

COMMISSION RESUMES AFTER LUNCH:

MR KUNY: As I indicated before the adjournment we proposed to renew the that application which we made at the outset of Mr Nofemela's evidence and the basis has been set out in the text which we handed to you. The point is simply this Mr Chairman, that your terms of reference are to inquire into politically motivated murders or other unlawful acts of violence committed in the Republic. Now in view of your initial ruling Mr Nofemela has given evidence solely about acts of this nature which he alleged were committed within(10) the Republic. There has been some reference to cross-border activity, but not directly and no direct evidence has been given which does not relate to acts of violence which sub-sequently occurred within the Republic. Now the attitude adopted by the police has been that Mr Nofemela is lying when he says that certain acts took place at all. They dispute there were certain acts as described by him or he is lying when he says insofar as there were acts of violence such as the killing of Mxenge that he was involved in it and a part of the cross-examination was put to him that he is making hideous untruthful accusations against the police and that these accusations are scurrilous and that they are totally untrue and it has been put to him there was never, there is not now and there never will be any such squad as the hit squad as he has testified in his evidence. Now Mr Chairman, our submission is that unless Mr Nofemela be given the opportunity of dealing fully with the activities of this so-called hit squad or as-sassination squad, you will never be able to establish whether or not when he speaks about the acts of violence and acts of murder which were committed within the Republic, (30)

he/...

he is telling the truth in view of the denials by the police and certain other police evidence which may indicate the contrary, but unless you hear the entire story you cannot evaluate in our submission, his credibility or for that matter the credibility of the police who are going to testify and be cross-examined, because it would mean that you are simply hearing half the story or even less than half the story. And on that basis we submit that it is not possible to make a pro-per evaluation of the credibility of the witness or of the credibility of the police who may testify in answer to what the witness has said. We submit that the police, by reason of the approach which has been adopted, namely "you are lying when you say that certain events happened at all. You are lying when you say that you participated in certain known events, you are lying when you say that there was a based hit squad, whichever performed any of the acts which you testified to. In view of that attitude, they have in fact led him necessarily evidence relating to the entire activities of this so-called squad, whatever it may be and for you to re-submit properly perform the functions in terms of your terms of (20) reference, you need to know, you need to be told, you need to hear evidence about the entire picture and we submit for this reason that you should now allow us to expand Nofemela's evidence to deal with other activities which are referred to in his affidavit and not been placed before you at this stage.

CHAIRMAN: Now where do you want me to draw the line Mr Kuny?

MR KUNY: Well Mr Chairman, it is difficult to know, because he is speaking about continuous course of conduct from 1981 to about 1986 ... (intervenes)

CHAIRMAN: But I am not - not with this witness, where am (30)

I/...

I must take the Bureau for Civil Co-operation or whatever it is called and I have to investigate each and every project they ever had and Mr Kuny there is no way I am going to do that and I have to draw the line.

MR KUNY: I understand the problem, but then it may be an in-surmountable one, because we will submit that you cannot then make a proper evaluation based upon a witness's evidence whose evidence is only covered a portion of it and not the whole of the events about which he wishes to testify, but is not (10) allowed.

CHAIRMAN: Yes, but let us take it this way Mr Kuny. Just from a practical point of view. In the end the existence of a hit squad, within the terms of reference depends upon whether, what the witness has said is true or not. In other words if for instance I find that he is truthful about the Mxenge murders, that goes a way in that direction.

MR KUNY: Including the existence generally of such a squad?

CHAIRMAN: Yes, that is right. If I find he is untruthful it tends to disprove. (20)

MR KUNY: But the same thing then applies to any acts extra-territorially carried out.

CHAIRMAN: Yes, but where, the problem is I have to draw the line somewhere. How do I investigate for instance the correctness of say an attack in Swaziland, because he will say there was an attack and a number of police will say there was not an attack. So now, do I go to Swaziland and investigate there who talks the truth about a collateral matter.

MR KUNY: Or you will hear such witnesses as may be available who can confirm or dispute the existence of such an attack(30)

and/...

K25.0227

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and the people involved in it.

MR CHAIRMAN: But I can obviously not go to the root of that matter.

MR KUNY: Except that we will say or Mr Nofemela will say in his evidence that the decision in regard to any of these extra or out of the country raids were made within the Republic.

CHAIRMAN: That may be so, but that does not solve the question whether what he says, whether there was such a decision depends upon the truthfulness of the execution and if the execution is shown to be wrong then the instruction will (10) appear to be wrong, generally speaking.

MR KUNY: But Mr Chairman the attitude which the police have adopted is, there was no such squad, there never was and there never will be.

CHAIRMAN: Fine but would you wanted them to, in the light of what he said, you wanted them to say well we deny there was a hit squad operating within the country.

MR KUNY: No, I do not know what they would say, but the point is, they say to him as a witness you are lying.

CHAIRMAN: No, but he said, he made the statement - he (20) made the statement which went wider than the terms of reference so they put to him the contrary, fullstop.

MR KUNY: Yes, but in order to test whether he is telling the truth as to whether such a squad exists of which he was a member and through which he committed certain acts in conjunction with other people, it seems wholly artificial to limit the inquiry only to those acts which took place within the borders of the Republic, bearing in mind that those are your terms of reference and that is why I say it really becomes an impossible situation.

(30)

CHAIRMAN: /...

K25.0281

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ARGUMENT

CHAIRMAN: Yes, but I think I have at least 15 or 20 instances where we have evidence one way or the other which should either prove or disprove the basic premise. If I take all these instances

testified about and I assess the veracity at the end of the case I should have a fairly clear idea whether there was such a hit squad or not.

MR KUNY: That may be, but we question whether it is going to be possible to fully test and evaluate and make a finding on the veracity of witness without the hearing the full story. There may for example be areas of activity outside the (10) Republic which would tend to confirm his credibility on the existence of the squad and its membership in the acts that was performed and that would tend to reflect also on his credibi-lity with regard to intra-territorial acts.

CHAIRMAN: No, his credibility on intra-territorial acts depends on his credibility in relation to each and every instance.

MR KUNY: Including extra-territorial.

CHAIRMAN: No well, If I find for argument's sake, that 10 of the 20 instances he testified about are truthful, it must (20) prove something. If I find that all 20 are untruthful it shows something else. If I find that all 20 are truthful it also shows something and in the end, I am not sitting in a criminal capacity, I have to decide on the material presented to me, I have read his affidavit in full, so I am aware of what he says and if the occasion should arise that we require further detail in respect of any of those instances, we can deal with them, but I am not going to include that evidence in advance, because then I cannot perform my mandate at all. I can just as well close the commission.

(30)

MR KUNY: /...

K25.0339

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MR KUNY: Well, our concern is then that the findings - incidentally which are at the root clearly of your findings in regard to these questions ... (intervenes)

MR CHAIRMAN: But, what I thought would be the correct way would

be in assessing his veracity, is to take into account, to analyse each and every instance and see whether that in-stance is true or not, whether what he says is true or not and then I add them together and then I see what is the result, because the proof of the premise that there was a hit squad depends entirely upon the truth of what he did, occurred, is that not so.

MR KUNY: Yes.

CHAIRMAN: In the way he said it happen.

MR KUNY: It depends upon his being able to tell you about certain facts and activities be they within or outside the Republic which can be proved to have taken place.

CHAIRMAN: But could I give you this simple example. Say for instance he gave evidence about the Mxenge murder and he was involved in one instance across border. Say for instance I find that his evidence on the Mxenge murder is untruthful (20) now where does, what do I report in terms of my terms of reference.

MR KUNY: I understand that.

CHAIRMAN: Fine.

MR KUNY: But my submission to you is that you may not be able to find his evidence on the Mxenge murder untruthful unless you look at the whole conspectus of his evidence, including the other act or acts about which he testified.

CHAIRMAN: Yes, but then we must start at his birth unfortunately.

You know I have had so much evidence so (30) far/..

K25.0400

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ARGUMENT

far of so many instances which has left me in a certain stage of confusion at this stage and I do not want to add to the confusion.

I am not prepared at this stage to change my ruling.

MR KUNY: Well, as it pleases. Then I cannot take it further than it has been set out already.

K26. BUTANA ALMOND NOFEMELA, still confirms:

RE-EXAMINATION BY MR KUNY: Mr Nofemela, you have admitted in your

evidence that you have lied in a number of instances under oath, you have admitted that you lied in the (10) affidavit which you signed in regard to the Harris Mkhisi matter, you have admitted that you lied in certain respects in the affidavit that you signed on 19 October last year, the day prior to your execution. You have admitted that you lied in your evidence that you gave at your own trial in 1987 and it is going to be suggested and argued that having admitted that you lied in all these respects under oath that you show little regard for the oath and that there is no reason why this commission should believe your evidence now given under the oath that you have taken. Do you understand that, now what do(20) you say about that, can you assist us and the Commissioner in understanding why on other occasions you have lied, but on this occasion you say that you are speaking the truth? -- For instance in the case of my case in which I have been convicted and sentenced I have explained in this commission that I have been promised that I would be assisted by Major De Kock then I have not to tell the truth about my involvement in this regard and then I lied on that grounds and then in the affidavit I made about Mkhizi, Saul Mkhizi in Piet Retief, I was told to agree on what had been written. I could not (30)

dispute/...

K26.0084

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dispute that because it was actually a part of my instructions.

Why should you have had that instruction? Was it something that was common and normal or was it just in that particular case that you had that kind of instruction? -- Many cases whereby we are not - we are told not to tell the truth by them.

Like what? -- For instance, the men was being assaulted and no policeman will come to court and accept that he has assaulted a person. (10)

Have you denied on other occasions as well that you have

assaulted someone, when in fact you have? -- That is correct.

And in the affidavit you have signed the day before your execution was due to take place you lied again, in your conviction and the evidence you gave in that case? -- In that affidavit I would not say it is a lie actually, but it was a mistake because of the situation by then in which I was involved.

What do you mean a mistake, in what situation? -- That is, I was in great stress and the matter was being done (20) in a very short period and the advocate who was taking the affidavit was very in a hurry. So some of the things I did not put them as I was supposed.

Well for example where you said: "I did not commit the murder for which I stand condemned." That was not true? -- In that regard yes, that was not the truth.

Now did you think that if you had admitted the murder in this affidavit that you would be retrieved at the last moment? -- No, I thought I would be actually executed.

And you have now for the first time publically. (30)

revealed/...

K26.0128

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NOFEMELA

revealed to this commission that in fact you did commit that? -- That is correct.

When you came to give evidence here, you refused to swear in the normal way? -- That is correct.

It was pointed out to you that you had taken the oath in the normal way in this affidavit of 19 October and the affidavit you made just before you - for the purpose of this commission. Can you explain your different attitudes in regard to the affidavits and your evidence now? -- I can not follow the question?

(10)

When you came to give evidence here you said that you would confirm that the evidence you spoke is the truth. -- That is

correct.

And the affidavit that you signed the day before, you had actually sworn. -- That is right.

And in the affidavit you signed on 19 October you swore in the normal way. -- In fact I was being told that this is under oath, then I agreed on that. I explained all the times because I am a born again Christian and I believe that it is written in James, chapter 5 verse 12, that my yes should (20) be yes and my no should be no. I should not swear so I find it being contrary to the Word of God.

When did you become born again? -- I cannot recall the date, but it was after I had been convicted and sentenced to death.

When you were in Pretoria? -- Maximum prison.

And when you came to this commission it was because of that faith that you refused to take the oath? -- That is correct.

Now you said you cannot remember when you became a (30) born again/...

K26.0181

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born again Christian. It is quite clear from your evidence generally that your memory for dates and years and specific months is not very good? -- That is right.

You, on a number of instances confused one year for another? -- That is correct.

You said something happened in 1982 when it happened in 1981 and you have said you are not sure whether things happened in 1985 or 1986 and so your evidence have been full of these errors? -- That is correct.

Or the inability to put a date to an event. (10)

CHAIRMAN: That is not due to bad memory.

MR KUNY: Well, I am trying to get to that.

CHAIRMAN: My general impression is that the witness has a very good memory.

MR KUNY: Well I am going to come to that. I was going to ask you in so far as the dates and years are concerned your evidence seems to, in a number of respects be incorrect, but when it comes to relating the actual events to occur you seem to have a very clear recollection. Is that right? -- That is correct.

(20)

Can you explain that? -- What I can actually remember is that for instance, say for instance when I have been a participant in a certain incident, that I can remember that I was in that particular place, but the thing is I cannot recall the whole details of the issue, how it happened and so on, when was it, at what time and how late was it, that is my problem.

Are you able to remember the sequence of events. In other words what happened before or after something else carried over a period of years? -- Yes, I do remember that.

Now can we go back then to the time that you first (30)

became/...

K26.0242

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NOFEMELA

became a member of the squad at Vlakplaas, that was we know in 1981? -- That is correct.

Now you have spoken about the activities of the squad of which you became a member and you termed it loosely an assassination squad? -- That is correct.

That is what you referred to in your affidavit, your affidavit of 19 October and for present purposes let us talk about an assassination squad. Was it simply a squad which dealt with assassination? --No.

What were the other activities of this squad? -- It (10) was to, stealing cars and burning cars of the people, kidnapping and so on.

Yes, anything else, any sort of investigation, surveillance?

CHAIRMAN: Anything legal or are you only suppose to do il-legal

things? -- Well, as far as the work is concerned, I do not remember any incidents that had been done legally, except by filling petrol legal in the police station.

MR KUNY: Well what was your rank when you joined? -- I was a constable. (20)

And for how long did you remain a constable? -- For about three years and the fourth year, which is 1984 I have been promoted to the rank of a sergeant.

And did you remain a sergeant until you left? -- That is correct.

And was it up to you to question your superiors when they gave you instructions to do any particular act? -- No.

Were you concerned whether the acts which you were acquired to carry out were legal or illegal? -- I do not follow the question?

(30)

Were/...

K26.0310

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NOFEMELA

Were you concerned about whether what you were doing were legal or illegal? -- I was concerned.

Were you concerned about whether what you were doing was legal or illegal? -- No, I was not concerned.

Did it worry you? -- No, it did not worry me.

Why not? -- Because I knew that, I believed that what my superiors instruct me, it is right, because he knew more than I know.

Right, with what objective in mind? -- In the first place I believed that as a security policeman based in Vlakplaas(10) I am not going to work just like an ordinary policeman, it is different, it is very different.

In what way? -- In the sense that, for instance if you have done something wrong in Vlakplaas, you are not going to be brought in disciplinary, what you call, committee and stay there and

officers should assault you and all that. You are just given a spade and they give you punishment that you should dig that hole.

In what other ways was it different from an ordinary policeman? -- An ordinary police, whenever he is, for (20) instance taken in a car incident, for instance, that police-man should report that matter and the matter should go as far as to the court and if he is found guilty and things like that he have to face, what you call a disciplinary committee as well.

Why do you speak about a car accident in particular? Did you have some experience of that? -- Yes, I did?

What was your experience? -- I was once involved in a car accident in Soweto in which I struck a certain municipality truck from the back. I do not recall which year was (30)

that/...

K26.0371

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NOFEMELA

that, I think it was 1982 if I am not mistaken and then I was taken to court in Protea. Captain Jan Coetzee told me that I should not worry about the incident, they will organise it and I will get free out of that and indeed I went to court and I was found not, what you call, guilty and discharged.

Whose fault was that accident? -- It was my fault to cause the accident.

Normally you would have been found guilty? -- Definitely.

Did you as a security policeman stationed at Vlakplaas keep a pocketbook of your daily activities? -- No. (10)

Is that not something that policemen normally does? -- Normally police are doing that.

Why did you not? -- Well, I found it the way they work at Vlakplaas and then I could not question that.

Were you required to, or is it just you who did not do that? -- No one was required to keep a pocket book.

Did you have to file written reports as to what you have done?

-- No, I did not. I do not know with other people, but I never saw anyone having done that.

Were you ever asked for written reports or required (20) to file it? -- Well whenever we have been sent, for instance to go and investigate certain cases like if we are told there is a riot somewhere go and try and infiltrate and so on and check who can we get and when we come we just report that verbally.

You do not write it down? -- No, we do not write.

So there is no written record of what your activities were from month to month and year to year, as far as you are aware?

-- No, I do not have to report on that.

And you never kept at any stage a pocket book? -- (30)

Except/...

K26.0430

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NOFEMELA

Except the pocketbook I kept for a vehicle, official vehicle.

Yes, but not for your personal, your activities as a member of the squad? -- No.

And as far as vehicles are concerned, there is also a vehicle logbook that you kept? -- That is correct.

And that vehicle logbook has to be meticulously filled in? -- That is correct.

Did you use to do that? -- Yes, I use to do that.

And have you requisitioned a (inaudible) book? -- I have to fill in the pocket book. (10)

What pocket book, the vehicle pocket book? -- The vehicle pocket book.

You do not know what happened to those pocket books? -- No, we give them to the office if the car is out of order and so on.

Now I want you to go back to the time that you became a member of the squad and the training that you received. You heard it put to you this morning that Dirk Coetzee apparently said in the statement that he made that you did not receive any special

training. Now what did you say about that? (20) -- I disputed it this morning and I am still disputing that.

Can you give the Commissioner some indication as to what sort of training you did in fact receive which was different from the training that you have received as an ordinary policeman? -- In the first place when I came from the college I did not know anything about AK47, I did not handle the rifle and then when I arrived in Vlakplaas after I have been introduced in this assassination squad I have been given an AK47 and I were given a theory about it, how it looks, how it works and so on and where is it from, from there I was shown it (30)

and/...

K26.0492

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NOFEMELA

and the Makarov and then I was given knives.

Can you just stop there before you get on to the knives, any other types of fire-arms, were you taught about any other types of fire-arms? -- The other type of fire-arm I have been taught after Dirk Coetzee have gone away, left, for instance an Uzi. Uzi was not there before Coetzee.

What is an Uzi? -- It is a sub-machine gun.

And is it used by ordinary policemen? -- Not in my knowledge, I never saw any policeman using it.

And you were taught about that and about AK47 and (10) about Makarov's, anything else? -- And Tokarev.

Tokarev? -- And then handgrenades.

Does an ordinary policeman in the ordinary force learn about handgrenades? -- No.

Did you learn about that in police college? -- No, I did not.

What were you taught about handgrenades? -- There were two types of handgrenades that I have been given a lecture about. The one is F1 and I do not recall the other one and they are being given to understand that the most powerful (20) one is F1.

Do you know where the F1 comes from? -- They all told me that those are Russian made weapons and very dangerous and then I saw them in Vlakplaas as well.

Did they demonstrate it to you? -- Yes, but not with the actual one that they have been lecturing me about, but there are other handgrenades they were using, the smoke handgre-nades.

Were you taught about any other form of explosion? -- No, I was not taught about any, I was not. (30)

Now/...

K26.0553

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NOFEMELA

Now we are going to talk about knives as a matter of fact, what were you shown in regard to knives? -- About knives is actually, Captain Coetzee started this training of knives. He told us mostly we will be using knives.

What sort of training did you have regarding the use of knives? -- He firstly told us how to stab and what parts of the body should be stabbed and from there he then demonstrated how to throw a knife for a distance, not far away and how to throw it.

And did you practise with the instrument? -- And then(10) we practised that. We did practise.

What did you practise on? -- We practised on throwing knives and so on.

Now when ... (intervenes)

CHAIRMAN: Now what big issue is it to teach someone how to stab with a knife? -- He said to us mostly we are going to use knives.

That he told you, but I mean so what, so what else does he have to teach you about using a knife? -- I think it was about the, what do you call it, throwing of the knife, (20) because he was good in throwing the knife.

Well, any schoolboy throws knives. -- But it is different. It can just throw a knife and it does not stab, it just fall. Now we should make it a point that when you throw it, it actually

penetrate into the ... (intervenes)

I did it when I was ten years old. -- Pardon?

I did it when I was ten years old, to throw a knife to see that it sticks into the ground, so what is the big deal? -- Well, I think Captain Coetzee can be able to answer that.

(30)

Now/...

K26.0612

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NOFEMELA

Now well, you are the person who may say this, because he says he did not teach you, gave you any special training. -- He did teach me and afterwards I was, I never part with the knife, even Captain De Kock appreciated a knife as well.

MR KUNY: And you also spoke about training in other fields in regards of kidnapping and so on? -- That is correct.

What were you taught then? -- We were shown films in fact.

It say in times of war, I do not recall what the title of the films were, but we have been shown films on how people be kidnapped, how people are ambushed and so on. (10)

And for how long did this training period last? -- In fact it did not last, because at times when we are at certain places like in Piet Retief we use to go for a shooting range in Piet Retief and at times when we are off they organised a week that this week will be used for training. More especially in times of Captain, Major De Kock.

So it was not a continuous training it happened just from time to time? -- From time to time, yes.

And was there a shooting range at Vlakplaas? -- Yes.

You have mentioned in your evidence that on some (20) occasions Major De Kock used a silencer? -- That is correct.

Did you actually see silencers at Vlakplaas? -- Yes, I did.

Have you ever used a silencer? -- Yes, I did use a silencer.

Do you know of anybody else who used silencers? -- Many of

the people in Vlakplaas used silencers.

As that on the pistol or on the AK or on what? -- On the HMC-pistols.

How is the silencer fitted? -- It is like a pump, it (30)
is/...

K26.0678

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NOFEMELA

is so long. When you have fitted in the pistol, it becomes so long, but now when we have fitted a silencer in a HMC it is very long, because it has two different parts. There is another small part that we have to screw in and the other one in the top.

Now you have spoken about missions before, you called some of your activities missions? -- That is correct.

And I think you said in your evidence, sometimes those missions involve killing people, other times they involve other activities. -- That is correct. (10)

Let us look at the activities in the Eastern Cape, 1981. Mr Chairman I do not know why, I am talking loudly, but it does not seem to be coming through very well. It seems that your first mission or series of missions when you joined this squad was to go down to the Eastern Cape, firstly East London, then the Transkei and then to Lady Grey and the Port Elizabeth area. Is that correct? -- That is correct.

Can you recall any other missions prior to that, to that series? -- No, I cannot recall.

And during these missions you have spoken about (20) stealing cars and burning cars and that sort of activity?-- That is correct.

Now on whose instructions did you carry out those? -- Under Captain Dirk Coetzee.

And did you know why this was being done? Was it explained to you? -- Only that those people that we are stealing there cars and all this, that, I have been given to understand that those

were my enemies, as they are people of ANC. Some of them I cannot recall why, but general in the knowledge is that all the people that we are stealing (30)

their/...

K26.0780

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their cars are members of the ANC are actually our enemies.

And so what would be achieved by stealing and burning their cars?-- It was to intimidate them.

CHAIRMAN: But the only problem I have, I take what you say, but if you steal a person's car and he does not know who stole the car, he does not know how burned the car, how does that intimidate him? -- It seems Mr Chairman that these people that we were being stealing their cars, they had once been interro-gated or whatever, I do not know, but now it seems that the seniors had a knowledge about that, if we steal their cars(10) they will suspect maybe that the forces have done that and so on.

MR KUNY: So you are saying that they are political activists in some way and they realise that it was their enemies who were doing this? -- It is how I think about it.

And you were doing it to them, because you regarded them as your enemies? -- That is positive.

And you were carrying out the orders of your superiors? -- That is right.

And when you were in East London and in the Transkei,(20) what sort of acts were you carrying out there under Major Baker, Colonel Baker? -- I cannot really recall what I have been doing there. The only incident that I remember is one of the priests in Ntandzani Township or Duncan Village, was being detained in Cambridge security branch and I was present during the interrogation where men was handcuffed and assaulted there. Steven Banda even point, what you call, a fire-arm in his head in threatening him to shoot him.

Now why were you present, what did you actually do?-- We were together with other security policemen, in the same (30)

office/...

K26.0846

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office where men was being interrogated.

Did you participate in the assault or in the interrogation?
-- In fact I did not know the man and I did not know what they were being questioning him about now I could not interfere and I did not participate.

This was all in the very early days in your membership with this particular group? -- That is correct.

CHAIRMAN: That was not the hit squad who interrogated him? -- No, no.

MR KUNY: You were asked in fact whether there were any (10) other hit squads apart from the one that you were a member of at Vlakplaas and I think your answer was there were other groups but you do not know what their activities were? -- That is correct.

What kind of secrecy was maintained in respect of the different groups? -- It was that if one group goes in the Eastern Transvaal, for instance when they come back they should not tell the other people what were there activities in the Eastern Transvaal. So that is the secrecy that I know about.

(20)

Unless you are linked up with them in some activities? -- That is correct.

Did you ever report to any of your colleagues about the Mxenge killing, apart from your superiors? -- No, I do not recall having done so.

Would you have done so? -- No.

Would you have been permitted to do so?-- No.

Or for example the kidnapping of Moabi or Maponya? -- No, I did not.

Now the work sheets that you have been shown for (30)

yourself/...

K126.0912

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yourself and other people, you have said over and over that those were not necessarily accurate? -- That is correct.

In fact, until you came here, have you ever seen this, when I say here, I mean the commission, have you ever seen this entire work sheet of yours? -- No.

You signed the first two entries and that is all? -- Yes.

Did you know that work sheets were kept of your apparent activities and the places where you were send? -- I would say yes, I knew, because there was S & T forms and that I thought they worked hand-in-hand. (10)

But of course from your evidence those S & T forms were not necessarily accurate either? -- No, they are not.

And would you say it was easy or difficult to cheat on the S & T? -- It was very easy to cheat on the S & T.

And who got the benefit of the cheating if for example you have been out for a week and your S & T form shows you have been out for two weeks, who would get the benefit of the extra S & T that was paid? -- For instance if I am out for one week and I get extra money for another week, I will benefit out of that.

(20) Well that is what I am asking you, are you the person who will benefit? -- That is correct.

Are you the only one who would cheat in this way? -- No.

Was there any way that he could be caught out on this? -- Except if the people in the office investigate the matter, they will ... (intervenes)

Were you ever aware of such an investigation? --No.

And it was said, it was put to you this morning that you could not cheat because if you went to another area you would be under

another division or commander and he would then, (30)

you/...

K26.0987

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NOFEMELA

you would have to report to him and he would know for how long you have been gone, what do you say about that? -- If I am given to a certain commander that I should work with him, then he was going to report that this guy worked in my place for such and such a long time and then he cannot cheat on that, but if I go with my commander to that particular place, he make, what you call, put extra days on that.

And then when is the S & T form filled in? -- I would not say when, because I always fill in a blank paper of a S & T form and the commander is the one who fill every (10) detail in it.

And do you fill it in after you come back from a mission or an assignment or before you go? -- Sometimes before, some-times during our time where we are.

But you do not normally see the results of what is filled in to that form? --No.

So can we take it then, that not only your own work sheet is not accurate, but ... (intervenens)

CHAIRMAN: It may conceivably not be accurate.

MR KUNY: May not be accurate, but other people's work- (20) sheets may also not be accurate? -- That is correct.

For example, you have spoken about the fact that your group use to go into Botswana or Swaziland or Lesotho, is that anywhere reflected on the work sheet? -- No.

Properly speaking, should it not be reflected on the work sheet? -- I think it should be reflected in the work sheet, because it state where I am.

And for example you also carried several passports? -- That is correct.

You say you had four passports, but the evidence here(30)

is that you have two, we will come to that in a moment, but the one passport was a false passport?-- That is correct.

With false names? -- That is correct.

And did you ever use that to go into any of the neighbouring countries? -- Yes, I used it.

Now would you then, would it be reflected anywhere in any of the police records or anywhere that you have been into, that you Almond Nofemela has been into one of these countries? -- I do not believe that it can be seen in a police record on that.

(10)

CHAIRMAN: But I presume that if you go into Swaziland you will be booked out to Eastern Transvaal, because you operate in the Eastern Transvaal and then you go across the border? -- I believe so.

And if you go into Botswana, it will indicate Western Transvaal? -- But there is a certain case, while I am in Eastern Transvaal, I am sometimes I have been called to go into Botswana, but it is not reflected in the forms, in the work sheet that I have been taken from Eastern Transvaal to Botswana.

(20)

MR KUNY: But the point is that you work sheet never has reflected that you had entered and did not reflect that you have entered any of these neighbouring countries? -- It do not, yes.

Do you know why not? -- I just think about secrecy that is all.

Secrecy of about what?-- That not everyone should know where I was and so on and what I have been doing.

Do the same apply to other people? -- That is correct.

Now I want to take this chronologically, you were in (30)

the/...

the Eastern Cape and you know that from your work sheet round about the third quarter of 1981, from August to October? -- That is correct.

Have you been there continuously or may you have moved away from there and gone back? -- I remember having moved away for many occasions.

Did you go on other missions? -- That is correct.

Do you remember specifically what they were? -- No, I cannot remember.

You see the disappearance, if I may put it that way, (10) of Moabi, took place on about 11 or 12 October 1981 at a time when your worksheet reflects that you were in the Eastern Cape. Do you remember that? -- Yes, I remember that.

You are adamant that you kidnapped Moabi? -- Yes.

Can you explain the discrepancy between the work sheet and the fact that you say you kidnapped him? -- It could have happened that since I was in Lady Grey I went down to Pretoria and then for that mission I went back again. It is how it actually happened in most cases.

Now where was Moabi kidnapped? -- In Soweto. (20)

Right, so you would have to come back to Soweto and go back to the Eastern Cape afterwards? -- That is correct.

And do you say that the kidnapping of Moabi was followed immediately by a trip to Botswana? -- That is right.

How long did that trip last? -- It was a matter of hours, it was a day or what.

You just went in and came out? -- That is correct.

Did you go in through the border?-- Yes.

Using a passport?-- Using a false passport, yes.

Can you remember what passport you used? -- I cannot (30)

remember/...

remember.

And did the other people who went in with you also go in through the border using passports? -- That is correct.

CHAIRMAN: You see, I have just one problem with this going to Eastern Cape and coming back, because going to Eastern Cape and coming back, because according to the Moabi matter, because according to this you left on 11 October for the Eastern Cape and Moabi was abducted on 12 October, so there is no way that you could have gone down to the Eastern Cape and coming back for him to be kidnapped. It may have been (10) otherwise. -- I understand that.

MR KUNY: The point is that if this work sheet is out by one day, you could have been in Soweto and in Botswana and then have gone back to the Eastern Cape the following day, if you left not on the 11th, but on the 12th or on the 13th? -- That is right.

CHAIRMAN: Yes, obviously.

MR KUNY: Mr Nofemela, we just want to point out something to you, this passport which is issued in the name of Kenneth Kaizer Sapeng was one of your false passports? -- That is (20) correct.

With your photograph on? -- That is correct.

It reflects that on 31 May 1986 you entered Swaziland at Ngwenya, would you have a look at this, now I do not know whether you can remember having gone into Swaziland on that date and for what purpose, but that is what the passport reflects?-- Yes.

Now according to your work sheet you had returned from the Eastern Transvaal on 29 May 1986, it is the fifth last entry on the third page of the work sheet and your next trip thereafter/.

thereafter was on 17 June, when you went to Durban, can you explain this? -- I cannot explain that in anyway, as I have stated that the work sheet is not accurate.

And while we are on the ... (intervenes)

CHAIRMAN: Just a moment please, yes.

MR KUNY: And I want to point out another thing on your work-card.

The fourth item is an item which reflects that between 11 October to 29 October 1981 you were in the Eastern Cape, but there is no amount entered against that and there is no signature of having received that amount or do you have (10) any explanation for that? -- No.

CHAIRMAN: I see there is an amount entered there into against Coetzee's entry for the same period.

MR KUNY: The point is that if you did receive an amount, someone received it on your behalf, because the work sheet does not reflect that. While on the Moabi matter, you say that you were one of the people who kidnapped Moabi and you described what happened to him? -- That is correct.

You never said in your evidence that you knew what had happened to him after you left him with Captain Grobler (20) and left? -- That is correct, I never said that.

You in fact do not know what happened with him there-after? -- That is correct.

Were you ever in possession of any of the records relating to Moabi's disappearance or detention? --No, I never.

Did you ever see those records? -- No, I never.

Would you have ever had access to them? -- No, I do not think.

CHAIRMAN: Mr Kuny, if you look in EXHIBIT B99, page 41, you will see that for the period of 11 October 1981 to 29 (30)

October/...

K26.1424

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NOFEMELA;

October 1981 there was a payment which was received and that is in Mr Nofemela's...?

MR KUNY: As it pleases Mr Chairman. So Mr Nofemela, you say were not aware of what as contained in the police records re-lating

to Mr Moabi? -- Yes, I do not know.

You never had access to them, you never read them and you never saw them? -- Not at all.

So you would not have known that on 13 October 1981 Moabi's mother complained about the fact that he had disappeared or been kidnapped? -- No, I do not know about (10) that.

When did you hear that for the first time? -- The first time I heard that, there is information that Moabi has stolen it was where I went to my home and I met my mother and she told me that some policemen came here and said you have stolen a person in Soweto, they are looking for you?

How long after that was this? -- I cannot recall how long was that.

But did you know who complained about the fact that he had been stolen? -- My mother said people from Soweto, who(20) are policemen, is what she said.

And why should they have come to you to tell you this? -- I immediately realised that it was because of my registration of my car.

At that stage was your car already hidden at Vlakplaas or put away there and not being used? -- No, my car was at home by then.

Where was it being kept at home? -- It was at home in a garage.

Were you using it? -- No, I was using an official (30) vehicle/...

K26.1498

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NOFEMELA

vehicle.

In regard to the question of the man whose car you took in Vryburg, you remember that? -- That is correct.

Just tell us again what happened and how it came about that you took his car?

CHAIRMAN: Mr Kuny is it necessary. I do not think that that has been traversed?

MR KUNY: Yes that is probably likely, but I want to deal with this incident. You told the Commissioner how having taken his car and then took various things out of it and drove (10) it to a point where it was burned?-- That is correct.

Amongst the things you found in the car, were, you said six chickens, live chickens? -- I think five.

Five, sorry, five in the boot? -- That is correct.

And I think you said you ate them? -- That is correct.

Now did you know who the person was who you were suppose to either kidnap or whose car you were suppose to take? -- Yes, I have been told about the person, I ... (intervenes)

Did you know his name? -- Yes, I knew his name by then.

Did you learn that at the time or subsequently? -- (20)
After having done that, I have forgotten his name. I just heard it right now that it was ... (intervenes)

A man by the name of Mr Galeng.-- Galeng yes.

And what was, why was he to be harassed in this way? -- It was said to be an active member of UDF and we have to kid-nap him and if we cannot get him, we should steal his car.

And you were given a key which fitted his car? -- That is correct.

Now do you know that Mr Galeng at the time reported his car stolen and made a claim from his insurance company? (30)

--No/...

K26.1574

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NOFEMELA

-- No, I did not know it.

CHAIRMAN: I have all those exhibits Mr Kuny, it is not necessary ... (intervenes)

MR KUNY: Well I just want to make the point.

CHAIRMAN: Yes, I think the papers speak for themselves.

MR KUNY: I have just a point to make on that.

CHAIRMAN: Oh, well I thought if I understand the point it will not be made.

MR KUNY: I just want to put this point to you Mr Nofemela and the first is that in his claim form which he filed at the time with his insurance company he listed the items that were missing from the car and one item was six fowls, you said there were five, he said it was six and this was the claim form that was filed on 29 April 1985. Do you know anything about that claim?-- No, I do not know anything about that claim form.

The other point that I want to put to you was that in April, in February of, that is the same year, Mr Galeng had been briefly detained by the Kuruman security police and during the course of his detention his car keys were removed from him and given back to him afterwards. Were you (20) aware of that? -- No I was not aware.

Now you have been asked about the members of your group, Joe Mamasela, David Tshikalange and Brian Ngqulunga. -- That is right.

And it was said that Joe Mamasela could not have been a member of this group, because he was not even a policeman or an Askari, he was simply an informer. Now how did it come about on your evidence that he was a member of your group if he was not either a policeman or an Askari? -- The only thing that I can say, Joseph found me in Vlakplaas and he was (30)

introduced/...

K26.1653

- 676 -

NOFEMELA

introduced to us being somebody who is going to work with us, he is very good, that was by Captain Coetzee.

Did he live in Vlakplaas? -- Yes, he lived in Vlakplaas. He started travelling to Soweto and then he automatically come, he eventually came to Vlakplaas and stayed there.

Now he first started living in Soweto and travelling to

Vlakplaas? -- That is correct.

CHAIRMAN: Just a moment please, which Captain Coetzee introduced him? -- Dirk Coetzee.

MR KUNY: And then he came to live there? -- That is (10)
correct.

Can you remember more or less when he came to live there?
-- It was in 1981, but I cannot remember ...?

Did he share quarters with you, did he have a house or where did he live? -- He lived in a certain room, there were many rooms in Vlakplaas.

And did he eventually become a policeman? -- That is correct.

For how long did he work with you? -- Some, I think it is from 1981 until he went away from Vlakplaas. (20)

Can you remember when that was? -- I cannot remember.

Was he a person who has had training of some sort prior to coming to Vlakplaas? -- In fact Joe was saying he had been trained that is what he was being talking to me, he had been trained, he was carrying all along a Tokarev pistol since I started knowing him.

By whom had he been trained? -- He said he had been trained, in fact I do not remember by whom was he trained, but he knew how to shoot, he was very good in shooting and so on, so I could believe also that he was trained. (30)

And/...

K26.1737

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NOFEMELA

And what about David Tshikalange, it was put to you that how could you agree to be a member of an assassination squad in the company of a man who was simply a gardener. Was he a gardener as far as you were concerned?

CHAIRMAN: But that has been covered, really you want to recover it, Mr Nugent dealt with it and he was not a gardener at the stage when he joined.

MR KUNY: It might be that, well perhaps I can put it indifferently, whose decision was it that he would be put in a particular group or a - a particular group? -- That was (10) Dirk Coetzee's decision.

Did you have any say in it? -- No, I did not.

And that applied to Brian Ngqulunga as well? -- That is correct.

You have spoken about the fact that you had four passports and there seem to be some confusion about this and I would like to try and clear it up. We know of only two in this commission.

What happened to the other passports? -- While I was in the police cell in Hartebeespoortdam, Warrant-officer Mentz came to a cell where I was and he said to me(20) I must make it a point that I bring three passports. He new that I had three passports.

How would he have known? -- Seemingly he was told by my superiors that I am in possession of such passports, because I was convinced that they are the only people who knew about them.

So what did you do? -- Then after I got bail I went to Major Brits at Murder and Robbery Squad's offices then I produced three passports in a bag and I gave it to him, two false passports and one in my right name. (30)

And/...

K26.1841

- 678 -

NOFEMELA

And what about, so that is three, what about the fourth passport?-- The fourth one I kept at home, because they did not ask for four, they said three and then I kept one.

And the one that we see here today, which one is that? -- The one of Sapeng is the one that I kept at my home.

That was subsequently found at your house. At the time were you being represented by an attorney by the name of Khanyile, do you remember? -- I remember.

Did he deal with the police in relation to passports, can

you remember that? -- I cannot remember that. (10)

Now there has been a lot of questioning in regard to the killing of Mr Mxenge and I do not propose to spend any amount of time on that. I want to ask you about this soccer, the stadium, the Umlazi stadium. Were you aware at the time that Brian Ngqulunga suggested what kind of stadium it was? -- No, I was not aware, but Brian was aware.

Did it matter to you? -- No.

Do you know why he should have chosen that particular spot? -- He said to me it is a quiet place we can do whatever we do, there will be no interference. (20)

Sorry? -- He said we can do whatever we do with the de-ceased on that spot, there will be no interference.

Were there lights in the area? --No.

When you went there with the deceased, was that the first time you had actually been to or in the vicinity of the stadium of had you look at the area beforehand? -- I remember having passed there, Brian pointed out this is the stadium and then we, I do not know in which portion did we appear to the stadium, but he once showed us that that is a suitable place that we are going to. (30)

CHAIRMAN: /...

K26.1934

- 679 -

NOFEMELA

CHAIRMAN: In other words he pointed the place out beforehand as a suitable place? -- Beforehand, he said that is the stadium that is where we are going to take him.

MR KUNY: Did you stop and get out and look at it or did you drove past? -- No, we did not look at it.

Did it matter to you? -- No.

What it looked like? -- No.

And on the night that you went there with the deceased were you concerned to look at the stadium and to see what it consisted

of? -- No, I was just interested in what I have (10) been doing.

And how was the light in the area at the time? -- It was not, there was no light in fact.

Now the question of Jeffrey Bosigo, he was a person with whom you have worked for quite a long time? --That is correct.

You go on many missions with him?-- That is correct.

You know him well? -- Very well, yes.

Did you share quarters with him at some time? -- That is correct.

He says in his affidavit that he never participated (20) in the events that you have described and he was never in the hospital and he never sustained any wound. Can you explain why he should contradict you so emphatically on this? -- The only reason that I have is that he cannot admit to the fact that he was with me, since he is a policeman and he ... (inte-venes)

CHAIRMAN: Why not? I mean why could he not simply say you shot him in the foot in Ermelo? -- He will be agreeing. If he can say that I have shot him then he will have to explain why I shoot him.

It will come to a point ... (intervenes) (30)

But/...

K26.2026

- 680 -

NOFEMELA

But it could have been an accident? -- It would explain that we have been in a mission in Swaziland and we have been killing people and in that incident I happen to shoot him. He must explain why did I shoot him. So he avoid to bring that to point. That is why he said he cannot, I was not there with him.

MR KUNY: How did it come about that you shot him? -- We have been given post in Manzini while we are taking the people there, in the outskirts of Manzini. Jeff was told to stand by his position and I was in my position, but it happened now(10) that somebody got out of the window, through the window where Jeff was positioned. Now Jeff did not shoot at the person, in stead he

ran away after him. So when I looked at the back I found that ... (intervenes)

Sorry, when you say he ran was he chasing him? -- He was chasing him, yes and then I did not think that Jeff could leave his post and go elsewhere, because we have been told no one should leave his post, because he might be shot accidentally so it is where I happen to shoot.

And is that when you hit him? -- That is correct.

You then returned to the Republic? -- That is (20) correct.

How many of you? -- We were seven.

And who was with you and Bosigo? -- Colonel Cronjé, Lieutenant Van Dyk, Captain De Kock, Jeffrey Bosigo, myself and two warrant-officers from Ermelo.

How was it that you took Bosigo to the Ermelo Hospital? -- I was instructed by Colonel Cronjé that I should take Jeffrey Bosigo to Ermelo Hospital.

Was it a bad injury that he had? -- It wasn't bad, it(30) did/...

K26.2111

- 681 -

NOFEMELA

did not strike, what you call, touch the bone in fact.

Was it a fleshy injury? -- That is correct.

Did you see it yourself? -- Yes, I did see the wound.

Did it look serious to you?-- Well, at that stage I thought it was serious because I could not say it was not.

Did you take him straight to the hospital? -- Before he was taken to hospital he was actually given a lot of liquor, he was very drunk when we arrived at hospital.

CHAIRMAN: He was very ...? -- He was very drunk.

MR KUNY: Why was he given liquor? -- It was situated (10) in a certain caravan.

CHAIRMAN: Why? -- I think it was trying to avoid pain that he

should not feel more pains.

MR KUNY: And did you drive him to the Ermelo Hospital? -- Yes.

Alone with him? -- I was alone, using Lieutenant Van Dyk's car.

And where did you take him in the hospital?-- I took him in the hospital in Ermelo.

Yes, which part of the hospital? -- Near the black (20) township in a reception, in the hospital and then I wrote down my name, that I brought this man on this date and Jeffrey was talking a lot by then too.

Yes, and did you leave him there? -- And then I left him there.

For how long? -- I think I slept once in Ermelo and then the following day I took him.

Where did you sleep? -- I slept at a friend of mine who had been with me in the training in Hammanskraal by the name of Mischack Mgwanya. (30)

You/...

K26.2175

- 682 -

NOFEMELA

You went to fetch him the next day and you went back to Piet Retief?-- I went back to Piet Retief.

Did you know what record there was of Jeffrey Bosigo's admission and treatment, did you ever see any records, did you ever fill in any forms? -- I do not recall having filled in any forms and whatever, but the only report that I remember having had is that the bullet did not touch the bone. That is the only report that I got from one of the nurses.

And were you there when Jeffrey gave them information about himself? -- I do not recall being there or whatever.(10)

As a policeman would he have been a member of the police medical aid, Polmed? -- That is correct.

And would he have given them that information?-- Yes, he was suppose.

What would that mean, that he would not have to pay? -- Yes, in cash, yes.

Do you know whether he gave them information about his Polmed membership? -- I do not follow the question.

Do you know whether he gave them information about his Polmed ...?-- No, I do not know that he gave that. (20)

When you made a statement concerning this whole incident with Jeffrey Bosigo, which is contained in the report of the Independent Board, were you aware of the fact that there would be a record at the Ermelo Hospital concerning Jeffrey Bosigo's admission in 1983? -- Definitely.

Were you aware that there would still be that record? -- I knew that there is a record, but I did not know that there would still be a record there.

And that his admission could independantly be established? -- Yes, I did not know. (30)

Now/...

K26.2267

- 683 -

NOFEMELA

Now there is also the incident of the man by the name of September, you have been asked about it, I do not want to ask you much, but he will apparently say that he was not kidnapped by South Africans, he was assisted out of jail by fellow members of the ANC and that your evidence in this regard will therefore be totally untruthful, you heard that? -- Yes, I heard that.

Now what do you say about that kidnapping and that incident?

Did you go there specifically for the purpose of finding such a person? -- That is correct. (10) Were you told before hand whether such a person would be in the cell? -- That is correct.

Had you known of him beforehand? -- No, I did not know him.

And after you have taken him out and brought him back to the Republic did you have any further contact with him? -- After I

have been seeing him in Piet Retief the time of interrogation, for the second time I saw him in Krugersdorp in 1987.

By chance? -- By chance, he was together with the (20) Vlakplaas group and so on.

In 1987? -- That is correct.

And now where were - what were you doing ...?

CHAIRMAN: No. -- I was on bail by then.

MR KUNY: You were on bail and did you talk to him? -- Yes I talked to him.

Did he say anything to you? -- We talked a lot, but I cannot remember all that we had talk about.

But he recognised you? -- Yes, I knew him and he knew me, and he recognised me and I to. (30)

CHAIRMAN: /...

K26.2359

- 684 -

NOFEMELA

CHAIRMAN: But as I recall he told you that he was now working for the South African Police. -- That is one of the words that he said to me, but many things have been said, I cannot remember all that he said.

MR KUNY: But the point I want to make is from where would he have recognised you, where would he know you? -- Since I saw him in Manzini and Piet Retief for that period when he was interrogated.

And not again after that? -- Not again after that, except that during that period he was send to Piet Retief prison (10) I visited him there.

There was one other aspect I wanted to ask you about, you see you testified about kidnapping a certain PAC man from Swaziland, do you remember? -- Yes, I remember that.

There is apparently no record on files of such an event that had taken place, would you have expected there to be a record of it? -- No.

Why not? -- It was not a, actually, usually, it was not a

usual issue that an incident like that should be reported in workcard and so on, so I do not expect to see it in the (20) work sheet.

And you have been asked several times about why you have to resort to kidnapping people rather than detaining or arresting them. I am not sure that you fully explained that, can you do so? -- The reason thereof that I know of is that when we kidnap people we get a lot of information that we could get more out of people such as people for instance in the neighbouring countries where we can be in a position to go and attack.

Why would you get more information by kidnapping (30) someone/...

K26.2501

- 685 -

NOFEMELA

someone that you would by detaining and interrogating or simply arresting? -- By detaining these people, they are going to be released at a certain period and they are going to identify us and as a result will be known by many people.

CHAIRMAN: How many people have you kidnapped within the borders?

You spoke about Moabi and Maponya.-- And September and ...

(intervenes)

No, he was kidnapped in Swaziland. I am talking about people kidnapped within the borders, only the two ... ? -- I cannot remember how many were there. (10)

But it is the only two you gave evidence about? -- That is as far as I can remember.

And did you have no other successful action within the country? -- No, I did not have, but we concentrated a lot in the neighbouring countries, so ... (intervenes)

No-no, all I want to know is you had no other successes within the borders with live people? -- I would say Mr Commissioner I was not given a lot of jobs compared to neighbouring countries.

MR KUNY: You have said that on occasions that you went (20)
into neighbouring countries you went through the border post? --
That is correct.

Did you ever use means other than border posts? -- Yes, we
do use the border fence at times.

In other words you go in illegally? -- That is correct.

And did you ever go in the one way and come out the other?
Go in by the border and come out by the fence or vice versa?
-- That is correct.

Why? -- At times we are forced to get out during the night
and the border is closed and we have to use the (30)

fence/..

K26.2595

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NOFEMELA

fence. At times we have kidnapped somebody from, within Swaziland
and then we cannot go through the border, we must use the fence.

Did you know the easy border-crossings? In other words,
places that you could get across the fence?-- Yes, we knew easy
places where we can cross the border.

For example in this passport that I have referred you to
earlier, there is an entry on 31 May 1986, but apparently no exit.

Could that be possible that you went in on 31 May that you go
in through the border but that you came out across (10) the fence?
-- That is correct, that is what actually is happening in most
of the cases. We get in, but we do not come, using the
border gate.

Would you then be using false passports again?-- That is
correct.

So that you could not be traced or identified? -- That is
right.

Mr Commissioner I am not sure if this passport is actually
before you, I thought it had been handed in, it should be?

CHAIRMAN: No, it has floated around.

MR KUNY: Sorry, may I then formally place it before you.

CHAIRMAN: That will be B123.

MR KUNY: You said in your evidence that in regard to that Amsterdam ambush you know that, although your group only shot two people, you know that five people have been killed? -- That is correct.

And I think you said you saw the deceased? -- Yes, I saw the deceased.

Where did you see them?-- I saw them at the back of a(30)
certain/...

K26.2720

- 687 -

NOFEMELA

certain van in the Amsterdam border gate.

Who's van was it can you remember? -- I do not remember who was the owner of that bakkie.

This is after the whole ambush had been completed? -- That is correct.

An Angolan banknote was found in your home? -- That is correct.

You said you got it from a man called Bernardo. -- Bernardo, yes.

Who was Bernardo? -- Bernardo was a man said to be (10)
a brother of a certain Frelimo leader and then at one stage we took three people from the office in security branch, we took them, I and Captain Coetzee and David Tshikalange... (inter-venes)

Coetzee? -- Dirk Coetzee, we took them to Mocambique, Komatipoort border gate and then when we arrived there Captain Coetzee talked to the officers in the border post that we should be allowed to enter the border. That was I and Bernardo. We entered the border without passports and we met the brother of Bernardo at the other side of the border (20)

and then we talked to him. The purpose for that I should recognise him and then I should know him for in future I would be required to go and visit that place and then we went back. From there

organised I do not know how, but two people should be taken to or should be given over to the people in Mocambique through the fence and that was done.

That was done in your presence? -- In my presence.

And this man Bernardo at some stage gave you a banknote from Angola? -- That is correct.

For any particular purpose? -- No, he had some coins (30)
as/...

K26.2813

- 688 -

NOFEMELA

as well, but he gave me that one.

One other aspect, I am sorry Mr Chairman, Mr Nofemela, you were asked this morning about this statement that had been made, about the statement made by David Tshikalange, it is not an affidavit, but it was a statement that he made, portions of which have been read to you. -- That is correct.

Now in this he appears to place himself at the scene of the murder of Mr Mxenge, but he tries to distance himself from having done anything? -- That is correct.

You remember that? -- I remember that. (10)

And I just want to read some portions to you. He is asked at the bottom of page 11, Mr Chairman:

"Maar hy het gesien hoe hulle hom steek?" "Ja, maar ek het voor die tyd weggeloop, want ek moes weggaan met die bakkie."

Is that right? -- No, that is not correct.

And then a few lines down, the question is put to him again:

"Right, het jy gesien toe Mxenge gesteek is?"

He says: "Ja." (20)

"Wie het die stekery gedoen?" "Almal het die stekery gedoen."

"En het hulle hom baie gesteek?" "Ja."

So there he appears to indicate that he did see the stabbing,

although he says he did not take part in it. -- I agree with him that he did see, because he was doing it as well.

NO FURTHER QUESTIONS

CHAIRMAN: Gentleman could I ask the legal representatives to meet me immediately in the nextdoor chamber, just, you will be detained for five minutes.

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