, in some instances they then abused this position to free and arm other detainees and then escaped. If we recaptured these prisoners they were beaten up and in some instances when some Angolan women were raped by an ANC cadres, the guilty party was beaten before being sentenced to death by the tribunal.

Question 5 - Mechanism for control of excesses and abuse.

The main mechanism for control was that the camp was guided by the standing order that force should not be used against detainees. If guards were found guilty of defying this order and used force against detainees, they were disciplined and punished accordingly.

Question 6 - Guidelines and procedure in respect of judicial proceedings, particularly the Tribunal.

This did not fall under my jurisdiction.

Question 7 - Authorisation and minimum conditions for executions.

This too did not fall under my jurisdiction.

Question 8 - Information and further particulars relating to the deaths of Timothy Case Remani, Boyithumo Lebalof, Philip Mangena, Joseph Mokwena, Gabriel Moshwewu. These were

senior and trusted ANC cadres who in certain instances held important posts in the movement. It was with deep shock that they were exposed as apartheid enemy agents and implicated in a spy network that was groomed by the South African police for a long term penetration of the ANC. They were implicated in acts of poisoning, sabotage, the deaths of other cadres; they were in certain instances instructed to act as **agent provocateurs** and also passed on crucial intelligence to the apartheid government which in one case led to the aerial bombardment of an ANC camp in 1979. They were subsequently sentenced to death by the Tribunal.

The last question - The alleged torture of Gordon Mushwewu and William Mashodana. These two men fell under the same spy network as above.

Thanks Commissioner, that is my submission.

CHAIRPERSON: Mr Khoisan.

MR KHOISAN: Thank you very much Mr Mthembu. Just a couple of points here just so that I can gain clarity. You informed us that you were in the second, in the third paragraph under the heading **Background**, you informed us that in 1978 I was at Quebashe and then you went to the German Democratic where you were trained in guerilla warfare for six months. On returning to Angola I was employed as an instructor in Fazenda, Northern Angola. After a couple of months I was sent back to

the GDR for specialised training in security intelligence and from there you were deployed as a recording officer at Quebashe. Is that correct?

MR MTHEMBU: Yes sir.

MR KHOISAN: Okay, and then you were subsequently redeployed as the camp commander at Camp 32 also known as Quatro.

MR MTHEMBU: Yes sir.

MR KHOISAN: Now at the time that you went to the German Democratic Republic as it was known then, was it the view, and I'm talking about your second trip there, that when you received specialised training in security intelligence, did you have a sense that you were going to be - just one second - alright no...(intervention)

CHAIRPERSON: He was trying to establish the credentials of one of the researchers. From this distance we couldn't see who he was.

MR KHOISAN: I'm sorry I had to clear that, this is a confidential inquiry and only people who are members of the Commission are allowed to be here and of course Ms Chere has been doing a lot of the work in this respect.

Nevertheless, so the time that you went to the GDR for the second time and received training in specialised intelligence, was it the view, did you have the understanding that you were being

trained to take on a specific roll within the Security Department particularly in respect of Camp 32, or is that something that emerged only afterwards?

MR MTHEMBU: Thanks, at the time when I was sent for specialised training in the GDR, it was not necessarily in preparation for my subsequent appointment as a camp commander at 32, it was purely as I view it now, it was purely part of the plans of the leadership at the time because I was sent with some people who were very senior in the movement for that particular course. It was part of a process of creating a very strong specialised intelligence and counter intelligence capability.

MR KHOISAN: And of course you've gone over a couple of incidents but prior to being deployed to Camp 32, to quatro, you were after your training ~~you were deployed~~ as a recording officer at Quebashe and that was towards the end of 1979. What was the situation that you detected inside because we've been given to understand that there were problems at that time in Quebashe and there have been indications that there have been some kind of security problems; what was your view of the situation after returning to Quebashe?

MR MTHEMBU: Thanks, I do think that there were problems at about that time because upon finishing our training in 1977 or thereabouts in Nova Gatenga which was in the South of Angola we were transferred to Quebashe and some of the people that

ought to have transferred with ourselves actually defied both the camp and the national leadership. There was a group of about 14 people who did not want to transfer but subsequently those people who were brought to Quebashe, the type of problems that existed at the time related amongst others, to people going out of the camp, or rather sneaking out of the camp to engage in illicit transactions, exchanging whatever possessions were in the camp for dagga. We also had people stealing bananas which were not our own but to those of peasants. We also had problems - for instance I recall there was an instance of somebody that died and I think that person died as a result of negligence on the part of the commander at the time. The commander unilaterally placed land mines within, not land mines, grenades, within what you would call the yard of the camp. As part of the administration one would have expected that we were going to be informed about that. We were not informed and I think in one instance when people were either playing around or training or whatever, somebody actually ignited the grenades and somebody by the name of Lloyd Gansi died. So it was the commander as I could analyse the situation who did this thing and did so not as a result of a consultation with the entire administration. But besides that there were indications of quite a number of problems. He would abuse, he would take transport from the camp, go out and drink alcohol outside, He would come back and it was not expected that



the commander could just go out and visit camps and consult with some girls and what have you. But this was the impression I gained, that the commander was abusive of the powers that he had at the time.

There were also threats of bombardment, it was after the other camp had been bombarded so there was a state of alert. Basically I'm saying there were problems that needed to be ironed out. There was also an element of anxiety because most of us were itching, even having finished or completed our training, we either had to be taken abroad for specialised training or sent home for operations. So there was that element of restlessness if I may refer to it as such. Thank you.

MR KHOISAN: What year was this?

MR MTHEMBU: This was after we had finished the training in Gatenga, this was around '78 building up to '79 thereabouts.

MR KHOISAN: Now were all these problems you were indicating after the so-called September Episode?

MR MTHEMBU: Yes sir. September was in September 1977 when we were still being trained by Cubans in the south of Angola.

MR KHOISAN: Can you give an indication of what it was? General Masondo did mention some features of it.

MR MTHEMBU: Of what, of the poisoning incident?

MR KHOISAN: Why it was called Black September?

MR. MTHEMBU: I think that episode is referred to as Black September because of the tragedy that it brought about. I was there myself. We were about a group of 500 people who had been from training, we came back from training, I think it was late afternoon. As usual we formed up as units and companies were a detachment. We formed up in queues, we went to dish along the kitchens, we had our food, I think we were having fish, rice and some powdered egg which was more or less a staple type of food. We ate, there was nothing wrong but it was no time that almost each and everyone, every other third person was complaining of some stomach disturbance. As others were complaining of that, others were vomiting, others were having diarrhoea. It was such a very painful experience, I mean I don't have words to describe the agony that one had to go through as a result of those pains, it was literally cutting, the pains, the intestines; so agonizing was the pains that you were not even shy to relieve yourself in front of everybody, women were not shy, men were not shy, seniority did not matter, it was a very very painful incident and I must point out that in my assessment, had it not been for the intervention of the Cuban specialists, the soldiers that were there, the Cuba officers, I have no doubt in my mind that most of us could have died actually. Now happily the Cubans, because they were instructors were eating separately from ourselves. So I think in the course of poisoning of the food that was served to us

subsequently, they survived and they took some of us, they went to Benguela Town, they brought in some specialists from Benguela who administered treatment to most of us. We did not recover immediately. This persisted until the early hours of the morning but the following day some people were still bed ridden and briefly I should say that's what happened actually.

MR KHOISAN: Did anybody die from this incident or was it because of the intervention of these Cuban doctors that people didn't die?

MR MTHEMBU: I don't recall, no definitely, nobody died as a result of that poisoning but I want to vouch that if it was not for the intervention of the Cubans with the medication that they gave us, I do think that perhaps not one person could have survived that incident except those that did not consume the food that we ate which was poisoned. Thank you Commissioner Mr Khoisan.

MR KHOISAN: Would I be correct to assume that a lot of the people, and I'm still on the issue of Quebashe, by the way who was the commander at the time that Lloyd Gansebu died as a result of negligence, who was in command of that camp at that time who placed those land mines around there.

MR MTHEMBU: Grenades, it was Kenneth Mahamba.

MR KHOISAN: Kenneth Mahamba and this is the same person that is one of the subjects under discussion here today, the one Timothy Kase Seremane.

MR MTHEMBU: Yes.

MR KHOISAN: Okay I just want to be clear. Now would I be correct to assume that because a lot of the people who had recently undergone training from the 1976 period, that it would generally be accepted that the camp was full of young people, both at cadre and at command level?

MR MTHEMBU: Yes in the main, you had instances of people who were not necessarily students but who took advantage of the openings that arose in the wake of the June 16 uprisings, but predominantly, though not exclusively most people who were there were young people, young people in their 20's, others less than 20, others approaching 40, and then there would be very few at all people who were above say 50 or what have you, so I do think that you are correct in that observation.

MR KHOISAN: Okay now in terms of the counter intelligence structure that existed, first in Nova Gateng and then being brought down to Quebashe, how developed in your view would this have been and what level of training did the intelligence structures, intelligence forces at camp level have?

MR MTHEMBU: Well essentially when we addressed matters of counter intelligence in the context of people in the camp, new recruits, people to be sent to the front, I should like to say with the second training we received in GDR, the standards were extremely high. You will recall that the Germans are renowned

for being very good in this craft, so we got essentially training that equipped us first of all with a thorough screening of new recruits. It equipped us with skills of establishing the potentialities of different people because it was also part of our work once we were interviewing people to categorise them to make a break-down in terms of their capabilities either for further specialised training of for infiltration back into the country. So I would say in the main we were also trained in skills of protection, establishing underground networks, the gathering of intelligence and all those things, those are processes that we undertook actually to do and hence it did help a great deal to uncover lots of people who hitherto were thought were good comrades, genuine comrades, committed in the struggle, were in fact people at the service of the apartheid regime, so I should say that the standards were high for the challenges and demands of the time.

MR KHOISAN: Okay and Mr Mthembu, so the situation is that when you were still at Quebashe and even earlier in Nova Gatenga from your own experience, because there were those things leading to Quatro, what was the experience in respect of dealing with suspected persons before the establishment of Quatro, and what was the minimum threshold for somebody to be dealt with according to security procedures?

MR MTHEMBU: Thank you, essentially what used to happen before the creation of Quatro, there would be visits from time to

time by leaders, especially the late Mzondile Piliso. He would often brief people at the camp about the situation inside the country, the situation in the front line states, the possibilities of going inside the country. In some instances he would brief us about operations that were conducted by members of Mkhonto weSizwe, that would be infiltrated inside the country, then they would give a chance for comrades or soldiers to ask questions, people would generally ask questions. What tended to be included in his address whenever he visited the camp was the issue of enemy agents. He would address this question and he would address it politically by saying that the nature of the situation that existed within South Africa was such that some people were actually compelled to do certain things that they would ordinarily not want to do. He would refer for instance to people who would be arrested either for criminal type of activities, who would then be compelled with a threat of long term imprisonment, to actually agree to work for the state as spies and be infiltrated into the ranks of the ANC. It was around this period also that the then foreign minister of South Africa announced or was placed on record as having said that out of every 10 that go outside to join the liberation movement, in particular the ANC, five would be their own people.

That was brought to our attention but in relation to suspects, in fact I must point out that from time to time when

Mzondile Piliso visited the camps to speak about these issues, he would move people. Some people would out of their own accord approach members of intelligence and say that actually they'd actually not divulged all that they wanted to divulge in relation to their backgrounds and what have you, and invariably people would then say, I was arrested for this particular thing and what have you, and Sgt So-and-so said I must come and work against the ANC for them and what have you, so you would have those cases and you would have those cases more often than not where people would confess to have - because it emerged that people were agreeing not so much because they were committed to the cause of apartheid, but because they wanted to liberate themselves from the conditions under which they found themselves at the time.

Of course at the same time then there would be other people who'd be suspected, not so much because they of their own accord approached the members of their security department but invariably because of their behaviour. They would be people who would unwittingly demonstrate a level of understanding in terms of military equipment that could only be associated with somebody who might have received a very specialised type of training. Some them, for instance, the precision with which they would manipulate artillery weapons, the calculations involved and what have you, however good they may be in mathematics, you

don't readily understand some of these things unless after a certain period of time, so there would be an indication one way and another.

Then others would make slips, they would slip in terms of their communication. I must point out that there were also covert structures within the comrades themselves, people who would gather because when we used to sit and chat informally you tended to speak about each others backgrounds and then people would say certain things are not said in their biographies, and then the discrepancy would emerge. Subsequently people would then be called for interviews, confronted as it were with the information that emerged not from their original stories. Some of them would confess, others would resist to confess. In some instances others were detected for instance drawing up the entire camp indicating positions of camps and what have you, you would obviously then conclude that this person was - there would have been no reason why a person does that except with an intention of conveying that particular type of information to somebody else, so those too would be registered definite suspects.

You also had people who would stop at nothing to discredit some members of the leadership. They would often speak about other people having a nice time staying in London whilst we are suffering here, suffering from malaria, being killed by land mines, being ambushed by UNITA and what have you. It



was true we were exposed to very very testing conditions, it was extremely difficult. In the main that particular type of difficulties with regards to those that were committed to the struggle, it actually served to sustain one's commitment, it would make you stronger because at the end of the day you would ask yourself why am I suffering this much and would ascribe the blame, not so much to the leaders of the ANC, to the system itself within the country. So those that went out of their way actually to try and ascribe their difficult conditions to leaders would invariably be suspected also of pursuing certain agendas within the movement itself and some of them were obviously regarded as suspects.

But also you had as part of the screening process, people would also be asked if they knew of any enemy agents whilst they were in the country within their localities and what have you, and people would say, yes so-and-so who stays third house from my place is an enemy agent because the system would always go there, do this and do that and what have you. So those people with names such as those would be systematically recorded so that when people like those would come they would be asked about their activities.

Others would easily claim to have been leaders of some organisations or general organisations that were resisting against apartheid, they would easily claim to have been leaders there, to

have played this particular role and what have you, so when you actually check with genuine members who belonged there, not one person but a number of persons, you then discover that these people were telling lies and as investigators we then had to find out the motive as to why they were telling lies. We would then invite them for interviews, find out why they were telling lies. Some of them would confess and actually say, I don't even know that organisation, I was told to actually say this is where I belong, this is the role I played.

And then you would have cases of people who would be arrested, charged under 13 sections of the laws of apartheid. We generally knew that if you were charged under a particular law, say Section 29, the ultimate result would be this and that and that and that. So some people would actually be released mysteriously whereas in fact they normally be charged under very serious type of sections in terms of the apartheid laws of the time. So those cases too we would pursue. Others would claim to have escaped from prisons in very mysterious circumstances, their colleagues are left behind and what have you, so you try and figure out, how did they escape and ultimately you would find that some of them, their actual escape was stage-managed because the particular person would have agreed to work for the system and therefore to come and infiltrate the ranks of the liberation movement.

MR KHOISAN: Okay now just in terms of that, I think what I'm trying to get is, when you found somebody and it was determined according to your ~~critereion~~ criterion that this person was operating under dual purposes, you know having - maybe presenting a front of being part of the movement and on the other hand freelancing or working for another organisation like the apartheid regime, the former government, what did you do with those people before the establishment of Quatro?

MR MTHEMBU: Before the establishment of Quatro, it became apparent to us that there were people who voluntarily confessed to have been sent by the regime to infiltrate the ranks. All those people without exception, those that confessed of their own accord were not punished in any way. There were other people who were kept in Angolan prisons who were discovered it would appear even before we were there and they would be locked up in prisons; I'm speaking not of not more than five persons here, I know of about three, unfortunately I cannot recollect their names, but generally there was no lock-up, there was no holding area and people would generally be mingling, interacting with everybody else. It would be known only to the recording officers or the members of the Department of Intelligence Security that somebody has confessed but in terms of the other members they would not be known.

MR KHOISAN: Was there occasion where somebody would be for instance taken to detention in an Angolan Prison or an Angolan detention centre or handed over to the Angolan authorities for safe keeping, etc etc.

MR MTHEMBU: I think there were instances like that, there were cases where people were locked up in the prison who were members of the ANC.

MR KHOISAN: Do you have any knowledge of that? Because I see from before you went there, before you went to Camp 32, you were deployed as a recording officer..

MR MTHEMBU: Yes.

MR KHOISAN: ..and we understand the recording officer would be in the graph of the, if I just look at the graph of the intelligence structure, the structure goes down from a National Regional Directorate, when you get off of that you get Recording, Screening, Interrogating and Security Guys. Okay that's the way that particular thing would have worked. So as a recording officer before you went to Quatro, did you have any occasion to be a part of, or to record a matter or a case or deal with a person who was suspected where they ended up in an Angolan Prison before Quatro was established?

MR MTHEMBU: No, definitely not, I know of cases but which were not personally handled by myself. These were cases of people who were discovered or were locked up even before were

formally introduced to those things. I don't recall any instance where somebody as a result of being suspected to be an enemy agent was taken during my period of tenure either as a recording officer or as a camp commander of 32, taken to an Angolan prison; I don't recall, I guess there would have been instances where Angolans themselves were affected, either somebody raping an Angolan woman, shooting their children or what have you, but not purely cases of security that were purely South African, I can't recall instance like that.

MR KHOISAN: Okay so you don't know, I'm just trying to establish whether what level of understanding you have about the five or six or seven things which predicated the establishment of Quatro, you see, were you given to understand that before you were made the camp commander of Camp 32, that the Angolan government was having problems helping South African Detainees, was that ever put to you and discussed with you.

MR MTHEMBU: It subsequently got put to myself.

MR KHOISAN: By whom?

MR MTHEMBU: By the leaders, I think Mzondile Piliso or Andrew Masondo. There from time to time discussions between our leaders as they would be visiting Angola and the Angolan government and I know for a long time we had people who were locked up in Angolan prisons. I think at a certain stage the Angolans felt that we should deal with our own cases but also on

the part of the ANC there was beginning to emerge an anxiety that some of these people could unduly release information about the ANC or about South Africa which ordinarily would have been better, if it was the ANC only that was privy to that information.

But for instance I know part of the reasons that contributed or rather informed the creation of Quatro subsequently, I got to learn this where a group of people were actually deserting from Fazenda, they tried to desert to some offices, they explained those offices as UN offices and what have you, but given that these people had already been exposed to some of the secrets, the camp outlay, the secrets where the anti-aircraft guns were deployed, the numbers of people, the actual identities of people, it was felt that since they want to escape, you can't keep them with everybody else, there must be a holding area. That might have contributed to many other reasons that informed the creation of Camp 32.

MR KHOISAN: Okay and now when you were a recording officer at the time and given the fact that you were not the commander of the camp, but you were a recording officer, but you were part of the security and may I must take by extension also the intelligence structure of the ANC, inside a camp like Quebashe, how many people at that time before you got deployed to Camp 32, would you say were on the list of people who were suspected or people who already had been processed, or people

who had cases pending, or people who in one way or another had fallen foul of the movement or its structures or principals?

MR MTHEMBU: We had a very significant number of people who were strongly suspected to be in the payroll of the apartheid system. This is inclusive of those who confessed voluntarily because even those, some of those were using this as a trick to actually pursue their goals. I cannot state the exact numbers because I cannot recollect the exact numbers but we had a sizeable proportion of people who were suspected or who were confessed and proven enemy agents.

MR KHOISAN: And what kind of situation did this create, because if you had a sizeable number, how many people did you have in the camp then in Quebashe for instance?

MR MTHEMBU: A couple of hundred I think.

MR KHOISAN: So a few hundred, so if you had a few hundred and you had say 50% of the people in that camp who were in this category of people unprocessed, suspected, common criminal or just anarchist or what somebody who was just out of line, and then you had this other 50%, what relationship would that grouping of people have with the security apparatus of the ANC in the camps?

MR MTHEMBU: There would be the relationship because of the numbers, because of the influence of some of these people that would be regarded as suspects or confirmed enemy agents, the

relationship was not particularly great given that the security department were seen as enforcers of discipline and some of these people who were not necessarily disciplined, they would break the rules and invariably security would be called upon to put them to order. So I would not say security and that particular category of people were the best of friends, I couldn't possibly say that.

MR KHOISAN: So in terms of the relationship of forces that you're telling me, is that you know security was having an ungovernable situation or close to an ungovernable situation, is that what you're suggesting? Because obviously I'm trying to understand, if we have such a large number of people in a camp, you don't have detention facility set up, you have a large number of people in the camp, you're trying to prosecute a struggle at the same time, you constantly, you have Nova Gatenga, you have this poisoning incident and you have people on high alert, but you also have these people and their relationship to the other people who are not suspected, and the way I understand some of these people and they have a way with other people, so then do you think the security department at times felt under pressure from not only these elements but also the camp.

MR MTHEMBU: I think that observation is correct. Actually in a sense without any attempt at trying to justify the setting up of 32, I do think that if at a certain stage we did not take people to lock them up at 32, we could have experienced a situation similar



to the one we experienced in 1984 of mutiny, the killing en masse of comrades, so in a sense I should say these people were very active and we're beginning to reach levels of ungovernability and we must recall that we are speaking about people who were armed here and there had been cases of random shootings within Quebashe itself at that time. I recall the case of Moses Rosifate who was from Orlando and it had subsequently emerged that he was a police officer, leave alone an agent within the ANC but he did not make it know to the ANC that he was a policeman. He killed himself. Before doing this he literally spread fire with an intention of killing other comrades. Now happily in the tents that we created, these were tents that would not be erected on an ordinary surface, you would first start by digging what you call a dwelling and then the tent would just serve as a roofing but we would actually living in the dwellings themselves or what you would call a trench to use a conventional term. If it was not for the fact that they got to hear the first bullets and the instinctive reaction as a soldier when you hear a sound of a gun is to take cover, there would have been lots of people who were killed by himself.

So it then underpinned the necessity that we needed to keep some of those that were registered as dangerous or unreliable in a place safer than the camp itself because then their continued existence within the camp itself threatened the lives of the other

comrades and we were also not sure of how other soldiers would react if it became known to them that so and so was actually an agent done this back home and what have you. So there was a need to separate genuine members who were committed and those that were tainted in way or the other.

MR KHOISAN: Yes but there's also another part of this Mr Mthembu and I want to put it to you also that given the fact that you had that kind of relationship of forces whereby you had an uncontrollable situation, which you say I'm putting it conservatively at 50% but you say there were a large number of people and because we cannot numerate that now, we cannot go through a list of people, we will just say a large number of people and you have the security departments and then you have the other members. Could it also be true that in a situation like that the security department could become introverted, could become a structure which, because of the nature of the situation in which it engages began to relate to itself?

MR MTHEMBU: Began to?

MR KHOISAN: Began to relate to itself.

MR MTHEMBU: I think I cannot rule that out in absolute terms, but we were within a military type of situation, you had to guard very jealously against particular things that you do and things that you are not supposed to do. There might have been a temptation for some people to become a law unto themselves but

under the circumstances, the consequences of doing certain things that are wrong or that tend to violate, established and standing orders, you could not guarantee that you would be sentenced to a firing squad, so there would have been caution on the part people, however much they might have been tempted to become a law unto themselves. But even besides that were required from time to time to submit reports, monthly reports to the leadership, first to the regional command, and the regional command would in turn take those reports to Lusaka, to the national leadership, or some of the leaders who would visit the camps from time to time, would then get some of these reports in Luanda itself.

I'm saying basically there were no shortages of people who were sent by the regime but I don't want to be construed as saying at any given stage, the number of enemy agents was necessarily more than the number of genuine members of the liberation movement.

MR KHOISAN: No what I'm trying to establish here is given the fact that the security department was the only people inside the camp who knew the real relationship of forces inside the camp, the other members inside the camp had no idea of this relationship of forces, could that have created a situation where the security department could develop paranoid complexes for instance? Could develop where a situation could have been created where

that could have acted as a springboard for excesses on the part of the security department?

MR MTHEMBU: Oh I think I understand the question now. First of all in a camp like 32, in a camp like Quebashe, the person overall in charge was a commander and he was not a member of the security department. That was the most senior person. The commissar was second in terms of the hierarchy, not also a member of the security department. The chief of staff was a senior member, number 3 in terms of seniority in the camp, was equally not a member of the security department, so orders that had to be obeyed in terms of routine camp life, were those of the commander, the commissar and the chief of staff because it was an ordinary type of a camp. So there are very little chances if at all that security could have become, given that structure, a law unto itself at the expense of the officer in charge in which case it was the camp commander deputised by the camp commissar and the chief of staff. I don't think that situation could have arisen in a normal camp type of establishment.

MR KHOISAN: Okay now what I'm trying to get to here is the situation Mr Mthembu where there were three commissions of inquiry, not only into the mutiny in 1984, disturbances at Quatro, the situation in Quatro itself, abuses, excesses etc, but for instance where the security department and its modus operandi and its culture, this particular question is a situation where you

are under siege as you pointed us to, you were at Nova Gatenga, you had the poisoning, you had the statement by Pik Botha where he said, half of your membership is on our payroll, you had a situation whereby you had this case of Moses Rasefati and these shootings and also certain things that you detected. In my view what I'm trying to establish from you, is whether this in the early stages before the beginnings of Quatro, created a situation whereby the security department developed a mechanism where it became insulated from the - I understand what you're saying about the camp commander and the camp commissar, but the security department also could have received an instruction to do collection on the camp commander because the security department over and above everything else had to report to the higher security structures. If for instance problems were detected with the camp commander or the commissar, the security department would do collection on that camp commander, I mean so the camp commander wasn't necessarily the be all and end all of control for the security department.

What I'm saying is that could it have been at that stage that the security department, because of the situation, the relationship of forces, developed mechanisms which later on became distorted?

MR MTHEMBU: It's a very complex type of a situation, it is true that as much as the commander, commissar and chief of staff

were senior officers in relation to the security, security on matters of security would be allowed be allowed to investigate them. If you are asking about possibilities of excesses and abuse and what have you, I would say there were instances where people tended to abuse their power, we were not a monolithic or a homogeneous type of unit, we had varying degrees of political understanding, relations with people at camps. Other people literally interpreted being a member of security like being a member of the police in the South African situation at the time where you are a power unto yourselves. We had instances such as those and whenever those were brought to our attention we would speak with the people who tended to violate the regulations. Depending on the gravity of the violation we would also punish people for having transgressed certain types of procedures.

I don't know if I understood the question clearly as to...(intervention)

CHAIRPERSON: Maybe let me try and see if I also understand the question because it was put in a very lengthy way. Now but I will ask my own questions, then we'll relate it to that. Are you in a position to say that when once there was this war psychosis generated by what was happening, poisoning of people, bombardment of the camps, provocation by certain people who were designated enemy agents, is it possible that when once this became the predominant fear in the camps, that in spite of the

formal structures that made the camp commander, the commissar and whoever else, the recognised authority, the security establishment in fact assumed a position of absolute importance and control. It had reached a stage where in spite of the formalised structure de facto, the security establishment became the law because they were able to say, look you may well be in charge here, but we are the people who have to secure the lives of everybody here and we are therefore charged with a far more important duty of garnering intelligence and acting on that intelligence for the security of the camp.

MR MTHEMBU: Thanks I understand that question very clearly and must point out that because of the seriousness or the importance of the work of security and also depending on the strength of character of any person who was a commander at the time, there always would have been an interaction or a relationship that would put a security officer, especially one in charge overall, in a position where you would think on certain issues, he's more senior than the commander, there would have been such instances, in fact there were such instances.

MR KHOISAN: You see that is why, and thanks very Mr Chairman for putting it that way because what I'm trying to get to and in fact maybe I can refer you now to a document that you have in front of you which is this Stewart Commission Report of 1984 and there's an area, two areas I want to draw to your

attention. One is an area which is Grievances against the Security Department and it's Point 13 I believe, do you have it there? Page 11 and 12.

If I can just draw your attention to Point 13. Point 13.a, c,d and e. But let's deal with point a because 13.a deals and we will come back when we come to the conclusion, but in Point 13.a just to read it into the record, Point 13, Grievances against the Security Department.

a. Interviews carried out by the Commission in all our camps reflect one unanimous response, that the security department carried out tasks which were not supposed to be theirs, the task of disciplining offenders,

How do you respond to that, do you think that is a situation that could have obtained? That's why I put the relationship of the commissar, the commander and the security department.

MR MTHEMBU: I think I agree fully with the finding but I think I also understand why a situation like that arose. I don't know if you want to permit me to proceed to try and explain my understanding of it.

MR KHOISAN: Please go ahead Mr Mthembu.

MR MTHEMBU: Without any attempt at trying to justify this, I do think that there had been instances, several in fact where cases of discipline would unwarrantedly be dealt with by members of the security department. This arose because there was beginning



to emerge on the part of the security department members at the time, that some people were sent to create havoc, some people were sent to ensure that there was no discipline, that there was anarchy, and that people were no longer going to be sufficiently prepared to be committed and disciplined in a manner that would ensure that they conduct successful operations within the country.

So a failure on the part of members of the security to distinguish clearly between cases which were of disciplinary nature and those that were of a security nature, but manifesting themselves in acts of ill discipline actually for this particular type of situation arising. It was wrong then as now, I think for us to conclude that every case of indiscipline necessarily had to be dealt with ourselves, there were those that had to be dealt with in terms of the established camp standards and regulations and what have you, but the failure on our part to distinguish between those that were pure disciplinary cases and those of a security nature accounted for the arising or for the existence of this, but that is true.

MR KHOISAN: And in cases where the security department would overstep its bounds, given the fact that you would maybe make the assumption that somebody for instance smoking dagga in this camp or interfering with situations of one of the women comrades, wasn't doing it just to be delinquent, but was doing it because they wanted to create an atmosphere which would

damage the morale of the camp, I'm thinking that you, because you say sometimes a problem manifested itself one way but your interpretation of that particular problem, that particular case, you said no this is a security problem, this person is really acting like an agent, he is not acting like a comrade who is frustrated or smoking dagga and messing around,

Okay but I'm saying in cases where you, where the security department overstepped it's bounds what was the process of review, what were the mechanisms that were established and where the security department could be brought to account?

MR MTHEMBU: I think, in fact I know that even our ranks were not that pure. We also had people who committed acts of indiscipline, very very serious cases of indiscipline, we had comrades who abused their positions. To be a member of the security and intelligence department put you in a certain area, it afforded you with certain powers; so other people did take advantage of this, either in abusing power so that they can get hold of women, so that they can get certain favours from certain people. Other's even beat up other comrades because they were members of security. We've had those cases. There were cases that were dealt with in terms of individuals involved but others ran away with murder, honestly, others escaped, they were not punished, so we did not have a watertight system of dealing with those people but there were those who were denied promotion,

others were removed from security and were marginalised and went back to the ranks of comrades, but others managed in some ways that are not clearly discernable, but they managed to succeed to escape with that.

It's a situation that is self blackmailing. Dealing with somebody who is dealing with security, you always think twice to what extent would they do something that I don't know anything about in terms of dealing with them? We were also faced with dealing with those situations but it would be wrong really to think that the security department in as much most of its members were drawn from those that were thought to be disciplined, committed, reliable people, but there were mistakes that were made.

We also actually discovered that some of the people who were members of the security department were in fact enemy agents; we had those instances. So in an equal vain you would also imagine that if we had general cases of indiscipline amongst ordinary soldiers we also had them within. I mean security people were not people different from other people except that they had to behave in a particular way in so far as their duties were concerned, they were expected to have been people who had been behaving very well in terms of during training, either the contributions that they made at home, their commitment there, the discipline, ability to catch up with lessons and what have you, when you're sent abroad how you behave yourself, because you

were in very difficult circumstances if you were not thoroughly disciplined.

I mean we were deprived of so many things. We spent years without getting involved with women for instance and those that were not sufficiently disciplined could easily have raped other women if they were exposed to circumstances where there would be women. Those that particularly liked alcohol would have drunk themselves like fish if they were exposed to those circumstances, so it was conditions of - they were extreme, it's difficult to explain the conditions that we were exposed to but they were completely in a word I would say inhuman because of deprivation. Essential things were not readily accessible to ourselves, it was at a later stage when we began eating normal food and what have you, but it was difficult; I mean eating rice and beans every day and powdered egg and all those things, you just drink water, there's nothing else you can drink, no soft drinks, nothing, there's nothing that - you see camp life is routine, you do this now, we do this - it's a monotonous type of life and to come out of such conditions being normal, you really have to be made of a special fibre so I do think that most of us invariably most of us were affected then and some of us are still affected.

MR KHOISAN: Thank you.

CHAIRPERSON: Now you mentioned something here which has become something of a legend when one describes the people in security when you said even a person who was a leader, when they had to deal with people in security you had to think twice. What was it that they had gripped people with this sort of feeling of insecurity when they dealt with people in security?

MR. MTHEMBU: No I shouldn't think that that type of a description was singular in terms of that situation at the time, I think it's human nature the way I understand it, basically we are dealing with people who might be having knowledge of your background without you knowing it and once you know that these are the people who might be having something that I don't want anybody to know, it in terms of the relationship, it happens everywhere, it puts you at a different type of level with that particular person because everywhere else security, intelligence and are not particular capabilities because by nature they are intrusive and very nosy in terms of getting into the affairs of others. I think it's only beginning to change with the particular laws that we have now for the intelligence services but the general picture that people always had of security, of intelligence people, it is that of James Bond's people who spy on others, place cameras there and what have you, so you don't generally relate in the same way as you would relate to another ordinary person. It was not a situation that was unique to the particular situation.

MR KHOISAN: Yes Mr Mthembu, the James Bond scenario, James Brown Mr Chairman, James Brown, but in terms of the report that was carried with the Stewart Commission, they say in point C, the grievances against the Security Department, 'The harsh measures of enforcing discipline within the camp by some security department comrades have dangerously made it a notorious and infamous department in the camps and perhaps the whole movement and you've put it to us, but Point d says, 'the complainant and onlookers who gave evidence say that the security department have tortured and killed a lot of our comrades, and if they kill us who is going to fight inside the country?'

Now point c and d, do you agree that there were harsh measures of enforcing discipline and pre-Quatro, can you give us some idea of what were these methods, what were some of these methods they were using?

MR MTHEMBU: I actually do think that there were harsh methods that were used but I don't want to give an impression that this was rife, it used to happen, I mean what you hear said here are in certain instances very true reflections of what transpired. If for instance somebody's locked up in a very dark or bungalow or something, there is not enough air conditioning coming in, there are no windows and whatever, that is very harsh, it is very inhuman. I don't agree with that, perhaps I don't agree

with it now in retrospect but at the time I could see no other alternative, not that I condoned it at the time. We also had instances of people being put within containers. Well given the temperatures of Angola it is extremely harsh to put somebody within a container and close it because there is not enough ventilation that comes in and out. The type of punishments would also comprise of say a person being made to dig a trench, in some instances that was correct if the trench would ultimately serve the purpose of being a defensive technique for the camp itself, but in instances where you make somebody to dig a trench and then once they've finished doing that then make them to throw in a cigarette stump and close the trench, I do think that psychologically, that's got a negative type of an impact and there have been records of such types of punishments. I'm trying to recall - then other people would be made for instance to do physical exercises. In the main I would say this was okay but if it was regulated in terms of proper times because if you do it beyond a certain point, then it was not human enough.

So there were instances where very harsh methods were used, I do think that those are regrettable and they should not have been employed in the first place.

MR KHOISAN: So no let's go directly to Quatro which is what the I guess the main subject of today's discussion is. I'd like to point you to a document that you have in front of you, it's an

appendix to the ANC's policy statement to the TRC and it's an annexure and it's page 41 and it's called Quatro, I don't know if you have it in front of you.

MR MTHEMBU: Yes thank you.

MR KHOISAN: Now at the time that you went to Quatro Mr Mthembu and you were deployed there as the person in charge of Quatro, in your view would it be that that particular mind set that we discussed now, including the issues related to the intimate knowledge of the security department had about the real relationship of forces on the ground in Angola, also the situation of some of the shall I say the culture of the Security Department, but the time that Quatro was set up and you were deployed there as the commander - would assume that you would have been quite young, nineteen, twenty and so in a sense number one you received a heightened level of training and you've, on your side you've gone through a particular process, but now the other people around you who constituted shall I say the staff of Quatro, do you think, would it be fair to say that people when Quatro was set up, or maybe you can tell me directly, what was the view of the staff of Quatro when they were transferred there in relationship to the persons who you would be dealing with? How did they view setting up this facility and also the persons who now would be physically incarcerated as such or interned as detainees at that place?



MR MTHEMBU: Well to begin with I must point out, I think there has been some slight and unintended type of distortions. I did work in Quatro but for some time I worked in Quatro in my ordinary capacity of a recording officer. I was not like appointed in Quebashe and went to Quatro as a fully fledged camp commander, I worked for some time with other recording officers within Quatro for some time as an ordinary recording officer, then once the whole complex had been finished in terms of construction, after some time, I was appointed formally.

In terms of the relationship between the staff and the inmates is that what you are asking?

MR KHOISAN: Ja just on a point, I was going on your own statement, you said you became the camp commander of Quatro from 1979 to 1982 and I'm talking about the period of your watch, the time that you were in command. So you can proceed.

MR MTHEMBU: If I understand you to be asking how the staff felt during my tenure in relation to the inmates, well to begin with I should say, being appointed a member of the security and intelligence department, being recruited into those ranks was in a sense an honourable position - not for myself - I'm saying for everybody else because what it amounted to it amounted to the fact that you are trusted, you are reliable, your bona fides are not questionable, you easily could, whereas an ordinary person could not guarantee that at one stage or another they might be working

in Lusaka, Tanzania, London or some other areas, as a member of security it means it opened vistas along that direction.

When we earlier joined it did not occur to us that there would possibly be spies and what have you which - we generally knew about spies and what have you, but unto yourself you just told yourself that look here, everybody who is here is a genuine member coming to train wishing to go back to South Africa. It is not until the incidents that I've enumerated that actually begin to make people aware that hey there is something, not only do they exist but they are actually active within our ranks and in a way in destructive manners.

So people were - I would say their attitude towards the establishment of Quatro and people being appointed to go and work there, people took positively to that, maybe at first because of the excitement of being associated with the Department of Intelligence and Security but after some time it occurred to people that it might actually mean that they are grounded and forever, they might not find an opportunity of being sent to the front. Most of us were itching to come to the front. So I mean others would request they be sent to the front, others would tell us that staying in Quatro would drive them mad. So we had a practice of taking people from time to time to include them within groups that went for training abroad, either in GDR, the Soviet Union, Yugoslavia, wherever. We would take two at a time either

for specialised training or for political studies and what have you as a way of dealing with the monotonous nature of staying in one and the same place. That's what we used to do but I shouldn't say people were having a negative attitude in relation to being employed at Quatro.

MR KHOISAN: Do you think that people were, do you think that at that point people were properly briefed, that people were clear about what the situation would have been because let me just draw your attention and maybe have you respond to something. On point 6 of this, on page 42, 'Problems', and I want you to expand on this for us, because Camp 32 was a sudden, almost knee-jerk reaction to the enemy onslaught which threatened the very existence of the organisation, it was not properly planned, it became a makeshift camp. Is that the view that this thing was not properly planned that it was just sort of catch as catch can in this place.

MR MTHEMBU: Retrospectively yes that's true.

MR KHOISAN: So in that particular situation, wouldn't that mean that in terms of how you were going to operate in Quatro, was everybody fully briefed that you were going to have 400 prisoners, this is the regulation, this is the way you're going to go about it, this that and the other thing?

MR MTHEMBU: No definitely if that is what you have in mind, that was not, there was no way anybody could have known how

many prisoners of inmates we would have at Quatro, because some of them were brought as far as Botswana itself, as far as within South Africa itself, as far as Tanzania, as far as Zambia and what have you. There was no proper or structured planning in terms of Quatro. It would seem that an awareness emerged from some quarters it was a policy matter the question of creating Quatro, it could not have been dealt with at a camp commander level, it could only have been informed by reports that were placed before the leadership, the regional command to create a facility, a holding facility but there was no - for instance when I went there, I first worked as an ordinary recording officer with other recording officers, it's us actually who contributed towards establishing proper norm structures of running the camp and all those things, procedures and what have you. So it was not like somebody had planned for it and determined that it will have how many, so many soldiers, so many officers, this commander and that commander and what, there was no planning of that particular nature as far as I'm concerned.

MR KHOISAN: So do you think that that could have contributed to the problems with the result in respect of the treatment of the detainees?

MR MTHEMBU: Yes, partly yes.

MR KHOISAN: And whose fault is that in your view. I don't want to get on to apportioning blame but I want to be clear about accountability.

MR MTHEMBU: I don't know if there are wrong things that transpired within Quatro when I was in charge, I can only have myself to blame and want to take the responsibility for that, but on matters that were beyond my jurisdiction, it's difficult to point out a finger; I would say maybe the leaders ought to have planned beforehand for that.

MR KHOISAN: Okay now let's look at point 9 Mr Mthembu, 'Abuses'. The document says in Point 9, abuses. Inmates were not only abused by the general conditions in which they were kept, but also by actual acts of ill treatment meted out against them, forms of ill treatment reported to the Commission by complainants were these:

Lengthy isolation in solitary confinement, regular beatings under the feet or elsewhere with guava sticks or coffee tree sticks, napalm being rubbed with or rolled on hairy beans of a plant which caused itching;

Pompa - blowing up ones' cheeks and pumping them so that a guard would slap you;

Pawpaw - etc etc,

Beirut - flogging while naked lying face down; Helicopter - being tied hand and foot and suspended on a pole or log

like a pig on a spit; chopping wood for hours on end; and red ants being introduced into ones clothes etc etc; and then the final one is third degree interrogation - non stop interrogation for two days or more.

Do you agree that these things occurred in Quatro?

MR MTHEMBU: If I'm being asked if abuses occurred in Quatro, yes I would agree that there were instances of abuse.

MR KHOISAN: And in terms...(intervention)

CHAIRPERSON: He's asking specifically, there's the record by Stewart here specifying the manner in which abuses took place and I think he's simply wanting to know if you agree with the Stewart Commission as far as they categorise manners of abuse?

MR MTHEMBU: I think I agree.

MR KHOISAN: Now you know I have to ask you this Mr Mthembu because it's the next logical question since if this took place on your watch from 1979 to 1982, if these things were occurring to people who were under detention in an ANC facility, what did you do when you got to know about this?

MR MTHEMBU: I actually have agreed, but I'm happy now you give me an opportunity to qualify my agreement to the question. It emerged to myself subsequently that there were people who were treated very badly within Quatro. In instances where we got to know about such violations, we either strongly reprimanded the officers who were involved, punished them, demoted them or

deprived them of any prospect of being promoted in future. What I want to say in relation to this is that people were generally not allowed to beat up other people; it was a standing order in Quatro. There would be instances where a person would be punished as an inmate because they had transgressed certain established rules in terms of their interaction with the guards. For instance if a person would be clapped or be made to Pompa - that came to our notice but it was not like it was a mundane practice, and established by the routine of the camp to have these things done. For instance the fetching of wood is something that we would have done ourselves if that place was not a detention facility because you had to fetch wood in order to cook for yourselves, you had to fetch water in order to cook for yourselves. Now under the circumstances the inmates were made to go and draw water and whilst drawing water because of fear that they might escape they had to be guarded by soldiers and that I do not want to interpret as a form of punishment.

The same is true in relating to the chopping of wood. If it was done for hours on end, maybe the reason was to ensure that we do not want to take the risk to have people almost daily outside of camp because there were risks involved in doing that, there were risks of being ambushed. First of all ourselves by UNITA or FNLA forces, there were risks involved that the

inmates themselves could possibly escape, disarm somebody and escape.

So apart from sanitary considerations of taking them for either toiletry or this or that outside of their cells, it was not something that was encouraged to take them outside of their cells, not because of wanting to keep them in solitary confinement, it was risky. There could not have been any guarantee when we are going to be attacked, by whom we're going to be attacked, how we're going to be attacked, and under the circumstances it was difficult. It's one thing to defend yourself in a camp, militarily speaking, it's another to try and defend yourself whilst you are guarding somebody else, so we had to minimise the question of going out.

The question of red ants introduced into clothing and whatever, that was never brought to my attention, but I also find it difficult to figure out how would somebody go and pick up ants and put them in the clothes. I do think that in as much as there had been instances of abuse and excess there is a tendency here of exaggerating those. Some of the things happened, some of the things I don't want to accept them as having occurred, but in instances like I've pointed out where people were punished rather unfairly, undeservedly and that was brought to the attention of the administration, we did take corrective measures.



I think I have in a sense addressed - but there were also instances where people were frustrated, people were angry and this is by now way a combination of what actually transpired, but people stayed there for years and what have you and they thought the reason for their stay was because of these people who they generally took or interpreted as spies and there were instances when people, you generally know what their attitude was of comrades both inside the country and outside the country to people who were labelled as spies. That were even more vicious methods that were used inside the country, I'm not trying to say instances of abuse were better, I'm not trying to compare these because the pain is difficult to compare, it's difficult to quantify, some of these things are very bad and regrettable but let us also be cautioned against the element of exaggerating; I think some people are taking this beyond the top.

MR KHOISAN: Okay I just want to say that the reason why I asked the first question about how people were prepared and briefed for Quatro, is because the conclusion under Section 3 of the Motsanyani Commission Report, 3.3 says,

'The personnel at Quatro was not adequately trained and supervised and did not have the maturity or experience to deal with person accused of being enemy agents. There was a break-down in communication between Mbokodo and the

Officer of Justice which resulted in the continued improper detention of persons without trial',

and then 3.4,

'As a result of insufficient resources, unclear authority and faltering resilience, the Officer of Justice was not effective in administering the code of conduct in such a way as to protect the human rights of persons detained.'

Now in respect of those two, especially Point 3.3 of the Motsanyani Commission Report of 1993, this is the last in a series of commissions, they're in a sense reviewing Stewart, Skohia and coming up, and this is actually like a recursor to the Truth Commission, or shall I say the progenitor, one of the progenitors of the Truth Commission, the Motsanyani Commission Report because I think they also started floating the idea that there should be a Truth Commission. But, and I'm not trying to - I'm just trying to say that this is in the record. Now how would you relate what is said there in Point 3.3 to for instance the case of Gordon Moshwewu who claims that he was tortured in Quatro?

MR MTHEMBU: 3.3?

MR KHOISAN: Ja.

MR MTHEMBU: Point 3.3 says the personnel at Quatro were not adequately supervised and did not have maturity of experience to deal with persons accused of...(intervention)

MR KHOISAN: Okay, I'm trying to say that here you have somebody that's accused of being, somebody who's at Quatro, detained at Quatro, that means that you're under suspicion of being an enemy agent, is that correct?

MR MTHEMBU: Ja.

MR KHOISAN: Or for other reasons.

Now this person Gordon Moshwewu, was he under suspicion of being an enemy agent? Was he a confirmed enemy agent at that time in your view?

MR MTHEMBU: I will answer that question but before I do so I would like to give a background about Gordon Moshwewu specifically.

MR KHOISAN: Go ahead.

MR MTHEMBU: Gordon Moshwewu, we were trained together with him in 1976 and what have you, he was a very delightful type of a person, I think mainly because of his capabilities in soccer and what have you. He was also very vocal, he had a sense of humour and all those things. He showed also a very easy way of understanding things, politically he was very sound and what have you. When we then ultimately, first of all we were trained together in Benguella, then transferred to Gatenga, then Quebashe, right up to a point where he was appointed the camp commissar. He was popularly known as Granite because he was a very good football player. He was camp commissar and in one

way or the other the appointments of people to such positions is often proceeded by a consultation with the Security Department. There was nothing wrong we held against him as Gordon Moshwewu; in fact at a personal level I was very close to him, very friendly and he was even closer to someone to somebody who was head of security at the time in Luanda called Sticks.

So what I'm trying to say by giving you that background is that nobody suddenly woke up and decided Gordon Moshwewu should be locked up. After the spy network was broken quite a number of people implicated Gordon Moshwewu as an agent, not one person. You will realise that it was a very hard decision to arrive at having somebody at that level, I couldn't as a camp commander go to the next camp where he was commissar and say you have been implicated, come we are locking you up. A matter such as that had to be reported at a level superior to ours. We reported the issue to the regional command and subsequently it was reported to our leadership. Masondo at the time around town in Angola, they were told about this thing.

I have pointed out that up until then there was nothing specifically about Gordon Moshwewu if anything actually he was trusted, he occupied a very senior position within the ANC. So he got implicated in the process of other agents providing their confessions and if I'm not mistaken including by his own brother. Reference could be made to documents if the movement still has

them, the number of people that actually revealed him as being in the employ of the South African racist regime.

Decisions such as these are not arrived at very easily, it's a very difficult. Apart from the implications that it has for an individual it also has implications for us as a security department, the extent of penetration, it begins to worry you. It's not something that you lightheartedly decide that no we're going to lock up so-and-so. There was overwhelming incriminating information and evidence against Gordon Moshwewu and it was on that understanding, on the strength of such information and evidence that he was locked up at 32. He might have been beaten in the process of investigation when people were trying to get him to confess given the overwhelming nature of evidence against him, he might have been beaten up.

I have been speaking to Gordon as recent as last week. He phoned me in my office, he was trying to get me to assist him. I spoke to him when I went to ANC conference in Mafekeng, he wanted assistance from me too. There is an apparent contradiction between Gordon seems to be saying either in newspapers or to the TRC and how really begins to relate to people. I cannot rule out in absolute terms that officers who might have investigated him, interrogated him, clapped him, kicked him and what have you, but if you look at him today and you try and bring to mind the extent to which he was tortured, he

would be beyond recognition, he probably would have died. So there is no consistency, it looks like there's an element of taking things over the top himself to say he was beaten up. He does also make reference to people that were beaten up beyond recognition who he could only recognise by their voices and what have you.

Maybe it's an element of anger, I understand it but I don't think that if faced with problems we should then begin to tell lies because there is going to be a point where we cannot explain some of the lies we tell. That's what I can say.

MR KHOISAN: Now did you want to ask a question Commissioner Burton? Okay now, the issue with regard to Gordon Moshwewu is that he claims that at the time that he was being detained at Quatro, he also happened to see another detainee at that time known by his name in the movement as Kenneth Mahamba and for the purpose of this particular hearing and in respect of this proceeding as Timothy K Seremane. Now he says at the time that he saw him in Quatro under detention, that this man had been beaten beyond recognition. Now we have spoken to another person who came and dealt with some of these matters but I'd like to have your meaning, your view on what happened. Did you know that Kenneth Mahamba, Timothy K Seremane was beaten at the time that he was under detention in Quatro?

MR MTHEMBU: I think he was beaten.

CHAIRPERSON: Maybe also in relation to Seremane now that you are talking about it, maybe you want to give us your own understanding, his background, what he was in the same way as you have done with Moshwewu.

MR MTHEMBU: Is there a chance I could proceed to the loo if only briefly, I'm literally dying for a wee.

CHAIRPERSON: There will be a five minute walking or stretching break. I was trying to stretch it to lunch time but I understand. Let's take the five minute break now so that we can come back.

SHORT RECESS

ON RESUMPTION



CHAIRPERSON: Mr Mthembu you are reminded that you are under oath. Mr Khoisan.

MR KHOISAN: When we broke for tea and the short stretching of legs you were busy telling us about, we were on the case of Mr Seremane and you were giving us some background in respect of that, and maybe you'd like to continue Mr Mthembu.

MR MTHEMBU: Thank you. Yes when I was posted to Camp 13 Quebashe, it was around '78, I had just returned from training, GDR. I worked under Mahamad who was camp commander and the camp commander was Cher.

CHAIRPERSON: I didn't get to know, who was the camp commander?

MR MTHEMBU: Cher Ogara, January Masilena, he's an MEC in Mpumalanga now. There was no problem in as far as our work was concerned, we continued with our work, we did have some slight problems here and there on procedural matters where he would not at times take kindly to shall I say our autonomy and what have you but these were not very serious problems given that he was on good terms with the person who was our head at the time, Joseph Vuke who got killed in Luanda, he was crushed by a car and the car ran away, so he also died under very mysterious circumstances. We continued working up until there was this actual break-through in terms of the spy network that was within the movement. The names of people were revealed. Foremost amongst these was the name of Mahamba who belonged to a spy network that had managed to successfully penetrate our ranks.

They then cited Thabo Mavuso as their commander, as the overall in charge of the networks that were within the ANC. At this time Thabo Mavuso had already joined the enemy because he got deployed inside the country immediately when we had finished or even before we had finished training in Gatenga, he took a lot of arms, weapons and handed them over to the racist apartheid regime officers. So subsequently the matter was reported to



senior people like Masondo and I want to believe that it was also conveyed to Lusaka.

I must point out that it was not an automatic reaction that whenever somebody would be implicated as an enemy agent we would then set out to go and detain those people. It came to our attention at certain stages in the course of dealing with the cases of agents that others were implicated, falsely implicating others to be enemy agents. So we needed to satisfy ourselves before we took a person to get them locked up at 32. This was particularly the case when it came to people who occupied senior positions like Mahamba was occupying as that of a camp commander. Besides this could not be a matter that was decided by ourselves at the level at which we were serving because I was more or less the same level as he, that of camp commander, so there had to be some intervention from a much senior level.

Masondo was involved the day when Mahamba got detained, he was invited to come to Camp 32 and when he was at 32 I got instructions I must have him detained. As the commander I disarmed him, I said he must submit his pistol. He submitted his pistol, we ensured that he was locked and then immediately thereafter as a prisoner he was then invited in front of the commissar, I was involved there. The commissar explained to him, Mr Masondo, that he was being detained and you have been detained because of certain information that has come to the

attention of the movement. He explained that it was not an easy decision for the movement to detain somebody like him because of the position that he was occupying but however the overwhelming nature of the information that was being given about him, that he was an enemy agent was not only from one person, it was from a number of persons and well he reacted like he was stunned, he was shocked and that he was genuine and what have you.

But subsequently as interrogations were conducted with him he ended up confessing that he was in fact at one stage recruited and given training and sent outside and then he was asked as to what missions he had performed for the regime. He then cited a number of missions that he had performed. He cited cars that he would break in, guns that he had stolen, the fact that he would take a car, go out of the camp, not on missions but on his personal pursuit and go and drink, all those things.

So he ultimately confessed that he was actually an agent of the enemy. But I must say it was not easy for him because I think he was aware of the consequences and because of the position in which he was serving, it appears to me that he might have known that some people who are discovered to have committed very serious acts against the liberation movement in service of the system were punished and sentenced to capital punishment by the tribunal. So it was not easy, he did not readily confess and I

think in the process of investigation of trying to get him to admit the truth, he was beaten.

Of interest is that ultimately during his confession he also revealed others who coincided precisely with the others that have been revealed by confessed agents, so that too convinced one beyond doubt that how could he have known about those people and so we concluded, and I mean I still conclude now that he was in the service of the racist regime. There are so many issues that one could say about Mahamba but they kept that in the documents; but I'm just trying to communicate to you the main highlights of his story and that is what I can say about Mahamba.

There would be instances where alone one would try and figure out the pros and cons of a given case and say maybe yes and maybe not and what have you but this was not the case in relation in to Mahamba. 1. because of the number of people that revealed him as an enemy agent, people who were not related, people who did not necessarily know each other except by names, nom de guerres that were used in camps, people who actually gave details that he so-and-so he was involved in this and whatever. He was also involved and implicated in the poisoning, in the sketching out of camps, in the theft of guns. He knew quite a number of Angolans in a manner that was not necessarily understandable, not Angolans who were within the locality, but Angolans who were based in Luanda.

Now he was based in the North of Luanda, we are speaking about 300 or 400km from Luanda which was the capitol. He knew them, he knew where they worked and what have you. I must point out that that was a shock to us, but subsequently we proved that there were people that were connected with the system in South Africa who were Angolans, some of the people who escaped, escaped with the help and the assistance of Angolans. That's briefly what I can say about Mahamba, I could probably say more but suffice it to give an indication that I would be ready to answer concrete questions that you ask in relation to him.

CHAIRPERSON: Were you personally involved in any assault on this person?

MR. MTHEMBU: I was involved in his interrogation, I could have clapped him, I don't want to dispute that, but Mahamba, the impression given by Granite, Gordon Mushwewu, that he was beaten beyond recognition is not true.

CHAIRPERSON: I think we really need to treat this one in a manner that is to get this thing beyond us, get it over with. You see we have Mushwewu and we have of course his family relying on what they've heard and what they believe and what they suspect and I think the purpose of this exercise is to, for whatever reason, eventually to get this chapter closed.

We did ask Jeremiah Masondo and he gave his replies in the manner in which he did. There is a belief in certainly Mr Joe Seremane and you are aware of what he has said when he came before the HRV that you in fact were the principal agent of his brother's treatment and interrogation. Now we obviously need to be able to say, from what you say, that we are satisfied and we can't be satisfied beyond doubt if all you are going to be saying is that may have clapped him; I mean you know, in fact a question I was going to ask, how long did this interrogation take place, who were the people involved, maybe you want to tell us about that? So far the only person who seems to have been put in the centre of things is yourself, either because Gordon Mushwewu says so or because you were camp commander.

So if you don't mind, if you could try and remember because maybe also for you is something that you want to forget as quickly as possible because whilst you think of what was happening during the process of interrogation, you also simultaneously think of the things that he confessed to and the consequences of what happened as a result of the things that he was involved in as an enemy agent. But I think we need to explore also this aspect in the same way and detail as we were exploring the things that he did and the consequences of what he did in his role as a perceived enemy agent.

MR MTHEMBU: Okay. Well to begin with, I want to say there was no way Gordon Mushwewu could have known who dealt with Mahamba because each time a person would be dealt with in the interrogation they would be isolated and it would only be the presence of investigating officers and the particular person being investigated. How he comes to that conclusion is not very clear to myself.

In the process whilst you were talking I was then reminded that actually what sustained our belief and suspicions even more on Mahamba, apart from the facts that I've enumerated, there was somebody who escaped by the name of Escom Mololeka, his real name was Steven Tobi Joycee; he was originally from Namibia. I'm not very sure how he came to South Africa, but he came to South Africa none the less. He was highly trained according to his own confession, had been involved in military skirmishes along the South African regime, both in Namibia and I think in some instances here at home. That particular person was at one stage being investigated, interviewed by ourselves. From time to time we would call some of them, interview, find out if they want to say something and whatever.

At this particular stage we were dealing with that case and I was involved. Suddenly communication was received at the camp that I as a camp commander had to report to Luanda, one of the leaders had called us to brief us on certain matters related to

the front, the late Moses Mabida. Whilst I was still in Luanda I got called to a communications centre and told that somebody by the name of Escom Maluleka had ran away from the camp. I subsequently sent information straight to my deputy, Morris Siabelo who was the camp commissar, who got killed when South Africa raided Lesotho. I told him that he must be personally involved to ensure that he tries and gets back that chap, back to the camp; they recapture him and they bring him back to the camp.

I then wound up whatever I was doing in Luanda and requested that I be released to go back to the camp and see how I could assist in attempts to recapture the escaped prisoner. Even before I arrived at the camp it emerged that Escom got recaptured because he had run away and it was after a day or two, he was starving now, he reached out to some of the members of the antiaircraft people who were positioned at Sekekuz(?) and what have you defending the camps with antiaircraft guns. They were not normally posted in the camp proper but outside of the camp further afield. So this particular sentry was nearer our camp and this chap, because of hunger tried to reach out to the other comrades to request them to give them something to eat.

Now they knew that he had been in Quebashe, he was not necessarily part of the security department, possibly he was an inmate. They then reported the matter to their own camp.

Mahamba brought this chap back on his own, it was just Mahamba and this captured escapee. He was bleeding profusely, he had been beaten severely. At first this didn't arise any suspicion amongst ourselves, we were just saying maybe he was beaten up by those comrades, so subsequently when we sat with the escapee or recaptured, he told us the actual reasons why he was being beaten up and the reason why he had escaped.

Of all the people that we would normally have suspected of intentions to escape and what have you, we did not at all suspect this particular person, he was a well-behaved inmate and all those things. So when we sat down with him he explained that the reason why he had escaped was because at the time when we sat with him before I went to Luanda he was beginning to reach a breaking-point. He wanted to confess but the issues that he wanted to divulge to us were so serious that he feared for his life and he could only see sanctuary in running away to try and either get back to Namibia, Zaire or subsequently South Africa itself.

Well the first advantage we have is that we were having a moral high ground because he had violated the rules, so he was scared but also that he was beginning to crack and he had already indicated to us that he was holding information that was very important and very crucial. Our interpretation instinctively meant that he knew the bigger fishes. It turned out that when he then confessed, he actually knew people who were strategically placed



within the movement, within the army, who were working for the South African racist regime. He made that confession. Included amongst those were Mahamba himself and he explained that the reason why he knew Mahamba, they knew each other, they had spoken that Mahamba was going to try and get him out in one way and another, I think through escaping and whatever and that he was at the point of breaking and Mahamba was literally threatening him. He therefore had to show that he was so serious about the issue and he beat him up, and he told him that if you do talk and reveal those things, I was going to deal with you, this was just a rehearsal, if I may use that term.

That chap divulged to us very far-reaching, extremely profound type of, the extent of penetration, the positions of certain people who were agents of apartheid within the movement itself, some of the people we did not even suspect, it could never occur even in our wildest dreams. I then compiled the information in my own writing, I made him to write whatever he was writing, if only for the purposes of ensuring that there was consistency. He wrote all those things, very bulky things, the home structure, who was involved, how they were handled, other countries involved and all those things.

So serious were those revelations that when I arrived at Headquarters in Luanda, I had problems myself revealing some of those things. I then said to my chief, Mr Msondi, the police had

given me instruction to pursue certain investigations and he said, upon completing those investigations I should proceed to Luanda to report directly to him. The chief at the time didn't have a problem; if anything he actually facilitated my going to Luanda. He told me that if I did not meet Msondi, the police or if for one reason or other he would be outside of the country, I should meet Kashias Make, he was also a prominent leader, he got assassinated in Swaziland, and failing which I should then take the matters straight to the President, whatever matters I was taking with myself to Lusaka. The President at that time was Oliver Tambo.

I went to Lusaka. Fortunately I did meet Comrade Mzwai, I sat for hours on end reading to him the confession of Escom Maluleka. He was shocked, on certain instances he would nod his head in approval confirming his own suspicions that he had been holding for years or whatever regarding certain people. Prominent in the names that were revealed were those of Mahamba, Thabo Mavuso and others, there were many others that were revealed which were reported to the ANC. So that too indicated to us, because this chap was now openly confessing to us everything and he told us about each and every character that was involved. Most of whom are under the category of names that we have given here.

We had certain information that came out as a result of that, Mañamba was subsequently again met, he would be interviewed or interrogated by in the main, very senior people; if it was not myself it would be my deputy or chief of staff or one of the chiefs of different offices whether medical or whatever, but senior officers.

CHAIRPERSON: Who were those?

MR MTHEMBU: Sorry?

CHAIRPERSON: Who were those, who was the chief of staff, who was the senior medical person, who was the deputy?

MR MTHEMBU: My deputy was, I was camp commander, my deputy was Morris Sabelo, his real name is Lulamile Dantile and my chief of staff was George Zulu or Sam Mnisi who has been invited also today. And ~~then there were~~ other officers also who joined us, there was Joseph Vupe, he was senior, even much senior to ourselves, there was Captain Lindswi, he was deputy regional head at the time, they would also be involved. I mean people of a senior level within the intelligence took interest because here was a senior person being locked on the grounds that he was working for the system, so they took interest in that particular case.

MR KHOISAN: Mr Mthembu, just while we're on that, in 1987 when Mr Mzwai Piliso finally consented to appear before the Skweyiya Commission, he admitted and you probably have under

Section N, Context Justification and Explanation, there is a part there on page 21, that's page 20 that's the sub heading and on page 21 the penultimate paragraph and the final paragraph of the Skweiyiya Commission report of page 21, where he says, Mr Piliso stated that there were complaints of abuse which came to his attention from time to time. He claimed that he took steps to rectify the situation, however Mr Piliso candidly admitted his personal participation in hitting of suspects in 1981. Now Mr Seremane was detained at Quatro in 1981, did Mr Piliso participate in either his interrogation or anything that occurred to his interrogation?

MR MTHEMBU: I know there were cases that Mr Mzwai was personally involved in, extremely senior cases, serious cases and if I try to reflect on which serious cases were involved at the time I cannot help but recall to mind for instance the case of Mahamba, I think he was involved.

MR KHOISAN: You see while I'm on the Skweiyiya Report, there's an area that I think that I want to deal with, it's an area under section K on page 18. It deals with forced confessions. Now the view that we've been getting as we go through the reports and we are relying on, it is my view that these are - before I ask this question, let me ask you, would you consider that the Stewart Commission and the Skweiyiya Commission which are essentially, according to my view internal commissions

of the ANC, that they are commissions that were constituted by comrades in good standing, whose **bona fides** are without question?

MR MTHEMBU: To an extent that they were very senior people who did not have a direct vested interest on matters that we were dealing with at the Department of Intelligence, I think ja they were having and integrity.

MR KHOISAN: Okay, and so these commissions essentially involve what few liberation movements actually do, taking a deep introspective view of your organisation while you are prosecuting a struggle. So would you accept that what they came up with can be accepted as something that, with the process of collecting information and integrity.

MR MTHEMBU: In the main I would agree that what they did and their findings was very helpful to the movement, however I may guarantee, they're human beings and nobody's infallible, they make mistakes also as persons. They might have committed a mistake or two but in the main I think by way of rectifying certain mistakes that had been committed by the movement, it assisted a great deal in terms of alleviating the recurrence of such things.

MR KHOISAN: You see what concerns me here and what I want to draw your attention to is not so much the subject, there are statements herby, for instance Mr Hanu where he seems to be horrified by what happened at Quatro, but I want to draw your

attention to the penultimate paragraph, just before treatment of mutineers and I will read it into the record.

'The Commission also heard evidence of Mr James Stewart who chaired certain tribunals set up to deal with alleged offences. He corroborated the evidence presented by certain former detainees that force was used to extract confessions. He advised that many cases were dismissed but by reason of the fact that the confessions were not voluntary. He told us of a case that had come before him due to confession in the use of code names. The detainee had confessed to murdering himself'.

Now I would say that that's an indication that you have a productive security apparatus which is able to elicit information from people, but people could also say now if a situation like that could have obtained, how is it, can one take that by extension and say that some of the confessions that the Security Department obtained, for instance in respect of Mahamba and other people, could have been confessions made under duress which weren't well checked.

MR MTHEMBU: We had a problem with that ourselves. We knew that if pressure is applied, if force is applied, it is only human that at a certain stage somebody might actually fail to resist certain pressure being applied upon them to admit certain things. We were very cautious of that, we were very mindful of

it. We therefore did not rely on the usage of force. It was only in extreme circumstances like I've pointed out in my statement, that we would resort to any measure of pressure to elicit a confession from a person because people differ in terms of the extent to which they can resist but ultimately a person would be compelled in one way or the other to admit certain wrong things, even against themselves because of a way of trying to escape from pressure. So we did not believe in the usage of pressure as a means of obtaining a confession from a subject; we did not.

We already have heard instances where a person would revoke whatever confessions they previously have made and say I had to do this because I was under pressure. We were told that were not supposed to use it and we also tried to ensure that it does not occur. However in instances where we were told that this particular person, there are indications that he holds information that is crucial to the extreme, if he does not want to talk voluntarily, just scare him a little bit. We had no option except to do that and we also saw it as a most logical way.

There were instances where lives have lives had to be saved. I mean what we're discussing now is under a relatively peaceful type of an atmosphere, but we are speaking about real things. There were people and there was not shortage of these people who actually were in the service of the regime and for those people to be paid they had to do their work and for us to

defend the movement we had to do our work. We avoided punishing people, beating people up and what have you because we knew they would tell us lies, it was not lies we were interested in, it was the truth we were interested in, and so we were very cautious about that but there were extreme circumstances where we literally had to scare off somebody; it paid in some instances, in some instances it didn't because it would result in people revoking their confessions.

MR KHOISAN: In the case of Mahamba, are you reasonably certain that from what you know - and I'm not asking you to account for something which is above your station at that time - are you reasonably certain that the allegations against him, which as you've pointed out were serious, of a very serious nature, that it had to be handled by higher authorities in angola, are you reasonably certain that that information was verified and cross-checked enough to warrant the next step which would have been the process to which he ended up going to be executed by the tribunal? From what you - and I'm not asking you from what you don't know - from what you know from dealing with the person. Are you reasonably certain?

MR MTHEMBU: Yes thank you. In fact if there is any case, I did indicate earlier on that on certain occasion you would reflect on the cases that you have been dealing with both in terms of specific cases and in general. Even if we did not manage to get a



confession from Mahamba, we had reached a stage when we believed very strongly, then as now, that he was actually an enemy agent. 1. because the number of people that revealed him as an enemy agent were so many, it was more than one person, it was more than two persons, it was more than three persons, people who were not necessarily connected or were not knowing one another. Somebody might have been withdrawn from Tanzania, somebody might have been withdrawn from Lusaka, ultimately when they confess they would make mention of the name Mahamba.

In his confession also or in information that was gathered about him there are people that he claims to have worked with within the country itself. It might be checked if for the purposes of further sustaining the belief that he was an agent. Those people exist. The type of revelations that were issued, the things that he had been involved in himself, I don't have a case where I feel more strongly like that of Mahamba, he was actually an enemy agent.

MR KHOISAN: Now from the time that he was under detention, and given the fact that at first when he was under detention he was not under detention because of a confirmed suspicion of being an enemy agent, from our information, from what we've received when other people have testified here, first he was brought in because there were some irregularities, cars .. reports

had gone through, people didn't believe it, but from the time that he was detained at Quatro to the time that he went to the wall for execution, how much time elapsed?

MR MTHEMBU: I don't know, in fact it's not entirely true that when he was detained at Quatro, he was detained because he had been very seriously implicated by more than one person that he was an enemy agent. The instances of breaking of cars and what have you, did not necessarily lead to his arrest, they were not. If there were other cases that contributed actually, it was the case of Doma Mahlatini, when he instructed that that chap should be beaten and the chap was beaten so severely that it appeared to me that only his corpse was being sent to 32, because by the time he arrived at 32 he was dead, cold.

Now that is not the only person, there was the chap who died, his death could have been avoided, very young, very capable within the camp itself, Lloyd Ganzi because he detonated grenades about which we didn't know a thing, only he knew about those things. Now such things were not typical behaviour of someone who was genuine and what have you, they were associated with people who were involved - I mean they had been people who smoked dagga. There were comrades who smoked dagga and they were punished seriously but I cannot recall an instance of person who was beaten and beaten to death because of having smoked dagga, but Mahamba actually ordered that, that he

should be beaten. I was not there to say he must be beaten to death. There is no case that I feel more strongly about than that of Mahamba.

CHAIRPERSON: Maybe let's take the lunch adjournment now and there are indications that I made to Mr Khoisan whilst we deal with this Mahamba thing, that she's going to talk to Brian about, so that we should get it out of the way. You are aware that there have been replies that have been given by the ANC about his recruitment, the nature of his recruitment, Sgt A Mafekeng and what have you, and we would like to incorporate those as part of this interview here, so that if there are matters within your personal knowledge, then it is matters that we should deal with here. But let's take the lunch adjournment now.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: Mr Mthembu you are reminded that you are still under oath.

MR KHOISAN: Okay thank you Mr Mthembu. Now at the break and I just want to get it clearly, you told us, it was your evidence that if there was one person that you were very clear about in respect of his detention and subsequent execution by the military tribunal as being a person in the employ of the security establishment of the former apartheid government, it is the person of Timothy K Seremane, also known as Mr Mahamba, Kenneth

Mahamba. Now you were in the process of elaborating when you were stopped by the Chairman.

There was also a question put to you in respect of the period that he was detained to the time that he actually was executed, we were trying to enquire as to how much time had elapsed, mostly to determine the period of his incarceration, maybe you can provide some of those details.

MR MTHEMBU: Thank you, I actually have had occasion before break to elaborate as to the reasons why I felt that comparatively speaking, the case of Mahamba, there was more information against him, overwhelming information against him coming from different people, much more than any other of those that we had to deal with in my tenure. I've elaborated on the type of activities he was involved in, the actual persons, two people I cited who lost their lives by and large due to his negligence. The type of sabotage he was involved in, I cited the cars, but as to the period that he was detained for, I'm not able to state that in no uncertain terms that problems that - I don't recall the period because it was not, essentially what used to happen then, we would investigate a person and then record the results of the investigation, write reports, submit these reports to our immediate superiors who would in turn submit them to the headquarters who would in turn submit them to the headquarters. Tribunals would be set up when cases would be reviewed, that

was a matter beyond us and it was not us who determined. If there was any influence by ourselves, maybe it was formed by the number of reports that we forwarded to headquarters or the gravity of the cases that we were reporting about, or the fact that perhaps we needed certain decisions on certain cases in order that the numbers of the people detained at any given point should, within controllable be within controllable proportions.

MR KHOISAN: Now in terms of the reports that you submitted, I just want to know and I wouldn't be clear about this myself, so maybe it will be good for us to have it in terms of the reports that were sent through to your immediate superiors and from then passed on through the channels to the competent structures. Did you have recommendations attached to these reports in respect of what should occur with the subject of the investigation?

MR MTHEMBU: Yes we gathered facts together, recorded facts and expressed our views and recommendations which were in no way final. They were liable to approval or disapproval by the leadership, so we were not necessarily investigators, judges and executioners at the same time. I had to be dealt with by different structures at different levels.

MR KHOISAN: So in respect of Mr Mahamba or Mr Seremane, did you make a recommendation that he be liquidated?

MR MTHEMBU: The strength of the things that he was alleged to have done as I have enumerated with the possibility that I've

not necessarily covered all of them, would of themselves have recommended or suggested a particular decision, but it was clear to us that there were certain cases for instance of serious crimes committed against the people or the liberation movement, invariably cases of that nature would be answered by capital punishment except when the case had its own merits that necessitated he should be treated differently.

MR KHOISAN: So you did make a recommendation that ... (intervention)

MR MTHEMBU: We would have.

MR KHOISAN: Okay, now in terms of, and I know that you've indicated in your statement, that the tribunal is somewhere above your head and so I won't want to ask you about something that was above your head, but I just want to get some technical questions square. In terms of the procedure involved with the tribunal, do you know the reports that you submitted, do you know the channel that the reports went through until the final point of the tribunal or the review board?

MR MTHEMBU: I can only answer that question in a very general sense. At the camp level we would compile reports, forward them to whomsoever was in charge at the regional level. The region would in turn compile this, amend it when it was necessary, add whatever was necessary to add, and convey it to headquarters to the national directorate, ultimately to the national

director who was Mzonde Mupiliso. He was at the same time as being head of NED, Department of Intelligence and Security, also a member of the National Executive Committee, so it would be the National Executive Committee that would determine when a tribunal should be set up and who should comprise it and what have you. I really cannot answer competently because clearly these were issues that were far beyond my province.

MR KHOISAN: And in terms of the tribunal, did you ever have occasion to be called for a discussion in respect of Mr Seremane's case?

MR KHOISAN: In general what used to happen in the process of cases being reviewed or presented to the tribunal, documents would be sent, prepared to the tribunal, if they there were questions where clarity was sought, variously either I would be called, my deputy or any given investigating officer who was dealing with the matter, but they would be prepared in such a way that expected questions would be answered but still people would be called. I don't particularly recall any instance where I was called in on the Mahamba case because I think it was rather loaded. His report was loaded to such a point that as I see it, it might not have been particularly difficult for a tribunal or review committee to arrive at whatever decision it arrived at.

MR KHOISAN: Okay now during the break we had an opportunity to share some information in our possession with

yourself and with your legal counsel. It concerns the allegations in respect of Timothy K Seremane, particularly the, what we find would have been the ANC's report on this man and I believe you have it with you, it's with a set of annexures which starts on an account of Timothy Chief Seremane and it would be one of those documents attached. But it basically looks at, it begins with: 'Kenneth Mahamba was sentenced to death by an ANC Tribunal and executed in 1982 together with other fellow enemy agents', and it goes through his history, his recruitment by the Security Branch, employment basis for recruitment training plus medicine training, final briefing, missions carried out and the comment; and the source for this document is the confession statements from Angola 1981 and 1982 and the author is Not in Angola 1981 and 1982.

I think that answers the first question that we tried to put on which is apparently the - he was kept in detention from 1981 until 1982 when he was executed, but now this information that is in here, did you have any way of verifying that information. And then I'm trying to, we trying to establish, we know that the ANC was at war, you were in camps, it was an informal situation, you do not have the same resources as an established government as such, we understand that. We also want to find out in terms of the threshold of beyond reasonable doubt for capital punishment whether there was any kind of verification in terms of this man's



recruitment by the Security Branch, did you deal with a Sergeant Mathebula or did you find somebody who could verify that Sgt Mathebula of the Security Branch in Mafekeng, had recruited him to the Security Branch?

JUDGE NGOEPE In so far as that question is concerned, I was going to propose that it should be answered by people whose province it was to even within the country itself, it was not my jurisdiction, my activities were confined to Angola and if there was any particular investigation that had to be extended to within the borders of the country, Head Quarters decide on that, therefore I want to believe there was a verification of that information on the part of Headquarters or the Review Committee before it arrived at the decision that it arrived at, but that was definitely beyond my province.

MR KHOISAN: So if I follow the graph of the structure in exile and I guess the area of which we are dealing now, is that you would be referring to internal units operations, NRD, NRD, into the same kind of screening and recording, interrogating, that kind of facility. So what you're saying is that there was an intelligence structure inside the country that would verify, establish the veracity of statements obtained in exile. Did you have contact with that or can you give us an indication of who the competent authority inside the country would have been who would have had charge of that province?

MR MTHEMBU: No I was not personally in touch with - I know that we did have our underground structures within the country, intelligence and security structures, I also know that from time to time Headquarters would instruct people on specific things, who for purposes of reconnaissance so that military operations could be conducted and also for the benefit of establishing the veracity of certain cases in so far as investigations are concerned, but that was done from Lusaka, Lusaka was the headquarters and we were a region also falling under Lusaka but not having any direct link or communication with structures inside the country.

MR KHOISAN: So then the next question Mr Mthembu would be, who would have been the liaison in Lusaka?

MR MTHEMBU: Headquarters, meaning the headquarters of the Department of Intelligence and Security of which Mzondile Piliso was the head. I don't know who, if at all they did very that information they sent inside the country, what the feedback was, I am not very sure about that. Besides on the strength of the principle of need to know, there was no way he could have revealed to me who that particular person was without risking security procedures and the code of conduct for security and intelligence, he didn't have anything to do with my ability to pursue my job so I was not privy, I was not entitled to knowing who that particular person or persons were.

MR KHOISAN: Okay now in terms of the fact that the document that we have here from the ANC, it says that under the area, 'Our Comments, the subject was the camp commander of Camp 13, Quebashe Camp, the time he was discovered to be an enemy agent he was implicated by many self-confessed agents to have been a leader commander of the 1981 spy network at the camp, the subject ordered the beating of a comrade who sustained injuries and later died. This strengthened our suspicions and as a result he was locked up'.

Now that spy network, you don't only have one person, but maybe we can discuss the other people in respect of whom you have been called to answer questions. Boyiflomo Lebalo, Edward Malope, Philip Mangena, Joseph Muketse Mokuna and Gabriel Pake Moshwewu. The way I read your evidence before us today and please confirm it for me, that they were also suspected to be members of the spy network.

MR MTHEMBU: Suspected, no I wouldn't say so, they were revealed as members of that spy network.

MR KHOISAN: And would it be your evidence that in respect of these other people you had crossed the same kind of threshold as you had crossed in respect of Timothy Seremane?

MR MTHEMBU: Could you amplify the question?

MR KHOISAN: Ja in terms of, you have put it before us that the weight of the evidence against Seremane was such that the

recommendation of a capital punishment would flow necessarily as a logical extent of that information, now I'm saying could the same be true for the other people that you have been called to provide us with some answers on except the two persons that are still with us today but the others, the other five?

MR MTHEMBU: The issue of the final judgement passed on to these people was an issue that I personally did not deal with, what I dealt with was a collection, putting together of all facts that have been set in respect of the individuals and submit it to the channels to whom I had to report. But what decision they were going to arrive at was really not something that I would possibly have had a role to play in. So if it was deemed by them that I ran the form of a tribunal or the review committee that there had to be - a particular type of punishment had to be meted out against them that was the decision of the tribunal and not that of my own.

MR KHOISAN: Okay now on the case of Seremane, you cannot state with any kind of degree of certainty that the information obtained in the camps in Angola was actually verified inside the country, if I understand you correctly.

MR MTHEMBU: I'm saying I cannot vouch 100% that that was done, but it was routine also to confirm and verify information from within the country.

MR KHOISAN: And that would have been done in Lusaka?

MR MTHEMBU: That would have been done by headquarters..

MR KHOISAN: Okay...(intervention)

MR MTHEMBU: ..except to say it was relayed that people had been poisoned in overwhelming numbers, those people easily could have died, it's also true that those people died as a result of the negligent behaviour of Kenneth Mahamba, that cars were broken, that guns were stolen; those were very very truthful things for which there had to be answers. On its own that information was rather overwhelming against the people who it was alleged were responsible for those activities.

MR KHOISAN: In terms of the document that I gave you during lunch, is there anything that you have to say in respect of that document, are there any comments that you may have to make, just so that by way of clearing the ground, you know giving this thing an airing, that you can add or answer in terms of what has been stated in that document?

MR MTHEMBU: In terms of that document itself, well the first glaring thing about it is that the brother Joe Seremane seems to be convinced beyond any shadow of doubt that what Gordon Moshwewu alleges is in fact true. Now its of interest to me, what in fact makes him or that sustains him in his belief that this person was beaten beyond recognition as Moshwewu alleges? To an extent that Moshwewu was himself detained, one can not rule it out possibly that he still is bitter about that and then would

definitely say anything to find a way of settling scores, either against some persons or maybe the organisation at large. So I do think that it's rather selfish, I understand the concerned, but for instance I had a brother in the struggle in the struggle, there was no way I could vouch for them 100% that they were not spies because I was not with them all the time. You know he's saying this with overwhelming conviction which I think is baseless because he's basing his arguments on what Gordon Mushwewu is saying and Gordon Moshwewu's objectivity might be stained by the fact that he himself was locked up because he was alleged to be an enemy agent.

That's the first thing I'm going to say against and in relation to that statement. I don't know what other - and then there is reference to NET, I think NET is another acronym for the Department of, it is an acronym for the Department of Intelligence and Security, he seems to be enquiring about who NET is as if he understands NET to be a person, it's not a person, we are speaking about the Department.

CHAIRPERSON: There's the section where he talks because the other things are the ones which related to Rooigrond and those areas you said are the competence of people who were doing investigations inside the country. Now unless of course there are things that are within your knowledge as far as that is concerned.

I think looking at Roman figure 6 on page 3 where he says Mission Carried Out in ANC by Subject, who is JD, JD's Girlfriend in C? Of course the problem we have here is we don't know in what context his response was given. Would JD be Joe Davidson?

MR MTHEMBU: Yes.

MR KHOISAN: Okay could you elaborate on that.

MR MTHEMBU: In fact I wanted to place it on record that I have been, or rather I am being informed by the advisor here that a document containing the details that would answer the questions raised by Joe Seremane have actually been given to yourselves.

CHAIRPERSON: That may well be, I am sure it is so.

MR MTHEMBU: Will it suffice for me to refer you to that document given that I don't know some of the details of the issues like Rooigrond for instance, I never had to investigate that because it was an issue that was within... the names of persons that he trained with are given in that document.

CHAIRPERSON: I think that will be sufficient. I understand Mr Khoisan is aware of the context in which the explanation is given and I think the record should show that to the extent that it may be necessary for us to write a report that seeks to reply or answer some of the questions put by Mr Seremane the brother, then we

will extrapolate them from the papers that were submitted to us by the African National Congress.

MR KHOISAN: But just on the question of an area which may or may not be in your area of competence, or jurisdiction at that time, the person of Thabo Vuso referred to in this letter as TM I believe, what can you tell us about the person Thabo Mavuso, and then maybe you can take the time to speak about Vuse Mayikiso, Simon Mohale, Hose Philipino and do you have that on page 2 of the document that you referred to.

Contacts Subject Had Outside the Country.

Thabo Mavuso. The subject was to report to Thabo since he was already the chief as far as enemy operations in the ANC camps were concerned.

Now what can you give us about Thabo Mavuso, who was he, did you have any engagement with him, did you ever investigate this person and did this ever feature in any of your reports vis a vis Mr Seremane?

MR MTHEMBU: Thank you. Thabo Mavuso, I know him, I have never had to deal with him personally or in my capacity as a member of the Intelligence. What I know of him is that he was amongst the people who were taken for missions inside the country. At about the time to conclude our first training by the Cubans in Angola he was sent to Funda, the transit camp before people were sent inside the country, it's near Luanda and he, I



think, ultimately landed in Botswana. In Botswana uninstructed he got to know where the DLB's were, where most of our guns were hidden inside the country. He went straight to the regime and divulged those things. Now from what emerged subsequent to that is that he was actually a mole from the onset, he was right from the country infiltrated into the ANC, then he managed to do his job.

Lots of people who confessed to belong under the same category implicate him, not only as having been involved with them in the spy ring but as actually having been in charge of that entire ring. That's briefly what I can say about - we got to know that he was inside the country and at the time when our people were sent inside the country to deal with enemy agents, he was amongst the people who had to undergo plastic surgery to change his identity. I don't know what ultimately happened to him but I think he's still inside the country but he lives maybe in an underground fashion. That's all I can say about him. He was a very active askari if I may say so.

MR KHOISAN: But now this particular report says that he was to report to Thabo Mavuso but in your, from what I get from what you are saying Mr Mthembu, you don't look at this Thabo Mavuso specifically as one of the liaison points for the regime security establishment with Seremane. That's not something that I hear and maybe I've heard it wrong.

MR MTHEMBU: Ja I do think that you heard me wrongly. What we are saying here, we are trying to describe a hierarchical relationship between Mavuso and the other people involved, that in terms of seniority, they ultimately had to report to him, not that every activity necessarily that they were doing even when he was not there but that he was in charge of the network, that's basically what we are trying to say.

MR KHOISAN: Ja what I was actually trying to find out was whether you had ascertained that particular information.

MR MTHEMBU: Well given that it was said by different people who've belonged under the spy ring, I actually not only ascertained but was convinced that he was in charge.

MR KHOISAN: So on - just bear with me a minute.

CHAIRPERSON: Mrs Burton.

MRS BURTON: Thank you chairperson, the question that Mr Khoisan has been posing to you largely stem from our investigations work. I would like to put questions which really come from my side of the work, that of the Human Rights Violations Committee and the testimonies that have been given to us and one of the things that I would like to ask you is whether there is a way of discovering the bodies of the people who were executed because it is a request that many people put to us that they wish to retrieve the remains of their family members and although it's probably out of our competence to do that kind of

exhumation, it might be that it would be one of the recommendations we would want to make afterwards. Do you know whether that information is available?

MR MTHEMBU: No I don't actually, I don't even know how that could be achieved, I was not particularly involved in that particular area of work.

MRS BURTON: Thank you and then just to come back to the question of statements made under duress. We take it away from the particular one of Mr Seremane where you say that you were convinced by all sorts of other evidence as well, but I think it is generally recognised in international human rights law that statements made under duress can not be considered as a confession and now, when you look back on those times, understanding all the constraints and so on, but in the first place, whether you would recognise that it is always a possibility that mistakes are made when that is the basis on which a conviction is founded, and secondly again in terms of the work that we have to do and the recommendations we have to make, it is unfortunately not likely to be the last time that a liberation movement in any other part of the world might be in opposition to what it sees as an unjust government and one would want to be able to lay down the kind of codes of behaviour that would be appropriate in those circumstances. Would you agree that perhaps it would be better

to have some representation for the person who is being charged and also to avoid statements under duress.

MR MTHEMBU: Well to begin with in terms of statements made under duress I did earlier on indicate that we were also mindful of getting confessions, by extracting confessions under duress because of the unreliability of statements made under such conditions. Now in terms of Kenneth Mahamba, what he ultimately had to say had been said by so many other people so that it was not only - to an extent it was said by him, it was a confession because this is what a confession amounts to, but in terms of the facts that have been said by different people unknown to each other, more or less one and the same thing, in terms of representation I should say when representatives of the leadership used to come to review or pass judgement over cases, they were not coming to side with us, would also be confronted in the same way that we are grilled now for certain things that happened, also be confronted to justify whatever steps we arrived at, so those people who were actually in a sense impartial in relation to whatever was presented there, whenever people made retractions in terms of their confessions, they would do so in front of the leadership and that particular leadership in the form of review committees was so impartial that it would sometimes accept those things.

So representation was, but perhaps not in the conventional sense of our understanding like having a lawyer and what have you, under the circumstances it was group of people specially selected to come and supervise the whole proceedings.

CHAIRPERSON: Mr Khoisan.

MR KHOISAN: Okay I think that for all intents and purposes we've spent a lot of time on Mr Seremane and I think we will have to proceed and look at what we have obtained thus far and rely on. You've helped us a lot in respect of that but in terms of the other people...(intervention)

CHAIRPERSON: May I just ask one question, Mr Mthembu, with regards to the remains, is the difficulty that you have no personal knowledge of where the graves were of people who eventually became executed, or is it that - I'm just trying to find - if it is possible to liaise with a structure within the ANC, were we're compelled to seek to do an exhumation in Angola as a person was then given a number of years, what would be the chances of a. establishing where the graves are and b. particularly establishing whose grave belongs to whom?

MR MTHEMBU: I can say in relation to graves of comrades that died, records of these were kept and there is a structure within the ANC that recorded when people died, how they died, when they were buried, what their grave numbers were and what have you, but in relation to people who would die under extreme

circumstances, I really cannot account for theirs, I do not know, I would rather you take up the issue with the ANC with a view of trying to find a record was kept of those.

MR KUOENTA(?): Excuse me, Commissioner Chair, may I address you on this after this sitting on that question in view of a letter you have written to the TRD re: ...(indistinct)?

CHAIRPERSON: Very well Mr Kupenta(?) Mr Khoisan.

MR KHOISAN: Thank you Mr Chair. Now let's look at the issue of, we've done with the Seremane matter. I'd like to proceed to just the other thing and because we also have these other matters that we have, that we have to give some accounting of them. Edward Malope, I think his travelling name is Joseph Mashodana; can you give us any information as to what happened with this person, have you ever interacted with him and if so, how and under what conditions did you face his demise?

MR MTHEMBU: I don't think, I don't remember, I actually don't recollect, I actually don't think I know this person.

MR KHOISAN: You have no know knowledge of this person, Joseph Mashehane?

MR MTHEMBU: No.

MR KHOISAN: Edward Malope? Okay do you know anything about this person, Philip Mangena, it is a ...(indistinct) 1?

MR MTHEMBU: Yes I do.

MR KHOISAN: Can you help us with that?

MR MTHEMBU: Drake Chilwane, I'm not sure but I think he comes originally from Pretoria, he was part of the people that tried to escape I think from Fazenda to try and desert, actually tried to desert. He was subsequently locked up. From information that came at a later stage it would seem that he left the country together with a colouredish person called Paul Chaba. I was in the same platoon when we trained with Paul. He was a very brilliant, capable and a very cool person, delightful type of a person. He ultimately got sent to the Soviet Union for studies. In the Soviet Union I think he killed himself and that he left a note confessing that he had been an agent and that both himself and Drake had been sent to infiltrate the ANC.

MR KHOISAN: Did you happen to witness this person while he was in detention or did you have anything to do with, I'm talking about Drake Chilwane, did you have anything to do with his detention, did you monitor him, did you process any report in respect of this person?

MR MTHEMBU: I would have, given that he was detained during a period of my tenure as a commander there, whatever reports were compiled on him. One thing I know for a fact is that he too was implicated as an agent after from the note left by Paul Chaba which added to the whole thing. Whatever reports were compiled on him were subsequently forwarded to my senior structures.

MR KHOISAN: Okay did you at any time work with a person by the name of Mountain Kapadise Jeropiet; the fellow called Mountain who was a senior officer in the ANC's Security and Intelligence Department?

MR MTHEMBU: Yes I did work with Mountain but it is not true that he was a senior officer in the intelligence of the ANC structures. When I was commander at 32 he was I think a staff commissar, he was not even in the administration. After he left apparently he rose to a point where I think he eventually became a camp commissar if I'm not mistaken, but it's not true that he was a senior member of the intelligence or senior member of - I did work with him, he was working as a commissar at 32.

MR KHOISAN: Okay is it true that this person Philip Mangena or as you know him by his travelling name Drake Chilwane, had decided together with two other colleagues, Edwom Nsole to resign from the ANC and that they had gone to Ruwanda?

MR MTHEMBU: No actually seems to echo what I was saying earlier on. I think that is true, they did not try to resign, I don't think that was the right term. Under the circumstances issues of resignation were like a foreign concept within the context of the army. I think they were trying to desert and they were locked up for attempted desertion and then it emerged subsequently that some of them had actually been having something to do with the apartheid forces.



MR KHOISAN: Is it true that this person Philip Mangena was actually one of the first detainees at Quatro?

MR MTHEMBU: I should think that is true.

MR KHOISAN: So you have some idea because that happened very early on in your watch?

MR MTHEMBU: Yes I think he was amongst the first group to come in there because the first group to come in there was the group of people who tried to desert the movement, they were turned away before they joined the UN in Luanda, I think they were arrested by the security or either they were blocked on their way to Luanda and were locked up at 32.

MR KHOISAN: Okay did ever receive any sanction in respect of abuses visited on this person, Drake Chilwane?

MR MTHEMBU: I am not particularly aware of anybody receiving a sanction to abuse another or an inmate except in instances that I've described earlier on, but not as applicable necessarily to Drake Chilwane.

MR KHOISAN: Okay now in terms of this person Mountain, because it doesn't only appear in one communique, his name appears in many of the Commissions that reviewed the camps and reviewed the activities of the security department. Could it have happened in your view that this person could have abused the prisoner?

MR MTHEMBU: What I should like to say is that when I was commander of Camp 32, I was a little bit far from the mundane activities of our guards and certain officers who served at a lower level than myself, and as a consequence I could not possibly vouch that this particular thing happened or that particular thing did not happen.

MR KHOISAN: Okay now according to the information he was detained in Quatro in 1979, this man was only executed by tribunal in 1982. Do you have anything to share in terms of the reporting processes, the cross-checking, because I mean in a case like Seremane it was within one year from detention, you already had collected some information but in terms of this person he seems to have been detained for over a period that's within a three year time span and then he was executed by the tribunal. Is there anything that you gathered about his case, about Drake Chilwane or Philip Mangena's case, that during his period of detention that could indicate to us, that could give us a sense pretty much like you sketched the Seremane matter, of what kind of weight was pushing behind the call for his execution.

MR MTHEMBU: Well really I want to say from time to time I realise there's a temptation of believing that I knew about the tribunal. Matters dealing with the tribunal were not known to myself. The tribunal did not report to me. Some of the decisions that the tribunal took, it could be that they took some of those

decisions not only on the basis of the information ourselves as the region I of Angola, it might well be that some of the decisions they took were on the strength of information acquired elsewhere, other than in Angola itself.

So I cannot say just because Seremane's case took this particular period of time before it was finalised, necessarily that of Chilwane had to follow the same pattern. Both cases would have been dealt with strictly in terms of their own merits or demerits.

MR KHOISAN: No I'm trying to find out, as the commander of the camp, to some degree - you were running a detention facility, and you had to have some kind of an idea of the profile of the people who were under your care and in military terms under your direct command. I'm trying to establish whether you had any kind of sense of his political or security profile, and if so what was the disposition, do you know who handled the investigation into the matter? Do you know if senior people were involved in respect of Mr Philip Mangena or also known as Drake Chilwane?

MR MTHEMBU: No I want to say of all the cases that fell under this category, there was the involvement of officers much senior to myself, even leaders, because the decision that was taken on them had to be taken at a certain level and not at the level at which I was serving, but in general I knew cases then as they were still under my jurisdiction but you will recall that this - we

are speaking about a period twenty years or so ago, I cannot have all those details because I thought recording the details of whatever was collected at the time would serve precisely this purpose, so whatever is required of a person, reference would then be made to documents about them as individuals and as a group, and we did keep records of that.

MR KHOISAN: Okay but do you remember when he was finally released from the facility to go and face his demise at the tribunal?

MR MTHEMBU: No.

MR KHOISAN: You don't, you have no information.

MR MTHEMBU: No.

MR KHOISAN: And there's nobody that you can point to specifically who may have handled that case?

MR MTHEMBU: No I don't recall specifically.

MR KHOISAN: Okay.

MR MTHEMBU: It might have, it could have been my deputy Morris Yabelo.

MR KHOISAN: And do you remember if Mzwai Piliso or Mr Masondo, Gen Masondo had anything to do with this particular matter?

MR MTHEMBU: I think he had something to do with these cases but with this broad group, he was very active when it came to this particular group, he was very involved in what he did. But

the person who was ultimately in charge was Mzwai, not Masondo. General Masondo was involved to an extent that he was a commissar, he had to ensure that these people are treated fairly, that established procedures in the main are followed by ourselves and that amongst other things we do not let these people escape, we do not use force against these people. Broadly speaking a welfare type of a role, he had to play that role and of course ensuring that we also were having good political grounding in terms of the positions that we occupied.

MR KHOISAN: What can you tell us in respect of Pake Gabriel Moshwewu, which I guess will be Gordon Moshwewu's brother, what can you tell us about the circumstances around his detention or his demise?

MR MTHEMBU: In my submission I've actually grouped these people together deliberately because most of them including in particular, Gabriel Pake Moshwewu also fell under that category. He's one of those who's name emerged as belonging to the spy network, he also I think was then fetched from Lusaka to Luanda and then put to 32. He ultimately confessed himself and implicated a number of other people. This particular process was like self-verifying, self confirming as it relates to this particular spy network because each time we dealt with this particular individual he would more or less tell you about people that you

would have been told about by a person who would have confessed before. The last one did.

MR KHOISAN: Are they all from the same region inside the country?

MR MTHEMBU: I think in the case of Seremane, Malo, Mushwewu, the two Mushwewus, more or less the same area. I'm not sure about the area where Balile Mpila or Joseph Meketsi Nkwena came from, but they predominantly came from what was Bophutatswana predominant.

MR KHOISAN: So at the time that Gabriel Pake Mushwewu was executed, his brother Gordon was in detention, is that correct?

MR MTHEMBU: I don't know.

MR KHOISAN: He claims that they were sentenced to four years, something like that.

MR MTHEMBU: I remember the period when Gordon Mushwewu was in detention in general but I don't recall concretely the period during which Pake was executed.

MR KHOISAN: But you never had anything to do with the investigation into Pake Mushwewu.

MR MTHEMBU: Not in a focus sense that I was personally investigating that case but I had to exercise supervision over investigation of all these broad issues, but I also had superiors over me like Masondo, Mzwandile Piliso and other officers, I think my immediate superiors, we were regional headquarters at

that time; that would be Captain Lindswi, Joseph Vuke, Alfred Waiman and the like.

MR KHOISAN: Okay now what can you tell us about the - so in your view the, and we had testimony from General Masondo in respect of all of these people and he has a fairly sharp memory, but you said that these were cross-verifying...(intervention)

MR MTHEMBU: In a sense, yes.

MR KHOISAN: Sort of the one corroborating the other, corroborating the other, corroborating the other, and as such, so but at the same time all of these people, besides the fact that they were being, their cases were being checked and rechecked inside exile, there was also an onus on the internal structure to provide corroboration. Is it your view that the internal structure needs to provide an accounting of what kind of corroboration they sent?

MR MTHEMBU: What I'm going to tell you is purely my personal view. It's that in a debated or controversial case, of necessity there had to be further investigations. In a straight forward case like somebody confessing, admitting to whatever wrongs they will have done, voluntarily, without any particular pressure pushed on that person, either in the form of interviewing them extended hours or making them to stand for extended hours, I not necessarily have would have advised that it should be a routine necessarily to risk the lives of people trying to confirm something that the bearer of it is actually openly acknowledging

and accepting. It was not an easy or automatic process, I should like to believe, for anybody to conduct investigations of a security nature within the country itself, because in one way and another you had to reach I would say, to certain police who worked for the liberation movement or something of the like. We could not do this leisurely without risking either the arrest or the death of those people and yourself as the person who is conducting that investigation.

MR KHOISAN: Ja I raised that merely because you know you indicated, and I would like to see if we could actually soften that, you know about the grilling. I believe that there is a communication that is happening here and something that is providing for the purpose of an accurate accounting of history. What you've shared with us today has opened up and it has amplified for us, you see, it has amplified for us the Stewart Commission, the Motsanyani Commission, the Skweyiya Commission, because we're hearing directly from you, and for us this opens up a way in which we can accurately reflect from all sides what happened, because at the end of the day we can only really make an informed judgement of what occurred in history. That's not even my function, it is the function of the people who get paid lots more money.

Be that as it may, we are talking about matters here, where even though a liberation movement is engaged against an enemy



and is organising itself irregularly, it had judicial processes and people now, with the safety of history behind them, are saying let's put that process under review and the death sentence is a very heavy measure to adopt against somebody, and they're going to say, what was the weight of evidence and so that's why I put it to you, you know. I know the degree of difficulty that you're talking about, but I'm putting it to you because at the end of the day it's going to be, it shouldn't be Quatro or the Intelligence structures in exile who handled an investigation who should account if you say that there were mechanisms for verification in certain cases, and I just wanted to find out from you, is it your view that, given the degree of difficulty there should be some kind of records that we can look at in respect of what came in from the country?

MR. MTHEMBU: I cannot, well I would not really say there records in so far as that is concerned. I would instead advise that if you want to find out if there were records proving that certain investigations were done to verify cases outside and such investigations were done inside the country, you should check that with the ANC Headquarters; you can check that with the ministers who might be knowing about some of these things. The level at which I served did not permit me to have access to things that came from inside the country, because in one way or the other it would tell me who was involved. That would compromise

in a sense the people who were involved and what have you. So if for instance the particular information that we acquire from within Angola itself was such that we forward to the leadership and that the leadership would make a decision on it or would consider it necessary still to investigate in other areas. That was completely outside of my jurisdiction.

I honestly would not tell you if whatever decisions were taken were taken purely and only on the strength of information we provided or it was together with information they acquired elsewhere, I'm not in a position to say.

MR KHOISAN: Okay that's well taken. Just before we go further, I want to get on to the two allegations of tortures and we can finish with that, but I just want to ask you, you mentioned earlier that you have some information, let's talk about this case, the Joseph Muketsi Mukuna, Balile Mpila - that's his travelling name -, what can you share with us which can throw more light on this particular matter? It says he was executed in 1980...(intervention)

MR MTHEMBU: In 19..?

MR KHOISAN: In 1980, that we have, is that correct?

MR MTHEMBU: I don't know. What I know for a fact - I know this chap, he was an officer at our Headquarters in Lusaka; I think he was working in the treasury department, but he was part of those people, he could possibly not have been executed in

1980, I doubt because I think he fell under the group that we brought from Lusaka ... (indistinct)

MR KHOISAN: I think we missed the last part of that because the sound cut out can you just maybe..?

MR MTHEMBU: I was saying the extent which I know him was that he was deployed in Lusaka at our headquarters and to the best of my recollection he was working in the Treasury Department, the TG's office, Treasurer General's office and that he fell under this group precisely because he had been revealed also as part of the network and when there was a swoop of those that belonged to this network in Lusaka he was part and parcel of those who were brought from Lusaka to Angola and ultimately to Camp 32.

MR KHOISAN: Are you saying it was known already before he went to Mr Titi Nkobe's office that he was... (intervention)

MR MTHEMBU: No it was not known, he had been working there for some time and it was only at a certain stage that information got to be known about this spy network from people, and wherever they were, the movement recalled them back to Angola so that their cases could be sorted out in Angola.

MR KHOISAN: And did you personally handle his case, did you review his file etc?

MR MTHEMBU: By way of supervision I would have.

MR KHOISAN: And what was in that file that, beyond just the fact that he was in the spy network and stuff like that and he worked at the treasurer's office? What else can you give us which might throw light on to the final recommendation which was that he should be executed. Are there any five or six things that you specifically remember about this guy that can help us?

MR MTHEMBU: No, you know the fact that we kept records including of those things, or rather Headquarters kept records of the cases of these people, made us to avoid knowing some of these things by rote. It's not humanly possible for us to have all the facts on all these people. You must recall that this was not the only group, there was no shortage of people who in one way or another were connected to the system. I pointed out that for instance the then foreign minister, Pik Botha said it that out of every ten, five were their own people, so we can just about figure out how many people we're dealing with, different cases not only within Angola, cases that came from inside the country, cases that came from Tanzania and what have you, so it is not possible to know all the facts about concrete individuals but in general I knew that he was part of this particular group. Apart from that I don't recall further instances about him but I do think that if you should be interested in details regarding these individuals, there is a way of getting those details in consultation with the ANC.

MR KHOISAN: Okay and I think we'll proceed with that. Mr Chairman I know we have about ten or fifteen minutes left, I'd like to proceed to the issues of Mr Gordon Moshwewu and Mr William Mashodana. Now you've already put on the record Mr Mthembu that this particular person Gordon Moshwewu, and you say he's recently been in touch with you too, that he may be freelancing with the story, he may be developing the story around what happened with Seremane. But now both the person of Gordon Moshwewu and William Mashodana, they both claim to have been people who were detained and sentenced to hard labour and tortured in Quatro.

Now on the case of Mr Moshwewu, Gordon Moshwewu, he claims that he was tortured, he was given a really hard time by the people in Quatro, by your people. Can you give us an account of what happened with that matter?

MR MTHEMBU: Gordon Moshwewu, I know him, I've explained about him earlier on, but if you are specifically asking me about the allegations of torture that he's making, I was going to say, as far as I'm concerned he was never tortured. That's my very categorical answer to that question.

William Mashodana, I don't even recall an instance where he was touched actually. It could be that maybe some of the officers in the process of investigating him might have clapped

him and what have you and I would not interpret that as torture, at least in my conventional understanding of the term.

MR KHOISAN: You see now in terms of this man, he is making allegations that, on page 2 of his statement he is talking about the fact that he also was the subject, his case was decided by a kangaroo court comprised Andrew Masondo, Joe Modise and Mzwai Piliso. Did you attend that, what he alleges was a kangaroo court?

MR MTHEMBU: Well you can just about figure out from the usage of the term, in my opinion a structure composed of people serving at that level, I would not really refer to as a Kangaroo Court. We are speaking about Muzwandile, he was the national member, head of security and intelligence. Joe Modise was army commander at the time. Masondo was national commissar both of the army and of the ANC at large. I would not first of all to like to refer to that as a kangaroo court, I don't know what particular type of a court that he would have wanted to review or pass judgement over his case, but you know, the extent to which Mushwewu alleges he was tortured is such that he should not have been still living in the first place, he should not have been here. If you look at him he doesn't even bear scratches. I really am perplexed by this particular case and also the fact that what on the one hand he says about us and on the other, the way he relates to ourselves, I wonder what he's really up to but I do

think that he's bitter. Given his capabilities, he obviously could have arisen very very high within the ANC or Mkhonto weSizwe itself, but unfortunately he got exposed for what he was and did not have that opportunity.

He was locked up, eventually got released, he requested to go to school, he was given an opportunity to go to school, he ended up studying in the United States. Now if really we are as monstrous and as viscous as people are made to believe we were, I think we could have afforded such opportunities to - comrades would have distinguished themselves rather than people who were alleged to be enemy agents.

MR KHOISAN: And why in your view was he given four years, do you have any information on that and not the other people whom he says received death sentences?

MR MTHEMBU: No, that was an issue beyond me, judgement and sentences, it was definitely not an issue that I had to deal with.

MR KHOISAN: But you never dealt with his matter, his file as such.

MR MTHEMBU: His what?

MR KHOISAN: His file, his case.

MR MTHEMBU: Dealing with a file at the level of investigation differs with dealing with a file at the level of sentence being passed or judgement being passed over the case.

MR KHOISAN: What I'm trying to find out is, was the information in the file of a degree that wouldn't warrant the death penalty, you see?

MR MTHEMBU: Well that would amount to my questioning, the advisability or otherwise of this sentence meted out to him. I really would not want to answer the question because what follow is why four years, why not three or two and I really am not competent to answer that question.

MR KHOISAN: Do you recall some of the things that were in the file?

MR MTHEMBU: Everything that I recalled are the things I have said.

MR KHOISAN: Okay there's nothing more, now he says also in his statement that the people who were executed by firing squad were dumped behind Quatro, somewhere near Quatro, is that true?

MR MTHEMBU: He really would have been part of the intelligence to know some of the things that he claims to know. There is no other person who was an inmate of 32 and believe you me that there are quite a number of people who were locked up at 32 who are outside, who were pardoned, who were integrated both within the ANC and with the community inside the country, some of them occupy senior positions at different structures of government who cannot say what he's saying. I think it just



occurs to him that it is possible that they executed people and buried them behind there but I think those are his wild imaginations if I may use that term.

MR KHOISAN: But it's not possible that somebody could have been executed and buried there? I mean you are dealing with a war here.

MR MTHEMBU: I know of a particular case of somebody, I don't know who was, I don't remember the name who might have been because he was escaping and he got shot whilst escaping. He could not have been buried in Luanda because of the nature of the case, he could well possibly within the neighbourhood of the camp.

MR KHOISAN: Okay and you can't remember that case?

MR MTHEMBU: No.

MR KHOISAN: But you know which year?

MR MTHEMBU: No I don't, definitely between '82 and between my tenure of..

MR KHOISAN: Okay, and so it's your evidence before us that on balance you question the veracity of his statement?

MR MTHEMBU: Who, whose statement?

MR KHOISAN: Mr Moshwewu.

MR KHOISAN: Yes, absolutely, I am saying either he's exaggerating certain things or he's pushing a particular agenda, but some of the things that he's alleging the ANC did outside, I

was made aware of certain statements that were said by either Chris or what have you. I mean Chris is no longer here to give evidence whether he said those things, if it was Mushwewu who said some of those things, possibly he's saying those things, just you know just forging lies about Chris.

MR KHOISAN: Ja actually the statements by Chris are located in the Skweiyiya Report where he recounts the horrors of Quatro, you might want to at some point review that. The comments by Chris Hani are in there and it's in the same neighbourhood as comments regarding the Security Department, but let's deal with the case of William Mashodana. What do you know of this person?

MR MTHEMBU: William Mashodana, he was part of the people that were trained with the June 16 detachment. I think after training he was part of the people who got sent to Zimbabwe. The aim was to fight alongside the Zimbabwean liberation forces but with a view ultimately of penetrating into South Africa. As far as I'm concerned he fought very well in Zimbabwe, he came back to Lusaka then there was the discovery of this spy network, he was implicated; I think he was brought from Lusaka together with those that were deployed at the time in Lusaka and were part of the spy network. I am not aware of any beating in relation to Mashodana at all.

MR KHOISAN: Are you aware of the conditions under which he was incarcerated?

MR MTHEMBU: Conditions under which he was incarcerated?

MR KHOISAN: Okay he claims that, he says,

"I was accused of having conspired with other comrades of plotting to assassinate the then military high command in Zambia. We were transported in smaller groups to Angola for interrogation in the notorious concentration camp in Northern Angola in a town called Quebashe and where there was this Quatro prison, Number 4. On my arrival torture started again in an attempt at forcing me to implicate myself as being an enemy agent"

Now that's what he says there.

MR MTHEMBU: I seem to recall certain facts but I think in the main, what I said is still valid. There was a group of people who were brought by members of the leadership from Lusaka on the strength that they were part of an enemy network or a spy network and part of those people included William Mashodana. I recall for instance that there were officers that came over there from Lusaka, middle leadership and senior leadership of the movement.

MR KHOISAN: So the allegation here is that what I see in both Mashadana's statement and in Moshwewu's statement, is that they place you at the scene of taking them into the cell with Seremane

and they have you there in proximity to this badly tortured man in both of these statements. Are you saying that that is incorrect because I believe that would have been your travelling name, Sizwe Nkhonto.

MR MTHEMBU: Yes that was my name and what was the allegation?

MR KHOISAN: The allegation is that you brought them into the cell.

MR MTHEMBU: For what purpose?

MR KHOISAN: I guess to, you know, I'll just give it to you right now.

"I arrived in Quatro on March 8, 1981 and I was taken to Chief in April 1981 which at first I couldn't recognise him. I was supposed to say in front of him that yes I am an agent of which he was my boss, but I couldn't but implicate myself. If I agreed to that instead said something different, that I only know chief as ... (indistinct) and my comrade and nothing else. We were all stunned. I was promised and threatened that I would look like him, (he was badly disfigured), if I did not obey orders. Instead I was taken for hard labour until 1983 when I appeared before a kangaroo court whatever"

But the view here is - and just here with Moshwewu he says,

"One night I was woken up by the torture officers of the ANC, namely Sizwe Mkhonto, Jomo George Zulu and others and I was taken to one of the cells in the middle of Quatro. In this cell there was a badly tortured and beaten person standing in the dark in the back of the cell and a light was brought into the cell for us to see each other. I could hardly identify this figure. In the middle of my wondering Sizwe asked this figure to tell me what he told them."

So the view here is that what both of these people are saying and I'm not saying it just because we want to say it or because you'll probably at one point or another due - and he's probably been in the public arena. The fact is that they are alleging that you took them into a cell where there was this badly tortured person and the implication is also that if they didn't cooperate they would be like this person. How do you respond to that?

MR MTHEMBU: I'm going to say there were instances when we took people, for instance if so and so said something against me, eventually we would have to take that particular person and say the things he was saying about him so that particular person may then have to defend themselves if they had to defend themselves. We might have taken him to Seremane or Seremane to him depending on who was accusing whom or was alleging who was involved in what. That we would have done but if he was at any

stage disfigured and what have you, I definitely think those are lies and exaggerations.

MR KHOISAN: I think that on my side Mr Chairman and given the lateness of the hour, we promised people we'd be finished by 03H30, I don't know if Mrs Burton has any further questions but I want to thank the witness for being so helpful.

CHAIRPERSON: Thank you Mr Khoisan. Well it only remains for me to say that this concludes this part of the inquiry into the events in Angola and unless there is anything that Mr Kupedi wants to say, this witness will be excused and these proceedings will be adjourned. There remains the matter of Mr Mnisi. My view is that due to the lateness of the hour and because of other engagements that I have this afternoon, Mr Kupedi and Mr Khoisan will put their heads together and find a suitable date to which we can take the enquiry to and on that basis these proceedings would then be adjourned to a date to be arranged.

MR KUPEDI: I have nothing to say Commissioner Chair.

CHAIRPERSON: Then the matter stands adjourned to a date to be arranged. We are adjourned.

COMMITTEE ADJOURNS