

THE COMMISSION RESUMES AFTER LUNCH

BUTANA ALMOND NOFEMELA still confirms:

FURTHER CROSS-EXAMINATION BY MR MARITZ: I want to refer you to another important piece of evidence in regard to the Maponya matter and that is this bank-statement. I am re-ferring to B84, Mr Chairman, and I am referring to a copy of his savings account, the ledger in the United Building Socie- ty. Now, according to this account he conducted his savings account from May, 1 May, regularly right through until, it appears 24 September 1985 when a withdrawal of R10 was (10) made, a cash withdrawal. So, what I am saying to you is that Japie Maponya in the relevant period from May to 24 September 1985 conducted his savings account regularly. Do you understand that? -- I understand.

CHAIRMAN: What was the balance in his account on 24 Sep-
tember?

MR MARITZ: It was R70,79 and then subsequently there was a deposit of R282,27 which was apparently erroneous because on 12 November 1985 the account was reduced to nil and then on 12 and 22 November 1985 salary payments were made into the (20) account giving a total of R1 053,28 in the end.

CHAIRMAN: Yes, but I think those latter payments and with- drawals were done by the building society.

MR MARITZ: By the building society, yes, not by the holder of the account. So, according to the evidence that we have available this account appears to have been operated by Japie Maponya until 24 September 1985. Do you have any comment in that regard? -- I do not have any comment.

You cannot dispute it either? -- I cannot dispute it.

So on top of it this - the operation of this savings (30)
account/..

account makes it very clear that Japie Maponya was alive and well in Krugersdorp, working there, conducting a normal life at least until 24 September 1985, do you agree with that? -- I agree with that.

Now, secondly, you claim that Major De Kock was the person who murdered Japie Maponya. -- That is correct.

Now, accepting that this was supposed to have occurred in September 1985 I want to refer you to an affidavit which was sworn to by Major De Kock on 26 October 1989. B68, Mr Chairman. It is B15, Mr Chairman I have been corrected. (10)

CHAIRMAN: Well, that is his denial.

MR MARITZ: Yes. In virtually the middle of the affidavit he says the following:

"Ek ontken dat ek betrokke was by die ontsetting en ontvoering van .."

No, that is another - sorry.

CHAIRMAN: It is the fourth paragraph.

MR MARITZ: It is the fourth paragraph:

"Ek ontken dat ek enige persoon in die teenwoordigheid van Nofemela ondervra het en daarna met 'n pistool (20) met 'n knaldemper doodgeskiet het. Ek was nog nooit in besit van 'n pistool met 'n knaldemper nie."

Do you wish to comment on that? -- I do not follow the question.

CHAIRMAN: No, what Major De Kock says is that he never possessed a pistol with a silencer. That is the first thing he says. -- He is not talking the truth.

And then he said he did not shoot anyone in your presence. -- Mr Commissioner, it should be borne in mind that the very same Captain De Kock is the one who told me not (30)

to admit/..

that he should be in be in a position to agree that he had killed somebody.

MR MARITZ: Well, I can tell you that he is being borne out by a claim for S&T that he put in which you will find at B68, Mr Chairman. According to that S&T claim he was in the Western Transvaal investigating ANC activities from 23 September 1985 to 24 September 1985. You cannot dispute that, can you? -- I can see that.

You do not dispute that? -- I dispute it. (10)

You dispute that? -- Because I was with him.

No, you were in Jozini. We have already established that. -- He is the one who instructed me to go to Krugersdorp.

CHAIRMAN: But were you with him in Jozini? -- I do not recall whether I was with him in Jozini.

Was he with you in De Wildt? -- No, that was Lieutenant Prinsloo.

MR MARITZ: But you were not with him in the Western Transvaal? You were in Jozini. -- I cannot recall that.

As a matter of fact .. (20)

CHAIRMAN: In the middle of the top part where it says "Beson-derhede van diens: Onderzoek en bekamping van ANC-terroriste-bedryghede .."

MR MARITZ: "ANC 18/1/6 verwysing."

CHAIRMAN: "Verwysing" and then "gereis na"?

MR MARITZ: "Afdeling Wes-Transvaal".

VOORSITTER: Is dit 'n opspoorbare verwysing 18/1/6?

MNR. MARITZ: Mag ek instruksies neem daar? Ja, dit is 'n lêer-nommer, mnr. die Voorsitter, en my instruksies is dat dit op- spoorbaar is.

(30)

VOORSITTER/..

VOORSITTER: Ja, dan moet die lêer opgespoor word.

MR MARITZ: Can I just get back to this story? I am just trying to understand this. Your evidence was this morning, before the luncheon adjournment, that within days of the murder of Warrant Officer Tswane at De Wildt you were involved in the investigation of that murder. -- That is correct.

Do you still adhere to evidence? -- Yes, I was involved.

CHAIRMAN: No, listen to the question. Were you involved within days after the murder? -- That is correct. (10)

MR MARITZ: And that was when you received information in regard to Oderile and you went from De Wildt back to Vlakplaas. -- That is correct.

And that is where you received the instructions to go to Krugersdorp and to go and kidnap Japie Japie Maponya. -- I have explained that it could have happened after that. I have explained that.

CHAIRMAN: But that is your recollection? -- That is correct.

Let us stick to your recollection. -- That is correct.

What you recollect is that you went from De Wildt (20) back to Vlakplaas, you got your instruction, you went to Krugersdorp. -- My recollection - in actual fact I got instructions from Vlakplaas. I cannot clearly recollect whether I was from De Wildt.

Well, that is what you said earlier today? Was your re-collection then incorrect at that stage? -- That is correct.

How do you now know what your correct recollection is? -- I thought about it.

Why didn't you think about it earlier? -- I could not be in a position to remember clearly what happened actually. (30)

What made/..

What made you remember clearly now? -- I have been think-

ing about it.

But you have been thinking for a long while about this, for months already. -- That is correct.

What has happened in lunch time for you to remember it otherwise? -- In actual fact I was not only thinking about these matters all along.

Now, all I ask you what happened during lunch time which cleared your recollection? -- It is only that I thought that I did not go to De Wildt - I was not instructed from being (10) De Wildt to go to Krugersdorp. That is the only thing that come into my mind and that is what I think it is right.

MR MARITZ: Can I explain something else to you? You have made a very, very serious allegation against Major De Kock. You are literally accusing him of murder, a hideous murder, not so? -- That is correct.

And I am representing Major De Kock and I have to act in his interests and that is why it is very important that you start giving us the true facts about this murder. We cannot carry on like this, in a haphazard fashion, do you under- (20) stand that? -- I understand that.

Now, I am going to ask you once again, is it correct that you went to De Wildt investigating the murder of Warrant Officer Tswane very shortly after the murder? -- Yes.

Was it there that you discovered that Oderile was suspected of having committed the murder? -- That is correct.

Or that he played in a part in it. -- That he had committed the murder.

Yes. At that stage it was known that Oderile had a brother in Krugersdorp, Japie Maponya. -- Actually on (30)

that question/..

to me that his brother is in Krugersdorp.

I cannot accept that because I have already referred you to the evidence of Captain Kleynhans that on 29 May 1985 he spoke to Japie and wanted to know from Japie if he knew where his brother Oderile was and he also paid him R15 as an incentive to come forward with information. Do you remember that?

-- I remember that.

You said then that you cannot dispute that. -- Yes, I said I cannot. (10)

You still cannot dispute it? -- I cannot dispute that.

You accept it as the truth? -- I do not say it is not the truth.

CHAIRMAN: Well, he cannot dispute it, so ...

MR MARITZ: Very well. Then it is an objective fact that the police knew about Japie Maponya and that he was the brother of Oderile and that he could possibly supply information, not so? -- That is correct.

So, it is obvious that if he were to be kidnapped it would have been then, right after the murder. -- But I do (20) know how long after the murder. It was after the murder, but I do not know how long.

Are you suggesting that you waited four months to go and kidnap this man? -- It could have happened that way.

It could not have happened that way either. -- I am definitely sure it was '85 that I kidnapped the man. I do not know when.

This morning you were quite happy to say that it was within two weeks after the murder of Warrant Officer Tswane.

-- I have apologised on that matter, that I was not sure (30) about that/..

Very well, if you are apologising about that, I want to know from you can you suggest any reason whatsoever why you would have waited for months to go and kidnap Japie Maponya?

-- I do not know any reason about that.

CHAIRMAN: Why was he kidnapped? -- He was kidnapped in order to tell us more about his brother. It is what has been suggested to me that I must go and kidnap him so that he can tell us more about his brother.

Now why was he killed? -- After he had been interro- (10)
gated it was said to me whether the guy could recognise me in future, then I agreed on that.

But why? Why is that a reason to kill a person? -- To avoid that he may recognise me in future and say this is the man who ...

In other words he was killed in order to protect you? -- Not me alone.

Who then? -- Even Captain De Kock, even the other colleagues of mine who accompanied me in kidnapping him.

I cannot understand. What was so secret about your (20)
identity? -- I thought of the secret of the farm and our identity as well and whatever we asked from the guy.

So every witness you interrogated or every person you interrogated you had to shoot because he could recognise you afterwards? -- Well, I would not say yes on that, but I only experienced that to Maponya.

But I do not understand the logic. Here you arrest a person in a sense as a policeman, you take him to a police farm, you interrogate him and then you have to kill him because he will recognise you as a policeman. -- I think on (30)

that/..

who shot that man.

You accuse, you say that that was the reason and I just have to test the logic of that. I am asking you the question now because I cannot understand that as being the reasons. -- I was not given any other reason except that I was asked whether the guy can recognise you in future and I said yes, then - I presume that was the only reason.

MR MARITZ: Furthermore I have demonstrated to you now at length that Japie Maponya was available all the time to (10) be questioned by the police. He was available at least until 23 September of that year. That is more than four months after the murder of Warrant Officer Tswane. Do you understand that? -- I understand that.

He was available all the time. Can you think of any reason whatsoever why you had to go to the length of more than four months later to go and kidnap this man to get information from him? -- The fact is I kidnapped the man under instruction. The reason can be said by the man who sent me. It is the only thing I can say about the man. (20)

Yes, but I also have difficulty with the logic in the whole thing. Can you see any logic in it? -- He might give the logic, the one who instructed me.

CHAIRMAN: No the question was, can you see any logic in it. -- I presume only that he could identify me in future. That is the only logic I had.

MR MARITZ: And what about the fact that he had already been interrogated by Captain Kleynhans. He was not abducted then. Can you explain that? -- I do not know about that.

I am telling you. He will come and testify here if (30)

he has/..

his offices and he spoke to him about the murder and he questioned him about the whereabouts of his brother. The man said I cannot help you. What is the logic of that? -- I have no comment on that.

I did not see that.

But do you understand how absurd it is?

CHAIRMAN: Yes well, I think you have made your submission to the witness.

MR MARITZ: I want to move on to the alleged role that you played in the murder of Griffiths Mxenge in November 1981.(10)

Now, first of all I want to refer you to your affidavit of 19 October last year which is B1 before this commission and I want to refer you to paragraph 6 of that affidavit. There you said: "During the period of my service in the security branch I served under station commander Brigadier Scoon", have you got that? -- That is correct.

"In 1981 I was appointed a member of the security branch's assassination squad and I served under Captain Johannes Dirk Coetzee who was my commanding officer in the field." -- That is correct. (20)

I stop there. When were you appointed to the assassination squad? -- That was 1981.

When in 1981? -- I cannot recall the month.

Was it in the early part of the year, in the middle of the year, the latter part of the year? -- I cannot exactly say when was it.

Wasn't this a very important thing to you, being appointed to an assassinatiobn squad, as you term it? -- That is correct.

CHAIRMAN: How were you appointed to an assassination squad/.. (30)

C12.19

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squad? -- Captain Coetze told me that we are going to be involved in numerous missions where ...

Now, but you were - let us get it - you were appointed to serve under Captain Coetzee. -- That is correct. He appointed me actually.

He appointed you? -- That is correct.

To assist him? -- He said to me you are now going to be one of the people who are going to assassinate and then I was together with other guys.

And then? Did you say thank you very much for the (10) promotion? -- Well, I did thank him for that. I was ...

But you accepted it gladly? -- I accepted that because I was given to understand that it was my duty.

MR MARITZ: Was this an existing squad or was it a newly formed squad when you joined it? -- I would say it was a newly formed squad by then, not pointing out previously how many groups were there, because I found people there, but in the squad that I was introduced to, it was a newly formed squad.

Was there any other assassination squad? -- There were very - numerous squads. I do not know whether there was (20) such an assassination squad, but there were squads.

Well, if you do not know say so. -- It is what I am saying.

You do not know of any other assassination squads? -- No, I do not know.

Now, you spent a number of years on Vlakplaas. -- Yes, I did.

And you spoke to your colleagues on Vlakplaas. -- That is correct.

Did you ever hear of a reference to any other (30) assassination/..

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assassination squad? -- No.

So there was only one, yours? -- In the period that I served there it was only one.

Yes, I am not talking about anything else. Now, who were

the members of this squad? -- Joe Mamasilela was one of them.

Yes? -- Joseph Mamasilela was one of them, Brian Nqu- lunga and David Tshikalange. That is the very four of us who had been appointed.

Was it just the four of you? -- And Captain Coetzee.

And Captain Coetzee? -- That is correct. (10)

Five of you? -- That is correct.

In 1981 was anybody co-opted onto this squad? -- Was he?

CHAIRMAN: Anyone added to this squad during 1981. -- But not in the mission of assassination. In other different kinds of missions.

MR MARITZ: So you were the specialist murderers? -- Pardon?

You were the specialist assassins. The four of you or the five of you. -- That is correct.

You specialised in assassinations, abductions. -- That is correct. (20)

And so on. Were you appointed to this squad at the same time? -- At the same time?

CHAIRMAN: Were all the members appointed at the same time? -- That is correct.

MR MARITZ: Now, what made you, the four or the five of you so special that you were sought out and appointed to this squad, this assassination squad to act as assassins? -- In the first place I have been trained in Vlakplaas by Captain Coetzee together with the other guys that I have mentioned.

Yes, but everybody was trained. -- Everybody was trained/.. (30)

C12.20

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trained of course.

Yes, what made you special? -- I think out of our performance in the training the commander suggested that he could choose us to be suitable being members of the assassination squad.

So this assassination squad consisted then of Captain Coetzee, Dirk Coetzee, is that right? -- That is correct.

Yourself, a rookie policeman, because you were a rookie. You only had just come out of the college. -- I do not follow the question. (10)

You were a rookie policeman.

CHAIRMAN: You were a new policeman. -- Yes.

MR MARITZ: You have not served a year yet. -- Not yet.

Is that right? -- That is correct.

So you were a youngster in the police force. -- That is correct.

You had had no experience in the field. -- No.

You had never acted as a policeman. -- I did not.

You had never performed an arrest. -- No.

You had never shot anybody in cold blood in your life. -- No. (20)

You had never abducted anybody. -- No, I did not.

You had never stolen anything. -- No.

The third one of this squad was a gardener. -- That is correct.

David Tshikalange. -- That is correct.

What made him so special? A gardener. -- He had an ability to fit in the squad though he was a gardener.

But he was not even a policeman. -- I was only a policeman among those people. All three of them were not policemen/.. (30)

C12.21

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not policemen.

How did you ever think that you could exercise any control over the gardener? -- But the commander had proved that it could be possible that we can exercise any command and the gardener.

But didn't this frighten you out of your mind, that you had

to go and assassinate people with a gardener? -- In the first place I found David Tshikalange in Vlakplaas. He was a friend with Captain Coetzee all along, so I could not dispute what he had suggested about him. (10)

So you were happy to go along on your assassinations with a gardener? - I was happy to go with him.

And to crown it all the fourth member was a person who had deserted from the ANC. -- That is correct.

And who had turned around and joined the police. -- That is correct.

Now, what trust could you put in this man? -- The guy had gone through intensive interrogations and people had commented that the guy had denounced violence and ...

CHAIRMAN: Announced violence and joins an assassination (20) squad? (Laughter in the background.) -- Not exactly denounced violence but he had rehabilitated - he had become tamed. I will put it in that way.

MR MARITZ: Describe him to us, please, this Brian Nqulunga. -- It is a bold-headed somebody and very thin.

Yes, I have consulted with him. He is the puniest little man I have seen in my life. He is a puny little fellow, not so? -- That is correct.

Yes, a very small little man. -- That is correct.

Mild mannered. Is that right? -- That is right. (30)

He would/..

C12.23

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He would not hurt a fly, is that right? -- I do not follow.

He would not hurt a fly, is that right? -- I do not understand.

CHAIRMAN: In other words - are you talking about Nqulunga?

MR MARITZ: Yes, Mr Chairman.

CHAIRMAN: What counsel is putting you in, and you agreed that he is a small little man who is a mild person. -- That is correct.

And what counsel says a mild person is not a vicious (10) person. -- That is correct.

And if you are not vicious you can hardly commit a murder. -- It is not what his attitude is.

But you said he was not vicious and he was mild. -- But he can act under instruction to do what a vicious man can do.

MR MARITZ: And then to crown it all, you took an informer with you. -- That is right.

In the person of Joseph Mamasilela. -- That is right.

An informer. -- That is correct, an informer.

You must have been out of your minds. How could you (20) put an informer who had nothing to do with the police .. -- He has something to do ..

Who was selling information for money, who on the face of it was a most untrustworthy man, how could you put him on a death squad? -- He was trustworthy.

With his credentials. -- In fact Joseph Mamasilela spoke once to me that he has experience in these issues, that is why I thought he was chosen to join this assassination squad.

What issues? --The killing of people.

And how long did the five of you operate as the death(30) squad/..

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squad of the police? -- I cannot recall, but I would say until David left and until Joseph Mamasilela left Vlakplaas.

When did David leave Vlakplaas? -- I cannot recall exactly when was it.

When more or less?-- More or less '83, somewhere there. I am not sure.

When did Joseph leave? -- Joseph? It could be '84 or '85, somewhere.

When did David Tshikalange leave? -- I said it could be

'83. I am not sure when. (10)

CHAIRMAN: So, the death squad only existed from '81 to '83? --
The one that I know about, yes.

Yes, everything that was done between '81/'83 was by you,
that was part of the death squad. -- That is correct.

How did the death squad come to an end? Who said the death
squad is over now? -- No one said that. We continued even when
Captain Coetzee left Vlakplaas. We continued.

But in '83/'84 it came to an end? -- '84?

'84, when Joseph left. -- I said we actually parted when
Joseph left. We continued. Other new members were put in (20)
the squad after Joseph had left and after David had left.

MR MARITZ: Who replaced Joseph? -- I cannot recall, but others,
new recruits.

You cannot be serious. You cannot be serious. You operated
with a man in a death squad and you donot remember his name. --
There were many now after Joseph had left and
David, in different groups now. Not only a time that I used to
be with all the time.

CHAIRMAN: No, but what happened to the death squad? Did it
disband - that is how I understood it, when Joseph left it(30)
apparently/..

C12.28

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apprently disbanded. Now you say it went on. Now we want to know
who joined the death squad. -- Mgadi was the one who - Aubrey Mgadi
is the one who joined us.

MR MARITZ: Yes, anybody else? -- Aubrey Mgadi.

Who else, if anybody else. -- Many white people. I do not
remember all their names.

CHAIRMAN: No, just mention one or ... -- Sergeant Nortje, Colonel
Cronje, Lieutenant Van Dyk and other people from other branch,
Warrant Officer Pienaar from Piet Retief security branch and one

of the sergeants working under Warrant (10)

Officer Pienaar in Piet Retief security branch.

MR MARITZ: Who is he? -- I cannot recall his name.

Once again you worked with him in the death squad and you do not know his name. -- We used to call each other by first names, now I have forgotten ...

CHAIRMAN: Let me ask you this, Dirk Coetzee told you that you were joining a death squad. -- That is correct.

And you were the four or five then. -- That is correct.

He was the leader, and then what happened, you stayed at Vlakplaas. -- We stayed at Vlakplaas. (20)

And then the commanding officer changed. -- That is correct.

And it changed again. -- That is correct.

Did anyone else say to you or thereafter, after Dirk Coetzee told you in '81 that you are now a member of the death squad, did anyone else mentioned the fact to you that you are a member of the death squad? -- That is correct. In fact after Coetzee left Vlakplaas the other people who came after him emphasised the fact that we should kill people and then many missions were carried out after the departure of (30)

Coetzee/..

C12.29

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Coetzee.

MR MARITZ: Now, let us take Colonel Jan Coetzee who came after Dirk Coetzee. -- That is correct.

We have already established that Dirk Coetzee left at the end of 1981. -- That is right.

And then in his stead came Colonel Jan Coetzee. Is that right? -- I know Captain Jan Coetzee.

Yes, he is a colonel today, but at that time I take it he was a captain, Jan Coetzee. -- That is correct.

What did he tell you about death squads or assassi- (10)

nation squads as you call it? -- In fact he seems to have known us before he could talk to us about this because when he arrived in Vlakplaas he greeted us all and from there - I do not remember how long was it then he called us ..

Who did he call? -- He called us, that was Joseph Tshikalange. I do not know who was the other one, Brian Nqulunga.

Yes? -- We were more than four, we were more than five.

CHAIRMAN: Yes, and then? -- Then he told us that we have to drive to Swaziland and we should ...

MR MARITZ: But did he say to you look, fellows, you are (20) still the official assassination squad of the police? -- No, he did not say that, but he was carrying out the activities of the assassination squad without telling us that you are the assassination squad.

How long did that keep on? -- Until he left.

When was that? -- I cannot actually recall when he left.

And was it then just your little group that acted as the assassination squad. -- That is correct.

Now who were they? -- Some of them I forget their names. Tshikalanga was still with us, Joseph Mamasilela, (30)
Brian Nqulunga/..

C12.30

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Brian Nqulunga was there, Paulos Makgaga was also there.

Anybody else? -- Other white people. I do not remember their names.

But those were all the black people? -- That is correct.

And then after Jan Coetzee came Major De Kock? That time he was also a captain. -- That is correct.

He was later promoted to major. -- That is correct.

And what did he say to you about death squads? -- He just gave missions. He never said that you are still a member of a assassination squad. (10)

Was it still the same death squad? -- That is correct.
It expanded in fact.

Who were the members then? -- Mgadi, Letsatse, Radebe and Makgaga, Magopa, Thabo, Nortje, Van Dyk, many others that I have forgotten.

CHAIRMAN: Now, what were the duties of the assassination squad?
-- We were to go in neighbouring countries and shoot the people in their houses and ambush the members of the ANC when they come to the Republic and we have to attack people again. We take a country who is connected with the ANC. (20)

MR MARITZ: But that sounds like the work of a counter-insurgency unit. Is it not? -- It could be termed that way.

But I will put it to you later on that that was not your job at all, but nevertheless, tell us about your special training that you had. -- The training that I have, I have been given ...

CHAIRMAN: That is now special training?

MR MARITZ: Well, with the view to killing and kidnapping and assaulting and maiming and murdering. -- That is right.

Tell us about that special training you had. -- I was(30)
trained/..

C12.31

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trained to shoot, to use hand-grenades, to shoot with an AK, Uzy, pistol, to stab with a knife, to throw with a knife and the tactics on how to ambush and what parts of the body should be shot at and I would be given the theory such as - at times I might be given poison to give to a person and so on.

So you were literally trained as a killer. -- That is correct.

As a murderer. -- That is correct.

CHAIRMAN: Not for self-defence? -- Not for self-defence, that I should attack. I cannot claim self-defence while I am (10) ambushing a person.

MR MARITZ: I want to refer you to evidence that you gave at your

trial.

CHAIRMAN: Page 302.

MR MARITZ: Yes, at 302 of that volume, Mr Chairman, quite correct.

You testified in your own defence at your trial for which you were convicted of murder and sentenced to death by hanging, is that so? -- That is correct.

That is the murder you admitted for the first time this morning. You admitted having committed that murder for (20) the first time this morning. -- I think that was the second time. I have admitted it to my attorney.

That is the first time you admitted it to the outside world. -- That is correct.

I want to refer you to your evidence that you gave in your own defence at page 302 of the record. You have been cross-examined by Mr Savvas, Mr Savvas who was acting for accused 1. Is that right? -- That is correct.

Do you remember Mr Savvas? -- I remember him.

He says: "Nou maar goed, laat ons nou net 'n ander (30) ding vasstel/..

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ding vasstel. Jy werk met insyplinge, nè, infiltrerders", insurgents, terrorists and you said "Ja". Do you remember that? -- That is correct.

It is true? -- Yes, I said that.

You were not lying there? That is the truth. -- I said so, yes.

CHAIRMAN: Now, please answer the question. Is it true or is not true? -- The truth.

Yes. -- Yes.

Was that a true statement you made? -- That is (10) correct.

MR MARITZ: "Jy is opgelei om te veg, om jouself te verdedig" and

you answered "Dit is korrek, ja." -- That is what I said.

Is that the truth too? -- No, that was not the truth.

Why did you lie there? -- I was told not to disclose what we are doing in Vlakplaas, so I had to go according to how policemen should behave.

It becomes more evident what you were trying to say to the court there. I will carry on reading this passage. "En om 'n persoon te kan doodmaak as hy jou aanval" and your answer (20) is this "Hulle het my nie geleer om 'n persoon dood te maak nie." -- That is correct. That is what I have said.

"Het hulle jou geleer om jouself te verdedig? -- Dit is korrek" you replied. "Het hulle jou geleer om te baklei met die hande en die voete? -- Ek is nie daardie dinge geleer nie". Do you understand? -- I do understand.

What do you say now? -- I was not talking the truth. I could not have disclosed what we were being doing in a secret farm or a secret work for that matter.

CHAIRMAN: But you were in general not telling the truth. (30)

-- I was/..

C12.37

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NOFEMELA

-- I was not telling the truth.

But the murder had nothing to do with the police. -- I had - but we had been told - we had been taught actually that whatever we are talking in court, maybe we happen to be in court, we have to consult with our superiors for some questions.

But here the police were trying to convict you on a count of murder which had nothing to do with them and you lied in general in that case, that is what the court held, and you ceded this morning that you lied all along in that case. (10)

-- The reason thereof is that if ever I had to tell the court that I had been trained to kill then I had to disclose who did I kill and all.

No, I did not talk about that. I talk in general terms you lied in that case. -- Yes, I did.

Why would anyone tell you to lie in general terms in that case? -- The only person who told me that I should deny the case, I should lie that I did not commit it, was Captain De Kock with the promise that he will help me out of the case.

I should not admit having committed the case. (20)

MR MARITZ: Now, we have already established that according to your "werkkaart" you went down to Durban on 4 November 1981.

Do you recall that? -- That is correct.

Do you want to change that? -- That is correct.

I want you to revert back to your affidavit B1, that is the handwritten affidavit, paragraph 7. There you stated the following:

"Some time during late 1981 I was briefed by Brigadier Schoon and Captain Coetzee at Pretoria to eliminate a certain Durban attorney, Griffiths (30)

Mxenge/..

C12.38

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NOFEMELA

Mxenge" - have you got that? You said this morning that that is not correct. -- That is not correct.

You were not briefed, you were just told by Brigadier Schoon what? -- He told me that I should accompany the captain and I must listen carefully to him for a mission Durban. That is all what he told me.

And was Captain Coetzee with you then? -- That is correct.

When you received that instruction. -- That is correct.

Now, wasn't that a very general instruction that was (10) given by a commanding officer? -- I do not follow the question.

It is a general instruction, not so? -- That is correct.

CHAIRMAN: In other words what counsel is putting to you is that you are a young policeman and all the brigadier says is do your

work and listen to your superior. -- That is correct.

He did not say more than that. -- He did not?

Say more or suggest more than that? -- No, he did not suggest more except that I should listen carefully to what Captain Coetzee is going to say to me. (20)

MR MARITZ: As a matter of fact in all the forces that is expected, that the lower ranks listen to what the higher ranks tell them to do. -- That is correct.

So, Brigadier Schoon was not saying anything of any great moment there, that was the rule, the norm. -- That is correct.

Then you carry on:

"I was told by these superiors that Mxenge was to be eliminated for his activities within the African National Congress."

Is that correct? -- No, he did not - actually (30)

Brigadier Schoon/..

C12.40

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NOFEMELA

Brigadier Schoon did not tell me about Mxenge. He only told me about a mission in Durban and then I have to listen carefully to Captain Coetzee. That is what he told me.

Who told you about Griffiths Mxenge and his involvement with the African National Congress? -- That was Captain Coetzee now while we were in Durban.

In Durban? -- In Durban, that is correct.

Who were present when Coetzee told you this in Durban? -- Justice Brian Nqulunga was present, David Tshikalange was present and Joseph Mamasilela was present. (10)

And David was there too? -- David Tshikalange.

Then you carry on and say that "They instructed me to travel to Durban in the company of Brian Justice Nqulunga, David Tshikalange and Joseph Mamasilela" - incidentally, you wrote his name incorrectly, he is Mamasela. -- That is correct.

"Colleagues of mine in the assassination squad." Is that right" -- That is correct.

"I was the leader of this group that was to eliminate Mxenge and initially I was briefed alone. Thereafter also (20) in Pretoria, Coetzee briefed the four of us together." -- It is not correct. He actually briefed us all in Durban. In Pretoria he only told the other people when we arrived in Vlakplaas that we should travel to Durban.

Now, you stated in your evidence at page 117 that you travelled down to Durban, the four of you, in a beidge bakkie with a canopy on. -- That is correct.

And you stated further that the next morning, in other words the morning after you arrived in Durban Captain Coetzee came to see you. -- That is correct. (30)

Now, I/..

C12.40

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NOFEMELA

Now, I take it that if you left on 4 November that would have occurred on 5 November. -- That is correct.

Now, what did he tell you on that fatal morning of 5 November? -- He produced Mxenge's photo and the address and he told us this is the man that we are going to eliminate, he gave us the knives and he told us about his movements.

Now, let us just get this straight. He gave you a photograph of Mxenge. -- That is correct.

He gave you knives. -- Knives, yes.

And he told you about Mxenge's movements. -- That is (10) correct and the car he is travelling with.

And the car that he was travelling with. -- That is correct.

Did he tell you what kind of a car? -- Audi.

What type of an Audi? -- I cannot recall, but it is a white Audi.

Old, new? -- It was new.

New? -- A new car, yes.

What type of knives did he give you? -- He just gave us long knives. (20)

Well, describe them. -- Butcher knife.

Butcher's knives? -- That is correct.

In other words a fixed blade? -- Fixed blade, yes.

With a handle? -- With a handle.

They are not clasp-knives? -- No, they are not.

How long were they? -- They were such long (indicates).

The witness indicates I would think about 30cm, Mr Chairman.

CHAIRMAN: Not 29? (Someone in the background says 29,5 jokingly.) (30)

MR MARITZ/..

C12.41

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NOFEMELA

MR MARITZ: And these knives all look the same? Basically the same. -- Basically the same. I cannot say they were all the same. I just remember what I had.

But they were of the same size? -- That is correct.

And each one of you got a knife. -- Each one of us had a knife.

And how broad was the blade of each knife? -- It was so broad (indicates).

The witness indicates I think about two and a half to three centimetres, Mr Chairman. What else did he tell (10)

you? -- It was all - that was the only thing that he told us in the morning, that we should all the time when we come back we report.

He said we must - when we have actually got hold of the guy we have to stab him to death and make it look like a robbery. We have to take his watch and his money.

That is on the morning of 5 November. -- That is correct.

And did he tell you why he wanted this man murdered? -- Yes, he told us this man is associated with the ANC and he gave us to understand that the man is very dangerous, he might kill us if

we do not kill him.

(20)

But there are hundreds of people associated with the ANC. In those days there must have been thousands. -- I do not dispute that.

Why pick on this man? -- I think it is according to his activities.

What about his activities? -- He emphasised the fact that the man is dangerous, he might kill us if we do not kill him.

Well, there are many dangerous people in the world.

CHAIRMAN: I have got a difficulty. I mean, you come from the Transvaal, you live at Vlakplaas. -- That is correct. (30)

How would/..

C12.45

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NOFEMELA

How would the deceased pick on you to kill you and for that reason you have to eliminate him in Durban? -- I take it it was just an influence that Coetzee was giving to us.

It is a stupid influence. I mean, on what basis could Mr Mxenge kill you - he is so dangerous that he would kill you personally with your three friends whilst you are about in the Transvaal? -- As I understood him he did not mean that he himself will kill us but he talked of he harboured many people, he is giving a place for the ANC to stay in his house and they might spread and kill us. I understood him in that sense, (10) not that he is going to kill me personally.

MR MARITZ: Were you guessing or were you given any particularity in this regard? -- Pardon?

Are you guessing or were you guessing then or were you given particulars as to the alleged activities of Griffiths Mxenge? -- Well, I am not guessing. I just think that as far as his activities were said to me, how active he is, then under my own (indistinct) I thought he could be dangerous.

He could be dangerous, is that what you say? -- That is

correct.

(20)

Now listen to me very carefully. You were trained as a policeman. -- That is correct.

You went to the police college. -- That is correct.

What are the duties of a policeman? -- That he should investigate committed offences.

To uphold the law? -- Yes.

And that goes for policemen as well? -- That is correct.

As a matter of fact you have got to be the example to the community. -- That is correct.

You are the prime people that have to uphold the law (30)
and show/..

C12.48

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NOFEMELA

and show it to the world that you are upholding the law. -- I agree on that.

That is right. -- That is correct.

Now a man comes to you and he says hey, you better come and commit murder. Were you shocked by this proposition? -- In the police standing order it is also written that a member of the police force has to comply to any other instruction given by his superior and complain later.

But no man can be so obtusus to say that if a superior officer order you to go and murder your wife that you will(10) go willy-nilly and go and murder her. -- I have stated in this commission that I have been appointed to this assassination squad, so it will be of no sense that I should now all of a sudden refuse to carry out the what you call - to comply with the instructions.

Now, if you had had a four-year-old at the time, a daughter, a four-year-old daughter .. -- That is correct.

And Dirk Coetzee had said to you Nofemela go and kill your four-year-old daughter, what would you have done? -- That would

be a senseless instruction.

(20)

You would have sent him to Hades, wouldn't you? Not so?

CHAIRMAN: The question is, what counsel wants to know would you have complied with the instruction? -- No.

MR MARITZ: Why not? -- That is my daughter and he is very young. He does not understand anything.

But it is an instruction. It is an instruction from a superior officer. -- The instruction is not related related with my activities in which I have been appointed. I have been appointed to assassinate people which have been called targets, ANC members, PAC. Now my four-year-old child (30)

cannot be/..

C12.49

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NOFEMELA

cannot be a member of the ANC.

Well, you are demonstrating the point, but before you can be called upon to murder somebody there must be a very, very good reason for doing so. -- That is correct.

Now what was the very, very good reason given to you for murdering Griffiths Mxenge? -- Except that he was very active in ANC and I have been given to understand that he may be a danger to me as well, then we have to eliminate him.

But there were thousands of people active in the ANC in '81. -- I presume that he was the most dangerous then. (10)

Why did you presume this? -- Because I was picked from Vlakplaas to Durban to eliminate him.

Were you only too eager to go out and stretch your wings as a murderer? -- Well, that is what I agreed on. I accepted that the day I was appointed too.

So, in actual fact as you are sitting here today, save for saying that you were told that he was a dangerous man, you do not really know why you murdered him. -- My superiors knew why.

Please answer the question. -- I actually stated my (20)

knowledge about that.

No, please answer the question. Do you want me to put it to you again? -- Please.

Save for the fact that you were told that he was a dangerous man, as you are sitting there today, you do not know why you had to murder and in fact you say you murdered Griffiths Mxenge? -- I knew why I murdered him.

Why? -- It was said to me he is a member of ANC and he is very active and he might kill me.

He might kill you? -- That is correct. (30)

How would/..

C12.50

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NOFEMELA

How would he go about killing you? -- I have explained in which sense.

Which sense? -- Did I think that he might kill me.

In which sense? -- In that sense that he may harbour many members of the ANC in his house and as a result he may spread it and come and kill - Pretoria, then I may confront one of them and he may kill me.

Now what about all the people he was harbouring in his house? Why didn't you go and kill them as well? -- I am talking about why I killed him. Why I understood that he (10) should be killed.

Was anything else discussed on the morning of 5 August?

CHAIRMAN: November.

MR MARITZ: 5 November, sorry, Mr Chairman.

CHAIRMAN: That is the first morning in Durban. -- The first morning in Durban we were briefed to go and look for the man and eliminate him if we get a chance.

MR MARITZ: I am not happy with your generality that you were briefed. You say that there were discussions which you have already told us about and I want to know from you what (20) else was discussed, if anything. -- There was no discussion. From

there we drove to Umlazi.

How were you going to go about murdering this man? -- The man Nqulunga knew the place more than we knew the place.

Was he the leader of your group then? -- I was the leader, but he was the driver.

Did he take over from you as the leader? -- No, he did not at no stage, but he drove the car.

But what plan of action did you make to go and murder this man? -- The discussed the fact that when we get an (30)

opportunity/..

C12.52

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NOFEMELA

opportunity to get him we will take him to a quiet spot where we are going to stab him to death and then Brian Nqulunga suggested that he should be taken to outside Umlazi stadium where it is very suitable and quiet.

When was that discussed? -- I think along the way while we were driving to his place.

On 5 November?

CHAIRMAN: No, you see the point - I think what counsel is interested in, you received your instructions on 5 November. Now, Mr Mxenge was killed on the night - I think the (10) night of 19 November. When did you plan the murder as you carried it out? -- We were in fact instructed in the morning of the 5th and we planned during the day while we were travel-ling, while we were monitoring his movements, that when we can

get him we will bring him to a quiet spot, then Brian suggested the very same day, because we did not know when we will get him.

MR MARITZ: So, where were you travelling around then on the 5th when you made these plans? -- We were actually - early in the morning after having been instructed we drove to (20) Umlazi to his house, Brian showed us this is his house, he was not there. Then we came to town in the offices, we saw his car parked outside the

offices, we said he is working here, then we went to different places, I do not know where. At about 16h00 we came back, then we saw him getting into his car, driving to his home, we followed him until at his home. We could not actually kidnap him.

Yes, but .. -- And then ...

Listen to me, please. What I am saying is during the course of that day, 5 November, that is when you were (30)
driving/..

C12.55

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NOFEMELA

driving around in your bakkie, that is when you developed your plans. -- That is correct.

As to how you would kill Griffiths Mxenge. -- Not actually as how to kill. We have been told how to kill, we have to stab him to death.

Yes, but how to go about it. -- That is correct. Where to put him after the killing, where the killing will take place.

So, did you decide to kidnap him somewhere? -- That is correct.

(10)

To steal him as you call it. -- To steal him.

Either - well, I suppose on his way between work and home or home and work. -- That is correct.

At a suitable or opportune moment. -- That is correct.

You would devise some plan or another to get him to stop his car, you would get him out of the car and you would kidnap him? -- That is correct.

And then the intention was to take him to a quiet place. -- That is correct.

Such as for instance the Umlazi stadium where you (20)
could then .. -- That is correct.

Kill him without interference, is that right? -- That is right.

That was the plan from the outset. -- That was the plan.

Did that plan change in any way whatsoever until it was executed? -- No, it did not change.

Did you ever have a plan of going to Mxenge's house breaking in and hitting him over the head while he was asleep in his bed? -- We actually thought of getting to his house because during our discussion along the day - I do not know (30)

when was/..

C12.57

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NOFEMELA

when was it, after we have been instructed. We once discussed with Captain Dirk Coetzee about it and then he said I think it is also wise that we should attack him from his house and so on, but now the problem we were confronted with, it was the dogs that he had.

So you discarded that plan? -- That is correct.

You were not interested in that plan any longer? -- No, in fact we did not say we will leave the plan. We devised some means because I was given meat poison and so on, that I should kill these dogs if we fail to get him along the way so (10) that we could get into his house. The reason why the dogs were killed is that we were looking now to get into his house, if we failed to get him out of his house.

But that is what I do not understand, you see. If you decided, while you were driving around in your bakkie on 5 November 1981, that you were going to waylay, let us call him the deceased, it is easier, you were going to waylay the deceased, take him to a quiet spot and murder him, how does an attack on his house come into it? -- That was an alternative. If we do get him out of his house, we should attack him (20) in his house and take him from his house.

Well, then you must start again and tell us what the plan was, because you are speaking gibberish at the moment. Do you want to start again and tell us what your plan was. -- The plan

was that if we fail to get the deceased out of his house as we have been monitoring his movements, we will eventually get into his house now and while we were in his house we will take him by force out of his house, demanding money and do a sort of robbery also in the house and then from there we take him out and we were going to kill him in a quiet spot. (30)

Or possibly/..

C12.58

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NOFEMELA

Or possibly kill him in his house. -- Or possibly kill him in his house.

Now, what did you do after that? After you have made these plans, what did you do then? -- After ..

You are on 5 November now, remember, and you have driven around Durban, you have looked at everything, you have seen the house, you have seen the office, you have seen the car, you have made your plans, you returned to see where he worked at 14h00, what happens now? -- We were all the days going and monitoring his place and so and his movement and we made (10) sure that he is alone and all the time - we spent some times, other days we skipped, we do not follow him, other days we would go to - for him.

Other days you do what? - We do not follow the usual what you call ..

What do you do on other days? -- We just go to - in town, loom around or something.

Lazy? -- That is correct.

Just being lazy.-- That is correct.

Not interested in doing the job. -- Well, Brian was (20) drinking ..

Was he drinking heavily at the time? -- No, no he was not drinking.

What was he drinking? -- Liquor.

Liquor? -- That is correct.

Did he have a problem with liquor? -- Yes, Brian was - he had a problem but it was not so much.

Now, because he became inebriated on certain days you could not do your work? -- Pardon?

CHAIRMAN: Was he drunk on certain days? -- No, he was not(30) drinking/..

C12.60

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NOFEMELA

drinking in order to be drunk.

MR MARITZ: But he drank enough so that you could not do your work? -- Yes, in the evenings. At times during the cours of the day when I have decided not to go.

Didn't that scare you? -- Because we were afraid that we may be recognised if we follow the man every day.

And how long did this keep on? -- I cannot say but until we could get him.

Now, you observed the deceased's house on many occasions, didn't you? -- I do not follow the question. (10)

You observed the deceased's house on many occasions. -- That is correct.

Describe it. -- When we - it is a corner house in a up- hill like that and as I recall the first building that you get is the garage and then the main house is behind the garage. That is what I can recall about - that is his house.

What else can you say about it? -- And it has a fence.

What type of a fence? -- It is not a high fence, it is a small fence.

What type of fence? (20)

CHAIRMAN: Is it a wire fence? -- A wire fence.

MR MARITZ: A wire fence? -- That is correct.

Anything else about the house that you can tell us? -- Nothing about the house that I can remember at this stage.

Are you sure? -- Except what I have said.

Do you remember the colour of the house? -- I cannot re- call.

Can you remember whether it was a corrugated iron roof or a tiled roof? -- I really cannot say.

Do you remember the colour of the roof? Can you (30)
remember/..

C12.62

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NOFEMELA

remember the colour of the roof? -- I cannot remember the colour of the house or the colour of the roof.

The windows, were they wooden framed or steel framed? -- Well, I cannot actually say how they are.

Do they have burglar-proofing, the windows or not? -- What I can remember is all what I have said. Besides that I cannot remember anything about the house.

In fact you know nothing about the house. -- I cannot re- member anything more than what I have said.

And how long did you observe this house? -- In fact I(10) did not observe it as such, but for a long time - I did ob- serve it but not for a long time. I just looked the way in and how can we get inside and so on, if we are to get into the house and so on. So, I could not stand there for a long while.

This you did for 14 days. -- I said at certain days we were not getting to that house or following the deceased.

You looked for a way into the house, you cannot even tell us today whether there was burglar-proofing or not. -- It was very long ago, nine years ago. I cannot remember that. (20)
I went through many different houses.

Now, when did you decide to kill the dogs? -- So that the dogs should not be an obstruction when we get into ithe house.

When was that? -- I cannot say how long was it while we were in Durban when we killed the dogs.

CHAIRMAN: No the question is when was the decision taken to kill the dogs? Was that on the first day? -- It was not on the first

day when the decision was taken that we should get into his house, but I cannot say exactly on which day the decision was taken, but it was - I cannot commit myself on (30)

that/..

K12.63

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NOFEMELA

that. I cannot remember exactly.

You do not know? -- I do not remember.

How long before the murder was it?

CHAIRMAN: The decision or the killing?

MR MARITZ: The decision. How long before the murder did you take the decision to kill the dogs? -- I think it could be about three or four days - four/three days before.

And how long before .. -- It was not long before the killing of the dogs that we had taken the decision to get into the house. (10)

And did you then execute the plan to kill the dogs? -- Captain Coetzee told me that he will give me meat to throw into the yard and the dog will eat of the meat and it die because it has been doctored.

CHAIRMAN: How many dogs? -- I cannot say exactly how many were there. There were more than two.

MR MARITZ: Incidentally, I want to read to you a passage from the transcription of what Coetzee told a newspaper in narrative form in regard to the photograph you are speaking of. He said in that narrative "Ek het nie 'n lêer of 'n (20) foto van hom gekry nie, niks". That is referring to the deceased. Dirk Coetzee, your commander in the field, says that he never received a photograph of Mxenge. Do you want to call your commander a liar. -- He did give me a photograph.

So he is a liar. -- He is lying on that.

I want to continue with your affidavit, paragraph 9 thereof,

that is B1, paragraph 9:

"Coetzee instructed us to specifically not to shoot Mxenge, but to kill him with a knife." --That is correct.

"Coetzee also mentioned that there were vicious dogs (30) where/..

C12.69

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NOFEMELA

where Mxenge lived", is that right? -- That is right.

You did not go and observe this yourself? -- I did.

He told you? -- He told me that. I went to the house and I confirmed this.

Sorry, I must have missed this. Did you see the dogs there on the yard? -- Pardon?

The dogs, the vicious dogs. Did you see them on the de-ceased's yard? -- Yes, it was at the night-time.

What were they? --I cannot say. It was very dark, they just passed the fence. (10)

Were they Pomoranians or Bulldogs or what? -- I cannot say.

Were they puny dogs or hugh dogs? -- I cannot say what type of dogs were they, but ...

Can you say..

CHAIRMAN: Let us try and get this. How often did you see a dog, only once? -- Twice. The second time - I saw them after Coetzee has told me that there are vicious dogs in that house and during the day I could not see them when we passed there. I could not see the dogs, but in the evening they were (20) roaming around in the yard. We could see them, but now I could not identify what kind of a dog were they. In fact I was not interested in that.

MR MARITZ: You do not know whether they were vicious or not? -- But I was told that they were vicious.

But you were going to commit a murder. -- That is correct.

Surely you want to find out what this was all about, what

you were letting yourself in for. -- That is correct.

So why didn't you go and look and establish what was (30)

on the/..

C12.70

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NOFEMELA

on the yard, what kind of dogs were they? Were they vicious or weren't they vicious. -- They were vicious dogs. I have been told that they are vicious dogs. What more should I want.

Yes, but Captain Dirk Coetzee was sitting with his feet at the fire, he did not come and murder the man. You had to murder him. -- That is correct.

You were the man who had to go and do the job. --- That is right.

You just took his word for it, that they were vicious(10) dogs. -- I went there and I am the one who poisoned the dogs, who gave the dogs the meat to die.

Well, can you tell us now were they vicious dogs or not? -- They were vicious dogs, yes.

What kind of dogs were they?

CHAIRMAN: He said he did not see them.

MR MARITZ: And then you say and he gave me a poison which he told me to mix with meat and to throw the meat into the yard for the dogs to eat and hopefully die. -- That is correct.

That was after he had now - he had given me the meat which(20) I said no, the dogs are more, they cannot all eat this meat and he ordered me to go and buy other meat.

And how did you go about mixing this meat with the poison? -- It was in the front seat of the bakkie. We were in C.R. Swart when he brought the poison. I cannot recall how it looks like and so on.

CHAIRMAN: Yes, but how did you mix it into the meat. -- He said I must pour it into the meat, then from there I must mix it.

MR MARITZ: Pour it onto the meat ...-- I must make it a (30)

point that it does penetrate the meat. It is all around the meat, something like that.

Around the meat, on the meat? -- Yes.

CHAIRMAN: What kind of meat was it? --I cannot say. I only bought meat in the butchery.

In what form was it? -- It was raw meat.

A whole piece of raw meat. -- Yes, a whole piece of raw meat.

And then you poured the poison on top of the meat? -- On top of the meat. (10)

But that is not mixing the poison with the meat. -- I was mixing it. I was pouring the poison and doing a thing like this, pouring the poison and so on until the whole portion of the meat had poison on it.

MR MARITZ: Did you rub the poison onto the meat? -- Not rubbing as such.

Well, what did you do? -- I cannot exactly say what happened but I remember having mixed the meat with the poison.

This poison was it in a fluid form?

CHAIRMAN: Was it granular, like sugar or salt? -- I would(20) say it was in the form of water, something like that.

MR MARITZ: A fluid? -- Fluid, something - I cannot exactly recall what kind of a poison was that.

Now when was this when you sat there in a bakkie in front of C.R. Swart police station mixing this poison? -- It might have been in the evening or in the morning. Afternoon or in the morning, somewhere there. I cannot remember.

How many days after you have arrived there did you do this? Do you remember you arrived on the 4th, on the 5th you received your instructions, how many days after that did (30)

you do this, the poisoning? -- Many days after that.

How many days would be many days? -- It would be after a week.

After a week? -- It can be. I am not specifically saying after a week as I cannot exactly say when was it.

Now what did you do then? -- It can be after a week or before a week, a period ...

Okay, you are keeping options open. All right, let us carry on. What did you do then? -- I then went to the house after having poisoned the meat. It was in the evening (10) when I threw the meat into the yard of the deceased.

Did you drive around with this poisoned meat in your bakkie all day? -- Yes, it was in the bakkie under the seat. Then we stopped the bakkie far away from the house and then I jogged towards the house in the evening and then I throw the meat into the yard.

Did you wait there and make sure that the dogs ate the meat? -- I saw the dogs approaching the meat and then I ran away.

Well, if you saw them approach the meat, how many (20) dogs were there? -- I saw two dogs approaching the meat.

What kind of dogs were they? -- It was dark. I ...

CHAIRMAN: I think you need not try and pursue that avenue again, Mr Maritz.

MR MARITZ: Let me carry on reading. In paragraph 10 of this affidavit that I am reading from you carried on as follows:

"That same day Brian, David, Joseph and I (Brian always drove as he knows Durban well)", is that right? -- That is correct.

".. went to Mxenge's house in the early evening, (30) after I/..

after I had bought the meat and mixed it with the poison.

On the way to Mxenge's house Brian stopped the bakkie for me to get out and walk the rest of the way to the house. Brian and the others waited in the bakkie at a spot which was on the route that Mxenge normally took on his way home from work. The idea was that if he came past they would attempt to stop him and kidnap him." -- That is correct.

So in the meantime -

"I in the meantime went to the house and threw the (10) meat into the yard as planned", is that right? -- That is right.

"I returned to the others but Mxenge had not yet appeared". -- That is correct.

"We then returned to C.R. Swart police station where we were barracked for the duration of our stay in Durban." -- That is correct.

"For the next few days we monitored Mxenge's movements." -- That is right.

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

Did you also go back to the house in the next few days? -- No, we did not.

Never? --Immediately after we received the message that the poison has worked, Dirk Coetzee told us the poison had worked and then from there we did not go as far as the house.

Where did Dirk Coetzee get the information from that the poison had worked? -- Seemingly through other people. I do not know. I won't say a certain person have told him, but that is what he has told us, that the poison had worked before we could realise that. (30)

Despite the/..

Despite the fact that the poison had worked and you had achieved your object then, you never went back to the house?

-- We did go to the house.

Did you then see that Dirk Coetzee's information was correct, that the poison had worked? -- As I remember when we went to the house it was the day now we could get the deceased.

Yes, but that was now immediately before you kidnapped him. -- After we have received the message that the poison had worked we then went to where the deceased worked, then we (10) saw his car parked there, then we drove to Umlazi and then we parked our car nearby his house.

But in these few days after you threw the meat into the yard, those few days, what did you do in those few days, when you observed, when you kept Mxenge's .. -- What I can only remember is that after we have received the message that the poison had worked is the day that we succeeded in getting the deceased. That is all that I can remember. Whatever I did before that I cannot recall.

Nothing? -- Nothing at all. (20)

You are a total blank, is that right? -- I cannot recall.

Very well, on the day that the deceased was then murdered, what did you do then? -- I cannot follow the question.

On the day that he was murdered, what did you do? -- I stabbed him the day he was murdered. I stabbed him too.

How did you go about it? -- We took him near his house at Umlazi stadium. We ordered him to get out of the car and we started kicking and punching him until he fell down. We stabbed him. I do not know who started stabbing, but (30)

we stabbed/..

C12.85

- 301 -

NOFEMELA

we stabbed him until he died.

C13 I will read to you what you said. I am going to leave out the bit of the kidnapping. I am going to go to paragraph

14 where you said:

"We had already decided previously that we would take Mxenge to the Umlazi stadium and that we would kill him there." -- That is correct.

"At the stadium, more particularly outside the stadium, we all got out and ordered Mxenge to get out." -- That is correct. (10)

"We then started assaulting him with kicks and punches." -- That is correct.

"Until he fell to the ground." -- That is correct.

"We then all stabbed him several times." -- That is correct.

"He immediately died". -- That is right.

"And we carried on butchering his body." -- That is correct.

"In accordance with our instructions from Captain Coetzee we removed Mxenge's items of value like money and a watch in order to simulate a robbery." -- That is correct. (20)

I want to get one thing very clear from you, was this the first murder you have committed in your life? -- That is correct.

And it was a hideous murder? -- That is correct.

And I suppose as you are sitting there you can see this in your mind's eye, you can relive the whole murder as you are sitting there. Is that true. -- I do not actually understand.

Can you visualise how you stabbed this man to death? (30)

-- That is/..

C13.6

- 302 -

NOFEMELA

-- That is correct.

As you are sitting there you can visualise this? -- That is correct.

You can visualise that after the first few stabs he died. Is that right? -- That is correct.

As you stated in your affidavit here. -- That is right.

Can you see that, and after he had died you carried on butchering his body. -- That is correct.

At this stage all I want to do is to read to you your evidence before this commission in regard to that exact (10) same event.

I am referring to page 125 of the record, Mr Chairman. You were telling us there how the bakkie stopped and so on and that you got out and you were asked "What did the four of you do? You kicked him and you punched him and he fell down and then?" and you replied "We started stabbing him", is that right? -- That is right.

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

"Which parts of his body? -- From here" You indicated, I think, above your belt. Is that right? -- That is correct. (20)

"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 Griffiths Mxenge, and from there he nearly stabbed me after having taken this knife out of his chest." -- That is (30)

correct/..

C13.8

- 303 -

NOFEMELA

correct.

Where does this story come into it? --During the stabbing.

In your affidavit you stated and you have reiterated you have adhered to it, you say that you can visualise it as you are sitting there in your chair, in the witness-stand "We then all stabbe him several times, he immediately died and we carried on butchering his body." Now, where does thos story come into it? -- By stating that we stabbed him several times and that he immediately will

die it does not mean that we (10) only got off the car and then we stabbed him, he fell and then he died.

Then you carried on - the honourable chairman asked you

"Yes, but what else did you do to the deceased" and now you answered like this: "I cannot actually specify whether did I take a spare wheel, a wheel spanner, after David had stabbed him or before had stabbed him, but I was at a certain stage in possession of a wheel spanner". "What did you do with the wheel spanner?" "It is sharpened and I thought it would make it quick if I stab him with it." "So you (20) stabbed him with the wheel spanner? -- But I did not stab him. I remember having beaten him with it.

Where? -- It might be in his head or other. I cannot recall exactly."

And then Mr Roberts asked you:

"So you recall you hit him with a wheel spanner? -- That is correct.

How many blows, do you know? -- No, I cannot remember."

Where does this story come into? -- It is what actually happened.

(30)

No, it/..

C13.9

- 304 -

NOFEMELA

No, it is not as easy as that. You sat there and I have read to you from your affidavit B1, you said that what you said here was correct. I will read it again.

"We then all stabbed him several times. He immediately died and we carried on butchering his body."

You sat there and said I can visualise this. -- I said so.

Now, where does this whole story come into it? I want to know, please. -- When I said several times I did not mean we all once - stabbed him once. Several times. He took some time before he died. It took some time that we stabbed him and(10) he died

immediately.

Look, you had every opportunity of correcting the in-accuracies in your affidavit today. You had an opportunity this morning. I gave you every opportunity to do so now, why haven't you corrected it? -- I find it being very reasonable and it could be taken into consideration that it could not be in the position that the man was stabbed several times and he died immediately.

I thought - that is why I left it. I thought my explanation will be sufficient in this regard.

Very well. Tell me another thing, where at Umlazi (20) stadium did you kill the deceased? -- It was outside the stadium, not inside the stadium.

Yes, but outside the stadium is the rest of the world. Where outside the stadium did you kill him? --- I cannot say where outside the stadium, but it was outside the stadium, not in the stadium.

Could you see the stadium from where you killed him? -- Yes, I could.

How far were you away from it? -- I was not, I was very close.

(30)

How near/..

C13.10

- 305 -

NOFEMELA

How near to it? -- It could be these buildings, the first building outside.

I think you can do better than that. You are a trained policeman, you are a trained killer, surely you can estimate a distance. -- I want to bring to point the fact that I was not interested in the first place to look how the stadium looked like.

I went there for a mission and the place was chosen by Brian Ngulunga which he found it being suitable and I agreed on that.

I could not be clear.

CHAIRMAN: But you are presently the only eye-witness we (10) have hear. We would like a description of where it took place

because you were there and we were not there. -- I will be having a difficulty to describe what portion of it but I think I can be in a position to point out if I can have that opportunity.

MR MARITZ: Well, you did not have a difficulty the other day when the honourable chairman questioned you about what the Umlazi stadium looked like. You described it. Do you remember that? -- But I was not accurate on that.

You said it had a fence around it and it had (20) seating arrangements, do you remember that? -- But I could not give all the details, how the place looked like.

Do you want to renege on that evidence as well? Did the Umlazi stadium have a fence around it? Did it have seating arrangements? -- I do not dispute what I have said.

You said that. -- I agree that I said so.

All right, now describe the fencing that you saw. -- It was not a long fence.

CHAIRMAN: You mean a high fence? -- A high fence.

MR MARITZ: What type of fence was it? -- It is wire. (30)

A wire/..

C13.11

- 306 -

NOFEMELA

A wire fence? -- That is correct.

Was it right around the stadium? -- I only saw the portion where I was. I did not look around the stadium.

The seating arrangement that you spoke of, what did it consist of? -- It was not actually the proper seating arrangement, like proper seats. It was a hill-like place, like banks.

Yes? No seats? -- No proper seats that I know of.

When you told the honourable commission the other day about seating, were you referring to them? -- That is (10) correct.

CHAIRMAN: In other words is there a grass slope on which people

sit? -- That is correct.

MR MARITZ: Did you kill the deceased in the veld? -- That is correct.

Not on a road or anything of that kind? --It was - we went off the road and then we get the veld.

Yes, how far off the road did you go? -- I cannot recall how far was it.

Did you drive the bakkie right off the road, into the(20) veld? -- Yes.

Did you drive the deceased's car right off the road into the veld? -- That is correct.

Over which distance? How far did you drive into the veld? -- It was not very far from the house - the main road to where we were ...

CHAIRMAN: But just give us an idea. Is it a yard or is it 50 yards? -- I would say 50 yards.

MR MARITZ: 50 yards? -- Approximately.

And then you landed up in the grass and the shrubs. (30)

-- That is/..

C13.12

- 307 -

NOFEMELA

-- That is correct.

And after you have murdered the deceased, did you leave him lying in the veld there? -- That is correct.

You did not move him? -- No we did not.

And you say there was no road, no nothing, it was grass and shrub where you murdered him? -- There was a space of soil, open ground. There was open ground somewhere, grass where. The place was not covered with grass all over. There was this open space somewhere where we parked the cars and then .. (10)

CHAIRMAN: In other words you parked the cars on a bold spot in the veld? -- That is correct.

MR MARITZ: And then you took him out and you murdered him in the

veld? -- That is correct.

You left him lying there in the grass. -- That is correct.

Is that right? -- That is right.

Was the moon shining that night so that you can see what you were doing? -- I cannot recall.

Do you recall what the weather was like? -- No, I (20) cannot.

You do not know whether it was raining. -- No.

That it was dry? -- It was not raining.

It was not raining? -- No, it was not raining.

It must have been dry then. Do you remember whether it was overcast? -- No, I do not remember.

You cannot remember anything about the weather on that night? -- No.

Do you know at what time you murdered the deceased? -- It was dark, but I cannot say how late was it. (30)

Don't you/..

C13.15

- 308 -

NOFEMELA

Don't you have the slightest idea at what time you murdered him? -- No, I do not have.

Whether it was 19h00 or 23h00. -- I cannot say actually.

Was it dark? -- What I can remember was that it was dark.

Now, when you murdered the deceased, did he have all his clothes on? -- His jacket was in his car. He was only wearing a shirt and a tie.

How was he dressed? -- I think he had a white shirt and blackish trousers, something with stripes.

Yes? -- And wore a black tie, something likej that. (10) I am not sure of the tie, but the shirt was white.

Yes? -- That is all I can remember.

Did he have shoes and socks on? -- I cannot remember.

You do not know? - No.

Would a man walk around with a suit, trousers without shoes and socks on? -- I understand that, but I cannot remember.

Did you steal his shoes? -- No.

Did you steal his socks? -- No.

Did anybody tell him to remove it? --- I do not re- (20)
member anyone saying so.

Now, what all did you steal? -- Only his watch and his jacket and his money and his car.

Say that again? -- His jacket, his money and his car.

Nothing else? -- His watch.

His watch? -- That is correct.

I want to read to you from page 126 from the record where you said the following: "Then after stabbing him and hitting him with a wheel spanner", that was the question, you replied:

"After we have realised that he is dead we took off his (30)
jacket/..

C13.17

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NOFEMELA

jacket and his wallet making it to look like a robbery as we have been instructed." Do you recall having said that? --Yes, I recall having said that. It was a mistake. His jacket was all along in the back of his car, the seat of his car.

CHAIRMAN: Now why did you say that? -- I actually made a mis-take by saying we took of his jacket. I meant that we took it off from his car.

No, you are clever enough to know that that is not a clever answer. Why did you say that you took off the deceased's jacket after he was dead? -- It was a mistake (10)

that I referred to that, we took it off because while he was being stabbed the jacket would have been torn into pieces the way we stabbed him.

Yes, you may have realised it afterwards. That does not explain why you said it at that stage. No one forced you to say

it. -- I am mistaken when saying we took off his jacket because it was all along in his car.

Are you not mistaken that you did not take off his shoes?

-- No, we did not take off his shoes.

MR MARITZ: Can you describe the state of the deceased (20) after you had stabbed and butchered him? -- He was covered with blood. That is the only thing that I could understand.

As a matter of fact there must have been an awful lot of blood around. -- That is correct.

Was there blood on the grass and on the ground? -- Since it was dark we could not see that the blood was all over but since we wore a white shirt we could see that he was covered with blood.

Can you describe anything about his wounds? -- No, I cannot.

(30)

Can you/..

C13.19

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NOFEMELA

Can you describe anything about his wounds? - No, I cannot.

Can you describe how he was butchered? -- He was butchered several times in his body.

No, but please tell us how he was butchered. We cannot make out what you are trying to tell us if you won't give us the information. How was he butchered? -- He was stabbed many times.

After he died he was stabbed too. It is how I can describe that.

What else? Nothing else? -- Nothing else. (10)

He was just stabbed? -- Stabbed yes.

CHAIRMAN: And then you kept on butchering him? -- We kept on butchering him.

Once again why? Why did you keep on butchering him if you wanted to create the impression of a robbery? -- I do not have any explanation of why did we carry on butchering him after we had seen that he is powerless now, he is dead, but we kept on

butchering him while he was lying down.

MR MARITZ: You see that is one of the many things, but one of the most important things. I have not been able to under- (20) stand in reading your affidavit, you and Dirk Coetzee and the rest of you decided to make this look like a robbery, is that right? -- That is correct.

And you go and do everything not to make it look like a robbery. How do you work this out? -- Like what?

You go and poison his dogs. -- That is correct.

To create suspicion, you kidnap him, you takej him miles away to a stadium. -- That is correct.

And then you butcher him. That is absurd. How did you ever expect to make anybody believe that this was a plain (30)

robbery/..

C13.19

- 311 -

NOFEMELA

robbery if you went and did everything the wrong way round? --I was told to carry out the instruction the say I did.

No, you were not told to carry out the instructions, when were you told that? Come and tell us about this. -- Dirk Coetzee told me that I should go and kill the man.

CHAIRMAN: Yes, but did he tell you to butcher him? -- No.

That is what counsel puts to you. -- I see.

MR MARITZ: Why did you butcher him? -- I would say we actually thought - we made it a point that he is really dead. We were butchering him in such a way that - because it was(10) even the first mission that I was involved in so I did not want it to be not successful.

CHAIRMAN: But you knew he was dead. You said you knew he was dead and then you proceeded to butcher him. I do not understand your answer. -- I think I was trying to impress my senior.

But he was not there. -- I knew that he will have a report

that the man was butchered in this way after having been killed.

What counsel puts to you is that then does not create(20) the impression of a robbery, so what you did was not to do what you were told to do, only to create the impression of a robbery. That is the question put to you and now you said you did it to impress the superior. In other words it is hardly likely what one would do to impress. -- On that question I would say Captain Coetzee was a commander to me by then. He appreciated what we did.

Yes, but that you only knew afterwards. -- That is correct.

You did not know in advance that he would appreciate (30) it/..

C13.20

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NOFEMELA

it. -- I knew that if we can kill the man as he had instructed us he will appreciate that.

MR MARITZ: After this murder you were full of blood, weren't you? -- I was not full of blood. I had blood in my tackie and ..

In your tackie? -- Yes, in my left foot.

Did the blood actually run in your tackie? -- Not in all my tackie, somewhere here.

Yes, and where else? -- In my jean. I had a jean on

The other three participants in this gruesome murder,(10) were they bloodied as well? -- Yes, we all had blood.

You must have had blood. Do you know how many stab wounds this deceased had? -- No.

In excess of 30. Does that come as a shock to you? -- No, it is not a shock.

He must have bled profusely, not so? -- Correct.

You were there, you saw it, you did it you say. -- That is why I agree.

CHAIRMAN: Did you cut thooat? -- I would not say I did not cut

his throat. Maybe that happened at the time that we .(20)

But his throat was not stabbed it was cut. -- Well, I cannot recall who did that.

MR MARITZ: If it was done. Can you recall that it was done? -- Yes, I can recall that it was done.

Do you remember that? -- I remember that it was done.

CHAIRMAN: That his throat was cut? -- Yes.

MR MARITZ: Do you know who did it? -- No, I do not know.

Do you remember that his stomach was cut open? -- No, I do not know - I do not remember.

Where did you kick him? -- While he was getting out (30)
of the/..

C13.21

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NOFEMELA

of the car.

No, no, where on his body did you kick him? -- Somewhere in his stomach.

How many times? -- I cannot recall.

Many times? Many time? -- It could have been twice or once, I do not know.

All four of you. -- In fact we did kick him, but I do not know whether we all four kicked him.

Who punched him? -- We all punched him.

Where did you punch him? -- In his face. In his body.(10)

As a matter of fact you hit and kicked him so hard that he lost consciousness, is that true? -- Pardon?

Did you hit and kick him so hard that he lost consciousness? -- I cannot recall that he lost consciousness.

He fell on the ground. -- He fell on the ground.

He was prostrate. -- When he fell on the ground we started stabbing him. I cannot say he was unconscious.

He was helpless. -- That is correct.

And shortly after you started stabbing him he died. -- That

is correct.

CHAIRMAN: In other words did you stab him while he was lying on the ground? -- That is correct.

And he stabbed you while he was lying on the ground? -- There is a certain stage where he started waking up and he stood by his knees, he kneeled in fact. It is when the knife was in his chest.

He took the knife and he started stabbing, then he fell, then he could not wake up.

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