

CHAIRMAN: Before we begin, only two matters. Firstly, anyone addressing the commission must please each time announce his name for the purpose of the record and the second matter is if the interruptions and interference with the proceedings of the commission continue that we cannot start in time I shall make other arrangements and have the doors locked until I am in the room.

MR ROBERTS: Mr Chairman, Roberts speaking, I am actually going to be as an official of the commission leading the evidence today.

Before we proceed Mr Chairman there are (10) some new appearances, I do not know whether they should be put on record at this stage.

MR KUNY: May it please you Mr Chairman, I appear together with my learned friend Mr Marais for the witness who is going to give evidence today, Mr Nofemela. The name is Kuny.

MR KWAYA: Mr Chairman, I appear for the Maponya family, the name is Kwaya. I am instructed by Mxenge, Ngxingweni and Shezi.

CHAIRMAN: Yes, Mr Roberts?

MR ROBERTS: At the outset may I explain the proposed (20) method of dealing with the documents in connection with the so-called Nofemela allegations. The offices of the commission have prepared a set of documents for the convenience of the parties involved, to hand that up as a bundle which may be referred to by interested parties from time to time. They all bear the sequence letter "B" for Bertie, starting with B1 and running presently as far as B90. The grey file contains them up to 63. They never got as far as filing the ones from 64 onwards. B89, I should just mention for the record, at this stage is not part of the bundle (30)

which/...

we are making available, because it is merely a question of copies.

We ask at this stage that two or rather three of the documents not be made public in the sense that permission be given to publish them and the request relates to B85, B87 and B88. B85 is an affidavit by a person by the name of J.M. Maponya and B87 is an affidavit by a police captain, J.P. Kleynhans and in my submission these documents should not be made public at this stage because they would tend to reveal the identity of a security police informer and thereby perhaps subject him to unnecessary danger. B88 is an (10) affidavit, the second affidavit before the commission of Mr B.A. Nofemela and that affidavit, the second one B88 contains details of cross-border operations which in our submission fall prima facie outside the terms of reference of the commission and for that reason we would ask that that affidavit too not be made public at this stage. I understand my learned friend Mr Kuny has some submissions on this particular point.

MR KUNY: As it pleases you Mr Commissioner, there are two aspects on which I would like to address you very briefly.(20) We have not prepared written heads and I am sorry for that, but we will be brief.

CHAIRMAN: No that is alright.

MR KUNY: The first relates to the question of these documents. Yesterday for the first time we were furnished with a list of 88 documents, it has now grown to 90 it seems and these documents will relate apparently to the evidence to be given and the allegations to be made by Mr Nofemela. We have not had an opportunity of seeing any of these documents as yet. Logistical problems have made it absolutely impossible to do (30)

so/...

K4.0206

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so. It would have been desirable for us to have seen the documents before Mr Nofemela gave his evidence and in fact to be able to consult with him in that regard. So my first application to you

Mr Commissioner is, that the evidence of Mr Nofemela not commence until such time as we have had that opportunity. I can not tell you how long it would take, because I do not know what the scope and the ambit of these documents is. If, on the other hand you are not prepared to allow that then we would at least want to be assured that during the course of his evidence and presumably he is (10)

going to be cross-examined by a number of different parties, we will have the opportunity of questioning him and consulting with him about these documents before we put questions to him. That would mean that while he is under cross-examination perhaps, while he is in the witness-box we will be consulting with him and we want your permission to do so.

CHAIRMAN: Well I suppose that one will have to deal with it as the occasion arises. I cannot make such a blanket ruling in advance.

MR KUNY: Well we want to place on record that it may (20) become and it will probably become necessary to do so before we put questions to him and I realise it is not a court of law and the same rules may not apply in this regard, but nevertheless we want to make our intentions clear. The second aspect Mr Commissioner, relates to the question of what my learned friend has called cross-border raids. Now it is correct that the affidavit which was put up and which was given to the commission yesterday deals in large measure with certain raids and activities outside the borders of the republic and we are well aware of the fact that your terms of reference (30)

confine/...

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confine you to enquire into and to report on the alleged occurrence of murders and other unlawful acts of violence committed in the republic. To that extent prima facie you would not be entitled

to report on any of the cross-border raids referred to in the affidavit, but we will submit to you Mr Commissioner that notwithstanding that you can not report on those incidents it is, in our submission, highly relevant for you to know about the scope and the ambit and the object of the squad to which Mr Nofemela will testify he belonged. It will be necessary for you to understand about its person- (10) nel, its training and training methods, its structure, its hierarchy, its aims and objectives and to understand the entire modus operandi of the squad and it is really impossi-ble to do so if you do not hear evidence at least about the cross-border activities of the squad. This would not, in our submission be inconsistent with your functions as commissioner. You do not have to report on those, but you do in our submission need to know about it.

CHAIRMAN: But it says to inquire into and report on. As I understand that, I am to inquire into murders committed or(20) acts of violence committed within the republic.

MR KUNY: Yes, but in so far as Mr Nofemela will talk about his membership of this squad which performed various acts of violence, he will say both inside and outside the republic, it will be relevant in considering the acts committed inside the republic to know what its acts and activities were generally in order to obtain a total picture of what the squad was about.

CHAIRMAN: I am not quite sure that I understand this.

MR KUNY: Well we submit that one cannot look at the (30) particular/...

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particular act peacemeal and in vacuo. One has to see the total picture.

CHAIRMAN: There are two issues, you are making more issues and the one is whether acts were committed within the republic and the second is if they were committed who authorised or in-structed

them. Now to find that an organisation committed acts outside the borders, would not fall in those circumstances within the terms of reference unless it becomes relevant in the context of credibility.

MR KUNY: Well I was going to say, my second submission (10) to you was going to be that credibility will be a vital issue here.

CHAIRMAN: Yes, but then it must be raised by a cross-examiner. It cannot be raised in chief nor by someone in your position.

MR KUNY: Well we do not want to be seen to be presenting a truncated picture of what Mr Nofemela's activities were about and for it to be suggested that he has not given the complete story.

CHAIRMAN: No, I appreciate that and I accept that he has (20) given or attempted to give a complete story from his point of view, but I have firstly, I have no discretion to interpret my terms of reference widely. I can only exclude, but I can not include.

MR KUNY: And may I just say that my submission in this regard is that the hearing of the evidence, without making any report on those cross-border activities would prima facie fall within your terms of reference and would not be inconsistent with your functions as commissioner.

CHAIRMAN: But Mr Kuny, then I am becoming, this becomes a(30) show/...

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show trial, because I am hearing evidence on matters which I am not to report. In other words what we are doing we are creating publicity which may or may not be onesided and I must, where am I going to draw the line as far as evidence is concerned in rebuttal.

Must I hear evidence in rebuttal as well on each and everyone of those issues and carry on for ever.

MR KUNY: No, I appreciate the problem and it is going to, I think, arise during the course of cross-examination and at that point we may have to again renew our application in (10) this regard.

CHAIRMAN: Well, if the cross-examiner makes the point and he can indicate that it is relevant as far as credibility is concerned, then I may consider, but not as evidence in chief.

MR KUNY: As you pleases.

CHAIRMAN: Thank you. Well I think we shall proceed.

MR ROBERTS: Mr Chairman, may I apologise, the grey volume before you is in fact the incorrect one, may we effect a good substitution.

CHAIRMAN: This one does go to 60. (20)

MR ROBERTS: Yes, it is correct, but it was designed for other hands, my mistake. Mr Chairman could we then ask a ruling perhaps on the question of the C exhibits which I originally raised?

CHAIRMAN: Yes, they are provisionally embargoed. I shall re-consider that as or if the occasion should arise.

MR ROBERTS: Then to clarify matters further, the cross-border operations so-called relate to certain paragraphs of B88, may we just at this stage for the purpose of convenience list the ones which, in my submission, prima facie fall without the(30)

terms/...

K1.0474

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terms of reference. Paragraph 13, 15 which is on page 22, 16 which is page 23, 17 which is on page 24, 19 which is on page 26, 20 which is on page 28 and 22 which is on page 29, 26 which is on page 35 and 27 which is on page 36. May we then call the witness, Mr Nofemela?

BUTANA ALMOND NOFEMELA, affirms:

CHAIRMAN: Now Mr Nofemela since when do you have the belief of not swearing? When did you change you belief? -- After my impence.

When was that, sit down, when was that? -- After my (10) conviction and sentence.

Why did you make an affidavit on 19 October last year? -- I made an affidavit because ... (intervene)

Why did you make an affidavit on 6 March this year? -- I was acquired to do so.

Yes, carry on. Would you then warn the witness?

BUTANA ALMOND NOFEMELA, confirms:

EXAMINATION BY MR ROBERTS: Mr Nofemela are you fluent in English or do you require the services of an interpreter? -- I am fluent in English. (20)

We have an interpreter present, Mr Abie Mahlangu and if the opportunity or the necessity arises then you must please inform us so that we know that we have to carry on with an in-terpreter, but in the meantime we will carry on without one. Please do not play around with the electric wire there, you might cause disturbance on your recording. Please speak loudly and clearly so that everybody here can hear. You have before you a glass of water if you need to, please use that. Just for the record, the correct spelling of your surname, could you just give us the correct spelling of that? (30)

-- N-o-f-e-m-e-l-a/...

K4.0620

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NOFEMELA

-- N-o-f-e-m-e-l-a.

It is Nofemela, is the correct spelling? -- That is correct.

Your name appears in various forms, but you will forgive us if it is incorrectly spelt in some of the documents perhaps. Is it correct that your legal advisers have explained to you what is meant by the "privilege against self-incrimination?" -- That is correct.

And do you understand what that means? -- Yes, I do understand.

(10)

So we will not have to remind you about that again? -- That is right.

Now before you I am going to place three documents which you can refer to you if you need to. Just for the record, they are

EXHIBIT B1, which is your original affidavit; B88 which is your second affidavit and B90 which is a document describing itself as being "Report of the independent board of investigation into informal repression - allegations of existence of a death squad within the South African police." Right, you have those documents? -- Correct. (20)

If we can just identify them correctly: EXHIBIT B1 is an affidavit in longhand made by you on 19 October 1989 if you look at the last page of that? -- That is correct.

B88 is a typed affidavit by you, made yesterday, that is 6 March 1990. Look on page 39 if you want to see your signature? -- That is correct.

And B90, the report by the so-called Independent Board of Investigation is a document which you refer to in the course of the affidavit you made yesterday, B88. -- That is correct.

Is it correct that you are at present a prisoner? (30)

-- That/...

K4.0741

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NOFEMELA

-- That is correct.

Under sentence of death in relation to a killing in 1987?

-- That is correct.

Now that killing in respect of which you are under sentence of death is it correct that the subject matter, the actual killing has nothing directly to do with the commission of inquiry which is looking into the allegations that police death squads operated and so on? -- That is correct.

Please just talk loudly so that everybody can hear and so that your voice is properly recorded. Is it further (10) correct that you were due to be executed on the morning of 20 October 1989? -- That is correct.

And that the previous day, 19 October 1989 you received what is called an administrative stay of execution? -- That is correct.

And was that stay granted on account of your allegations which you made in the affidavit, B1? -- That is correct.

Right. Now let us go back to the beginning then, when were you born? -- 1958, 1 July.

And where was that? -- Burgersdorp. (20)

Burgersdorp, is that in the North-Eastern Cape? -- That is correct.

What was the highest standard that you obtained at school? -- Standard 9.

And when was that? -- It was 1978.

What did you do after leaving school? -- I just worked temporarily for bricklaying.

You say bricklaying, sorry? -- Assisting in bricklaying.

Bricklaying yes and did you then subsequently joined the South African police? -- That is correct. (30)

When/...

K4.0824

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NOFEMELA

When was that? -- That was 1979.

Can you perhaps give us the month? -- 18 September.

18 September 1979. Did you go to the police college? -- That is correct.

And how long were you there? -- I were in the police college for a period of six months.

And when did you graduate from police college? -- I am not sure of the day, but it was in December 1980.

Sometime in the month of Decemer 1980? -- That is correct.

(10)

And what was your first posting with the police after graduating from police college? Where were you stationed? -- I was stationed at the security branch in headquarters, Pretoria.

Now prior, before you went to the police college had you worked

at any police station anywhere? -- Yes, I did. While I was a student constable I worked in Krugersdorp.

For how long? -- From the date of my starting working, that was from 1979 on 18 September until I went to the college.

(20)

Can you just give us a rough idea how many weeks or days or months or whatever that was? -- I can not exactly remember how many months or how many days.

What type of work did you do there at Krugersdorp before you went to the college? -- I was working in the charge-office at times.

I was working mostly different types of things.

Did you ever investigate crime there, investigate police dockets? -- No, I was a student constable.

You did not do that, alright. Let us get back when you graduated and then you said you joined security police (30)

headquarters/...

K4.0895

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NOFEMELA

headquarters in Pretoria. How did it come about that you were able to join the security police? -- A certain colonel Baker came to the college in Hammanskraal.

B-a-k-e-r is that right, how do you spell the name Baker? -- B-a-k-e-r.

He came to you at Hammanskraal, yes? -- He recruited me to join the South African security police and told me that since I am good in my work, my record it is appreciable and then he decided that I should join the South African security branch.

And did you agree to that? -- I did agree to that. (10)

So when you reported to the security police to commence duty there whereabouts did you go to and what happened then? -- I was taken by a certain constable Makgopa from the college to headquarters, security headquarters in Pretoria.

Were you then working physically in the building in Pretoria

of security police headquarters? -- I only worked for a week and then I was taken to a place called Vlakplaas.

Vlakplaas? -- Vlakplaas.

V-l-a-k-p-l-a-a-s? -- That is correct.

Whereabouts is this place Vlakplaas? -- It is near (20)
Erasmia.

Is that not too far from Pretoria? -- Not too far from Pretoria.

And what is this place? -- It is a farm.

Who runs the farm or who ran the farm at that stage? -- The person who was in charge back then, was captain Dirk Coetzee.

Was it a police farm? -- It is a police farm.

When you were taken there did you just go there for a visit or did you physically go and stay there? -- I was (30)
accommodated/...

K4.0976

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NOFEMELA

accommodated in the farm.

Now when you got there you said there was a Dirk Coetzee there. Is that right? -- That is correct.

Was he in charge at the farm? -- He was working in head-quarters in Pretoria, but he was in charge of the farm and sergeant Schutte was a person who was acting as a foreman on that farm.

So sergeant Schutte was there most of the time on the farm itself? -- That is correct.

And this Dirk Coetzee, he was a captain was he? -- He(10) was a captain.

Did he just come out there from time to time? -- That is correct.

Now apart from the sergeant Schutte, Dirk Coetzee and yourself, were there any other people at this farm when you got there? -- Yes, there were.

What sort of people? -- There were, according to the information I got from captain Coetzee, those people who were in Vlakplaas by then were former members of A.N.C. and P.A.C.

Now did those people have any sort of a name which (20) was used in the police force to describe them? -- That is correct.

What is that name? -- They were called "Askaris".

And when you got there were there Askaris already present at the farm? -- Correct.

Apart from Askaris and yourself and sergeant Schutte where there any other, shall we call them ordinary policemen, not people who had been A.N.C. P.A.C. members previously? -- Yes there were some policemen.

And who were those? -- John Mpofo. He is a man who (30) came/...

K4.1049

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NOFEMELA

came along with me from the training college. Eric Silinda was one of the men who came along with me from the training college too. Daniël Mokgabodi, is the man that I found in Vlakplaas.

He was already there?-- He was already there.

Yes, just spell that last surname please? -- Daniël Mok-gabodi.

Can you just spell it for us please? -- It is Mokgadi. I think it is the wrong spelling.

Yes, try again. -- M-o-k-g-a-b-u-d-i. (10)

Mokgabudi? -- That is correct.

Which year and which month was it again when you went out to Vlakplaas? -- It was 1980, December.

December 1980 and when you got there what did you do there? -- I transported food for people who were living in the farm.

Sergeant Schutte issued me with a vehicle and he gave me the address where I should find food in town for these people.

Right and apart from that type of work did you do any other

work there? -- No, I was not doing any work, except (20) training.

Well let us get to the training. First of all how long after you arrived there did the training start? -- I cannot remember exactly, but a few months.

A few months and before the training commenced were you just bringing food and driving the vehicle around and that sort of thing? -- Yes and taking people to town. There are some refugees who are working on that farm and I was taking them every month to town to buy food and so on.

When you started the training, first of all who (30)
gave/...

K4.1141

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NOFEMELA

gave you the training? -- Captain Dirk Coetzee.

Who else, anybody else? -- No.

How long did the training go on for more or less? -- For months.

And when the training started, you were trained, was anybody else trained at the same time? -- It was John Mpofu and Eric Silinda and other Askaris.

And when the training took place were you all trained to-gether at the same time? -- Yes.

As a class? -- As a class. (10)

What was the nature of this training, what training did you get? -- It was a physical training and theory in how should you ambush, how you should kidnap and how should you shoot and so on.

The shooting training, I presume you had some of that at police college. Is that right?-- Yes.

Ambush training had you had some of that at police college? -- No.

And kidnap training? -- No.

Now did anybody say to you why you were being trained(20) with kidnapping? -- Yes.

Who said that to you? -- Captain Coetzee told me that all

what I am trained for, that I am going to do.

Yes, is for what purpose? -- For instance if I am trained to kidnap, I am going to kidnap in future, so I am trained for that.

Did he say why you would have to kidnap?-- No he did not actually clarify that why you should go and kidnap. He only told us when you are trained, everything, you should bear in mind that in future you are going to do this on your own. (30)

Alright/...

K4.1221

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NOFEMELA

Alright, so he said you would have to kidnap on your own?
-- That is right.

What about the other things, about ambushing for example, about ambushes, did he say anything about that? -- As I said, he said everything that you are now training for is what you are going to do in future.

Did he say to whom you would be doing it? -- To our targets, which are the members of P.A.C. and A.N.C.

Did he say that to you? -- That is correct.

At what stage did he say that to you, the beginning, (10) in the middle or at the end of the training? -- During the beginning while he was giving us a theory of our training.

I think that is important, so you should perhaps just explain this in a little bit more detail? -- He called us all in Vlakplaas.

I, together with other colleagues we gathered and he came to us and told us now we are going to start a training and this training everyone should really be serious on it, because what we are going to be trained for is what we are going to do on your own in future.

At what stage did he say you would be doing it (20) against which people? -- The very same stage when he started to gather us for that training.

Now before that had this suggestion ever been made to you

and that is why you are going to Vlakplaas to do this type of work?
-- No, the only thing that I heard from colonel Baker when he was recruiting me, he told me that I will be doing a lot of travelling and I would be working with plain clothing(?) and I must be brave and I will be working with dangerous people.

Now in particular, I would like to deal with the (30)
shooting/...

K4.1300

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NOFEMELA

shooting side of the training. You have mentioned ambushing and you mentioned kidnapping, right. Let us get to the shooting side now. What was the detail of that training? -- The detail about shooting is that we started that whenever we shoot we shoot from the chest and to the head.

With what type of weapons were you trained there? -- I trained with HMC Makarov ... (intervene)

Sorry if you can just, it is HMC, that is the abbreviation for something isn't it? What does that stand for? -- It is a sub-machine gun, it is called a hand kind of gun. I think a handmachine carbine is the term, I think is the nearest translation. What other weapon apart from the HMC? -- A Makarov.

What is the Makarov? -- It is a Russian made pistol.

Yes and what else? -- Pumpgun.

Sorry? -- Pumpgun.

Pumpgun? -- Yes.

What is that? -- They call it "haelgeweer."

Shotgun? -- Shotguns.

Right, any other weapons? -- I cannot remember all (20)
the weapons that we used, there were so many.

Alright, now for example the Makarov pistol did you have any training with that at the police college? -- No.

Is that in fact a Russian weapon? -- That is correct.

Now apart from the firearms were you trained with any other form of weapon? -- That is correct.

What was that?-- That was a knife.

What were you trained to do with the knife? -- Captain Coetzee emphasized the fact that when we, for instance when we kidnap at times, we should use a knife to injure a person (30)

so/...

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NOFEMELA

so that we would be in a position to overpower him, not to kill him and so on. We are trained how to throw a knife and how to stab.

What sort of knives were these that you were trained with?

-- Such a big knife like this.

You are demonstrating about 30 centimetre, about a ruler length knife? -- That is correct.

A fixed blade or a folding blade or what sort of a knife?

-- It is not a folding blade, it is a fixed blade.

Now you said captain Dirk Coetzee gave you this (10) training, did anybody else give you training there? -- That is correct, after captain Dirk Coetzee, it was major De Kock.

Major de Kock, but how much long afterwards was this? -- Plus-minus three years.

Right, well let us just deal with the initial training at the moment alright, before you went out and did anything, you got to Vlakplaas, you were the driver and then you started your intensive training, right. Let us just deal with that training at this stage. Was it just Dirk Coetzee who gave you that? -- That is correct. (20)

And how long did that training take place for? -- I can not remember, but it was just for a month and then it was over.

Apart from the types of training you have mentioned here, was there any other type of training for different types of work

that you were to do? -- The other training was about films that had been shown to us, we were being shown films whereby we saw people escaping from prison, people ambushing the other, kidnapping and all that.

Let me put it a different way, up to now you have (30)
been/...

K4.1457

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NOFEMELA

been trained to ambush, to kidnap and to shoot and to use a knife?
-- That is correct.

Was there any training on a different type of work that you would do in the police, any other type of activities? -- I do not follow the question?

Let me put it this way: You got training there of the type you described, right? -- That is correct.

Did you think that was going to be the only thing you did in the policeforce, once you got that training? -- I thought so.

(10)

Was this work for which you were being trained, did you think it was dangerous? -- Yes, I was convinced that it was dangerous.

Why were you prepared to go along with it? -- The money benefits that had been promised to me that is why I was pre-pared to do that.

Money benefits did you say? -- Money, yes.

What type of money benefits? -- They said I would be getting more money when I go out. For instance when I drive from here to Cape Town, I would be getting money for being in (20) Cape Town, without completing the mission. After the mission had been completed I will be rewarded for that too.

So if we can just sum up, you would get subsistence allowance for being away from base, right? -- That is correct.

It is the same as any policeman who has got to make an official journey. He gets paid so much a day for being away. -- That is

correct.

And then you said you would also get paid bonuses for successful missions? -- That is correct.

What type of bonus? -- It depend how effective is the(30)
person/...

K4.1525

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NOFEMELA

person that you were called to eliminate or to kidnap or whatever.

You mean how important? -- Yes.

And were any sums of money mentioned to you at the begin-ning saying look you will get R10 or R100 or R1 000 or R50 000 was any sum of money mentioned to you of the type of money you could earn as a bonus? -- Not prior to the mission.

Not before the mission? -- Not before a mission.

Now what happened when you finished your training? -- In Vlakplaas?

(10)

Yes, I am talking about this initial training under Dirk Coetzee? -- After that I went to East London together with colonel Baker.

Can you tell us more or less when this was? -- That was in 1981. I do not know which month.

And what did you do there with colonel Baker? -- Well there was information that a certain lieutenant had been shot dead in Transkei and then colonel Baker came in to Vlakplaas and he said I and Justus Nulunga and Steven Banda should ac-company him to East London, Cambridge, which is the (20) security branch in East London.

And what were you going to do in East London? -- When we arrived in East London we were ordered to patrol Ndantsani, Duncan Village and from there we went to Transkei.

Are these townships, these two townships that you have mentioned, Ndantsani and Duncan Village, around East London? --

Around East London.

Patrol to do what? -- Since Justus Nulunga and Steven Banda were Askaris, it was said they might identify one of their former members. (30)

Those/...

K4.1608

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NOFEMELA

Those two persons were there to try and identify other A.N.C. P.A.C. members? -- That is correct.

What were you going to do there? Why were you going there? -- Usually whenever these Askaris are out, one trained policeman must be in their company.

And how long were you there in East London and in the Transkei during that mission? -- I cannot remember how long did it take, but we went from East London to Transkei and then from there we came back to Pretoria.

During that mission that you have just mentioned, did(10) you do anything in connection with ambushing, kidnapping or killing? -- No.

So it was just police trying to trace people who the police were looking for? -- That is correct.

Perhaps we can just at this stage clarify here, when you went on a mission of whatever type, away from base, away from Vlakplaas, were there any documents that were recorded from which one can see that you were away from this period to that period and that you were paid so much in subsistence allowance and that you went to this or that place? -- There is a (20) form, we call it a logbook that we are to fill in each and every month we have to fill in that book.

That is for when you go away? -- When we come back.

Yes, but I mean it covers the period when you were away, it says you were away from this period to that period, is that right? -- That is correct.

And were those logbooks kept for everybody everytime they went out on a mission? -- Everybody who has been issued with a vehicle must have that logbook.

Right, that is a vehicle logbook. -- That is right. (30)

Were/...

K4.1698

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NOFEMELA

Were there any other type of records that would show, police records that would show when somebody went somewhere? -- The second record was the money that you are to be given each and every time you have gone out, out of the base, that now is - the record is being kept by a commanding officer who have accompanied you to a certain destination, is the one who fill in that particular form.

And that record then shows that constable so and so went so and so for those dates and he got paid so much for subsistence allowance? -- That is correct. (10)

That subsistence allowance in the civil service, I know people call it S and T. -- S and T.

Is that the word that you use? -- That is the word.

So if I use the word S and T we understand each other then, alright. -- That is correct.

Subsistence and transport. I am going to show you some cards which are printed cards, Mr Chairman they are already in the bundle, B37, just have a look at that? You have got that document B37, is that right, do you recognise that type of document? -- Yes.

(20)

What is this document, what type of document is it? -- Everytime when we come to our office and get our S and T we have to sign this document.

CHAIRMAN: In other words that tells us when you were away from base? -- That is correct.

MR ROBERTS: And it tells us where you went, correct? -- That is correct.

And how much S and T you got when you got back? -- That is correct.

Now this one, B37, the top, it has got, it looks (30)
like/...

K4.1808 - 110 - NOFEMELA

like a policeforce number, is that your policeforce number? -- That is correct.

And then rank, constable KST? -- That is correct.

And then B.A. Nofemela? -- That is correct.

Does that one relate to you then, that card? -- That is correct.

And if we just for our purposes identify in column of "handtekening" in the right-hand side, the first two entries, signatures, whose signatures are those? -- Mine.

That is the one for the period 10 August 1981 to 31 (10)
August 1981, right? -- That is correct.

And then 31 August 1981 until 20 September 1981? -- That is correct.

And each of those entries bears your signature right? -- That is correct.

Okay, now just look down the rest of that signature column does your signature or initial or any mark by you appear on any of the other entries there? -- No.

Now if you look then at the dates of these first two entries which looks like a period running straight on (20) from 10 August 1981 until 20 September 1981 ...? -- I can see. It says that you were in "Plek - Transkei O-Kaap", is that "Oos-Kaap?" -- I do not understand this "O-Kaap."

CHAIRMAN: It is "Oos-Kaap".

MR ROBERTS: Well if it is "Oos-Kaap" we can accept I think that it is "Oos-Kaap" alright, Eastern Cape.

CHAIRMAN: Mr Roberts this is not a criminal trial. You may be

more explicit in your questions.

MR ROBERTS: Certainly Mr Chairman, thank you. In-growing habits die hard. Alright, that shows does it not, that (30)

you/...

K4.1904

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NOFEMELA

you were in Transkei, in Eastern Cape for that period that we have just mentioned right? -- I see.

You mentioned that you were down there in that part of the world with colonel Baker? -- That is correct.

Can you say whether it could be the same mission that is recorded here or whether it is something different? -- I was in East London and Transkei, it is all.

Would each and everyone of your trips be recorded on a card like B37? -- That is correct.

Well if we can make things a little bit more easily, (10) take things a little bit more easily by going down the list, item 3 there shows 20 September 1981 until 1 October 1981, shows that you were once again in the Eastern Cape, right? -- Yes, I can see.

In fact if we look at it now, it looks like a continuous period from 10 August right through until 1 October. Now if we then come to the fourth item on that card, if you look at that, that runs from 11 October 1981 till 29 October 1981, right? -- Yes, I can see.

And that shows you once again as being in East-Cape. (20) -- Excuse me, I can not understand what is all about this now, from - the third item I do not know of, because my signature does not appear anymore on this, so it might have ... (inter-vene)

CHAIRMAN: Well your name is still at the top is that not so. Let us just wait for the questions, do not anticipate the questions.

MR ROBERTS: I am just trying to help us get some order in the story. We have got your mission down there, East London and Transkei. It was your first one that you left base for (30)

right. Well let us ask you the thing differently, the second one do you remember where you went then? -- I can not remember.

And do you remember where you went the second time or rather when you went there? -- For the second time from East London and Transkei.

Yes, but then you came back to Vlakplaas? -- To Vlakplaas.

How long was it before you went out again, do you remember at all? -- No, I can not remember. (10)

I think it is a convenient moment to adjourn.

CHAIRMAN: Well let us just ask what was the next occasion? -- From Transkei I went to Durban.

THE COMMISSION ADJOURN. THE COMMISSION RESUME.

CHAIRMAN: Before we proceed, I would just like to inform those who have an interest in the matter that I have received the following from the State President in which the following additional terms of reference have been added and I quote:

"To inquire into and report on the allegation that Anton Lubowski was an paid agent of the South African (20) defence force's military intelligence section."

Then there has been certain amendments to the existing regulations, regulation 5 is substituted by the following:

"No person shall communicate to any other person any matter or information which may have come to his know-ledge in connection with the inquiry of the commission or suffer or commit any other person to have access to any records of the commission except in so far as it shall be necessary in the performance of his duties in connection with the functions of the commission or by order of (30)

a competent court."

And then regulation 11 has been substituted. It reads now:

Whenever the commission is satisfied upon evidence or information presented to it that the commissions inquiry may adversely affect existing, instituted or pending judicial procedures or investigations which may lead to the institution or which may lead to the institution of judicial procedures, evidence which is relevant to such procedures or investigations shall be dealt with by the commissioner in such a manner as not to adversely (10) affect such procedures and investigations."

And then the following provisos have been added to 14:

"Provided that the chairman may anytime during the course of the commission's activities, when he deems it necessary refer information or documents to the Attorney-General of the South African police for further investigation."

MR ROBERTS: Mr Chairman there is one point that is raised with me during the short adjournment and that is the three affidavits exhibits that I addressed you earlier on this (20) morning by it not being cleared for publications, B85, B87 and B88. I mentioned it in relation to B88 that there were certain paragraphs, what I had in mind was that the document as a whole not be released. Is that the information?

CHAIRMAN: Yes, the information, the paragraphs will obviously be used or dealt with in another manner.

BUTANA ALMOND NOFEMELA, still confirms:

FURTHER EXAMINATION BY MR ROBERTS: You told us about your first mission which was down in East London and the Transkei you were with Askaris trying to trace A.N.C. P.A.C. (30)

people/...

K4.2195

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NOFEMELA

people in the townships, right? -- That is correct.

Now at any stage did you go on a mission which was of a different kind in particular where the purpose of the mission was kidnapping or ambushing or killing people or injuring people in some way?-- Yes.

And which was the first of these missions?-- The first mission was in Durban.

And who was the target for the mission? -- Griffith Mxenge.

Can you remember when that mission was? -- It was in (10) Durban.

When? -- 1981.

Of your own, you can not remember the exact date? -- No, I can not remember.

I think it is common knowledge that Mr Mxenge died, was killed on the night of 19 November 1981. Does that fit in with your recollection? Could it be right? -- It could have been right, yes.

Now if you look again at that EXHIBIT B37, the fifth entry there shows that the place is given as Durban from (20) 4 November 1981 until 21 November 1981, right? -- Correct.

So could that fifth item then on EXHIBIT B37 refer to this mission to kill Mr Mxenge? -- I would say yes.

Right. Now who first told you about the mission? -- I was told by brigadier Schoon in his office.

Is that here in Pretoria? -- In Pretoria. Mr Coetzee had ... (intervene)

In the head office of security police? -- That is correct.

Who was present when you were told? It was yourself, (30)

brigadier/...

K4.2310

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NOFEMELA

brigadier Schoon and who else? -- And captain Johannes Dirk Coetzee.

It is the same captain Coetzee you are talking about? -- That

is correct.

Just the three of you? -- That is correct.

And what did brigadier Schoon tell you? -- Brigadier Schoon said to me you are going to Durban for a mission. You must listen carefully to this captain. You must do all what he says you must do, that is all what he said to me.

I see and then was that all that you had to say to (10)
brigadier or brigadier Schoon had to say to you?-- That is correct.

He just said there is a mission, you are going to Durban and listen carefully and do everything that captain Coetzee tells you? -- That is correct.

Now did captain Coetzee tell you anything? -- He said we had to drive to Vlakplaas after that.

So you went back to Vlakplaas and then did you go to Durban? -- Yes, I did.

About how long after this meeting in brigadier (20)
Schoon's office? -- After we left brigadier Schoon in his office, I and captain Coetzee drove in convoy to Vlakplaas. He was driving his own car and I was driving mine and then when we arrived in Vlakplaas he told the other three guys to prepare themselves that we should drive to Durban.

Alright, so he then called three other persons, who were the other three? -- That is Justus Brian Nulunga, Joseph Mama-silela and David Tshikalange.

And did he speak to the four of you together? -- That is correct. (30)

And/...

K4.2379

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NOFEMELA

And he said you were going to Durban. Did he say what you are going to do in Durban? -- He said he will tell us when we arrive in Durban.

About how long after this instruction did you actually go

to Durban? -- He first went away and he said we will find him in Durban and we followed him.

I see so he arranged to meet you in Durban? -- In C.R. Swart police station.

Is that the police headquarters in Durban? -- That is correct.

(10)

C.R. Swart square. -- That is correct.

Who went down to Durban with you then? -- I travelled with David Tshikalange, Justus Brian Nulunga and Joseph Mama-silela.

The four of you went in how many vehicles? -- In one vehicle.

What sort of vehicle was that? -- A beach buggy with a white canopy.

And what did you do when you got to Durban? -- When we arrived in Durban we met people in Durban who would give (20) us accommodation. I cannot remember who were they and the following morning captain Dirk Coetzee came to our place where we have been accommodated and it is where he told us we are going to eliminate Griffith Mxenge. He gave us the knives and he showed us the photograph of him and he furnished us with the address.

Now just a minute now. This instruction came at the place where your accommodation was? -- That is correct.

Where was your accommodation? -- Within the complex of the police station, somewhere near the dog unit. (30)

Somewhere/...

K4.2466

- 116 -

NOFEMELA

Somewhere in the police complex? -- That is correct, yes.

Now apart from the four of you and Dirk Coetzee, was there anybody else present when he gave you this instruction? -- No.

And what else did Dirk Coetzee tell you about the mission? -- He said we must eliminate Mr Mxenge and we must make it a point that it looks like a robbery.

Did he say who Mr Mxenge was? -- He said he is a member of

A.N.C. and he is dangerous to us.

Did he say why he was dangerous? -- He said he might (10) kill us if we do not kill him.

Did he say what sort of a person he was and what work he did or ...? -- Yes, he did tell us.

What was that? -- He said he was a lawyer in Durban.

Right, so after you got these instructions from Dirk Coetzee what did the four of you do? With the four I mean the four of you who went down there together in the beach buggy? -- As Brian knew the place more than we other three he was behind the wheel all the time and we drove as far as the house of the late Mr Mxenge and then we started looking (20) for him from his work, monitoring his movements and so on.

And how long did you spend monitoring his movements, following him? -- I can not really say how long did it take, but it took a few days.

Who was in charge of the four of you, who was the one who made the decisions and formed a plan to do whatever had to be done? -- I was in charge of them.

How did it come about that you were in charge? Did you appoint yourself or did they elect you or did Dirk Coetzee said you are in charge? -- Well it was actually, I was in (30)

charge/...

K4.2573

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NOFEMELA

charge because I was a trained policeman and all those people were not trained policeman.

Right, now while you were doing this, shadowing the man's movements and so on, what happened when you finished doing that side of it? -- I cannot follow the question.

You spend some days, a few days checking his movements seeing where he came and where he went and that sort of thing is that right? -- That is correct.

And what happened then? -- And then Coetzee told us we have been reporting every evening that we went there and (10) we find this and this and we did not get hold of him and so on and then one of the evenings while I was giving a report to captain Dirk Coetzee he said to me he realised that there are dogs over there and then I prepared a meat which had been poisoned that you should go and through to the yard of Mr Mxenge's house so that the dog should eat of that meat and die. Thereafter I said to him that the meat is not enough, the dogs were more than two and it was just small pieces of meat. I said it might happen that one dog would eat all of this meat and then he ordered me to go and buy some more (20) meat.

Did you buy more meat? -- Yes I bought some.

And what about the stuff that you were going on the meat, the poison, where did that come from? -- It came from captain Coetzee.

Did he say what type of poison? -- No, he did not tell me the poison, but he said it is a dangerous poison that will kill the dogs.

So after you got the first lot of meat and you bought some more meat what did you do with that meat then? -- He (30)

gave/...

K4.2671

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NOFEMELA

gave me the stuff that I should mix with this meat and then I went to Umlazi where Mr Mxenge lived together with my col-leagues.

By your colleagues you mean the other three people who travelled with you? -- That is correct.

In how many vehicles did you go on this occasion? -- One.

And what did you do then when you got there? -- We parked a little bit far away from the house and I took the meat and I ran to the house and I threw it over the fence into the yard.

Yes and then? -- Then I came back. (10)

And after you came back what did you do? -- We went back to C.R. Swart.

Did you see the dogs there when you threw the meat? --- Yes I did.

Did you see whether they ate it? -- I only saw the dogs, they were barking at me when I bypassed and then I threw the meat and then I turned and ran away and then I have seen the dog approaching what I have been throwing there.

But you did not actually see whether they ate it or not? -- No, I did not. (20)

CHAIRMAN: Could you just give a description of the meat, how did you handle it? -- I had the meat in one hand.

Yes, the raw meat? -- That is correct.

It was not in a packet? -- That was not in a - that was in a packet, a plastic or a paper, I cannot remember, but it was in a certain, I think plastic or paper and then I threw the meat together with the paper and then it got out of the paper, it was not tightened.

MR ROBERTS: So after that, after you had left the meat there what did you do? -- Then I ran away back to the car. (30)

And/...

K4.2777

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NOFEMELA

And then? -- And then drove back to C.R. Swart police station.

What time of the day was this now?-- It was in the evening.

Right and then? -- We reported to captain Coetzee.

And what happened after that? -- I do not know whether - I can not remember whether it was the following day or the day after that that we would succeed in finding Mr Mxenge.

Did you find out whether the meat worked on the dogs or not? -- Yes, we had a report that the meat had worked. (10)

Did you get a report from somebody else? -- From Dirk Coetzee.

And you say you eventually found Mr Mxenge? -- That is correct.

Whereabouts? -- In his house, it was in the evening, he was from work.

About what time would you say in the evening? -- I cannot remember, but it was starting to be dark.

Yes and what happened then? -- I and my three colleagues travelled to his office in town. We saw his car and then (20) we drove to the location and nearby his house in a hill-like place and we parked our vehicle there.

Now which was the name of the area in which ...? -- Umlazi.

Umlazi, that is in the outskirts of Durban isn't it, on the edge of Durban? -- That is correct.

You parked near his house and then? -- In fact in the road that he usually use when he is getting to his home.

Did you have any plan worked out? -- Yes.

What was the plan? -- The plan was to park our (30) vehicle/...

K4.2881

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NOFEMELA

vehicle beside the road. When we see he is coming we will just push a vehicle into the middle of the road, pretending there is a mechanical problem on it and then we will propose him to help us and when he stops is when we are going to approach him.

And whose idea was that plan? -- That was my idea.

And what happened then? -- He eventually appeared and then we did as I suggested. We pushed our car in the middle of the road and then he came and stopped behind our car, he opened his window and then asked can he help us and then (10) I said yes.

After having switched off the engine I produced a Makarov pistol.

Sorry, after who switched off the engine? -- The late Griffith Mxenge.

He switched off his car, right. -- I said to him yes, he can

help us we need help.

You said yes, he can help you and then he switched off and then you produced a pistol? -- That is correct.

And what did you do with the pistol? -- I pointed at him and I ordered him to shift to the left seat, the passenger(20) seat and he did so.

And then? -- And then the others came, Brian Nulunga and Joseph Mamasilela and then I told Brian to drive his car, Mxenge's car and Joseph Mamasilela also produced his own pistol and then we got into his car.

Just let us get clear on this, in his car the driver was, after you have taken over who was the driver then? -- Justus Brian Nulunga was the driver.

Brian was the driver and Mr Mxenge was sitting in the passenger seat? -- That is correct. (30)

And/...

K4.2974

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NOFEMELA

And who was in the back? -- It was I and Joseph Mamasilela.

And what happened to the fourth member of your party? -- I ordered him to drive the car that we came with.

And where did you drive to? -- We drove to the outskirts of Umlazi, to the stadium of Umlazi, Umlazi stadium outside the stadium.

Who decided that you must go to that place? -- It is Brian Nulunga.

At what stage did he make that decision? -- Before (10) we could get him he said he think a quiet place is Umlazi stadium.

So the two cars then went to the stadium? -- That is correct.

CHAIRMAN: What did the stadium look like? -- It is a soccer stadium with places where people sit and look for ... (inter-vene)

Yes, but what, can you give a description of the stadium? -- I have got a problem on that Mr Chairman. It is, only that

I remember is that it is a football ground with (20) places where people are sitting and watching soccer and it is fence.

Was it fence? -- That is correct.

And what type of seating was provided? In other words how high was the stands? -- I can not actually recall exactly how long was it.

I do not ask you to recall exactly, I want a general de-scription. -- I think to answer that question, if I recall ex-actly what it look like, now I can not recall Mr Chairman.

Why not? How do you know it was a soccer stadium? (30)

-- I/...

K4.3079

- 122 -

NOFEMELA

-- I do not follow the question.

How do you recall that it was a soccer stadium? -- I knew it.

You knew it. -- I knew that there was a soccer stadium in Umlazi.

But how did you know that was the soccer stadium? -- Brian Nulunga told me that there is a soccer stadium in Umlazi.

Now can you remember that there was seating available? -- That is correct. (10)

But if you can remember that, how can't you remember what it looked like? -- I think it is, the incident happened long ago and I cannot remember exactly whatever, each and every- thing that happened within it.

MR ROBERTS: Alright, so we want some detail, when you got to the stadium the two cars, which one of the two cars was in front? -- Brian Nulunga was in front.

Which car was that then? -- It was an Audi, a white Audi.

Was that Mr Mxenge's car?-- That is correct.

The Audi and yours was the beach buggy. Is that (20) right? -- That is correct.

Now in or when you were getting to the stadium where did the cars stopped? -- It was not inside the stadium, it was outside the stadium.

Was it parking ground or a road or just an open field or what was this place where you stopped? -- It was just an open field, but not far from the road. We just got off the road and then it was in the place.

Now what happened when you got, when the car stopped there? -- When the car stopped, we ordered the late (30)

Griffith/...

K4.3190

- 123 -

NOFEMELA

Griffith Mxenge to get out of the car and then from there we started kicking him and punching him until he fell down. We were all in possession of knives.

"You" meaning the four of you? -- The four of us.

Did the beach buggy stop there as well then? -- That is correct.

And the driver got out as well? -- That is correct.

What did the four of you do? You kicked him and you pounced him and he fell down and then? -- We started stabbing him.

(10)

Who stabbed him? -- We all stabbed him. I cannot remember who started the stabbing, but what I can remember we all stabbed him.

Which parts of his body? -- From here.

You are describing from the waist upwards. -- From the stomach upwards.

What else did you do to him? -- At one stage whereby a knife was being, David Tshikalange, as I remember, he stabbed him, but the knife could not get out and then he grabbed the knife himself, that is Griffith Mxenge and from there he (20) nearly stabbed me after having taken the knife out of his chest.

CHAIRMAN: Yes, but what else did you do to the deceased? -- I can not actually specify whether did I take a sparewheel, a wheelspanner after David had stabbed him or before David had stabbed him, but I was at a certain stage in possession of a wheelspanner.

What did you do with the wheelspanner? -- It is sharpened and I thought it would make it quick if I stab him with it.

So you stabbed him with the wheelspanner? -- But I (30)
did/...

K4.3303

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NOFEMELA

did not stab him, I remember having beaten him with it.

Where? -- It might be in his head or other, I can not recall exactly.

MR ROBERTS: So you recall that you hit him with the wheel-spanner?
-- That is correct.

How many blows, do you know? -- No, I can not remember.

How many knife blows that you can remember, did you give him?
-- I rapidly stabbed him. I cannot remember how many blows.

And then after stabbing him and hitting him with a (10)
wheelspanner? -- After we have realised that he is dead we took
off his jacket and his wallet, making it to look like a robbery
as we have been instructed.

So you took from him his jacket, his watch, was there anything
else that you took? -- Money, he had money.

And after that? -- After that we got to our vehicles and we
went back to C.R. Swart.

You talk about the vehicles, you now have two vehicles. You
came with one originally and you have now got two, right? -- That
is correct. (20)

So did you go with both vehicles? -- Both vehicles.

Why did you take away the deceased's vehicle? -- We were
ordered that we should bring it.

Who ordered you that? -- Captain Coetzee said we must bring it to him.

And did he say where you must take it to? -- That is correct.

Where was that? -- Near C.R. Swart police station in a courtyard.

Now if we can just stop there for a moment, you (30)
mentioned/...

K4.3413

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NOFEMELA

mentioned how you kidnapped the deceased and the two vehicles drove, some was driven in one vehicle and the other vehicle came as well and you drove to the stadium and you then killed him outside the stadium. In that time was the deceased talking at all or was anybody questioning him at all? -- That is correct, he started talking when we started kidnapping him from near his home to the stadium. He was pleading why do we take him away and so on.

And what did you answer? -- Joseph Mamasilela was aggressive onto him and said he must shut up, we are not (10) here to listen to what he is saying.

So to carry on the story now, after you have killed the deceased and go into the two vehicles, did you go back then to C.R. Swart square? -- That is correct.

At the square at the C.R. Swart police station where did you park? -- Somewhere in the courtyard, not exactly inside C.R. Swart, but in the courtyard, there is a courtyard next to C.R. Swart.

Next to it? -- Next to it.

Which vehicles parked there? -- Two vehicles parked (20) there. It is the deceased's vehicle and our vehicle.

And which vehicle were you in? -- It is out of my mind now.

You do not remember, alright. When you parked the vehicles what did you do, the four of you? -- We parked the vehicles and then I went to C.R. Swart police station. At the gate I found

a policeman and I told him that I want captain Coetzee who said he would be found in a canteen if he is not in where he was accommodated.

What about your three colleagues? -- They waited (30)

there/...

K4.3528

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NOFEMELA

there in the car.

Yes and after you said this to the policeman at the gate what happened then? -- The policeman contacted captain Coetzee and then he came.

He came out? -- He came out.

And did you talk to captain Coetzee? -- Yes, I talked to him while we were on the way to the car now.

And what did you tell him? -- I told him that the mission had been successful.

Did you give him any details of the mission? -- Not (10) at that stage.

Right, so you told him the mission was successful and the two of you were walking to the two parked cars? -- That is correct.

And when captain Coetzee and you got to the cars, then? -- Then Coetzee said the other people should go and change their clothes and I to.

Why was it necessary to change clothing? -- I had blood on my arm and on my jean trousers and my "tekkie" on the left foot.

(20)

And then? -- In actual before we went for a changing of the clothing Coetzee went to his place and he came along with his car.

I do not remember whether it was a Datsun lorry or a Ford bakkie, but he came and took out false number plates. He was with a certain white man whom I cannot remember and then he took the original number plates off the deceased's car and he put the false ...

(intervene)

Took them off the Audi and put false plates on the Audi? --
That is correct and then from there he ordered me to go and change
together with these other guys and he (30)

instructed/...

K4.3639

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NOFEMELA

instructed them to wait for us until we come back.

Sorry I do not quite follow: He instructed who to change
clothing? -- All of us.

All four? -- Yes, but I should go with them and change and
come back to him and the ... (intervene)

What were they to do? -- And the other three should take off
the canopy and put other false number plates in the car in the
bakkie which we used when we kidnapped Mr Mxenge.

I see, so in other words they must change the appearance of
the bakkie? -- That is correct. (10)

Take the canopy off ...? -- And take the number plates off.

And change number plates? -- That is correct.

And what did you do then? -- I only changed my clothing and
came back to him.

To Coetzee? -- That is correct.

Was he waiting at the cars? -- He was waiting at the car.

And then? -- When I arrived, I did not find the other white
man who was with him when I left and then he told me that now we
are travelling to Piet Retief. I and him. (20)

Coetzee said the two of you are going to Piet Retief? -- That
is correct and then we drove off to Piet Retief. I drove his car
and he drove the deceased's car.

Was that the same evening, the same night or ...? -- The same
evening.

CHAIRMAN: Let me just get this clear. You and Coetzee only went
to Piet Retief? -- That is correct.

MR ROBERTS: And what about the others, what were they going to

do in the meantime, the other three? -- They will relax over in Durban and Umlazi and so on. (30)

CHAIRMAN: /...

K4.3736

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NOFEMELA

CHAIRMAN: And who drove the deceased's car? -- Captain Dirk Coetzee.

MR ROBERTS: And who was in front on the way to Piet Retief? -- No, he was in front.

Were you driving in convoy or did you drive separately? -- In convoy.

In convoy? -- That is correct.

Right and when did you get to Piet Retief? -- The very same night or in the morning, I cannot remember.

Was it still dark or daylight? -- It was very dark. (10)

Still dark? -- Yes.

And at Piet Retief? -- At Piet Retief there was a certain old police station, we drove to that police station and we met two white people.

Did these people look like policemen or private people? -- Yes, they are policemen.

Policemen? -- That is correct.

Yes and then? -- Then we drove to a certain house in Piet Retief where the deceased's car was put in the garage and the garage was closed and the lights were on in that particular garage and it was stripped and the sparewheel was taken out, the wheelspanner and the booster and the radio/tape were all taken out. (20)

Who took those items out of the car? -- All of these three people. That is captain Coetzee and the two other white people were helping each other.

And what were you doing while they were doing that? -- I was transporting those people, the items that have been taken from

the car, I was taking them to Coetzee's car.

So loading it into Coetzee's car?-- That is correct. (30)

Did/...

K4.3838

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NOFEMELA

Did Coetzee say he was doing this? -- No, he did not say anything at that stage.

So when these people, the three of them had finished stripping the things that they wanted to strip from the Audi, you loaded into Coetzee's car, what then? -- Then I was ordered to drive behind Coetzee and then we went to a certain plantation in Piet Retief and Coetzee was driving in the front with another white man using deceased's car and I was in the middle and at the back was a certain white man, one of the two K5 that we met, was driving behind me until that plantation. (10)

Do you know where this plantation was? -- I learned later that it was near a border-post called Houtkop.

A border-post with which country?-- Swaziland border.

Swaziland. When you got to this place in the plantation ...
(intervene)

CHAIRMAN: When did you learn this? -- Later on.

When later?-- 1984.

How did you learn it in 1984? -- I do not follow your question.

How did it happen that you learned this in 1984? -- (20)
We were doing patrollingwork in that vicinity of that plantation by then. I was together with Joseph Mamasilela. We saw a burnt car over there and then he said to me, do you remember this car and then I said to him, I looked at him and said oh, I see and that is when I started believing that that was the very same car that we burnt.

MR ROBERTS: Right, so you drove to this plantation place with these three cars, there were ...? -- Three cars.

Three cars now right, including the Audi? -- That is correct.

K5.0200

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NOFEMELA

What time of the day was it now? -- It was in the morning, but it was still dark, early in the morning.

Early morning, yes and when you got to this place in the plantation? -- Dirk Coetzee ordered me to take petrol out of his car, using the 20 litre container.

And what did you do then? -- Then I did as he instructed me and then I gave him the petrol. He went to the car and pour the petrol inside and outside the car.

This is the Audi now we are talking about? -- The Audi.

Yes. -- And from there he pour petrol, making a (10) footpath ... (intervene)

A trail. -- A trail, I will put it that way and from there he lit the matches and then the car exploded.

So Coetzee poured a trail of petrol and did he light the match also? -- That is correct.

And how far away did you stand at this stage? -- We were very far from the car.

So what happened after Coetzee lit this flame? -- The fire caught the car and then it exploded. You just saw flames and we stood and look at the car for a while and then we (20) ran. From there we drove back to Piet Retief.

Right and when you got to Piet Retief?-- Then we left those other two guys at that particular place where we were stripping the car and then we went back to Durban.

Coetzee and you went back to Durban? -- That is correct.

In whose vehicle? -- In Coetzee's vehicle.

And when did you get back to Durban? -- I cannot actually recall exactly when, but I remember we slept, because we were all tired.

You slept on the way? -- No in Durban when we (30)
arrived/...

K5.0252

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NOFEMELA

arrived.

I see, but did you get back to Durban the same day of the burning of the car? -- That is correct.

Now I just want to get clarity now, the deceased was killed on an evening, you do not remember the exact date alright and the burning of the car was it the next day or ...? -- It was the next day or midnight I would say.

CHAIRMAN: It cannot be midnight because you said it was in the morning. -- It was in the early hours of the morning.

Yes, did the burning take place in the early hours (10)

of the morning.

Now let us just get this clear. Say, assume that the deceased was killed about 19h00. -- That is correct.

Is that a fair assumption 18h00, 19h00, 20h00? -- Somewhere there, I can not recall.

Yes, more or less? -- That is correct.

And then you went back to C.R. Swart. Did you sleep there that night? -- No we travelled to Piet Retief.

Through the night you travelled? -- Through the night.

And early that morning the car was put alright? -- (20)
That is correct.

And that same day you came back to Durban? -- That is correct.

And then you went back to bed? -- That is correct, it was during the day now when we arrived.

MR ROBERTS: If I can just interrupt the story here again: You said at the time of the killing that you took certain articles from the deceased to make it look like a robbery. What happened to those things? -- The watch and the jacket were taken by captain

Coetzee and he gave us the money, (30)

that/...

K5.0313

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NOFEMELA

that we had together - I cannot remember how much was it and the booster and the radio he said it would be installed in brigadier Schoon's car.

Now we are talking about to separate things, let us just take it one by one. I just want to get the items that you took from the deceased when you killed him to make it look like robbery.

Right, it was the money, the watch and a jacket. You told us what happened to those? -- That is correct.

Now can we come back to the other, to the story (10) itself. You got back to C.R. Swart square in Durban during the day and you were tired and you slept? -- That is correct.

What happened thereafter when you woke up? -- We prepared and from thereon we drove back to Pretoria.

Was that then the next day? -- I would not say it was exactly the next day, but it can be a few days thereafter, later or the next day, I cannot exactly remember.

Well did you do any work in Durban after the killing, any policework? -- No.

And you went back to where, after you had finished at(20) C.R. Swart square? -- Back to Vlakplaas.

How many vehicles now? -- Two vehicles.

Did you travel separately or in convoy? -- In convoy.

You mentioned a little bit earlier about the articles taken from the Audi there in Piet Retief, the booster and the other articles that you mentioned? -- That is correct.

The radio and the booster and things like that, what happened to those articles? -- Captain Dirk Coetzee told me that those articles will be given to, the items will be given to sergeant Schutte to install them in brigadier Schoon's (30)

car.

Which articles were he going to install? -- That is the booster and a radio/tape.

Right, but you did not see that taking place? -- No, I did not.

Sorry, I am just going to jump back again, there is something I missed there, you said earlier on that at the time these articles were taken from the motorcar, Coetzee did not say why? -- No.

Let us go a little bit further to the time when the (10) car was being burnt, did Coetzee say why that was necessary? --Yes he said it was necessary that the car should be burnt. That will now confirm the suspicion that the person who killed the deceased, are the robbers.

Did he say why it was necessary to go all the way from Durban up to Piet Retief to do that? -- No, he did not explain to me on that.

Let us just take that one stage further again, Coetzee said that if you burn the car it would confirm the suspicion of robbery.

Is that right? -- That is correct. (20)

How would that confirm the suspicion of robbery? -- That they would think that the people who have killed the deceased have decided to burn this car so that they cannot be traced.

CHAIRMAN: Why would they not simply go over the border with the car? -- Well this is what he told me about it.

Yes, but you are an intelligent man, did you not question such a statement which seems to have very little sense in it or sensibility. -- I did not question him on that issue whether the robbers would have taken the car to Swaziland or something like that, I did not. (30)

But you knew you were close to the border of Swaziland at that stage already? -- I had in my mind to burn the car closer to the border it may give a sense that the people who killed the deceased have run away to Swaziland.

MR ROBERTS: No to pick up the story again, you got back to Vlakplaas after you have come back from C.R. Swart square, when the two vehicles drove back in a convoy? -- That is correct.

In connection with this incident, did anything further take place at Vlakplaas, any follow-up on this killing (10) of Griffith Mxenge? -- After we have arrived in Vlakplaas the knives were taken in fact from Durban after the mission, were taken by captain Coetzee and another stage when we were from burning the car, the knives were taken by him and were taken to Vlakplaas as well. From there he said to us it was an off that we had been given, we had been given an off after that. An off means a period of rest? -- Yes, we can go and rest, but he ordered me to come to his home after that.

Yes, did you go to his home? -- Then I went to his home and then I got my payment. (20)

Did you go alone to his home? -- Yes, I was alone when I was in his home.

And how much did he pay you? -- He gave me R1 000.

R1 000? -- That is correct.

Cash? -- Cash.

Right, did you have to sign for it at all? -- Yes, I did sign for it.

And what about the others that were with you? -- I saw the other money and he said to me this money is for the other people who were with you, but they are not yet here. (30)

Similarly/...

Similarly that he told them too that they should come to him, I do not know and when he gave me the money he told me that the money is from brigadier Schoon.

He said the money is from brigadier Schoon? -- That is correct.

(10)

(20)

(30)

Alright/...

All right, you have got given a thousand, did you see any other money? -- Yes, I did.

How much was the rest of the money? -- I did not count how much it was, but it was just in an envelope.

Did he say how much the other - did Coetzee say how much the others were going to be paid? -- That is correct.

What? -- He said each of you will get one thousand.

So, you after getting your money at Coetzee's house, what did you do? -- We counted the money together with him and then from there I drove off to my home. (10)

Who counted the money with you? -- Captain Coetzee.

And you drove back to? -- To my home.

For your rest period? -- That is correct.

And after the rest period did you go back to Vlakplaas? -- That is correct.

Did you ever compare notes, not only talk to your colleagues who were with you and discuss the amount of money that you had been paid? -- I remember talking to Tshikalange about the money.

I asked him what did you do with your money and so on.

(20)

CHAIRMAN: What did he say? -- He said to me he is going to buy a car, something like that.

MR ROBERTS: Did he mention how much he had been paid? -- R1 000.

Did he say so? -- Yes, he said so.

And the other two who are with you in this mission? -- I did not talk to them about the money.

Let us just clarify on one point here, of the four of you who were in on the mission together, the people who actually took part in the killing, you were an ordinary member of (30)

the/..

the South African Police. -- That is right.

A proper member of the police, is that right? -- That is correct.

The other two what was their position? -- Brian Justice Nqulunga was an Askari. He was a former member of the ANC.

Was he in the meantime signed up with the SA Police or just unofficial? -- I cannot remember exactly.

That is Brian and then? -- And Tshikalange - I do not know whether he was still a student constable or if he was just a gardener by then. (10)

Or just a? -- A gardener, a labourer. I do not remember.

CHAIRMAN: Did he work for Mr Coetzee? -- Yes, he did work for him. Jopseh Mamasilela was just an informer.

MR ROBERTS: At that stage? -- At that stage.

But where did he stay? -- He stayed in Soweto. At times he came to Vlakplass.

So, he was not a full-time resident at Vlakplaas there? -- No.

But the other two people, Brian and Tshikalange, they were? -- They were. (20)

They stayed with you at Vlakplaas. -- At times, but they did go away.

Let us get this quite clear, some of the other people there at Vlakplaas were what you call Askaris. -- That is correct.

You yourself, had you been an Askari? -- No.

You were just somebody who joined the police and who found his way to Vlakplaas. -- That is correct.

You had never been connected with ANC or PAC yourself? -- No. (30)

After /..

After this mission you had been paid your R1 000 and then you had a rest, an off as you call it. -- That is correct.

Was it some days or how long is the off period? -- A week.

How long after you got back was the next mission inside South Africa? -- I cannot exactly say how did it take. I cannot exactly specify exactly how long did it take.

Can you just perhaps help us just with a rough idea? Was it some days, some weeks or some months? -- Some months.

Some months? -- Yes. (10)

We are talking now about a mission inside South Africa, do you understand that? -- That is correct.

We are talking about a mission, not ordinary police work, trying to trace ANC/PAC people and report them or arrest them. -- That is correct.

We are talking about these unorthodox missions, right? -- That is correct.

This second mission like this, where did you go to? -- The very same mission like that one, it was a kidnapping mission, not exactly .. (20)

Yes well, I say like it, I do not mean identical, but an undercover mission like this. -- I remember it was 1982 when I and Joseph Mamasilela were ordered to go and kidnap a certain Moabi in Soweto.

M-o-a-b-i? -- That is correct.

Who ordered you to do that? -- That was Captain Coetzee.

Captain .. -- Dirk Coetzee.

CHAIRMAN: What is the name again of the person to be kidnapped?

(30)

MR ROBERTS/..

MR ROBERTS: Moabi. He was from Soweto? -- Soweto. I cannot

remember exactly his residential address.

Captain Coetzee gave you the instruction? -- Instruction.

To the two of you?-- That is correct.

Did he say why he had to be kidnapped? -- He said because of his activities in the ANC. He was one of the members of the ANC.

Did Captain Coetzee say how you were going to kidnap him?

-- Yes, he said to us we should go and "steal" him in fact. He used the word steal. We should go and steal. (10)

Steal him? -- That is correct, and Joe Mamasilelanew him as he was an informer based in Soweto.

All right, so you were told to go and steal him and then Joe knew where he was, he knew him? -- That is correct.

All right, what else did Captain Coetzee tell you? -- He told us after we have found him, we will meet him somewhere in Rooipoort, near Rooipoort Mine, somewhere there.

Yes? -- That is where we were going to meet him.

So that was the instruction, you two must go and steal him and bring him to this spot near the mine. -- That is (20) correct.

And what else was Coetzee's instruction at that time? -- That is all what he said to us. He said we must put a false number-plate in the car that we use.

You put it in, do you mean you put it on? -- On, on.

You used false number-plates to go. -- That is correct.

So after these instructions, what happened then? -- I and Joe Mamasilela drove to Soweto.

That same day? -- The very same day. I was driving my own car. The mission was to be carried out with my own (30)

car/..

C6.6

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NOFEMELA

car.

Private car? -- Private car, yes.

Yes? -- Then we arrived in Soweto to a particular house where Moabi was living. We went inside the house, we found a girl where we asked where Moabi is. Joe asked her where is Moabi and the girl said "No, I do not know where is he" then we started searching the house. We found Moabi in one of the rooms behind a wardrobe.

When you went in there, you were not wearing uniforms. --
No. (10)

Plain clothes. -- That is correct.

Did you say when you came in to search the house who you were or anything like that? -- No, we did not. Joe was aggressive saying to this woman "Moabi took our money, we want him. We can't leave in this way".

Did you have weapons with you? -- Yes, we had guns with us and knives.

What sort of guns? -- I carried a Makarov. Joe was carrying a Tokarev.

What sort of a weapon is a Tokarev? -- Russian-made (20)
weapons.

A pistol? -- Pistols, yes.

Each of these weapons is a pistol? -- That is correct.

So you found him, Moabi, hiding behind a? -- The wardrobe.

Yes? -- Then Joe said to me "Here is" and we took him.
We demanded our money to him and then we pushed him into the car by force.

And what about the girl, the woman, who was in the house?
-- He was pleading with us, then when we got into the car (30)

I saw/..

C6.8

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NOFEMELA

I saw her running somewhere, to other people and then ..

So she saw you kidnap Moabi. -- That is correct.

Yes, and you went back to your car and then? -- And we drove

of to a spot where we met Captain Coetzee.

Still the same day now? -- The same day.

Yes? -- We met Captain Coetzee and Captain Grobler.

You met Captain Coetzee and Captain Grobler. -- Grobler.

We have not heard about him yet. Where does he come from?

-- He is from Protea security branch.

Protea? Now that is in Soweto. -- In Soweto. (10)

The police station in Soweto. -- That is correct.

Have you met him before? -- Yes, we did meet - I did meet him before.

So, let us just get certainty here, you have got yourself and Joe and Moabi. -- And Moabi.

And then there you find Coetzee? -- Coetzee, Captain Grobler and Lieutenant Vermeulen.

Who is Lieutenant Vermeulen? -- He was working with us too. He was in C1 section, Vlakplaas.

Was he attached to Vlakplaas. -- That is correct. (20)

And when you all got there together, what happened then? -- We took Moabi out of my car, then they saw him all, they talked to him. I cannot remember what did they say and then they ordered us to drive to Zeerust.

Zeerust? -- Zeerust.

That is Western Transvaal. -- That is correct.

So, did you then drive to Zeerust? -- Yes, before we drove Moabi was blindfolded and I ordered him to sit at the floor of the car so that he could not see.

So that he could not see? -- That is correct. (30)

Front/..

C6.9

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NOFEMELA

Front or back? -- Back.

He sat at the back. -- Yes.

Who drove? -- I do not remember whether Joe was driving or

I was driving.

Well, the person who was not driving, where was he? -- He was at the back with him.

Did you go to Zeerust then? -- Yes. Outside Zeerust to a certain farm.

Are we still on the same day now? -- The very same day.

Yes? -- Then we found an old house at a mountain- (10)
like place near a dam in Zeerust.

You went to Zeerust, what about the other policemen you met .. -- We are all in convoy to ...

In convoy. -- That is correct.

You got to this place near the dame. -- Yes, it is where we were based in that particular house.

Yes? -- Moabi was cross-questioned about Lilian, a certain Lilian ...

A woman called Lilian? -- Yes, who was said to be a member of the ANC. (20)

Who questioned him? -- That was Grobler and Coetzee and Joe Mamasilela, he knew Lilian, he was also taking part in the interrogation.

Yes? -- Then he was giving details about Lilian, that Lilian is in Botswana, he gave the address and all that and he was severely assaulted by all of us except Captain Grobler.

Assaulted in what way? -- Assaulted. He was kicked and punched.

And then? -- At a certain stage he had become unconscious.

(30)

And after/..

C6.9

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NOFEMELA

And after the assault? -- After the assault we had been told now we have to go to Botswana.

So, if we can just deal with this in this fashion, did you

then go to Botswana? -- Yes, I did.

You and who? -- I, Captain Van Dyk - Captain Coetzee, Lieutenant Vermeulen and Warrant Officer Van Dyk.

When you got back from Botswana, what happened then? -- We were ordered to go back to Pretoria, I, Joseph Mamasilela.

When you went to Botswana, what about Moabi who had been kidnapped? -- Moabi was left with Captain Grobler. (10)

At that spot there? -- Yes.

After Botswana you went to Pretoria. -- That is correct.

Vlakplaas? -- Vlakplaas.

Did you hear any more about Moabi or did you see Moabi again? -- No, I did not see Moabi. The last comment that I heard from Captain Grobler, he said to Joseph Mamasilela "This man could know you in future, can identify you", then Joseph agreed to that, he said then "I must get rid of him", that is what he said.

That is what Captain .. -- Grobler. (20)

Said to Joe. -- Yes.

And they agreed. -- That is right.

Is that before going to Botswana or after? -- That was after.

And where did this conversation, the agreement about .. -- At the very same house near Zeerust.

So afterwards, did you go back to the house? -- That is correct.

And after that discussion between Joe and Grobler and then? -- Then we drove back - we were ordered by Captain (30)

to go/..

C6.10

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NOFEMELA

to go back to Pretoria.

You did not see Moabi again? -- No, I did not hear any- thing of him.

So you do not know what happened to him after this discussion? -- I do not know.

CHAIRMAN: Where is this Rooipoort Mine? -- It is near Krugersdorp.

Why was it necessary to kidnap? Why couldn't you simply arrest Moabi? -- In most cases we are not allowed to - we are not instructed to arrest in most cases, that we should (10) secure our identification.

No, but then if you wish to use underhand methods, you can give a false name and address. Why do you have to kidnap a person if you can arrest him? -- At times we - we have been instructed - we are instructed to kidnap and ...

But where do you draw the distinction between kidnapping and arresting? Have you arrested someone in your life? -- Yes, I did once.

Only once? -- Yes.

And how many years were you a policeman? -- About (20) approximately eight or seven.

And all the other times you kidnapped the people? -- I kidnap and kill other. I do not arrest.

You do not arrest? -- No.

MR ROBERTS: Now, this assaulting that you mentioned on Moabi, why were you assaulting him? What was the purpose? -- The interrogators were not satisfied about what he was saying, so he was - we were trying to beat him to get the information out of him.

What type of information? -- The people who were (30) questioning/..

C6.11

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NOFEMELA

questioning him about Lilian, they were not satisfied that he had told them the whole truth.

And after the assault was finished, had he given them enough information? -- Actually I won't say they were satisfied about that, but now as far as the information is concerned is that after he had been assaulted the plan to get to Botswana was from

the information that he gave us.

THE COMMISSION ADJOURNS FOR LUNCH

THE COMMISSION RESUMES AFTER LUNCH.

BUTANA ALMOND NOFEMELA still under oath:

FURTHER EXAMINATION BY MR ROBERTS: Before we go further forward just let us get back to one of the points about the mission to Durban to kill Griffiths Mxenge. The vehicle that you and your three colleagues went down to Durban with and came back with, what type of vehicle was that? -- It is a bakkie.

A bakkie? And what colour is the bakkie? -- Beidge in colour.

Beidge? -- Yes. (10)

That does clarify the point, Mr Chairman, I thought he said beach bakkie, but apparently it is a beidge bakkie.

Now, we have dealt with the kidnapping of Mr Moabi. -- That is correct.

Then we have come to another incident. If you can tell us what was the next incident of this type of nature that you were involved with? -- That was the incident of the diamond dealer.

If you could just tell us the end of the story before we go back to the beginning. What eventually happened to this (20) diamond dealer. -- I was given an amount of R5 000 by Captain Dirk Coetzee, that I should go into Lesotho ..

Sorry, I will come back and I will take you through all the details, but I just want to find out what eventually - what was the fate of this diamond dealer. -- He was killed.

And whereabouts was he killed. -- In Lindley.

Lindley? -- Lindley.

Which province? -- Orange Free State.

How long was this incident after the Moabi thing? -- I cannot actually say how long, but it was during the year (30)

1982/..

Now let us go back to the beginning and get the story. How did it all start? -- I have been given R5 000 by Captain Coetzee, I and Tshikalange, we should go and get diamonds from Lesotho.

Whose idea was this business of the R5 000 and the diamonds? -- Captain Coetzee's idea.

What was the purpose of the transaction going to be? -- That when I get the diamonds he was going to sell the diamonds in Durban and he will get more money. (10)

Mr Chairman, my learned friend for the witness has something he wishes to place on record.

MR KUNY: I merely wish to draw attention to the fact that the incident about which Mr Nofemela is now talking has nothing to do with the terms of reference of this commission. It is unrelated to your powers and your terms of reference and I thought that it was going to be excluded. It is in the affidavit, but ...

CHAIRMAN: But I would first like to know whether the diamond dealer was killed for a political motive or not or on instruction. If I know it has not then I know it falls without the terms of ... (20)

Please establish that the diamond dealer, that he was killed, that we know now. All I would like to know is why he was killed and who gave instruction to kill him.

MR ROBERTS: Can we deal with that then. Who said he should be killed? -- Captain Coetzee said to me after he realised that we had been cheated by the diamond dealer, that I should go back with the diamonds and give them to him and he must refund us.

(30)

Refund you/..

C6

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NOFEMELA

Refund you? -- That is correct.

Yes? -- But if he is not in a position to refund he must

be killed.

If I could just go back to the beginning again to get clarity, you said this whole thing was Captain Coetzee's idea. -- That is correct.

Dirk Coetzee. -- Yes.

Why did he want diamonds to be bought? How did this fit into your operation? -- I would say it was a private enterprise.

(Laughter in the background.) (10)

Mr Chairman, perhaps that does deal with the matter then as the objection is.

CHAIRMAN: Yes. So, the objection is well taken.

MR ROBERTS: All right, now after this private enterprise, what was the mission that took place? -- The next mission was in 1983.

But what was this next mission? -- It was to go and kill people in Swaziland.

No, but let us just leave out the ones that relate to actions in Swaziland, unless we ask you specially to mention those, what was the next one inside the country? -- It was between '84 and '86, somewhere there - '85 - '84/'85 and '86. I am not sure of the year, between '85 and '86, that is correct.

If you could just tell us what it involved? -- I was instructed by Captain De Kock ..

Who was he at that stage? -- He was the commanding officer.

At where? -- In Vlakplaas.

Where was Dirk Coetzee by now? -- He was already (30) gone/..

C6.18

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NOFEMELA

gone.

CHAIRMAN: When did Dirk Coetzee leave Vlakplaas? -- He left at the end of '82.

MR ROBERTS: What was the instruction from - sorry, did you say Major or Captain De Kock? -- It a captain.

Captain De Kock then, what was his instruction to you? -- His instruction was that I and Johannes Mbelo and Moses Nzimande should go in Krugersdorp building society and steal a person and he gave us the name and a photograph.

Who were the people that were with you then? -- (10)
Johannes Mbelo and Moses Nzimande.

And yourself. -- That is correct.

And the instruction came from Captain De Kock. -- That is correct.

To steal somebody. -- That is correct.

Why? Why should he be stolen, this person? -- The person who worked in the United Building Society, his brother was involved in a shooting in De Wildt where a member of - a policeman was shot.

In De Wildt, is that a place somewhere here north of (20) Pretoria? -- Yes, somewhere in Pretoria, but the incident happened in a place called Ramogodi, near De Wildt.

Yes, carry on. -- It was alleged that his brother is working in the United Building Society in Krugersdorp and we were instructed to go and steal him, that he might give vital information about the whereabouts of his brother.

How were you going to steal this person? -- We were told that - how he gets off from his work and - we must trace that and then from there we must steal him whilst getting off duty.

Yes, after stealing him, what was your instruction to(30)
do with/.

C6.20

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NOFEMELA

do with him? -- To bring him in Vlakplaas.

And what was going to happen then? What was the plan? What was going to happen at Vlakplaas? -- The plan was to interrogate him about the whereabouts of his brother.

And who was going to do that interrogation? -- Captain De

Kock.

So you got the instructions. -- Yes.

And you had a photograph, is that right? -- That is correct.

And did you have a name or not? -- I did have a name.(10)
He did give us a name.

Can you remember the name? -- No, actually I cannot say who he was.

Did you go then to Krugersdorp? -- That is correct.

And what happened there in Krugersdorp? -- When we arrived in Krugersdorp Moses Mbelo went out of the car - we all went out of the car and then Mbelo - I instructed him to wait at the car and Moses Nzimande to go along the post - besides the post office where he had to wait, then I waited opposite the bank. (20)

Opposite the bank? -- Yes.

Which bank? -- The United Building Society.

Where the man worked? -- That is correct.

Yes? -- Then the man went out of the building and he walked to the direction of the post office where he met Moses Nzimande.

Yes? -- Then Moses Nzimande approached him and he talked to him. While he was busy talking I came to them, then I had a pocket-book. Inside the particular book I had my appointment certificate. (30)

Police/..

C6.20

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NOFEMELA

Police appointment certificate? -- That is correct.

Yes? -- Then I opened that book and I show him that we are police and I am investigating a case of fraud against you.

That police appointment that you had there, was that in your own name or in a false name? -- In my own name.

Now, whose idea was it that you talk to this man in this

fashion, that you pretend to be a policeman investigating a fraud case? -- That was my idea.

Yes? -- Then he agreed to accompany me to a police station as I said to him, we are going to a police station. (10)

Then we took him to our car. We were travelling with a white Jetta.

A white Jetta? -- Cream/white Jetta.

CHAIRMAN: Whose car was that? -- This car was bought by ..

Was it a police car? -- Actually it is not a police car but it had been used by us in truck pass (?). It was bought under a name of a certain refugee who was living there. After having the guy into the car we ordered him to sit down and on the floor of the car, not on the seat.

MR ROBERTS: The back seat? -- The back seat. (20)

Yes? -- I cannot remember whether Johannes Mbelo was doing the driving or I was doing the driving, but two of us were at the back and we drove to Vlakplaas.

Did you get to Vlakplaas that same day? -- Yes, the very same day.

Could you just clarify, what time of the day did this stealing take place? -- It was late in the afternoon.

Late in the afternoon? -- That is correct.

And you got there, to Vlakplaas, the same day? --
On the very same afternoon. (30)

What happened/..

C6.21

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NOFEMELA

What happened at Vlakplaas? -- We find De Kock was waiting for us.

Yes? -- At a certain place called parade ground, then he directed us ..

CHAIRMAN: What place? -- Parade ground, it is where we used to parade.

Parade ground? -- That is correct. Then he directed us that

we should go - he showed us the direction where we should go, then we drove to that particular direction which was plus- minus 120 metres from the main building. (10)

MR ROBERTS: Still in the farm Vlakplaas? -- Still in the farm.

Yes? -- Then he followed us.

And then you got to this place that De Kock has mentioned to you. -- Yes. When we arrived there he arrived too and then he told Johannes Mbelo to go and fetch the kombi. There is a certain kombi, we call it - when we drive it we call ourselves A team. It is closed, it has no windows, except two by the doors, then he ordered Johannes Mbelo to go and fetch the kombi and then he brought it. While Mbelo was gone he was(20) asking this guy about his brother. Then he was saying that he does not know anything about the whereabouts of his brother but still Captain De Kock could not understand and did not believe that. The man was assaulted.

Who assaulted him? -- I, Johannes Mbelo and Moses Nzimande and Captain De Kock.

And how were you assaulting him? -- We were kicking him and punching him and slapping him.

Were you trying to get him to give you information? -- That is correct. (30)

Yes/..

C6.22

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NOFEMELA

Yes? -- When the kombi arrived Mbelo joined us in the assault and from there he was tear-gassed. There was a certain can ..

Canister? -- Canister.

Was it an aerosol type of can which you .. -- That is correct.

You squeeze it and gas comes out. -- That is correct.

Who did that? -- That was Captain De Kock.

And to whom did he do it? -- To the man who had been kidnapped from the building society in Krugersdorp. (10)

Did you do it to his face or .. -- In his nose.

Yes, and then? -- From there he was kicked and he lay down, seemingly he was unconscious, something like that. From there he was - he ordered us to put him in the particular kombi and we closed the door. He tear-gassed inside that par- ticular kombi for a while. He was there inside alone, struggling to exhale and inhaling.

Were all the doors and windows closed in the meantime. -- That is correct.

And the rest of you were all outside? -- That is (20) correct.

Yes? -- And this happened until it became a little dark then he took him out again. He was starting talking now about the people that his knows, his relatives and then I was ordered to write down the names of the people that he was talking about.

And then? -- Then from there Captain Coetzee ordered Johannes Mbelo and Moses Nzimande to leave.

Yes? -- Not Coetzee, actually De Kock ordered Mbelo and Nzimande to leave, then they drove away using the very (30) kombi/..

C6.24

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NOFEMELA

kombi and then I left with him together with the man who had been kidnapped.

So behind were left, after the kombi was away, was Cap- tain De Kock, yourself and then the man you had stolen? -- That is correct.

Yes? -- And then from there Captain De Kock asked me whe-ther the man can recognise me in future, then I said yes, then he said he must get rid of him.

Yes? -- I saw him taking his pistol with silencer and the man was blindfolded by then, then he shot him in the head.(10)

How many shots? -- One.

Yes? -- I do not know what part of the head. From there he took a plastic out of his car and I assisted him in wrapping the body.

The plastic, was it a bag or was it an open sheet of plastic or what was it? -- It was a plastic sheet. It was wrapped.

Yes? -- Then we wrapped the man, we put it in the boot of his car.

And then? -- Then he ordered me to leave, then I (20) drive for my home.

So, it was just Captain De Kock then and the dead body left behind? -- That is correct.

Do you know anything further about this particular inci- dent? -- No, I do not know.

Did Captain De Kock talk to you at any stage and say what had been done with the body? -- No. The only thing that he did to me - the information that I drafted at the time of in- terrogation, he sent me to Krugersdorp to a certain lieute- nant, that I should give him the information. He wrote a (30)

letter/..

C6.28

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NOFEMELA

letter in codes. I could not read the writing, then he said to me I must give it to the lieutenant in Krugersdorp.

Let us just get detail here, you were making notes about what the man said. -- That is correct.

Was this rough notes as you were interrogating? -- That is correct.

Who then put those notes into a neat form? -- As I have written them during the interrogation I was ordered to take them as they are to a certain lieutenant in Krugersdorp, se- curity branch.

I see, so these would be hand-written notes then? -- Pardon?

In handwriting notes, not typed. It is in handwriting.

-- It is in my handwriting, that is correct.

And who was this lieutenant in Krugersdorp? -- I do not know his name.

What was his position there in Krugersdorp? -- I only knew that he was a lieutenant. I do not know his position.

To which branch was he .. -- Security branch.

Had you seen him before, this lieutenant? -- It was (20) the first time that I saw him.

Did you then go to this lieutenant's place? -- That is correct.

The same day or a later day or what? -- The following day.

And did you give these notes to the lieutenant? -- That is correct.

Did you ever find out what happened to the body? -- No, I did not.

You did not ask Captain De Kock or anybody? -- No. (30)

CHAIRMAN/..

C6.28

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NOFEMELA

CHAIRMAN: Are you finished with this one?

MR ROBERTS: I just want to make quite certain.

CHAIRMAN: Mr Kuny, I would like to ask two questions on the diamond dealer which would be asked in such a way not to im- plicate but which are relevant in my way of thinking at this moment. If you object I - but I would just like to put two questions to the witness.

MR KUNY: As it pleases.

CHAIRMAN: With what kind of weapon was the diamond dealer killed? -- It was with a 7.65 pistol. (10)

In other words by shooting? -- Pardon?

He was shot? -- He was shot.

And what happened to his body? -- His body was taken ..

What happened in the end to the body? How was it disposed of? -- I do not follow the question.

Was the body buried or what happened to the body? -- I heard

later that the body was buried.

Buried? -- That is correct. After being burned.

In other words it was first burned and then buried? -- That is correct. (20)

Thank you. -- And the other weapon used - it was not only the 7.65. It was a Tokarev.

No, I was interested in whether he was shot or what happened to the body.

MR ROBERTS: Mr Nofemela, perhaps at this stage, because we are dealing with a number of incidents, it would be easier to follow a certain sequence and I want you to look, please, at EXHIBIT B88, that is yesterday's affidavit which you made. Look at page 22, please, paragraph 14. Have you got that? -- That is correct.

(30)

Do you/..

C6.30

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NOFEMELA

Do you recall what you said in this paragraph? -- That is correct.

Can you just tell us about this incident that is recorded in paragraph 14 of B88?

CHAIRMAN: Well, let us put it this way why - let us try and first establish the motive. This relates to an attempted kid-napping. -- That is correct.

Why? -- Captain Coetzee said to me this man is involved with ANC and he had to be kidnapped.

MR ROBERTS: That is across the preliminary hurdle, Mr Chairman. Captain Coetzee, is this Dirk Coetzee now? -- Yes. (10)

He said to you that the man was an ANC and he had to be kidnapped? -- That is correct.

What type of a man was this or what was his occupation? -- He was a farmer, a white farmer.

And where was he? -- I cannot exactly say where but some-

where in P.E., that side.

Somewhere in the Eastern Cape? -- That is correct.

Who went down there? -- That was I and Captain Coetzee and David Tshikalange. (20)

What were you going to do with this man after kidnapping him? -- Well, he did not say what he is going to do with him.

Captain Coetzee did not say? -- Yes, he did not specify.

Did you drive down there or how did you get down there? -- We went there using the official vehicle of Captain Coetzee.

The three of you in the one vehicle? -- That is correct.

And what did you do when you got to this place? -- When we arrived in that place we tried to get into the house, but now the dogs were many and they looked very vicious and (30)

we could/..

we could not gain any entrance.

Is this day-time or night-time? -- It was the night-time.

And was it the three of you who tried to get into the house?
All three of you or just some of you? -- All of us.

Yes and then? -- Then we could not get into the house, then Captain Coetzee decided that we should break the windows of the cars that had been parked out of the fence, the trucks and private cars.

Outside the fence? -- Outside the yard.

Yes? -- And then we should pour petrol and burn them. (10)

So you then took petrol and set fire to these vehicles? --
That is correct.

And was that then the end of that incident? -- That is correct.

Now, in paragraph 14 you say that this was in about 1982.
-- That is correct.

Is that correct? -- That is correct.

CHAIRMAN: At this stage was Dirk Coetzee still at Vlakplaas? --
Still at Vlakplaas.

MR ROBERTS: Do you have any idea why Captain Coetzee did (20)
not carry on with his attempts to kidnap the man? -- No, I do not
know.

Did you ask him at all? -- No, because the thing that made
me not to ask is that we have seen that there are dogs there and
we have already done the damage and so I thought that maybe the
people will be on alert in the future, we can- not succeed.

So, this incident about the farmer in the Eastern Cape, from
the time when you first got to the farm to look at the place until
the time when you finished burning the cars (30)

and the/..

and the trucks, can you say how long that took? -- It did not

take a long time. It was just getting to the farm and trying to get in. The dogs were barking and were many, then we went back and decided to burn the cars.

CHAIRMAN: You say it was near Port Elizabeth? -- Somewhere there.

Where did you sleep? -- We were based in Lady Grey.

Was it far away from Lady Grey? -- Very far. It was very far away from Lady Grey.

MR ROBERTS: When you say near Port Elizabeth, was it (10)
within sight of Port Elizabeth, this farm? -- I could not say exactly where it was but it is somewhere there.

Could you see the sea at all? -- No.

How did you know then that Port Elizabeth was nearby? -- At the very same time after some days we went to Port Elizabeth in the black township. It did not take us long to arrive there.

All right, now let us just go then to page 25 of B88, paragraph 18. Do you see what is written there? -- That is correct.

(20)

Do you remember that incident? -- Yes, I remember.

Can you tell us about the incident, first of all when it took place? -- It was 1982, we were in Ladybrand security branch offices.

CHAIRMAN: Lady Grey? -- Ladybrand.

But here it is stated "we were based at Lady Grey police station". -- Page 25?

Yes, paragraph 18. "In 1982 I went to Aliwal North with Captain Dirk Coetzee and David Tshikalange. We were based at Lady Grey police station", is that wrong? -- No, that is (30)

correct/..

C6.35

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NOFEMELA

correct. I thought it was (b), somewhere there.

Oh. No, you were talking about 17. No, we are talking about 18.

MR ROBERTS: I have been dealing with paragraph 18, the bottom

half of the page, is that right? -- That is correct.

You say it was in 1982 and who did you have with you? -- I was with David Tshikalange, we were based in Lady Grey, then we were instructed by Captain Coetzee to go into the black township in Aliwal North and we were issued with a residential address of a certain person whom he said he was a member (10) the ANC and we were to burn his car.

Did you just have to burn his car? -- They said to us we must go there and burn his car.

Not steal him or kill him or assault him or anything like that? -- Stealing him or either we burn his car.

That was your instruction and what did you and David Kalange do then? -- Then we went there with a 20 litre container with petrol.

Yes? -- We were informed that the man was in possession of a fire-arm. (20)

Yes and then? -- Then when we arrived there we saw a car parked out of his yard and I broke the left window of the car.

And then? -- I could not pour petrol inside - immediately when I broke the window, the man screamed from the house then we ran away.

So, you did not try to set fire to the car after you broke the window? -- No.

Was this by day or by night? -- It was by night.

CHAIRMAN: Was this at the same time when you went to burn the white farmer's .. -- No, a different time. (30)

In other/..

C6.38

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NOFEMELA

In other words you stayed at the Lady Grey police station more than once during 1982, at two different - at least two different times. -- About three months. I think we stayed about three months in Lady Grey.

You and Dirk Coetzee and Tshikalange stayed for three months

in Lady Grey? -- With other group as well.

Yes, but he and you two? -- That is correct.

And during that period you burned the farmer's .. -- That is correct.

And you burned a so-called activist or tried to burn (10) his car? -- That is correct.

Was it the same time? -- That is correct.

You did not travel back? -- No, no.

MR ROBERTS: After you had done this or rather after you had run away, when you heard somebody coming, who did you go to? -- We went to Captain Coetzee and reported that we could not burn the car.

I am now going to turn to paragraph 21 which starts at the foot of page 28 of B88. Have you got the right paragraph? It starts at the bottom of 28, it goes over to 29.(20) Sorry, page 28 not paragraph 28. At the bottom there you see paragraph 21, correct? -- That is correct.

We start there and we turn over and read to the end of that paragraph which ends on page 29. Do you see there what you have got, what you mention? Can you tell us in your own words now about this incident? -- I was briefed by Captain Jan Coetzee. I was together with Joseph Mamasilela and Ephraim Npalapitso.

And when was this? -- That was 1984.

Yes, and what would you have to do? -- That we (30) should go/..

C6.39

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NOFEMELA

should go in Kagiso near Krugersdorp, in the black township.

To do what? -- To infiltrate the other youths belonging to an organisation called UDF.

Yes? -- And after that we should lie to them, telling them that we are going to teach them how to use weapons and we should

take them to a certain mine in Wesrand and when we arrived there together with them we should shoot them to death.

Yes? -- I excused myself in the mission because I once worked in Krugersdorp. My excuse was that I can be easily(10) identified.

So, did your colleagues then go on this mission without you?
-- That is correct.

Afterwards, did you hear anything about the mission? -- After the mission I heard that the mission had been success- ful but the only thing, one of the victims was not killed, he was taken to Leratong Hospital.

Well, did they say - well, let us start at the beginning, who told you about the result of the mission? -- Joseph Mama- silela. (20)

And did you find out how many people were killed in this incident? -- No.

Well, were any people killed in the mission as far as you were told? -- There were people who were killed.

If you can turn then briefly to page 31, paragraph 23. Paragraph 23, have you got that? -- That is correct.

This incident here that you mention took place inside South Africa, is that right? -- That is correct.

But you have described it being near the Swazi border. -- That is correct. (30)

When was/..

C6.41

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NOFEMELA

When was this incident? -- Between '85 and '86.

Well, when you say '85/'86, do you mean throughout the period or are you not sure .. ? -- I am not sure of the exact date.

In this case, who gave you the instruction? -- That was Captain De Kock.

And to whom did he give these instructions? -- He gave the instructions to me and Mgadi who was based in Moolman power stadion

near Piet Retief.

This man Mgadi, who was he? -- He is a sergeant. (10)

Where was he stationed? -- He was stationed in security head-quarters based in Vlakplaas.

With you at Vlakplaas? -- That is correct.

Were there any other members involved in this mission? -- That is correct.

Who were they? -- Warrant Officer Pienaar.

Where was he from? -- He is the station commander in Piet Retief, security branch.

So we have got Major De Kock and you have got Aubrey Mgadi and you have got yourself and Warrant Officer Pie- (20) naar, anybody else? -- And Van Dyk.

What was his rank? -- He was a warrant officer.

And where was he stationed? -- Lieutenant or warrant officer. He was stationed in Vlakplaas as well.

And what was your instruction about this mission? -- That we are going to ambush the members of the ANC, we are going to get out from Swaziland near Amsterdam border gate.

So, does it mean that there were ANC members crossing the border from Swaziland into South Africa. -- That is correct.

Yes, you were going to ambush them. How? -- They (30)

said/..

C6.42

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NOFEMELA

said we were going to lay on their way, when they pass we should not shoot at them, but when they return, there will be people who are going to escort the others, they were about six and then when they pass in the direction of Amsterdam ..

Yes, from Swaziland into South Africa. -- That is correct.

Then you do not shoot. -- We do not shoot. I and other two sergeants were in the border fence 500 metres from the border gate in a T junction, near the plantation, over the fence, we were lying

there and Van Dyk and Aubrey Mgadi (10)

were about near the border post, Amsterdam border post.

Yes? -- We saw people - it was in the evening or in the early hours of the morning, I cannot remember. Then De Kock and Pienaar and others were somewhere very far from us in the direction of Amsterdam. We lay there until these people passed, we could see them having rifles and bags, they passed, they went in the direction of Amsterdam and immediately when they passed us, we heard the sound of a car coming and we saw lights and then after that, a few minutes later, it can be ten or 15, we saw three people coming back. (20)

Towards the border? -- Towards the border and then towards our direction where we were. Immediately when they passed we actually went closer to the fence so that we could be in the position to shoot at them, will be in a close range when they come back and then we lay there. When they came we started shooting and two died immediately and one through his weapon down and he ran away.

Did he get away, the third one? -- Yes, he got away and then we ran after him.

You did not catch him? -- No, we did not catch him (30)

that/..

C6.45

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NOFEMELA

that night.

But do you know what happened later to that one who got away? -- He was later arrested.

By whom? -- By these people who are working, border post, who are being posted for border duties.

You did not see him being arrested? -- I saw him in the office of Warrant Officer Pienaar.

After he had been arrested? -- After he had been arrested.

And then what happened to him, this third man after (10)

he had been arrested there? -- I found the man being interro- gated about his activities in the ANC and then from there he was taken to Bethal prison.

As far as you know that person who had been injured and then captured later, was he killed by anybody in the police force? -- Actually I do not know what happened with him but I only saw him, he was injured by then.

If you could just go back and tell us what Major De Kock said about why you had to shoot these people. -- He said to us getting to court it wastes time because there are a lot (20) of questioning, we have to shoot them.

The bodies of those who were shot, how many were there again? -- I saw five bodies in the bakkie.

So, were they loaded into the bakkie? -- Yes, in the bakkie. The bakkie was taken from the Amsterdam border post.

What happened to those bodies? -- I do not know what happened to the bodies. Our names were written there, were taken by a certain officer, a uniformed officer. I cannot remember his rank. From there we went back to Moolman.

I want to take this step by step. There was the (30) shooting/..

C6.48

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NOFEMELA

shooting. -- That is correct.

And one man ran away, he got away for the time being. -- That is correct.

There and then on the scene, what did you people do after the shooting stopped? -- After the shooting we ran and followed the man who had been running away. We left these two lying now and Van Dyk joined us and Mgadi. We were four now in the plantation looking for the man and then from there we could not find him, we went back.

To the bakkie? -- Yes, to the bakkie. When we arrived(10)

there we found two uniformed policemen were also present at the scene of the crime. From there the bodies were taken from where it was and together with the people we shot, then we were taken to Amsterdam border post.

So the bodies went to the Amsterdam border post? -- That is correct.

Now, were you in the same vehicle with the bodies or a different vehicle? -- A different vehicle.

And at Amsterdam border post, what took place there? -- There we found a certain officer who took our names and (20) then from there I left De Kock and Van Dyk and Pienaar there. He ordered us to go to Moolman.

So, De Kock did not tell you anything about what happened to the bodies there? -- No, he did not tell me.

When you gave your particulars to the uniformed man did he say why he wanted your particulars? - No.

Did you ever have to make a statement setting out this incident? You know what I mean, a police statement for an in-quest or something like that? -- No, nothing. In fact he said, when he took our names, he said "You were also (30)

involved/..

C6.49

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NOFEMELA

involved in the shooting", I said yes. Everyone, when he comes to him he asked "Were you involved" then he said yes and he writes their names. That is all what I know.

And that is the last you heard of that one? -- That is correct.

Apart from - you later saw the injured one in the police station? -- That is correct.

I think the man in the police station who was captured later, was he injured? -- Yes, he was injured.

And how much later was he captured again? -- I am not(10) sure after two or three days because ..

It was some days? -- Some days.

Let us turn to no. 24, paragraph 24 on the same page 32 where you have just finished. It runs over to page 25 - page 33. -- That is correct.

Do you remember this incident that you described in that paragraph? -- Yes, I remember.

Please tell us about it. First of all can you say when it was? -- I cannot exactly remember the year.

All right, where did it take place? -- In Piet Retief. (20)

How did it take place? -- We were doing patrolling work around Piet Retief under the command of Sergeant Van Heerden.

Where is he from? -- He was from security head-quarters together with us.

From Vlakplaas? -- From Vlakplaas, yes. He is now in Potchefstroom. Then we confronted a certain man who - his father was a community leader in Doornfontein or Kraaifontein, I do not know exactly what the place is called, near Piet Retief. Then we find that the man used a false passport (30)

from/..

C6.50

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NOFEMELA

from Swaziland to the Republic. We reported the matter to sergeant Van Heerden, then he ordered us to take the man to the plantation where the man was assaulted, questioning him about his involvement in ANC and so on.

So, who assaulted him? -- We all assaulted him.

You and how many others? -- We were Steven Mbanda - I cannot remember all their names.

Were these Vlakplaas people who were with you? -- Yes.

Then you assaulted him. Did you get any information from him? -- No, he denied everything, that he is not involved (10) in ...

How were you assaulting him there in the plantation? -- There is one stage that I remember Sergeant Van Heerden ordered him to lie down and he shot with his service pistol near his head.

To frighten him? -- That is correct.

But the actual assault, can you tell us how that took place? -- He was kicked.

By everybody there? -- Yes.

And after that assault? -- After that he was taken to(20) a certain panel-beating in Piet Retief near...

A panel-beating firm? -- That is correct. Near Piet Re- tief prison.

Did you go with? -- Yes, I was with them.

You say near Piet Retief .. -- Prison.

Yes and what happened to him at that panel-beating firm? -- When we arrived there Sergeant Van Heerden talked with a certain guy whom he claimed was a certain friend of him, then a certain torturing was being done in that particular panel- beating ...

Tortured/..

C6.51

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NOFEMELA

Tortured? -- Yes, he was tortured. He was actually beaten inside there and a flame was lit into that what you call ..

Welding-torch? -- Welding-torch and then he was burned, his face and his chest.

Who did the burning? -- Sergeant Van Heerden.

And while the burning was taking place, what did the rest of you do? -- We were all looking, even the people who are working there.

How badly was the man burned? -- He was badly burned.

And after he was burned, was any information ob- (10)
tained, did he come out with any information? -- Nothing.

And what happened after the burning had finished? -- I cannot remember how did we release him and when, but what I can remember

is that later on we heard that there is a claim that has been made by the same person that we were being assaulting.

What type of claim? -- He was injured - damages, and he lost his artificial eye.

He was claiming for money? He was not making a criminal case charging these people with assault? -- No, I did not (20) know anything about that.

Did you ever have to give evidence or give a statement in connection with an assault charge or not? -- No, I was not actually told to make a statement, but I was only informed by Steven Mbanda that I am to appear in the court, civil court, somewhere in Pretoria for the matter.

And did you appear? -- Then I came and I did not see anyone.

So, did you just go away again? -- That is correct.

You heard nothing else about that in the meantime. --(30)

That is/..

C6.52

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NOFEMELA

That is correct.

All right now let us turn to the next paragraph 25, also starting on page 33. Before we go through that one from the beginning, first of all just have a quick look and make sure we are talking about the same incident. -- That is correct.

All right, you remember the details in paragraph 25. -- Yes, I remember.

Some of this thing in paragraph 25 took place in Swaziland. -- That is correct.

And did it finish back in South Africa? -- That is (10) correct.

So on that basis, Mr Chairman, we propose to release the full story.

CHAIRMAN: Yes ...

MR ROBERTS: When did this incident take place? -- It was 1986.

How did you hear about this mission? -- Captain De Kock told me that we should go to Swaziland and kidnap a certain member of ANC by the name of September.

Told you and who else did he tell, if anybody? -- I (20) was with Warrant Officer Kole.

Also a Vlakplaas man? -- That is correct.

Yes? -- And then we had been accompanied by Lieutenant Van Dyk.

Is that the same one from Vlakplaas? -- That is correct.

Yes? -- We were four travelling to Swaziland in separate cars.

How many separate cars? -- Two.

Yes? -- Then we arrived in the outskirts of Manzini to a certain police station where we found September. (30)

Where was/..

C6.57

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NOFEMELA

Where was he? -- He was in the police station, in the particular police station.

This is now in Swaziland? -- In Swaziland.

Yes, and then? -- I was walking in front of Captain De Kock, then he ordered me to knock at the door, at the glass door, but before I could knock at the glass door I could realise that the window was open, then I turned to the window, attempted to get inside from the window then he said no, he will do it, then he went inside. I followed him.

He, De Kock, went through the window? -- De Kock. (10)

Yes? -- He had a pistol, I also had a pistol with a si- lencer.

Then he ordered me before we came that we should not, there should not be a shooting because it has been arranged with the commissioner of police in Swaziland that there will be no policeman who are going to be armed at that stage.

Yes? -- But when we entered through that window we saw a

policeman appearing from a passage having a rifle, then De Kock ordered him to drop his rifle, then he ordered me not to shoot at him because I was already pointing him with a fire- arm. Then from there he kept his rifle. He ordered him (20) to call his friend who is working with him. While his friend was coming from the direction of the door I saw Warrant Officer Kole and Lieutenant Van Dyk behind the man. Imme- diately when he arrived to us Lieutenant Van Dyk demanded the key of the cells from the man and the man gave him the key of the cells, he opened the cells, I accompanied him. While he was opening the cells, Captain De Kock and Warrant Officer Kole were still pointing fire-arms to these two guys, then he realised - he told me "This is the man we are looking for", pointing now September.

(30)

Is this/..

C6.58

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NOFEMELA

Is this the man's name? September? -- September. That was the MK name.

Is that not his proper name? -- No.

Yes? -- From there he ordered September to lie down on his stomach, he beat him with the but of the rifle.

Yes? -- I ordered the other guys inside the cell to go home, then they all went out. From there Lieutenant Van Dyk called Warrant Officer Kole to come and help him with Septem- ber. They took him out to the car while I remained with Cap- tain De Kock.

He instructed me to disconnect the tele- (10)
phone and clear the papers and so on in different rooms and then he fired a shot mistakenly, he shot a heater somewhere there. Then we went out. We drove through the border gate in the fence.

With September with you now? -- With September.

Yes? -- Then we went to a certain place - a certain house in Piet Retief where we met Warrant Officer Pienaar, Freek Pienaar

..

This is the same man whose name has cropped up before? --
That is correct. (20)

We have heard of him before? -- That is correct and War- rant
Officer Botha and Warrant Officer Greyling from Nelspruit security
branch and we met a certain colonel who was said to be a station
commander security branch in Middelburg.

Yes, and then? -- Then from there September was interro- gated
most specially about the whereabouts of his comrades and about
Malaza, Warrant Officer Malaza. From there he was being assaulted
all the time.

Who was assaulting him? -- Captain De Kock.

Any of the others? -- And Van Dyk was also assaulting(30)
him/..

C6.60

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NOFEMELA

And how were assaulting him? -- They were hitting him while
he was talking forcing ..

Did he - sorry, carry on. -- They were forcing him to tell
them does he know about ANC, members of the ANC.

And then? -- He was telling them stories, how he knows Malaza
and so on.

This Malaza, you mentioned something about a Warrant Officer
Malaza. -- Yes, he was a warrant officer stationed in Nelspruit
security branch.

And what had happened to him? -- And then he - during(10)
the arrest of Malaza, the kidnapping of Malaza, he ran away and
joined the ANC.

So he defected to the ANC? -- That is correct. Now, Sep-
tember was talking about he once met him in Manzini, something like that.
From there September was taken to Piet Retief prison.

And then, what happened to him at the Piet Retief prison?
-- We then went to Pretoria. Then later, in 1978, I met him in

Krugersdorp. He was in the company of other Askaris, then he told me that he is working with them. (20)

So, he has now become an Askari since you last saw him?
-- That is correct.

I now want to take you to paragraph 28, please, page 37. Just have a quick look to see what that is about again. Now, this event also have something to do with across the border incident. -- That is correct.

But does it also have something within the borders of South Africa to do? -- That is correct.

On the same principle as the previous one, Mr Chairman, I will lead this one. When was this incident which you (30)
referred/..

C62

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NOFEMELA

referred to in paragraph 28? -- That was in 1986.

Which part of 1986? -- I do not know the month.

And what was the mission to be? -- The mission was that we should go into Manzini and kidnap a certain member of PAC.

And who gave you instructions? -- That was Captain De Kock.

And who was to go with you? -- Mgadi and an informer and Warrant Officer Kole.

Sorry, you say Mgadi and an informer? -- An informer.

So Mgadi is not an informer? -- No, no. (10)

Some other person? -- Sergeant Mgadi together with an informer, Warrant Officer Kole and Christopher Magopa.

Who was Christopher Magopa? -- He was a former member of the PAC. He was also based in Vlakplaas.

Who was the informer whose name you mentioned or haven't you mentioned an informer? -- I do not know his name now.

CHAIRMAN: No it was not mentioned.

MR ROBERTS: Yes, I am just clarifying that, Mr Chairman. What were you to do then? -- We were to go and steal a member of PAC

in Swaziland, in the outskirts of Manzini, in (20)
his house.

So, did you then go on that mission? -- Yes, we went to
the mission and we used the informer to identify the target.

Yes? -- The place where the target is and then we arrived
and we found many dogs. The man was outside his home, sitting on
his chair or bench, then I pointed him with a Makarov pistol.
I told him he must freeze or he will die.

Yes? -- Then he said to us what should he do, then we said
to him he must accompany us and he resisted. We forced him. Then
I went into his house and burned his house, (30)
put a candle/..

C6.68

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NOFEMELA

put a candle under his bed.

Yes, then what did you do with the man? -- Then we took the
man out of the border, we used a border fence out of
Swaziland.

Sorry, you used a? -- Border fence. We did not get to a border.

You went over the fence? -- Over a fence. We went some-where
in a certain farm, a house in a mountain between Pongola and Piet
Retief.

Yes? -- So the man was being interrogated. (10)

And who was at that farm? -- Captain De Kock was at the farm,
Van Dyk.

Yes? -- I cannot exactly remember who else.

And what happened there at that house? -- The man was
interrogated about his involvement in PAC and the other members
of PAC that he knew.

Did he answer the questions? -- Some of the questions he would
not answer. He was assaulted.

Who assaulted him? -- De Kock was assaulting him.

How did he assault him? -- By slapping him at times, (20)

sometimes punching him with his fist.

Yes, and then? -- I do not know what happened with the man. Then we went back to Moolman, from Moolman to Pretoria.

You went to Moolman you say?

CHAIRMAN: I thought Moolman is a place.

MR ROBERTS: You did not hear about or rather did you hear anything further about this man whom you had stolen and who had been assaulted? -- No.

Did Major De Kock talk to you about this incident at all or Captain De Kock, whatever his rank was. -- No, not (30)
after/..

C6.69

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NOFEMELA

after that.

All right now let us just go back a little bit. You mentioned the case of the man who was working at a building society in Krugersdorp. -- That is correct.

Who went to Vlakplaas and he was then shot in your presence. -- That is correct.

Was anybody else ever interrogated on Vlakplaas? -- Many.

Was anybody else ever killed there in your presence? -- No, it is only one incident.

And is this the one we are talking about now. If we (10) can just go back with your statement B88, if we can come to paragraph 7, page 12. Turn to that, please. Could you just have a quick look at that. Do you remember that incident? -- Yes, I do.

All right now, first of all when did it take place? -- 1984.

And where? -- In Vryburg.

Northern Cape. -- That is correct.

And who instructed you about this incident? -- I was instructed by Colonel Cronje. (10)

Who is he? -- He was a commanding officer, basis in

security head-quarters in Pretoria, based in Vlakplaas.

Was he also a Vlakplaas man? -- That is correct.

You say he instructed you. Did he instruct anybody else as well? -- Yes, he instructed Ramotala, Ernest Ramotala, John Mporu and I and Sergeant Nortje.

Are these all Vlakplaas people? -- That is correct.

Yes? What were the instructions? -- The instruction was to go to Vryburg and kidnap a man working in the Metropolitan offices who is a member of UDF. (30)

Metropolitan/..

C6.71

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NOFEMELA

Metropolitan, what is that? -- Insurance.

Yes? -- That we should kidnap him failing of which we have to steal his car.

So after you got the instructions what happened then? -- Lieutenant Van Dyk gave me the keys.

Which keys? -- Of the car, well fixed keys of the car belonging to the man, the UDF man that I was supposed to kidnap.

So, Lieutenant Van Dyk had somehow a set of keys for the car? -- That is correct.

Yes? -- It was a day the car was parked in town, (10) then we ..

Town meaning Vryburg? -- In Vryburg.

Yes? -- It was opposite Metropolitan offices.

Yes? -- Then we could not kidnap the man, then I went to a car, his car, unlocked it and got inside it and drove it.

Why couldn't you kidnap the man? -- There was no chance to kidnap him.

And what were you going to do with him after you had kidnapped him? -- I was not told.

All right, so you say you could not kidnap him and (20) then? -- Then I took his car and we drove this car to Kuruman.

We were based in an old mine in Kuruman by then. So I took his car from Vryburg to Kuruman.

And what happened with the car at Kuruman? -- We arrived in Kuruman, Van Dyk was also there. We stripped the car. Others took the watch in the car.

When you say stripped, just tell us what you mean by that? -- By taking the items in the car like watch, wheel caps.

The watch you mean the clock inside the car? -- The (30) clock/..

C6.72

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NOFOMELA

clock inside the car and then the wheel caps.

Yes? -- Then I took the wheel caps and five live chickens were inside the boot of the car and a jacket ...

Live chickens you say inside the boot? -- Correct. We took them out and we took two jackets in the car. We found again a bunch of keys in one of the jackets.

So you took all of this out of the car and then? -- Out of the car and at night we drove far away from - in the out-skirt of Kuruman, in a certain bush. Van Dyk poured petrol in the car, inside and outside and he made a trail - what do (10) you call ...

A petrol trail. -- A petrol trail and then he lit the car.

And did the car then burn out? -- It burned out and then we came back.

What happened to all these items that you stripped from the car? -- We ate the chicken, I took the wheel caps and the jacket.

What sort of a car was this? -- A Cressida.

A Toyota? -- A Toyota Cressida. (20)

Now, what did you want with the wheel caps? -- I was issued with a Toyota Hi-Ace state vehicle. Now, I knew that the wheel cap will fit to that car.

The Cressida wheel caps on the Hi-Ace? -- That is correct.

And did your Hi-Ace need wheel caps? -- In fact to ...

Yes, but I mean did your Hi-Ace did not have its own wheel caps? -- It had its own.

How many wheel caps did you take? -- I took four.

Was that the end of that incident? You did not (30)
persevere/..

C6.78

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NOFEMELA

persevere trying to capture this or kidnap the man that you were .. -- No, after that - the following day we left Kuruman.

This man, do you know what his name was? -- I have forgotten his name.

You had the name at the time? -- Yes, I had the name at the time.

Now, why was the car going to be burned out, what was the purpose of that? -- The colonel said to me since we did not get him we should worry him by damaging his property.

Mr Chairman, I want to deal now with the incident (10) which has been described - the incident described in paragraph 8 of this statement which is being called the Lamontville killings and then it has got another name, Chesterville killing. Mr Chairman, although the witness's evidence does not make it clear that this is in fact the case, it would appear that an inquest is at present being conducted ..

CHAIRMAN: Well, he says so the incident is presently the subject of an on-going inquest which has not been completed.

MR ROBERTS: He makes that allegation, that is correct.

CHAIRMAN: Well prima facie I think you should rather leave (20) that out for the time being at least if there is a pending inquest.

MR ROBERTS: Very well.

Just to turn now to paragraph 10, please on page 17. Do you remember that incident? -- That is correct.

Is it correct that you were asked by officials, officers of

the commission to say what you knew about an incident like that?

-- That is correct.

Could you just tell us, please, in your own words what happened in that incident that you know about. -- We were (30)

based/..

C6.80

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NOFEMELA

based in Lady Grey. I and other ...

Is this the same long time that you were in Lady Grey that you mentioned before? -- That is correct.

Yes? -- We travelled from Lady Grey to Port Elizabeth, that was Paulos Makgaga and Captain Dirk Coetzee and I.

Yes? -- When we arrived in Port Elizabeth we reported to the security branch offices.

Yes? -- Coetzee told me that we are going to steal a car in Port Elizabeth.

Which car? -- Of a certain - actually I do not remem-(10)ber what was the activities of the man.

But what I want to get at is this, was Coetzee deciding just to steal any motor-vehicle or was it a specific motor-vehicle he wanted .. -- A specific motor-vehicle.

Belonging to a particular person? -- A particular person.

Yes? -- Then he said he will be in our company. We were three.

Is that the same three, you and Coetzee and the other man whose name you have mentioned? -- Yes, but the other thing I cannot clearly remember is whether David Tshikalange was (20) together with us or not.

And what did you do? -- When we arrived at that house it was at night. Coetzee had the key of that car, he had a card(?) on his own and then we arrived he ordered us to hold the handles of the door, if the person inside the house wants to open so that he cannot open the door, we should hold the handle.

I see, you were posted at the doors of the house? -- That

is correct.

You should hold them fast so that nobody could open (30)
the doors/..

C7.3

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NOFEMELA

the doors from within. -- That is correct.

Okay. -- Then he went to the car. The car was parked in the yard. We opened the gate and - there was no garage. He went through the gate and went to the car and started the car. While he was starting reversing the car, a certain woman whom I did not see screamed inside the house that we were busy holding the door. Then he reversed the car. From there we left, we run and I drove Coetzee's car, he drove that one.

Coetzee drove the stolen car? -- The stolen car. We drove in convoy along the sea to a certain farm. (10)

When you say along the sea, can you tell us whether you mean up the coast towards Durban or down the coast towards Cape Town? -- I would say parallel with the sea.

Yes, but I mean were you heading in the general direction of Cape Town or in the general direction of Durban? Was the sea on your left-hand side or on your right-hand side? -- On the right-hand side.

The sea was on your right-hand side? -- Left.

So on your left-hand side? -- Correct.

Yes, and then? -- Then we arrived at a certain farm (20) where we put the car in the garage. I do not know what happened to the car, we went away.

Is that the last you know about that incident? -- That is correct.

Mr Chairman, that concludes the details of the individual incidences. I now want to, as it were, round off by dealing with some more general matters if I may.

Did you at any stage after you had seen legal representa-

tives give anybody any instructions to go to your home to look for certain goods? -- Yes, I did. (30)

That/..

C7.6

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NOFEMELA

That instruction was that before or after you made the original affidavit B1? -- It was after.

And what instructions did you give? -- I said they should go to my home and they will find Makarov bullets and wheel caps, a jacket and tackies.

Where was the home that you were referring to? -- Brits.

Brits? -- That is correct.

Who stayed at that home apart from yourself? -- My family stay there.

Would you please just have a look at certain items (10) which have been located. You see before you first of all two, are those wheel caps? Do you recognise them at all? -- That is correct.

What wheel caps are those? -- These are the wheel caps that I have taken from the car of a man who was supposed to kidnap in Vryburg.

The one with the chickens? -- That is correct.

Perhaps we should have these individually numbered.

CHAIRMAN: I do not think they need form part of the record. I have seen them. If necessary we can .. (20)

MR ROBERTS: These are Toyota hub-caps. You said you took four. -- I took four.

What happened to the other two? -- I think while I was driving with this Super 10 Toyota Hi-Ace they sometimes get out while the car is running.

So, you used the other two? -- So I have lost the two.

Will you then also please have a look at some ammunition which is now being shown to you. It is in a little sort of a zipped

pouch, a black pouch. There appear to be, a rough guess, Mr
Chairman, about 12 or 15 different types of (30)
cartridges/..

C7.8 - 182 - NOFEMELA

cartridges there, possibly even as many as 20. Do you recog-
nise that ammunition? -- Correct.

What type of ammunition is that? -- R1, Makarov and 9 mm.

The long one which is about 8 or 10cm you are calling an R1
round, then you are showing a shorter one. You say that is a
Makarov.-- That is right. This is Makarov, this is Tokarev, this
is for 9mm.

What was that ammunition doing at your house there? -- At
times when I am from a mission I have got extra ammunition and
on many occasions we were given more ammunition to (10)
have with us.

There is also in that same little pouch some kind of foreign
bank-note, is that right? -- That is right.

What country is that bank-note from? -- This I got from a
certain guy called Benado.

What is that money? What type of money is that? -- Actually
I do not know.

One thousand Kwanzas. It appears to be Banco Nacional De
Angola. Well, anyway. Will you also please have a look at a
passport. Do you recognise that at all? -- Yes, I do. (20)

Whose photograph appears inside? -- Mine.

The name? -- That is a false name.

Did you use that passport for part of your work? -- That is
correct.

Then will you also look at some photographs, please. It is
three different photographs which have been printed onto one sheet
of paper. Three different persons' faces on that photograph, is
that right? At the moment you will see names and numbers there,

but you can ignore it. Do you recognise that photograph at all?

-- Yes.

(30)

What is/..

C7.9

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NOFEMELA

What is that photograph? -- This photograph have been given the time when it was alleged that the brother of a man whom I kidnapped in United Building Society have shot a policeman in De Wildt, then I was issued with this photograph.

To do what? -- To be in a position to identify his brother?

To identify his brother? -- The man who shot a policeman in De Wildt.

CHAIRMAN: Is that the man you abducted or kidnapped? -- No.

Is that his brother? -- His brother. (10)

MR ROBERTS: Which one is the brother? -- This one.

That is the smaller photograph on the right-hand side and at the moment it bears a number, 1783 and then it has got a name on top of it Auderelly Maponya. You did not write that name or number there? -- No, I do not remember.

Now, when you had this photograph, when you last saw it, did it have any name or numbers on it? -- No.

I can just place on record, Mr Chairman, at the end of last year when my learned friend Mr McNally and General Conradie were investigating this matter, they caused the (20) police to go through their files and put on there the names and the numbers that related to the identified ...

Can I just get clarity on this point. You said you wanted to get the man from Krugersdorp, the man from the building society, to question him, right? -- That is correct.

What was the idea of showing the brother's photo to him? -- We were given this photo before that we could be instructed that we should go and kidnap the brother.

I am not quite sure. -- We had been given the photo before

we could go to Krugersdorp and kidnapped the man (30)

who was/..

C7.10

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NOFEMELA

who was working there.

Yes, all right, you were given it, but what I ...

CHAIRMAN: Why were you given the photo? What did you have to do with that photo? -- Most of the Askaris could not identify the man in the photo. Now it was given to all of us.

In other words he was a wanted man. -- That is correct.

The man on the photo. -- That is correct.

I see, and you kept that photo. -- I kept that photo.

It had nothing to do with your instruction to kidnap? -- No.

(10)

MR ROBERTS: So you did not use that photograph to identify the brother as looking similar or something like that? -- No.

When the man was interrogated at Vlakplaas, do you remember that incident? -- That is correct.

When he was taken there. Did that photograph get used at all in the interrogation, the one you have just looked at? -- It was a different one now that Major De Kock used.

I want you to think back very carefully now before you answer this question and I am speaking about the killings and the other acts of violence which you and your colleagues (20) committed inside South Africa, during the whole period, starting with the Mxenge death right through until the last one, whenever that one was. Now, apart from the commanders at Vlakplaas, in other words Dirk Coetzee, the other Captain Coetzee, Captain - later Major De Kock and maybe anybody else who was the commander there at Vlakplaas, apart from them, can you say of your own knowledge, from what you know yourself, whether any higher officers, people with higher rank, knew about these killings and these other acts of violence? --

Except Brigadier Schoon, I do not know anything about (30)

other/..

C7.11 - 185 -

NOFEMELA

other ...

So, we are now referring to the day when you came with Dirk Coetzee to see Brigadier Schoon .. -- That is correct.

And he said you are going on an important mission, you listen to that man, you do whatever he tells you. -- That is correct.

So, of your own knowledge you cannot say whether somebody higher up knew what you people were doing? -- No.

And apart from that conversation with Brigadier Schoon which you have just mentioned, were there any other ones (10) which linked him in any way to show that he knew what was going on at Vlakplaas, that you had with him? -- I do not follow the question.

You said you spoke to Brigadier Schoon. -- That is correct.

That was on the time before you went to Durban to kill Mxenge. -- That is correct.

Was there any other conversation that you had with Schoon? -- No.

During your trial, that is the one that you are now (20) under sentence of death because of, there is a passage in your evidence there that I want to read to you and I just want to ask you some questions about that. I am referring, Mr Chair- man EXHIBIT B12 which is in six volumes, the transcript of the evidence of the trial in question. In particular I am looking at volume 3 and page 285. I will just put you in the picture. This appears to be your evidence. You were testifying about the events that took place after your arrest in that case. -- That is correct.

Now, the evidence is transcribed here in Afrikaans. (30)

You must/..

You must please tell me if you understand Afrikaans enough for me to read it or would you prefer it to go through the interpreter to you now? -- I prefer to go through the interpreter.

Very well. Mr Chairman, I do not know whether the interpreter has been sworn in and quite whether it is necessary for him to be sworn in.

CHAIRMAN: No, I do not think so.

MR ROBERTS: For the record, Mr Abe Mahlangu is now coming into the picture. Page 285 and I am starting on line 11:

"Nadat die polisie vir my in 'n voertuig ingesit (10)
het en ons toe by die moord- en roofkantore gekom
het, hulle het vir my na 'n kantoor geneem. Van
daardie tyd was hy nog 'n majoor gewees, majoor
Brits." -- That is right.

"Toe ek daar kom, het majoor Brits vir my gesê hy
weet dit is nou lank dat ek mense doodmaak, ek moet
die waarheid vertel." -- That is correct.

"Miskien hierdie persoon wat ek doodgemaak het, is
die honderste persoon wat ek doodgemaak het." --

That is correct. (20)

"En as ek nou ontken of miskien my kop skud en sê
ek weet niks nie, sal ek doodgaan, ek sal verdwyn."

-- That is correct.

"En daarna het adjudantoffisier Mentz my in 'n ander
kantoor ingesit." -- That is right.

"Ek weet nie of dit sy kantoor is nie" -- That is correct.

"Hy het vir my gevra of ek gehoor het wat majoor
vir my gesê het." -- That is correct.

"Ek het bevestigend geantwoord" -- That is correct. (30)

"En hy/..

"En hy het vir my gesê dat hy weet dat ek voorheen 'n terrorist was." -- That is correct.

Then the question was put to you "Dat jy 'n terrorist was, wie het dit gesê?" and then the answer is given to that question "Adjutantoffisier Mentz en hy het verder gesê dat daar is 'n plaas waar ons woon en hy ken daardie plaas." -- That is correct.

That is the end of the quotation, Mr Chairmana, which ends on line 27 of that same page. Do you require first to look at it? (10)

CHAIRMAN: No, I recall the passage.

MR ROBERTS: Mr Nofemela, what was Major Brits and Warrant Officer Mentz talking about here when they said something about this is the hundredth person maybe that you had killed. -- They were talking about my activities in South-West.

Which activities? -- These of kidnapping and killing.

But they also said to you that they knew that you were previously a terrorist. -- That is what they said.

What were they talking about? -- In fact Warrant Officer Mentz was not aware of where I am or who I am in fact be- (20) cause he went on at a certain stage questioning me about the station commander in the training college, thinking that I do not know I was not trained there, I was from ANC.

What I really want to get is this, that what you told the court there about the conversation with Major Brits, was there anything else in that conversation? Did Major Brits discuss detail with you, about the type of killings or anything like that? -- He only said to me that he knew that I had been killing people.

And did you then work out what he must have known or (30) guess/..

C7.18

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NOFEMELA

guess what he knew? -- Yes, I knew that he knew that that is the truth what he is talking.

How did you know that Major Brits was talking about the same thing that you had in your mind? -- He went on saying that he is an officer and he knew everything about me. So I got the impression that he had been told by other officers.

Now, to pass onto another matter then, when you made this affidavit, EXHIBIT B1, that is the one the before you were due to be executed - all right, you do not have to look at all of it - what were you expecting to gain from making that (10) affidavit? Why did you make it? -- In the first place I had been told by De Kock that as far as this is concerned I must never disclose anything and they will help me out of the pro-blem that I am involved in. Now, I saw that now, after I have received the message that I should take the pain, that I should also in turn disclose what they said I must not.

But why did you want to disclose it? To do what? To achieve what? What good would it do, let us put it that way, if you made this affidavit, EXHIBIT B1? -- I do not actually understand.

(20)

CHAIRMAN: Why did you wish to disclose the matters? For what reason? What good was there for you in disclosing? Say for instance what could you gain by telling that you murdered or were involved in the murder of Mxenge? -- I find it being im-portant that the matter will be followed up and I would not be executed.

Why not? If you did that. Then it is a question of having committed two murders and not one murder. -- In actual fact I mean I would not be executed by then.

In other words a postponement of the execution? -- (30)

That is/..

C7.19

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NOFEMELA

That is correct.

MR ROBERTS: Mr Chairman, that concludes the evidence that I wish to adduce at this stage.

CHAIRMAN: I intend to adjourn hereafter. I would like a note from each party who wishes to examine this witness by tomorrow morning at 09h45, just indicating the areas they wish to canvass because it is essential for me to know who wishes to examine him to determine the sequence and to make certain further arrangements but that I need by 09h45 tomorrow.

THE COMMISSION ADJOURNS UNTIL 8 MARCH 1990. (20)

THE COMMISSION RESUMES 8 MARCH 1990.

CHAIRMAN: I have now received a number of requests for a postponement of the cross-examination of Mr Nofemela and unless there is someone who objects to the postponement I intend to grant the postponement.

MR SHEZI: Commissioner, I am not objecting, saying that if it is next week I personally am not available. If my position could be sort of postponed until the end of everyone else perhaps. I am here by the end of the week.

CHAIRMAN: I will take that into account. Then the intention is to postpone until Tuesday and I trust that everyone will be ready by Tuesday at 10h00. The commission itself will on all probability have an open hearing on Monday, but I cannot give that undertaking at this stage. It will probably relate to the CCB, depending on whether the necessary evidence will be available by then. I therefore adjourn until Tuesday, provisionally Monday. (20)

THE COMMISSION ADJOURNS UNTIL 12 MARCH 1990.

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