

COMMISSION RESUMES ON 15 MARCH 1990.

BUTANA ALMOND NOFEMELA, still confirms:

MR MARITZ: Mr Chairman at the adjournment yesterday afternoon I was busy with the Swaziland matter and you expressed doubt as to whether it would fall within the terms of reference of the commission. I do not know whether you wish to make a ruling in this regard or whether I should continue?

CHAIRMAN: I do not think I will make the ruling at this stage, but I do not think we should - I think you should try and limit the extent of your cross-examination to the (10) relevant, to stay within the terms of reference.

FURTHER CROSS-EXAMINATION BY MR MARITZ: Let me paraphrase what is contained in EXHIBIT B95. I have already told you what lieutenant Van Dyk had to say about that incident, do you recall what I said to you yesterday? -- That is correct.

Now the remainder of the history of that incident is the following: Some way towards Amersfoort on the road, a road-block was set up involving warrant-officer Pienaar and major De Kock and others. The bakkie that you spoke of yesterday, drove up to the roadblock and stopped there. Major de Kock then told those inside the bakkie to get out and to stand. The driver jumped out with a firearm, I think it was an AK47, the passenger on the left jumped out with a pistol in his hand, both of them attempted to fire these firearms and then the police shot at them, killing both the driver, the passenger on the left and the passenger in the centre, do you follow? -- I understand.

When the shooting was over the passenger on the left was found to have a Makarov pistol, the driver was found to have had an AK47, which was ready to be fired and under the (30)

the/...

the passenger in the middle, which was still in the car where he was shot dead were found two handgranades. Do you follow that? -- I understand.

You cannot dispute that? -- I cannot dispute what happened to these people when they met captain De Kock because I was not in their position.

After the shooting-incident in which lieutenant Van Dyk was involved and during which shooting incident the insurgent who was wounded, but got away and whom you searched for in the bushes later on, fired upon them and they picked up four (10) spent cartridges from a weapon which is called a VZ25 hand-carbine. Do you know about that? -- No, I do not know about that.

In the rear of the bakkie was found the following arms and ammunition: Ten handgranades, 15 RGD handgranades, one rocket launcher, three rockets, three rocket-boosters, three RGD42 handgranades, two RGD5 handgranades, ten kilograms of plastic explosives, ten detonaters, two limpet mines, three tins containing handgranade detonaters, one-and-a-half rolls of fuse and one switch, that is quite an arsenal, isn't (20) it? -- That is correct.

And furthermore was found ammunition: 660 rounds of AK47 ammunition and one VZ25 magazine containing 29 rounds. Furthermore a nine millimetre Makarov pistol, an AK47 semi-automatic rifle and then a VZ25 semi-automatic handcarbine.

You do not dispute that this whole arsenal was found in the possession of these people? -- I do not dispute that, but I never saw those weapons. I was only told that there are weapons that have been found.

You never saw them? -- No. (30)

Now/...

insurgent was caught, he was trialed in the regional court and he was sentenced to ten years imprisonment for his participation in this whole matter, you do not dispute that either? -- I do not dispute that.

I merely want to put it to you that it is abundantly clear from all the evidence available that this was a regular action by the police, that there was nothing irregular about it, it was not clandestine, it had nothing to do with any hidsquad operation.

What do you say about that? -- I (10) dispute that statement.

Why do you say that? -- This was an ambush as I have said.

There was nothing of that the opponent have fired. They did not start firing before there had been fired.

Well you have said you cannot dispute the evidence that I have put to you, so I will leave it at that. Now I want to turn a number of small matters that you or relatively small matters that you mentioned through the course of your evidence. The first one is the theft and burning of a vehicle at Vryburg. Mr Chairman it is in paragraph 7 (20) at page 12 of B88 and on the record page 178 to page 181. Mr Chairman may I hand up in this regard a bundle of documents which have been prepared in regard to this incident. That should then be B104. The bundle contains various documents concerning this incident. I wish only to refer to the one affidavit of sergeant Makapela, which is marked A8 in the bundle. It is a handwritten affidavit. Now you stated in your evidence that this car was burnt in the outskirts of Kuruman. -- That is correct.

Now as far as we could establish and that is the (30) evidence/...

K18.0290

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evidence of sergeant Makapela who is also available to testify before this commission if he is called upon to do so is that this car was in fact burnt at Severne.

CHAIRMAN: Where?

MR MARITZ: Severne Mr Chairman.

CHAIRMAN: Could you just spell that?

MR MARITZ: S-e-v-e-r-n-e, Severne and Severne is 201 kilo-metres away from Kuruman. What do you say about that? -- I said in the outskirts of Kuruman in the sense that I did not know the place, but it was not in Kuruman. I do not (10) dispute it, it could be in Severne, but it was not in Kuruman.

If you are 201 kilometres away from Pretoria are you still in the outskirts of Pretoria? Are you seriously sugges-ting that? -- That is how I put it.

Well I am putting it to you that once again you heard something about this incident, you may have known something about it, but once again the real facts, the objective facts belie your story as in all the other cases that you have testified about.-- I do not follow the statement of the counsel.

(20)

CHAIRMAN: Counsel says that in each of the instances you testified he says you know part of the story and then for the rest you tell an untruth, that is what he is saying and he says that happened in this case as well. -- I dispute that statement as false.

MR MARITZ: Mr Chairman, if I may just clarify something, yesterday afternoon when we looked at the bundle of work cards, I think that is B99, the very last document in that bundle is a road-map which shows where Kuruman is and where Severne is. Mine is upside down. (30)

CHAIRMAN: /...

K18.0361

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NOFEMELA

CHAIRMAN: Mine too. Sorry, where is Severne.

MR MARITZ: I am sorry, I misspelt it Mr Chairman, it is ... (intervene)

CHAIRMAN: It is without the "e" at the end, but ... (inter-vene)

MR MARITZ: Yes, it has not got an "e" at the end.

CHAIRMAN: But where is it?

MR MARITZ: If you look just to the left of the "B" of Bophuthatswana, just to the left of it, there is a small circle around it. (10)

CHAIRMAN: Yes, I have it.

MR MARITZ: Also this motorcar was found 13 kilometres into Bophuthatswana. Do you know about that? -- I do not dispute that, it was during the night when we drove to the place where we burned the car.

Now we want to get to the killing of a diamond dealer which you say took place in 1981. Is that right? -- That is correct.

All I want to say to you here is as in the case of the late Mr Griffith Mxenge ... (intervene) (20)

CHAIRMAN: Was the diamond dealer killed in 1981? -- That is correct.

MR MARITZ: Joseph Mamasela had absolutely nothing to do with your private enterprise, as a matter of fact, you did not even know one another at that time, I have already covered all that, what do you say about that? -- As he deny everything, that he was not with us, I am not surprised when he says he did not take any part in that. It is obvious he will not agree.

CHAIRMAN: I am just not quite sure, you killed the (30)
diamond/...

K18.0415

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NOFEMELA

diamond dealer in 1981. -- That was the in the time of captain Dirk Coetzee.

Before you killed Mxenge or after you killed Mxenge? -- It could be after I killed Mxenge, since it - the Mxenge killing was my first killing.

In other words this took place in December? -- It should be yes.

You had a very busy 1981 it seems to me and thereafter not very active. -- Most of the things that I have mentioned, I have started making them during 1981. (10)

You and Dirk Coetzee?-- That is correct.

Now this diamond dealer was he a black man? -- He was a black man.

Was he a Lesotho citizen? -- That is correct.

Do you know his name?-- I do not remember his name.

MR MARITZ: Then I want to move on to the alleged theft of a trade-unionist's car in Port Elizabeth. Mr Chairman it is dealt with in paragraph 10 at page 17 of B88 and you will find a reference thereto in the record at pages 181 to 183. Now when you testified initially you stated that that took (20) place in 1982. Do you want to change that now? -- That was 1981.

So in your evidence-in-chief you were wrong, it was not 1981 it was 1982? -- It was 1981.

Sorry in 1981. When in 1981 was it suppose to have happened? -- I cannot recall when exactly.

You do not know whether it was January, June or December? -- I cannot recall.

You do not know at all? -- I say I cannot recall when was it. (30)

CHAIRMAN: /...

K18.0494

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NOFEMELA

CHAIRMAN: Was it before the Mxenge murder or after?-- It was before.

MR MARITZ: You do not know where you were based when you did this either?-- We were based in Lady Grey.

But even with the help of the work-cards you cannot establish when it was suppose to have happened? -- I do not follow the question.

I say even with the help of your work-car you cannot establish

when it was supposed to have happened? -- I do not follow the question. (10)

I say even with the help of your work-card you cannot establish when it was supposed to have happened? -- I do not think I will be in a position to establish.

You see the difficulty that we have is that the police have gone to great length to try and establish whether such a case ever was reported to them, there was not, there is nothing of the kind on record. Can you explain that? -- I cannot explain that. I do not know, but the fact is we did steal the car.

We do not know either whether you and Coetzee and (20) Tshikalange organised yourselves into a car-stealing gang for your own ends as in the case of the diamond dealer. -- That was not the case.

Were you a car-stealing gang, the three of you? You went around the country stealing cars, taking them across the border, selling them and pocketing the proceeds, is that what you did? -- I do not remember having done so.

Hmm! -- I do not remember having done so for our purposes.

CHAIRMAN: But you stole the diamond dealer's car? -- (30)

That/...

K18.0556

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NOFEMELA

That was the only car that we drove on our own. It is the only incident I can remember of that we did on our own.

But the Port Elizabeth car, who else was involved? -- Captain Coetzee went to the security branch and Port Elizabeth. He got the details where we should get the car and all that. From Lady Grey he did not know the address of the owner of the car where we will get the car, but he said he is going to get the particulars from the office of the security branch in Port Elizabeth.

You say it is only because that is what he told you, (10) that it is on that assumption that you work? -- That is correct.

In other words you cannot, from your own knowledge, say whether this was also private enterprise by captain Coetzee or not? -- No, I am convinced that it was not.

Now why are you convinced it was not? I mean just thereafter you stole another car as private enterprise. Why do you say you are convinced this was not private enterprise? -- Because when we stole the car of the diamond dealer and killed him, he did not consult anyone for (20) information. He just dealt with us.

Yes, but the point I am trying to make is, you do not know from your own knowledge whether he consulted someone? -- I believe that I was persuaded that this was a conspiracy among ourselves.

Was this a conspiracy amongst yourselves? -- That is correct.

You and Dirk Coetzee?-- And Tshikalange and Joe Mamasela.

I see, well that sounds to me to private enterprise if it is a conspiracy. -- We did it to benefit out of it. (30)

It/...

K18.0631

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NOFEMELA

It was not a police act.

Are you now referring to the diamond dealer? -- That is correct.

Yes, but why was this incident not also a conspiracy amongst yourselves? -- Since Dirk Coetzee went to the security branch in Port Elizabeth I thought that they might have a knowledge about it.

So you merely think they might have knowledge, but you have no concrete proof or evidence and you give no evidence that Dirk Coetzee acted under instructions. -- I do not (10) have the proof that he acted under instructions, but I was convinced that this was a police act.

MR MARITZ: The only element of police in it is that you were

policeman. -- I do not follow the question.

The only element of the police in the whole matter is that you were policemen, but you were thieves like any other thief.

The only police element was that you were policemen? -- Yes, I was a policeman.

Yes, that is the only element in the whole thing. The only police element is that you were a policeman. -- Yes (20) I was a policeman.

But you were a thief like any other thief. -- I was instructed to steal.

It does not matter whether you were instructed to steal or not, you were a thief like any other common thief? -- Yes, I was a thief by instruction.

Yes. The same goes for this story of the attempted kid-napping of a white farmer in Port Elizabeth. When was this suppose to have happened? -- That was in 1981 as well.

Before you said it was 1982, you want to make up (30)

your/...

K18.0688

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NOFEMELA

your mind now when it was? -- I have rectified all this in this commission earlier that all the incidents I have been talking about during the presence of Dirk Coetzee, it was 1981.

And you are serious that you burned out the farmers vehicles and tractors and implement like a petulant child, because you could not get hold of him? -- That is correct.

Why did you do that? -- Coetzee said we should do that in order to intimidate him.

Like petulant children because you could not get hold(10) of him. Is that so? -- He said we should burn the car because we could not get him to intimidate him.

And that was because you were supposedly afraid of his dogs. Is that right? -- Not actually afraid, we could not get away to

get him from ... (intervene)

CHAIRMAN: But how do you intimidate him by burning his car if he does not know why his car is burned? -- He said as we did not get him we should just, we broke the windows of the car and we pour petrol in and burned the car. He said that would be enough for him since we did not get him. (20)

MR MARITZ: Well you said in your evidence-in-chief that you could not get near him because of his vicious dogs. -- That is correct.

But you had already have the experience with Mxenge murdering dogs ... (intervene)

CHAIRMAN: Mxenge was apparently afterwards.

MR MARITZ: Killing dogs, sorry Mr Chairman?

CHAIRMAN: I say Mxenge was probably, on the evidence after the event.

MR MARITZ: You were not interested in killing the dogs at(30) that/...

K18.0737

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NOFEMELA

that time were you? -- I do not follow that question?

The white farmer at Port Elizabeth, you were not interested in killing his dogs? -- Dirk Coetzee did not mention of killing, the killing of these dogs.

So the Mxenge one must have been a new idea? -- That question can be answered by Dirk Coetzee.

You cannot answer it? -- I do not know.

What did this poor white farmer in Port Elizabeth do wrong to merit the wrath of you and Coetzee? -- I do not follow the question? (10)

What did he do wrong, this Port Elizabeth farmer, the white farmer?-- Coetzee told me that he has some activities in A.N.C. something like that I did not actually follow exactly what has happened about the man, what was actually all about the man, but I was just given to understand that the man had something to do

with A.N.C. and then he had to be kidnapped and interrogated.

Can you give any particulars whatsoever as to what he was suppose to have done wrong, this farmer? -- I cannot at this stage.

(20)

You cannot. Well once again the police have absolutely no record of such an occurrence in Port Elizabeth or environs, nothing. There just isn't such a case that you are talking about, you are speaking nonsense. -- That is not nonsense that I am talking. I am talking of what I have experienced.

Because I cannot believe that if you had actually done this to this farmer, burnt out his vehicles and his tractors and his implements and whatever you burnt out that he would not have brought it to the attention of the police? -- You refuse to understand, then you will not believe. (30)

CHAIRMAN: /...

K18.0789

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NOFEMELA

CHAIRMAN: No, I do not understand your answer? The question was if that had happened, counsel says he cannot believe that the farmer would not have laid a charge or brought it to the attention of the police. Do you have a comment? -- Well, I have no comment on that.

MR MARITZ: Let me get to the attempt on the, to burn an acti-vists car in Aliwal North, at paragraph 18, page 25 of B88. Mr Chairman on the record it is page 162 to 163. Here again the police have absolutely no record of such an occurrence, nothing. They have searched high and low for such a case, (10)

there is just nothing on record. Can you explain that? -- The owner of the car might have not laid a charge or made a case against that.

CHAIRMAN: But is it not surprising that these three acts relating to cars at the same time, not one of them were recorded or reported? -- I have no comment on that. I do not know what happened.

But I just ask you don't you find it surprising that here you were on a binge in the Eastern Cape, three attacks and not one was reported? -- I have got no explanation on that. (20)

MR MARITZ: Furthermore your evidence was earlier on that the time that you were in the Eastern Cape, that stretch of time in 1981 you were working with colonel Baker. That was your evidence all along. -- I stated that colonel Baker left and then captain Coetzee joined us now.

Yes, but you changed that later on when you saw that you are running up in difficulties. -- It is not that I was running up in difficulties, it is a question of memory.

I want to put it to you that your first recollection was correct. -- It was not correct. (30)

That/...

K18.0865

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NOFEMELA

That you in fact worked with colonel Baker, you had nothing to do with stealing cars and burning them and trying to kidnap people and all these incidents, that nobody knows anything about. -- I think you presume that.

Then I want to turn to what you said about Jeff Bosigo in paragraph 19 of B88, page 126 of the record I think, in regard to this cross-board operation where you were supposed to have shot Jeff Bosigo in the foot. -- That is correct.

Do you recall that? -- I recall that.

Well you know what, we spoke to Jeff Bosigo about (10) this matter. Jeff Bosigo denies the whole incident. He says you never shot him in the foot or anywhere else. Either right or left. -- Why was he taken to the hospital then?

He was not. He was not taken to hospital, he was not shot by you either. -- It might be a different Jeff.

Yes, did you take a different chap there and called him Jeff Bosigo for some reason or other of your own.

MR KUNY: Sorry to interrupt can I just clarify that, that paragraph 19 was one which Mr Roberts said no evidence was going to be led. If there is going to be cross- (20) examination I do not object at all, but does that mean that we will get a chance as well to cross-examine on this issue?

CHAIRMAN: Well you will have the chance to re-examine on the issue or examine on the issue.

MR KUNY: To examine as you wish to put it.

CHAIRMAN: If they introduce matters as far as credibility is concerned you are entitled to introduce the matter.

MR MARITZ: May I proceed?

CHAIRMAN: Yes, you may.

MR MARITZ: Thank you. Did you take somebody else to (30)
Ermelo/...

K18.0935

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NOFEMELA

Ermelo hospital and called him Jeff Bosigo for some device of your own. -- That was Jeffrey Bosigo that I know.

Well you know what, Jeffrey Bosigo was taken to a radiologist and a doctor, subsequent to your allegations and absolutely no medical evidence can be found in either his right or his left foot that he had ever been shot and that is another objective fact that you cannot get away from. What do you say about that? -- I dispute that. Jeffrey was shot and Jeffrey went to Ermelo hospital. I am convinced on that.

Look the matter is as simple as this, if Jeffrey (10)
had been shot in his foot by you and then the radiologist would have found evidence of that and the doctor would have found the scarring left by the injury, there is nothing on either foot. Now can you explain this? -- My only explanation that I have is I took Jeffrey to Ermelo hospital and he was injured. That is all what I can say.

So you are flying in the face of facts again, objective facts.

-- The fact is I shot Jeffrey Bosigo. That is the only fact that I have and he was admitted in hospital in Ermelo. I took him personally. (20)

I want to put it to you that once again Jeffrey Bosigo is available to come and testify before this commission if he is called upon to do so, his feet can be inspected by whomsoever, by medical practitioners, by radiologists. He was never shot in his foot, not by you and not by anyone else. -- That is lies.

Neither was there a medical board held in regard of any injury which Jeff Bosigo was supposed to have sustained in that operation. -- I do not follow the question.

I am saying that neither was a medical board, which (30)
always/...

K18.1023

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NOFEMELA

always invariably happens with an injury on duty, there was not a medical board held by the police in regard to such an alleged injury. -- I got no comment on that, but the fact is Jeffrey was admitted in hospital and I slept in Ermelo with a friend called Mischack Ngwenya.

Furthermore, I do not want to labour this point, but it is in the work cards. In that period you returned to Vlakplaas before Jeff Bosigo did. As a matter of fact I think Jeff Bosigo returned about three to four days after you. -- We all returned to Vlakplaas after the mission. (10)

CHAIRMAN: No, what counsel says is you preceded Jeff Bosigo by three or four days to Vlakplaas. -- I saw him after four days or ... (intervene)

No, counsel says you first returned to Vlakplaas and three or four days later Jeffrey Bosigo came back to Vlak-plaas. -- That is incorrect.

Let me just get - is Jeff Bosigo a policeman? -- He is a policeman. He was an Askari and then he was made a police-man.

MR MARITZ: May I just ... (intervene) (20)

CHAIRMAN: Is Jeff Bosigo readily available?

MR MARITZ: Yes, Mr Chairman.

CHAIRMAN: Well could he be brought here today?

MR MARITZ: Today, yes. Now in paragraph 28 of the B88 you told a story involving a P.A.C. member who was supposed to have been kidnapped. -- That is correct.

I think he was supposed to have been assaulted as well. Once again in regard to such an incident there is absolutely no evidence of such an incident ever having occurred, nothing. No record, no such a man, no such a case, absolutely (30)

nothing/...

K18.1127

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NOFEMELA

nothing. You suck this one out of your thumb. -- No, I am definitely sure that that happened as I have stated.

Major de Kock and lieutenant Van Dyk and Mgadi and Kole and Mogape, all the people you name here, they are also available to testify before this commission. They deny all knowledge of such cases you thought up here. It is a figment of your imagination. -- That is incorrect.

CHAIRMAN: Could you give us the detail of the operation? -- We were based in Moolman near Piet Retief and then we were briefed by major De Kock that we should go to Swaziland (10) and that an old man who was a P.A.C. man that we had to kidnap him. I were with Mgadi and an informer ... (intervene)

Do you have the name of the old man? -- I do not have the name of the man.

Can you tell us more or less when this happened? -- I have just forgotten the year, it could be 1986.

Yes, carry on. -- Then we went to Swaziland through Mohamba border gate as I can remember. We went to the out-skirts of Manzini and then the informer pointed out the house of the P.A.C. man.

We found dogs outside the house, (20) they were barking at us, we approached the house and then I took my Makarov pistol out and I pointed to the man who was sitting on the bench outside his house and then I said to him freeze or you die and then the man said to me what do you want, what should I do? I said accompany us and then he refused to accompany us and we forced him and then after that I entered the house ... (intervene)

Yes well, you brought him back? -- Yes, we took him out of the border through the fence and then we met warrant-officer Kole outside the border, waiting for us and then we took

him/...

K18.1210

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NOFEMELA

him to a certain farm between Pongola and Piet Retief where we met De Kock and Van Dyk, warrant-officer Pienaar and the man was interrogated and Christopher Mogape was the man who have come from P.A.C. He knew the old man. He was telling us that the old man was good in training. He could shoot very good by an AK47 and then the man was interrogated and assaulted by De Kock in that particular farm. From there we were ordered to leave the farm and go back to Moolman and then after De Kock commanded that it is over with the P.A.C. man, that is what he told me. That is all that I know about the man and then (10) we had been paid for that. The informer got R500 and I got R300. Mogape and, I cannot recall who, had been given R100.

MR MARITZ: You see this is now a new story because I have been trying to follow what you said at page 177 of the record, where you testified in chief and then you said, you were asked and then you said: "I do not know what happened with the man and then we went back to Moolman. From Moolman to Pre-toria." And then Mr Roberts asked you: "You did not hear about, or rather did you hear anything further about this man whom you had stolen and who had been assaulted and you (20) said "no" and further: "Did

major De Kock talk to you about this incident at all or captain De Kock whatever his rank was.

No, not after that." There you were adamant that you heard nothing further about it. Now where this new little piece of the story come from? -- That was just a problem of not re-calling the details as a whole. But he did say to me it is over with the P.A.C. man.

Are you trying to suggest that the machine is not re-cording what you are saying? -- I do not actually dispute what is reflected in my affidavit. (30)

But/...

K18.1302

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NOFEMELA

But how can you forget the details of a story within the space of a week? -- It is only that that I could recall at the stage, the remark that had been made by captain De Kock.

CHAIRMAN: Yes, but it is a very serious remark.

MR KUNY: Mr Chairman may I point out that in the affidavit that is before you in paragraph 28 (g), reference is made to this. It is a question of how the witness was led.

CHAIRMAN: Well I think the questions are fairly specific.

MR KUNY: Well, it is dealt with in the affidavit.

CHAIRMAN: Yes Mr Kuny and the other things are also dealt(10) with in the affidavit. Yes, alright we now have got a return to the version in the affidavit, yes.

MR MARITZ: Well, there is nothing else I can tell you about that excepting to say that those people that you try to in-volve in this matter deny al knowledge of such an incident as you have described. Now lastly I want to ... (intervene)

CHAIRMAN: You see the point is just this: You did not recall this statement of De Kock just now? -- That is correct.

So it is wrong to say that you now recall it and that you forgot it at that stage when you gave that evidence? --It (20) is not that I recall what he said to me.

No, but as Mr Kuny point out, you recall it before you gave evidence for the first time and then you have forgotten and now you recall it again. -- That is correct.

Yes.

MR MARITZ: Thank you Mr Chairman. Now I want to deal with the matter of September. Let us just find out what you can recall about ... (intervene)

CHAIRMAN: Which matter is that?

MR MARITZ: September Mr Chairman. (30)

CHAIRMAN: /...

K18.1378

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NOFEMELA

CHAIRMAN: Oh, the person September.

MR MARITZ: What do you recall about what you said about Sep-tember? -- I recall that we kidnapped September from a certain police station in the outskirts of Manzini and then we brought him to Piet Retief. He was interrogated and he was sent to Piet Retief prison and thereafter I met him in 1987 working with the Vlakplaas squad.

Was he also assaulted? -- He was assaulted, yes.

By whom? -- He was assaulted by captain De Kock and he was assaulted by Van Dyk. (10)

Where was he assaulted by them? -- Inside the police station he was ordered to lay down on his stomach and he was assaulted with the bat of an AK47.

There in Swaziland?-- In Swaziland.

And on the way to South Africa was he continuously assaulted on the way too? -- No he was not continuously assaulted on the way. He was assaulted when he arrived in Piet Retief.

Was he assaulted in Piet Retief? -- That is correct.

Where in Piet Retief? -- In a certain house outside (20) Piet Retief.

Have you witnessed that? Did you witness that assault? --

I witnessed that assault.

I am going to demonstrate to you Mr Nofemela that you have saddled a long horse here. I am going to demonstrate to you that your story is totally false, but totally false, because I am going to refer you to the evidence under oath which was given by the victim in a court of law. I have some copies here if I may hand up the extracts.

CHAIRMAN: That is B ...?

(30)

MR MARITZ:/...

K18.1469

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NOFEMELA

MR MARITZ: B105. September testified there in camera and incognito and so on, his identity was kept secret and I am not going to give it to you either and I am proposed to read to you the evidence, but I am going to paraphrase it, it was in Afrikaans, it was translated into Afrikaans by an interpreter. I am going to tell you what he says in his evidence, the following: He was a member of the A.N.C. and in August 1986 he found himself in Swaziland, I think in Mbabane, no sorry, Manzini, in Manzini he found himself and he says at that time he had false documents which were issued to him by the (10) A.N.C. He was then arrested by the Swazi police having been with, having had the false documents, he was beaten up by members of the Swazi police and he was put in jail in Manzini and from there he was taken to Mankanyane. Was that the name that you mentioned in your evidence, Mankanyane? -- Mankanyane.

Do you know that place? -- I know that place, yes.

Did you go there as well?-- That is correct.

Oh, and his evidence was, it is here, it is on record, is that members of his own, what he terms machinery, his own (20) group. In other words his A.N.C. comrades came and rescued him from the prison. They took him out of the prison force-bly. -- That is incorrect.

But this is the victim himself speaking. He says after he had been set free by his own cadets, his own A.N.C. comrades, they did not know what to do with him because his exit route to Mocambique was blocked, he could not stay in Swaziland, because the police were looking for him and the only place he could go to was South Africa. So they arranged that he would cross the border into South Africa, they (30)

pre-arranged/...

K18.1566

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NOFEMELA

pre-arranged the spot where they would meet after he had gone into the country, into South Africa and after he had cross the border at, is it Houtkop, yes, Houtkop border post, he started walking towards Piet Retief and while he was walking through the bushes, he thought to himself, all I wanted ever to go and do was to go and study, I have landed up being a member of the A.N.C., the Swazi's want to kill me, the boers want to kill me, I am walking through the bushes here and all I want to do is be a peaceful man, I want to go on with my studies and there and then he decided to go and give himself over to (10) the South African authorities. He walked through the night. The next morning he arrived at Piet Retief and he asked the first policeman that he could found, he said where are the offices of the security police and he was told and then he walked into the office of warrant-officer Pienaar, whom you have mentioned before and he said to warrant-officer Pienaar I am a member of the A.N.C., I am here, I have decided to give myself up, please take me into arrest, I am finished with the A.N.C. I do not want to be an A.N.C. member anymore and that is how he became arrested. -- I dispute that. (20)

It is a totally different story from what you have been telling. -- It is a well organised lie that he has been talking.

Well this well-organised liar is possibly a better liar than you are, but he will also be available to come and testify before

this commission. -- I am not surprised if he says that, because he is now working with this people.

Listen to what I am saying. I am saying that he is available to come and testify before this commission if called upon to do so, but that is the true story about September (30)

not/...

K18.1645

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NOFEMELA

not the lies that you have been telling. -- I find it strange, I find it very strange Mr Commissioner that his people, the A.N.C. people, take the efforts to go in Mankanyane police station and kidnap the man, take him out the hands of the police. From there they have nothing to do with him. They have nowhere where they can put the man, but they have taken the initiative to go there, they troubled themselves to go and take the man out of the police station. That proves really that this is a well-organised story.

Now I think finally your lies have caught up to you. (10)

CHAIRMAN: The only problem I have is Mr Maritz, this extract from the evidence is dated when?

MR MARITZ: The evidence was given in 1988. I have the entire ... (intervene)

CHAIRMAN: Will you just identify the case and where the evidence was given?

MR MARITZ: I have the entire evidence available, it is a great volume.

CHAIRMAN: No I do not want it, just give me the case, who heard the case that those interested may identify the (20) case.

MR MARITZ: There were three accused involved in the matter. What I do recall is that the accused, can I just get, it was the matter of Pillay and Ismail, were two of the accused.

CHAIRMAN: Not Ebrahim?

MR MARITZ: Ebrahim.

CHAIRMAN: It is the case of Ebrahim?

MR MARITZ: Yes, that is right, that was the matter.

MR KUNY: But there are other cases, maybe he can tell us about those. (30)

CHAIRMAN: /...

K18.1723

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NOFEMELA

CHAIRMAN: That is a very vague statement.

MR KUNY: Well I have the fact that he has given evidence in other matters and I do not know to which matter my learned friend is now referring.

CHAIRMAN: No, he says it is that case, the Ebrahim case before judge Daniëls.

MR MARITZ: That is so Mr Chairman. Will you bear with me one moment? I promised that I would be finished by teatime, I think I have made the deadline Mr Chairman. In conclusion I want to put it to you that you were never a member of a (10) hitsquad, any kind of hitsquad, maybe you were a thief, I do not know, but you were never a member of a hitsquad. -- That is incorrect.

There has never been a hitsquad in the police, not then, not now, not ever. -- I dispute that statement.

You have made the most hideous untruthful accusations against members of the police, I have said this to you before and I am saying it again, they are ready, willing and able to come and face anybody, they can be examined, they can be questioned, they deny these scurrilous accusations of (20) yours. -- It does not mean that they were not involved if they deny that.

MR VISSER: Mr Chairman, may I interrupt we indicated before the cross-examination of my learned friend, Mr Maritz, that there might be a point or two that might remain which does not fall within his brief. A few matters have remained. May I beg indulgence to ask a few matters.

CHAIRMAN: If it is a few matters and remains to be a few matters.

tell/...

K18.1841

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NOFEMELA

tell the commissioner something about your relationship with Dirk Coetzee? When you met him and what your relationship with him was?-- He was my commanding officer.

When did you meet him? -- In 1980.

As I remember, it was when you went to Vlakplaas for the first time? -- that is correct.

Did you become friendly with Dirk Coetzee apart from the fact that he was your commanding officer?-- Yes, I did.

Would you today describe your relationship with Dirk Coetzee as a relationship between friends? (10)

CHAIRMAN: Are you still friends? -- I have nothing against him otherwise, we are still friends.

MR VISSER: Still friends. Did you consider Dirk Coetzee as a man who would be your friend if you were in need, who would assist you if you had trouble? -- If it is possible.

Pardon? -- If it is possible he can do that. I cannot guarantee this.

Was there any example that you could think of where Dirk Coetzee helped you out when you needed some sort of help? -- Well the help that I usually get from him, it was not (20) exceptional.

What does that mean? -- It is a help of money, sometimes we borrow money from him. Not only that I am alone who had been doing that, with other members also.

Spyker Tshikalange did he also borrow money that you know of from ...? -- I do not recall that.

From Dirk Coetzee? -- I do not recall that.

Who are the others that received money from Dirk Coetzee by borrowing it from him that you have just referred to? -- Many of

the Askari's, I cannot recall their names. (30)

So/...

K18.1939

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NOFEMELA

So Dirk Coetzee, is it correct to say, was regarded by you really as a friend, more than a commanding officer, but as a friend? -- Not as a friend more than a commanding officer, the fact is he was a commanding officer.

Yes, but also your friend? -- Yes, he was a friend.

Did you go to his house to visit him? -- That is correct.

As a friend? -- That is correct.

Did you like his children? -- That is correct.

And did he like you? -- That is correct.

I would like to read to you what Dirk Coetzee says (10) his relationship with you. B3 Mr Chairman, page 175. Just listen and tell me if you do not follow, he says:

"Ja, hy kan Nofemela glo. Kyk Nofemela sal jy sien, ook as jy met hom te doen het, 'n baie betroubare eerlike jongman.

Hy is"

He is referring to you:

"Hy was vreeslik lief vir my oudste seun Dirk. Ek het hom baie kere saam met my gevat."

That is as he describes you as a person. He obviously liked you a lot? -- That is correct. (20)

And about the children at page 176, in EXHIBIT B3, he says:

"Maar ek meen Almond en Spyker byvoorbeeld is ouens wat Ek my kinders se lewens mee vertrou het en wat baie lief was vir hulle en wat ek baie lief voor was."

Did you understand what he says? -- That is correct.

Dirk Coetzee says: "Hy is baie lief vir jou", he loves you as a friend apparently. Would you agree with that senti-ment as a description of your relationship with Dirk Coetzee? -- That is correct. (30)

During your awaiting trial for the Lourens murder, did you receive any assistance from this friend of yours, Dirk Coetzee?

-- No.

Did he come to visit you? -- No.

Pardon? -- No.

Didn't you regard that as strange? -- I thought maybe he had no knowledge about that.

Did you think of sending word to your friend to tell him that you were in trouble? -- No, I did not.

I see and after you were, after sentence of death was(10) passed upon you did you contact or did he contact you? --No, we did not contact each other.

Did you never at any stage receive any communication since your trial to this day from Dirk Coetzee? -- That is correct.

Not even through anybody else? -- No.

When you were appointed a member of the South African police, we now know and it is on record that you were given, you received an appointment certificate, not so? -- That is correct.

(20)

Would it be correct to say that that document is proof to the outside world that you have now been appointed a member of the South African police? -- That is correct.

Do you have any other kind of appointment certificate which you received from the police?-- No, not except that one.

Therefore, am I correct in suggesting to you that when you say in EXHIBIT B1, pararaph 6, page 2 Mr Chairman, that you were appointed to a hitsquad, that that is actually not a correct choice of words. What you mean to say as we under-stand your evidence is that Dirk Coetzee told you that (30)

you were going to do certain things with him?-- That is correct.

And then you explained to the commissioner, the honourable commissioner what things you then did?-- That is correct.

That is what you are talking about when you refer to appointment to a hitsquad? -- That is correct, yes.

Now as a police officer, it is a fair assumption that you were paid something for your services. -- That is correct.

A salary?-- That is correct. (10)

Did you pay income tax on that salary? -- I cannot recall.

Well how did you receive your salary? Every week, every month? -- Every month.

Every month and how exactly was this salary paid to you? -- It started being cash and then thereafter it was through the bank.

Through the bank? -- That is correct.

Did you run a banking account? -- That is correct.

Can you tell us with what bank? -- Barclays. I (20)
started with Standard Bank and then Barclays.

I see, can you give us more or less an idea when you started your account with Standard Bank? -- I cannot recall.

More or less? Was it in 1980 or 1981? -- It could be 1982 or 1981, I do not know.

After Dirk Coetzee had left? -- I cannot recall exactly when did I start.

Alright, it is not important. When you started your banking account, are you saying that your salary was then paid in automatically into your banking account?-- Not (30)
exactly/...

exactly that, but I think I started my banking account before the salary was paid through the bank.

I see, but was there a stage when your salary was auto-matically paid into your banking account by the South African police? -- That is correct.

The paymaster?-- That is correct.

Before that time which, the date of which you cannot remember, before that time did you receive your salary in cash?-- Cash, yes.

And where did you go to collect your salary every (10) month? -- At times my salary had been brought in to Vlakplaas by captain Coetzee and sometimes I use to go to the office.

I see, let us just see whether I have got this right. Are you saying that your official salary in the police was sometimes paid to you by Dirk Coetzee? -- That is correct.

Handed to you by Dirk Coetzee? -- That is correct, not only myself, the other people as well in Vlakplaas.

I see. Can you remember what your salary was in 1980, 1981, how much it was? -- No, I cannot remember.

Alright. Apart from your normal salary is it (20) correct that you also received S and T when you went out of town?-- That is correct.

We know about that? -- I know that.

And when you claimed S and T did it happen sometimes that that was paid to you simultaneously with your salary? You got your salary and on top of it your claim had been approved and they said alright, so much money is coming your way and would they then put it together with your salary and give it to you the same time?-- I cannot remember that.

But it is possible that that would have happened? (30)

-- That/...

K18.2307

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NOFEMELA

-- That is possible yes.

And the payment or rather the handin over of your money by Dirk Coetzee, was that a frequent event? -- No.

Did it happen fairly frequently? -- No.

Alright, if he and I am talking about the time before you started with your banking account, if Coetzee did not hand your salary to you and your S and T and you had to collect it from elsewhere, where did you then collect the money from?-- From the office.

Which office? -- Security headquarters in Schoeman (10) Street, Pretoria.

So you had then to come into time to collect your money there?-- That is correct.

Now this payment which you referred to by Coetzee, EXHIBIT B1, paragraph 20, page 4, Mr Chairman, that was paid to you in cash?

CHAIRMAN: No, just identify it for the witness's sake.

MR VISSER: That was after as you have said, the Mxenge murder had been completed?

CHAIRMAN: He gave you R1 000 in cash. (20)

MR VISSER: He gave you R1 000? -- That is correct.

And as I understood your evidence this morning and please correct me if I am wrong, it was also after the time when the motorcar was stolen by you on the instructions of Coetzee in Port Elizabeth, that was the car where you drove up the coast and parked it in a garage on a certain farm, you remember that incident? -- That is correct.

It was at that time, after those two events at least, that this R1 000 was handed to you by Dirk Coetzee at Vlakplaas at his home or rather at Dirk Coetzee's home? (30)

-- No/...

K18.2410

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NOFEMELA

-- No, it was after Mxenge's killing that I was given ...

(intervene)

CHAIRMAN: Yes, but what counsel says is, the theft of the car

in Port Elizabeth took place before Mxenge's murder?-- That is correct.

And he said, in other words it is after those two events that the payment took place at Coetzee's house? -- Well I cannot say it was after exactly, precisely.

But after the event? -- It was after, yes.

MR VISSER: Yes, you explained to this commission that (10) after the Mxenge killing you came back to Vlakplaas and then you got an off-period.-- That is correct.

Before you left to go home to rest on your off-period you received a R1 000 from Coetzee?-- That is correct.

Now can we just go back one step. When you came to head-quarters to collect your money was that money put in an en-velope which had your name on it and given to you, was that the procedure?-- That was the procedure.

And on this envelope was there printed a space for your name, income tax, any deductions and all that would be set(20) out on the envelope?-- That is correct.

And then there would be a balance and that is the money that would be inside the envelope? -- There is one point I want to rectify. I think we have been paid by means of cheques and then I confused the S and T money with my regular salary.

So are you saying now that sometimes you received your salary by way of cheque? -- Sometimes yes.

As far as you were concerned, whenever you received money officially from the South African police it came in one of(30)

two/...

K18.2502

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NOFEMELA

two forms, either in an envelope or by way of cheque? -- That is correct.

Now let us go back to Dirk Coetzee's home on the day when you received, or as you alleged it to have received a R1 000 payment

from Dirk Coetzee and let me remind you about that incident, you told the commission and you said in your affidavit that Coetzee told you this money was from Schoon? -- That is correct.

That is the event we are referring to now? -- That is correct.

(10) Just to tell the commissioner, the honourable commissioner how precisely was this money handed over to you by Coetzee? -- It was in a brown envelope.

In a brown envelope?-- That is correct.

Just stop there. When did you decide that it was in a brown envelope this money? -- It is how I can still recall it.

May I suggest to you Mr Nofemela, with respect to you, that you thought of a brown envelope today for the first time after I have suggested to you that that is the way you received your salary.-- No. (20)

Why then didn't you mention anything about a brown envelope at any stage before relating to this R1 000 which you received at the home of Dirk Coetzee? Can you give us any explanation whatever for that fact, for that omission? -- That is what I can remember that I got the money from in a brown envelope.

You see you are not answering the question. The question is simply this: I am putting it to you and if I put something to you that is wrong, Mr Kuny will object, so I am putting it to you that it is the first time today that (30)

you/...

K18.2597

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NOFEMELA

you made mention of a brown envelope in relationship to the payment of R1 000 which you received from Coetzee on the day at his home? -- It has come into my mind that I should think correctly that it was a brown envelope.

So what I am suggesting to you is that today for the first time you thought of a brown envelope, because I suggested to you,

on your own evidence that that was the normal way in which you received your salary from the South African police, officially.

Isn't that so?-- I would have understand if you had mentioned the colour of the envelope that I was(10) receiving.

I never said ... (intervene)

CHAIRMAN: If you say brown envelope do you mean these ordinary envelopes issued by the state or used by the state? -- That is correct.

MR VISSER: Are you now saying that when Dirk Coetzee gave you R1 000 after the Mxenge murder at his home, the money was in a brown envelope? -- That is correct.

Are you quite certain of that? -- That is correct.

You do not want to change that evidence at all? -- I (20) said it was in a brown envelope.

I see. So at the time when you received this money, the only thing you ever saw when Coetzee handed it over to you, was a brown envelope and inside it was presumably money and did you then later go, open the envelope, take out and see there was R1 000. Is that the picture? -- We actually counted the money with Coetzee.

But you see that is the point. I thought we heard you just saying that when you went to Coetzee he handed to you the money in a brown envelope. Are you now saying that (30)

before/...

K18.2696

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NOFEMELA

before that time the money was not in a brown envelope?

CHAIRMAN: No, I do not think that is what the witness says? -- No.

I think what the witness says is that the money was in an envelope and they counted the money.

MR VISSER: Did you take it out of the brown envelope? -- Ob-viously.

Obviously. When you arrived there it was in a brown envelope?
-- That is correct.

CHAIRMAN: On that high note I am going to have some tea. (10)

COMMISSION ADJOURNS FOR TEA. THE COMMISSION ADJOURNS AFTER TEA.

BUTANA ALMOND NOFEMELA, still confirms:

FURTHER CROSS-EXAMINATION BY MR VISSER: The R1 000 that we are talking about which you received from Dirk Coetzee, was that money, was that not perhaps money which you borrowed from him as you told the commissioner earlier you use to do? -- No. How do you know that today? -- He told me that it was a reward for killing.

It was a reward? -- That is correct. (20)

For killing Mxenge? -- That is correct.

And isn't it also true that you remember today or you know today that it wasn't a loan because it was in an official brown envelope as you have just explained to ... (intervene)

CHAIRMAN: No Mr Visser, that is not what the witness said. He said he was told this was a reward.

MR VISSER: I cannot hear you Mr Chairman?

CHAIRMAN: He said it was a reward which came from Schoon. So whether the envelope, does not take the matter much further.

MR VISSER: At it pleases you Mr Chairman. Can I make (30)
a/...

K18.2776

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NOFEMELA

a suggestion to you? The suggestion relates to this car in Port Elizabeth, this enterprise where the motorcar was stolen and put in a garage, weren't you suppose to receive a cut from that enterprise, from that stolen motor vehicle? -- I do not follow the question?

Weren't you going to get a cut from the fact that that motorcar ... (intervene)

CHAIRMAN: Call it a bonus.

MR VISSER: A bonus, a reward?

CHAIRMAN: Were you not suppose to get a bonus for (10)
stealing that motorcar? -- No I did not.

But were you suppose to get? -- No he did not tell me about
it.

MR VISSER: In fact, on your evidence through all these missions
as you termed them that you went through you only received a reward
once?

CHAIRMAN: No, twice. -- No.

Twice.

MR VISSER: Mr Chairman I must have missed the other one.

CHAIRMAN: Yes, the statement refers to a second reward. (20)

MR KUNY: He mentioned it this morning.

CHAIRMAN: Yes, I think so, yes.

MR VISSER: I understand that you are quite correct Mr Chairman,
I am sorry, I did not know about that. Twice then, twice, but for
the other missions you were not rewarded. Is that correct? --
No, that is not correct.

It is not correct? -- No.

Did you receive more rewards? -- I did receive rewards in
some missions, in others I did not.

Well, can you just tell the chairman for which (30)
mission/...

K18.2853

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NOFEMELA

mission you in fact did receive rewards? -- Mostly are the missions
that have been carried out in Swaziland, Lesotho and Botswana.

And you received these rewards from who? -- From the
com-manding officer by then.

Dirk Coetzee?-- No, I did receive from Dirk Coetzee, I did
receive from captain De Kock. I did receive from colonel Cronjé.

Can you give us specific instances? -- In Vryburg for instance
I did receive a reward. (10)

That is the theft of the motor vehicle in Vryburg which

was burned in the outskirts of Kuruman? -- That is correct.

How much did you receive then? -- I cannot recall how much I received.

Why not?

CHAIRMAN: He says he cannot recall Mr Visser.

MR VISSER: Any other instances? -- The incident of September I received.

How much? -- R500.

Who paid you? -- Captain de Kock. (20)

Any other instances? -- And then in 1983 in a mission in Swaziland I ... (intervene)

Which mission was this? -- That was a mission, a certain mission in Swaziland where we killed people in the outskirt of Manzini. I received a reward from colonel Cronjé.

How much? -- I cannot recall how much was it.

Is that the full list? -- Pardon?

Is that all? -- It is not all. In Maseru, Lesotho, I do not recall whether it was 1986, I received a reward again from captain De Kock. (30)

How/...

K18.2956

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NOFEMELA

How much? -- I cannot recall the amount.

Is that all? -- And in Botswana I received a reward from captain Dirk Coetzee.

How much? -- I cannot recall the amount.

Did you ever tell anybody about all these rewards that you received after 19 October 1989? -- I do not remember.

Well I just want to put it to you that if necessary all the witnesses that work with payments, official payments made by the South African police are available to give testimony to this commission that none of these payments which you (10) refer to were ever payments made officially by the South African police

if you ever received them. Do you understand what I am putting to you? -- I understand.

Do you have any comment on that? -- Since it has not been stated in the documents of the police as far as the S and T form is concerned, that at a certain period I went to Swaziland and I did this. So it is obviously they will not state that I have been given any money for having killed a person.

And did you, are you quite sure that you signed for (20) the money which Coetzee gave to you after the Mxenge affair? -- I am quite sure that I have done so.

And were you required to sign for all the others, other payments which you received? -- That is correct.

I see, on what did you sign, can you give the honourable commissioner a description of the document which you signed? -- As I can recall it was ordinary paper, my name was written on it and then I signed and then the amount that had been given, that is all I can remember and the date.

Can I just read to you what Dirk Coetzee, B3, page (30) 103/...

K18.3082

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NOFEMELA

103 seems to recollect of this affair and you will see that his memory is in default, I am reading to you:

"Okay, toe het hulle vir brigadier Hans Dreyer gevra om 'n eis in te sit van R3 000."

Do you follow that? --- That is correct.

The question is asked: "Vir wat?" Coetzee says: "Vir 'n operasie op Koevoet, toe het Schoon die geld vir my gegee en Brian en Spyker en Almond het almal R1 000 gekry waarvoor hulle nie geteken het nie." What do you say of that piece of evidence? -- He might have made a mistake on that, because(10) I am convinced that I have signed for that.

I continue with the sentence:

"En waarvoor hulle ook nie geteken het nie."

He repeats it. "Waarvoor ek ook nie geteken het nie." Now in your evidence did you suggest that Brian Ngqulunga also received or was going to receive R1 000 for his participation in the Mxenge killing? -- That was in my knowledge that he was supposed to receive that.

Yes, because I think you suggested Dirk Coetzee told you so?
-- That is correct. (20)

Do you know whether he in fact received money? -- I do not know.

Because I want to read to you what Dirk Coetzee says in the next sentence, he says: "Bruin", obviously referring to "Brian Ngqulunga het "uitgeloose", hy het niks gekry nie, skynbaar omdat hy die passiefste rol gespeel het." Referring to the Mxenge killing. Would that be correct as far as your your knowledge goes? -- I cannot dispute the fact that he did not get the money, but I dispute that he did not play an important roll in the operation. (30)

Coetzee/...

K18.3209

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NOFEMELA

Coetzee continues: "Hy is nie vergoed nie, hy het nie geld gekry nie." Can we just pass on to another aspect of your evidence?

This relates to the evidence about major Brits and warrant-officer Mentz. Mr Chairman this is B12, page 285 of the record and the evidence is at page 189 to 191. As we understand your evidence you suggested that Brits said to you that he knows that you killed many people. Is that correct? -- That is correct.

And did he ask you to confess to killing the white farmer at Skeerpoort? -- That is correct. (10)

And your evidence was then that you drew the inference that Brits knew about you and Vlakplaas? -- That is correct.

I want to give you an opportunity to tell this commission

exactly what this evidence meant to you and I am going to ask you this question: Are you trying to convey to this commission that your activities at Vlakplaas, the hitsquad activities at Vlakplaas, was general knowledge among police-men? -- No.

So it was only knowledge as far as you are concerned, based on this evidence of major Brits? -- I do not follow (20) this?

It was only major Brits that you are suggesting knew something about what was happening at Vlakplaas? -- In fact I would say I then realised that he knew something about the activities in Vlakplaas.

Are you suggesting the same about Mentz? -- That is correct.

I see, well will you just explain then what you meant when you in regard to Mentz gave the following evidence at page 190, Mr Chairman, line 19. I read to you from what (30)

you/...

K18.3376

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NOFEMELA

you said in your evidence-in-chief: "What were they talking about?" Mr Roberts asks you and you answer: "In fact warrant-officer Mentz was not aware of where I am or who I am in fact, because he went on at a certain stage questioning me about the station commander in the training college etcetera, etcetera."

What did you mean with those words? -- I meant that he was not actually sure that I was a trained policeman. That was all he was asking me about, the station commander who was in the trianing college.

I see, but you say he still knew about your (10) activities? -- He talked, according to what he said to me, he talked about Vlakplaas and then that is why I said he knew about Vlakplaas.

CHAIRMAN: Yes, but there is a difference of knowing about Vlakplaas and knowing about the hitsquad, isn't it, because the Askaris, you said there was only one hitsquad at Vlak-plaas, this was your small group? -- That is correct.

And the Askari's were not hitsquad. -- Mr Commissioner, I would like to explain why I expressed the view that warrant-officer Mentz knew about Vlakplaas. (20)

No, I do not have problems that he knew about Vlakplaas, all I ask you is the fact that he knew about Vlakplaas, does that mean he knew there was a hitsquad at Vlakplaas? -- I would not say the hitsquad, but he knew about the activities in Vlakplaas.

Well I think that is the difference.

MR VISSER: Thank you Mr Chairman and was it the same in the case of major Brits as far as you were concerned? -- That is correct.

Again, just for the record, both these gentlemen are (30) available/..

K18.3495

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NOFEMELA

available to give evidence. I must just place on record that warrant-officer Mentz is out of town Mr Chairman since the weekend and he could not be traced for a personal consultation, but I just want to put to you what major Brits tells me and that is he says that he had no knowledge whatsoever at that time of either hitsquads or even of Vlakplaas. Would you be able to dispute that? -- I would like to explain or bring some points in this regard, with regard to the question. In the first place, major Brits, did not know as far as I am concerned that I was in possession of false passports, (10) but he instructed warrant-officer Mentz that he had to tell me that I have to submit the false passports that I had so that is one of the things that made me to be aware of the fact that he knew about Vlakplaas and he knew that I was using false passports.

Well, that will be denied if major Brits is called to give evidence. -- But I gave him the passports.

Yes, I am just putting it to you that that will be denied.

CHAIRMAN: Now the only point is this, the fact that you (20) gave him the passport does not mean that he necessarily knew in

advance of the existence of that passports. -- I would suggest that there is that possibility that he knew.

Yes, it is a possibility, but it does not follow. -- But then how did he know that I am in the possession of false passports.

No-no, it is different if you had said that he asked you for your false passports, but you tried to make the point that you gave him your false passports and therefore he knew. -- Mr Commissioner, I think I have put it somehow wrong. He did(30) not/...

K18.3638

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NOFEMELA

not ask me whether do you have a false passport, he just stated that you must bring your false passport, that is what he said.

So he had a knowledge that I am in possession ...

(intervene)

Then I understand your point. -- Thank you.

MR VISSER: Isn't the correct facts slightly different in that you were asked to produce your real passport which you did and which was taken by major Brits, aren't those the real facts? -- That was not the only passport that I produced.

And that was during the bail application? -- That is (10) correct.

Did you then give your real passport - did you have a real passport? -- I did yes, have one.

Did you hand that to major Brits at the time of an application for bail? -- I did not hand it at that stage, I hand it at a certain time when I was to report to the office of the murder and robbery squad. I did not hand it over to him during... (intervene)

Sorry, I am sorry, as part of the conditions of your bail? -- That is correct. (20)

Major Brits says that what he had to do with you was that he had to take particulars from you being a policeman accused of murder to put you on suspension. Is that correct? -- That is

correct.

Mr Chairman, there was just the issue of Tuesday afternoon, after lunch, referring to brigadier Schoon, the record has not become available because the lightning struck the computers out last night I am told, apart from that one aspect, I do not have any further questions. May I mention later to you ... (intervene)

(30)

CHAIRMAN: / ...

K18.3761

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NOFEMELA

CHAIRMAN: You may mention it later if necessary, yes.

CROSS-EXAMINATION BY MR NUGENT: In the course of the last three days you have admitted to this commission that you purgered yourself on at least three occasions, okay? -- That is correct.

You will understand then that I, I am sure many other people will have a necessary suspicion about whether you are telling the truth now. Do you agree with me that everybody is entitled to that suspicion at least? -- That is correct.

But the fact of the matter is that whether your (10) is wholly true or partly true, what my learned friend, Mr Maritz put to you is that if you constructed this, you have constructed it on the basis of information that you have obtained from one source or another and then simply twisted it as he put it. Remember him putting it to you? -- That is correct.

What concerns my clients in this matter is not so much whether you were there, but where if you weren't there what the source of the information was from which you can attest to 22 incidents which you have related in your affidavit and (20) that is what I want to ask you about. I want to ask you about some of those incidents to try and programme a bit more to see to what extent your evidence is true on those incidents. -- That is correct.

I know that you say that you know that because you were there.

Now I am not going to, we have heard your evidence on that, I want to probe a few other things. Now when I deal with you as well, I do not want you to use years, because it is quite apparent that you made a mistake in your evidence-in-chief about one year which, I can see no reason why you (30)

should/...

K19.0207

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NOFEMELA

should have done that deliberately, it seems to me that it was a mistake and that is in your evidence-in-chief, you said of captain Dirk Coetzee that he left Vlakplaas in December 1982. Now we all know that that is incorrect. He actually left in December 1981.

The record shows that and Dirk Coetzee says that. So do not talk to me in years, I want you to relate these incidents to me by reference only to who was your commander at the time. Is it Dirk Coetzee, is it Jan Coetzee, is it Cronjé, okay? -- That is correct.

Sorry and De Kock. Now the first incident I want to deal with you upon is the Moabi incident. Remember Moabi from Soweto? -- That is correct.

Where you said you stole. Now your evidence-in-chief was that Dirk Coetzee gave you instructions to do that. -- That is correct.

If that is correct, it obviously took place in 1981? -- That is correct.

In cross-examination you said it is before the Mxenge incident. -- That is correct.

Which puts it before 19 November of 1981. -- That is correct.

Now your evidence-in-chief on this matter was not that Moabi was killed. You do not know whether he was killed or not, do you?-- No, I do not know.

In fact, your evidence-in-chief was that the last time you saw Moabi was in Zeerust. -- That is correct.

And he was alive and you never saw him again? -- That is correct.

Or did you hear what had happened to him? -- No, I did not.

(30)

You/...

K19.0258

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NOFEMELA

You said though captain Grobler made a threat at the time that suggested that he was going to kill him? -- That is correct.

That is the furthest you went about whether he died. Now you were cross-examined at length, you will recall about the circumstances in which Moabi died in August 1982. You will recall that he was found hanging in a cell, I think it may be in John Vorster, but he was found hanging in a cell? -- That is correct.

What was not dealt with at all in the cross-examina- (10)
tion of you, was whether Moabi was kidnapped or abducted in 1981.

Nobody asked you about that and that is what I want to deal with and it appears nobody have made inquiries as to whether it is true that Moabi was kidnapped in 1981.-- That is correct.

MR MARITZ: Mr Chairman may I just go on record and state here, it is Maritz speaking, what my learned friend is stating is not correct. It was stated very clearly to the witness that Moabi was in fact detained from October 1981 until January 1982, the witness denied all knowledge of such a (20) detention.

CHAIRMAN: Yes.

MR MARITZ: But it was put to him, it was dealt with.

MR NUGENT: I am talking about the abduction, you all know that he was detained in 1981, we want ... (intervene)

CHAIRMAN: But we do not know that now Mr Nugent, because the witness says that Moabi is not his Moabi, so we are talking about a different Moabi and are you talking, in your examina-tion are you talking about Mr Maritz's Moabi or about the witness's Moabi?

(30)

K19.0316

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NOFEMELA

MR NUGENT: I am talking about Ernest Moabi Depali.

CHAIRMAN: Are you talking about him?

MR NUGENT: That is right. The same one that the police were talking about who died in detention in 1982. Now you only knew the man is Moabi? -- That is correct.

And your evidence was that you and Joe Mamasela abducted him from a house in Soweto? -- That is correct.

And there was a woman present who fled. -- That is correct.

You said that you were driving your car? -- That is (10) correct.

What kind of car was that? -- That was a Mazda 616.

Do you remember the registration number of that vehicle after all these years? -- Yes, I do remember.

What was that? -- FRG245T.

Fine thank you.

CHAIRMAN: FRG ...? -- 245T.

MR NUGENT: That car was it registered in your name? -- That is correct.

I want you to just tell us in the course of your (20) cross-examination you made some remark about your mother having reported to you that people had come to look for you shortly after Moabi was abducted? -- That is correct.

Can you just tell us what your mother reported to you? -- When I arrived at home I found my mother and she told me that some people who claimed to be policemen who came from Soweto, came and look for me and asked my mother where I am and then my mother said I am going to work and then they said to her your child have steal a certain man in Soweto.

And when they came to your mother's home, where is (30)

that/...

that home? -- In Skeerpoort.

Skeerpoort. Now would you just, you do not have all the documents in front of you do you, I wonder if my learned friend, Mr Roberts, could just give the witness document B38? You will see that B38 is a document which is apparently the document recording S and T claims on your behalf. -- That is correct.

Your name there is spelt B.A. Nfamele. -- That is correct.

Are you also known as Nfamele? -- My name was wrongly(10) spelt before and then we rectified that later.

But you have also been called B.A. Nfamele in your life? -- That is correct.

And your address at that time was P.O. Box, was Plot 49, Box 50, Skeerpoort. Is that right? -- That is correct.

CHAIRMAN: B38 did you say?

MR NUGENT: B38 yes.

CHAIRMAN: My B38 is something different. It is Mfamele?

MR NUGENT: Mfamele and you say your address were at the time Plot 49, Box 50, Skeerpoort? -- That is correct. (20)

Now you said in your evidence-in-chief that you actually changed the number plates of the car. I am telling you that that is incorrect and I will tell you why that is incorrect, because on that day your number was actually taken and I am going to hand up here an affidavit ... (intervene)

CHAIRMAN: What day are you talking about, what was the date?

MR NUGENT: On the day that Moabi was abducted.

CHAIRMAN: What was the date Mr Nugent?

MR NUGENT: On or about 12 October 1981. Because what I have here is a piece of paper which has been in the possession (30)

of/...

possession of an attorney in Johannesburg, from about 22 October

1981, which records the registration number of the vehicle which was seen taking Moabi away and that registration number is FRG245T and it was a Mazda and inquiries were made as well as to which was the registered owner and the name recorded here which has been on this piece of paper since 1981 is B.A. Mfamele.

Now let me just show you this piece of paper, you would never have seen it before, you see you are actually identified on that day. -- That is correct. (10)

Perhaps I can hand that up, I will read the affidavit into the record if I may, it is a short affidavit.

AFFIDAVIT IS READ OUT AND HANDED IN AS EXHIBIT B106.

MR NUGENT: Now it seems from that, that it is extraordinary that if you were not there and you did not abduct this man that your car should have been recognised at that time. -- That is correct.

Now the only question is, what happened to Moabi there-after?

Because he thereafter ended up in detention some days later. We have no knowledge of how he got into detention (20) or what the police say what was the circumstances in which he came into detention. All we know that some days later he was reported to be detained I think, under section 29 of the Internal Security Act. You say though you took him up to Zeerust? -- That is correct.

And he was blindfolded and driven around and assaulted up in Zeerust? -- That is correct.

And he talked to you there about a certain Lilian, or he was questioned about a certain Lilian? -- That is correct.

Yes, and you say Joe Mamasela was with you at the (30)
time/...

K19.0570

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NOFEMELA

time? -- That is correct.

Now we have a number of press reports concerning the death of Moabi in August 1982 and according to those press-reports at

the time he died in detention that was the day before he was about to appear together with a certain Lizzy Keagi, Keagile - Lilian, sorry - Lilian Keagile on charges of apparently being a member of or advocating the, what do you call it, furthering the aims of the African National Congress.

There were a certain Lilian Keagile. Again it is just significant to us that the Lilian you said was being talked (10) of, there is a Lilian who died with Moabi a year later.

CHAIRMAN: Did she die with him?

MR NUGENT: No, she was in prison with Moabi a year later.

Now did you go to Botswana to find Lilian? -- According to information that we got from Moabi and confirmed by Joe Mamasela that Lilian was in Botswana.

Is that why you went to Botswana to try and find her? -- I would say that was the information that contributed to what the officers had by then.

Did you find Lilian in Botswana? -- According to Joe (20) because he claimed to have known Lilian he said he had seen Lilian and had shot Lilian.

Yes, he had told you that he had shot Lilian? -- That is correct.

When would he tell you that? -- When we were in the farm in Zeerust.

Okay, well we know she was alive in August 1982.

CHAIRMAN: In other words he shot her in more or less October 1981? -- I do not know when we went.

No-no, take it for granted, your car was seen at (30)

Moabi's/...

K19.0658

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NOFEMELA

Moabi's house. -- That is correct.

In October 1981? -- That is correct.

And I presume you immediately took him to the border? -- That

is correct.

And immediately thereafter or shortly thereafter, all in October 1981 Joe crossed the border and he shot Lilian.

MR NUGENT: Well he said he had.

CHAIRMAN: And he said he had shot Lilian. -- That was in the raid, I was together with Joe.

Was that in the raid immediately after the arrest of (10) ...? -- Of the kidnapping of Moabi.

Of Moabi? -- That is correct.

So in other words this must have taken place before 4 November 1981 when you left for Durban? -- That is correct.

And then Lilian was shot according to Joe? -- According to Joe.

MR NUGENT: Now just on that point Mr Nofemela, it may well be that things have been told you which are not true, do not concern yourself with that, but I just want you to make sure that when you tell me of an event, you tell me whether you (20) actually saw it or whether it was simply told to you okay, just bear that in mind, that distinction that as far as this was concerned it was just what Joe told you. -- That is correct.

Now I also have an affidavit here from Lizzy Depali, who was the mother of Ernest Moabi Depali, who confirms that she went to see the attorney, gave him the note etcetera. She says though the following in paragraph 8: "Moabi was released from detention in January 1982. He told me that one of the men who had taken him in October had been Joseph Mamasela.(30)

I/...

K19.0717

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NOFEMELA

I know Joseph Mamasela as before the arrest of my son Moabi, he use to visit us. Moabi told me that after being taken in October 1981 he had been blindfolded and driven to various places. He spoke of being driven as long as three hours on certain occasions.

He also spoke of having been severely assaulted." Now again, I do not know whether she is telling the truth or not. This will be B107.

CHAIRMAN: What is the date of that affidavit? -- The affidavit was signed last night. I will check on this, but if it is being suggested that this was made up after his (10) evidence, I think that I have statements at least which would, but we can deal with that if she is called to give evidence.

CHAIRMAN: No-no, I just want to know what the date is, I make no suggestions.

MR NUGENT: No, I understand, but it was signed last night.

CHAIRMAN: I just want to know when it was signed.

MR NUGENT: I do not know whether she is telling the truth or not, but what she says supports what you said happened to Moabi. -- That is correct.

What I want to know from you is, is it true that he (20) was in fact interrogated and beaten in Zeerust? -- That is correct.

And I want to know who was responsible for that, for the, who was in command of the group interrogated and beat Moabi? -- That was captain Grobler.

Was Vermeulen there? -- That is correct.

Did he participate in this at all? -- That is correct.

Because it appears from the worksheets that, I am not sure what his rank is, I think it was lieutenant at the time, was it? -- He was a lieutenant, yes. (30)

And/...

K19.0784

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NOFEMELA

And I think that he was in fact in the Western Transvaal at that time. We can look at the record it will show whether or not.

Now you see what I said to you at the beginning that what concerns is, is how much truth there is in what you say, whether it is all true, whether it is only partly true or what the source of

information is. Moabi - there is some independent corroboration of that, but I wanted to ask you about .. (intervene)

CHAIRMAN: Could I just interrupt here a moment, I have been told this morning by Mr Roberts that he got hold of (10) Moabi's security microfiches and I think that he will return to what appears on those microfiches about the history of Moabi.

MR MARITZ: Correction Mr Chairman, Mr Roberts says it is the file not the microfiches.

CHAIRMAN: Oh, is it a file, sorry, but we only received that, I made inquiries as a result of the evidence whether there is such a file, but I do not know what (intervene)

MR NUGENT: I accept immediately and let we make it quite clear that as far as my clients are concerned, their (20) interest in these proceedings is to find where the truth lies and if the truth is that everything that he says is rejected, we are quite happy with that.

CHAIRMAN: No, I am accept that and I appreciate it, but all I say is there are further documents. I do not know what they show and they have not been presented so far and I think Mr Roberts has not had a chance to present them or to digest them and I only was told this morning.

MR NUGENT: Thank you Mr Chairman. Now it has been suggested to you as well that on one occasion it was suggested that (30) perhaps/...

K19.0847

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NOFEMELA

perhaps Dirk Coetzee was running a stolen car ring together with you people. Do you remember that suggestion being put to you? -- That is correct.

Now did you trust Dirk Coetzee? -- Yes, I did.

And we will go through some of the incidents about cars, but you say that that was part of a campaign to intimidate A.N.C. people and other like-people? -- To my knowledge, yes.

You say to your knowledge, is that what Dirk Coetzee told you? -- That is correct.

You have no independent knowledge of whether that was(10) the purpose of those events? -- No

Now if they did occur then, what one has at the least is a captain in the security branch, while in the service of the police, going about private unlawful activities, at worsts, captain Coetzee is right when he says that that was what the purpose of doing these acts was, but only captain Coetzee can tell us that? -- That is correct.

Now you were cross-examined at length about what you meant in your affidavit, the first affidavit you made when you said that you were a member of an assassination squad. (20) You remember in cross-examination about an assassination squad or a hitsquad?-- That is correct.

Now I do not want to use any words like that, they have there own connotations, but as I understand your activity at Vlakplaas according to your evidence, they fall into three categories. Number one - from time to time you went out with Askari's to try and identify infiltrators. -- That is correct.

Secondly - according to your affidavit that has been filed in these proceedings, that is B88 you list a whole, I think 11 incidents cross-border acts of violence? -- That (30)

is/...

K19.0933

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NOFEMELA

is correct.

And virtually all of those involved or at least half of them involved assassination in some form or another? -- That is correct.

The third branch of your activities were the activities, the incidents that have been discussed in this room here and on which you have been cross-examined, those are internal incidents? -- That is correct.

Now I am trying to assess whether in fact there was an assassination squad and I use the word only because that (10) is the word that has been used. The difficulty is that this, Mr Chairman, is not entitled to examine the incidents which occurred outside the borders. You know that, he is confined to look at the incidents inside South Africa? -- That is correct.

So until Mr Chairman was allowed to examine those we would really never know and be able to test your allegations on the extent to which you got involved in assassinations outside South Africa obviously? -- That is correct.

Now talking about the people that you said were in this assassination squad, you talked about Mamasela, Tshika- (20) lange and Ngqulunga? -- That is correct.

Now my learned friend in cross-examining you about those people and about whether they would in fact be the right people to have been send with you to assassinate Mxenge, looked at all of them and as I understood the cross-examination the suggestion was that these are unreliable people not the type of people which would be send on such a mission. Do you remember that? -- That is correct.

Now I just want to look at who these people are: Do you have B19? (30)

CHAIRMAN: /...

K19.1006

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NOFEMELA

CHAIRMAN: Can you give the information.

MR NUGENT: Yes, he says in an affidavit ... (intervene)

CHAIRMAN: Who is that?

MR NUGENT: This is Joseph Mamasela that he joined the South African police on 4 February 1982. According to a statement which is at B22, which is apparently prepared by the police, it is amongst their file and they give the history of Mamasela, he was apparently recruited as an informer while he was being held awaiting trial

on a charge of robbery in Krugersdorp prison and that was in June 1979. That was (10) when they first met him, the security branch in Krugersdorp prison, while he was awaiting trial "en na sy vrylating in Augustus 1979 het hy voltyds as bron begin opereer."

So he was a full-time informer from August 1979. He then went to the A.N.C. in Botswana "waar hy 'n kursus deurloop het." Now we do not know what the nature of that "kursus" was, but nevertheless, that is where he was and on 4 February 1982 he was apparently considered suitable material by the police, obviously based on the experience, to be a fully fledged policeman. On top of that he is now a sergeant at (20) security headquarters? -- That is correct.

CHAIRMAN: Mr Nugent sorry, a lot of what you are now saying is really argument and I do not know whether repetition of that is really assisting me in establishing any new facts and I think the point Mr Maritz made was that as during the stage when the assassination or the squad was formed he was dealing with only one policeman. Obviously much later they joined the police, but I think his cross-examination was directed at the stage when Mxenge was murdered. I do not think he took it beyond that stage.

(30)

MR NUGENT: /...

K19.1098

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NOFEMELA

MR NUGENT: No, I understand that, but the suggestion was: "Would you go on an operation like this with an informer and your answer was yes and I said to you that is who the Joe Mamasela was. Is he a suitable man to go on operations with you even before he was a policeman, did you consider he was?" -- That is correct.

As far as Tshikalange was concerned it was said to you with some incredulity that Tshikalange was a gardener. He says why would you go on a mission with a gardener. Can I just remind you who Tshikalange was before I ask you again (10) whether he was

the right man to go on a mission with. He was an Askari, he was trained in Angola, isn't that correct, before he even joined the police, did you know that? -- I do not know that, Tshikalange?

CHAIRMAN: Everyone are shaking there heads, so I think it ...
(intervene)

MR NUGENT: Oh, then I must be wrong, sorry that was - I will come back to that, it was the wrong one. Tshikalange was not a gardener though at the time the Mxenge killing took place, he was appointed to the police on 18 March 1981. The so- (20) called gardener in November 1981 was a man who had been given the authority of the state to arrest people, to carry weapons, I presume constables carried weapons? -- He was a student constable.

Did they carry weapons? -- No.

Do they have training in weapons? -- Not yet.

And he was discharged on 13 June 1985, did you know that?
-- I had known that.

Yes, anyway the gardener was in fact a policeman at the time these incidents occurred. As far as Ngqulunga is (30)
concerned/...

K19.1176

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NOFEMELA

concerned the suggestion to you was that he would not go on a mission with a puny young man like that, remember? -- That is correct.

He is a tiny man, he is a puny man? -- That is correct.

That was the man who received in 1977 received training at the hands of the A.N.C. in Angola according to the police, B23.

Do you know what kind of training he had received in Angola? --
No.

He then went to Mocambique and in Mocambique he decided to flea the country, he was arrested in Mocambique. He (10) then, this puny young man was then clever enough to escape in Mocambique from prison. Did you know that? -- No, I did not know that.

He then came across and he joined the South African police

on 19 January 1981. He was a policeman at the time of Mxenge's killing? -- That is correct.

Now as far as you personally were concerned though, you knew these men, did you feel safe in their company? Safe in the sense that they would be able to go on missions with you? -- That is correct. (20)

I want to turn to another incident and that is the one in Piet Retief, Bongani Mkhize. Paris Bogani Mkhize, do you remember the man that you alleged was burned with a flame? -- That is correct.

He was the son of Saul Mkhize, correct? -- That is correct.

Saul Mkhize was a community leader in Piet Retief, did you know that, Driefontein? -- That is correct.

And you were the man that arrested Saul Mkhize - Bongani Mkhize, you know who I am talking about, remember in Piet (30)

Retief/...

K19.1262

- 483 -

NOFEMELA

Retief? -- Yes, I remember.

You were in the Combi, lieutenant-sergeant Van Heerden was with you there at the time? -- That is correct.

And you arrested this man Mkhize you said who was then taken to a plantation.

CHAIRMAN: No sorry, you first said he arrested Saul Mkhize.

MR NUGENT: I am sorry, Mkhize, I am talking about this Bongani Paris Mkhize.

CHAIRMAN: Let us call him Paris Mkhize. You arrested him, Paris Mkhize?-- That is correct. (10)

The young son? -- That is correct.

MR NUGENT: Now you were shown a statement that you made concerning ...? -- Excuse Mr Commissioner, I want to clarify the point, I did not actually arrest the man, I just handed the man over to sergeant Van Heerden. He did the whole ... (in-tervene)

CHAIRMAN: It is a fine distinction.

MR NUGENT: But you are the man that ceased him and handed him to sergeant van Heerden? -- That is correct.

Now you are shown a statement which you made about (20) that incident, you remember that? -- I do not recall that.

It is on the record, I do not want to bother with that, but I want to show you another statement which you apparently also made.

CHAIRMAN: Could I just have the reference of the first statement?

MR NUGENT: The first statement was in the bundle that was handed up, the police bundle on this incident.

CHAIRMAN: B94, yes.

MR NUGENT: Now there is another typed statement made by (30) you/...

K19.1321

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NOFEMELA

you, it is in exactly the same terms, let me tell you, I want you to look at that statement, I have only got a copy because I presume the police will have the other one, just look at the signature there, it is a copy, it is the best I can do, but did you sign that? -- That is correct.

Thank you.

CHAIRMAN: Do you want that as an exhibit?

MR NUGENT: Yes please and this will be ... ?

CHAIRMAN: B108. I am sorry, did you say it was an identical form than the previous one? (10)

MR NUGENT: It is a typed statement, it says the same thing as the handwritten statement. I wonder if I could just have it back for one moment, I want to refer to something, thank you Mr Chairman?

Now Mr Nofemela, let me just divert for a moment on this statement, it was signed before captain Jan Coetzee, Jan Karel Coetzee, captain, he was the man who was the commissioner of oath, he took the oath, okay?-- I do not recall that.

And he certify here that this was signed by you, in (20) his presence and according to the date on it, it is 13 July 1983, okay. I just tell you that that is what appears there.

CHAIRMAN: Could I have, are you finished with the exhibit?

MR NUGENT: No, I am going to come back to it in a moment, now incidentally, I presume that captain Jan Coetzee, that is a senior position in the police? -- That is correct, yes.

And according to him you were signing an affidavit in Pretoria on 13 July 1983. Now according to the worksheet, the worksheet that had been so relied upon in cross-examining you you were in the Eastern Transvaal from 7 is that February or March, no, from 9 July 1983 to 23, I think it is of July (30)

1983/...

K19.1422

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NOFEMELA

1983, do you understand the difficulty? -- Yes, I understand.

Jan Coetzee has certified as a commissioner of oath that you were in Pretoria when the worksheets say you were in the Eastern Transvaal, you understand the point? -- That is correct. Sorry the worksheet is B45, sorry, sorry, I am getting very confused with all of these. It is not, no, 37 - 11 July 1983 to 29 - you see there is an entry there B37, which as I read it starts on 11 July 1983 and then goes on to talk about 29 June, which must be an error.

CHAIRMAN: It is written the other way round, couldn't it (10) mean from 29 June to 11 July.

MR NUGENT: Well it says, whatever is written, that is what it says: "Vanaf" one date to another, it might be that the "6" is wrong.

CHAIRMAN: Did you see, I will tell you why I think the "6" is correct, because in all probability I think this was a conti-nuous operation because you will see how it happened, you will find the same day on the previous line so it seems as if it could have been

a continuous situation.

MR NUGENT: That may well be correct, the point simply is (20) that it may be the other way round, there may be a mistake the other way round. One really does not know what reliance one can place on the worksheet.

CHAIRMAN: Well, the point is the worksheet does not show that he was in the Eastern Transvaal at that date.

MR NUGENT: Yes, whatever it shows. Now as far as that statement is concerned and the first statement you made was concerned, you denied there ... (intervene)

CHAIRMAN: Sorry, what was the date of the first statement?

MR NUGENT: It was 1 August 1983 according to the (30) statement/...

K1.1511

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NOFEMELA

statement. You denied that Bongani Mkhize had been assaulted?

-- That is correct.

And you say that it was untrue and in fact it was standard instructions that allegations against the police should be denied?

-- That is correct.

The facts of the matter is that Mkhize, according to that police file, was taken, was arrested on 12 February 1983 at about the middle of the day. He was released the following day on 13 February 1983 at 15h10 and on the next morning, that is the 14th he laid a charge of assault against the police(10) members and he was found by the doctor, you will remember the statement, to have some signs of - which are consisted with having been assaulted?

-- That is correct.

Now he said in his statement that he was taken to the plantation and that he was then threatened with a blowtorch. -- That is correct.

The difference between you is, you say he was burned and he does not say that, correct? -- That is correct.

Where did you get the information that he had been threatened by a blowtorch? -- Nowhere. (20) How did you know he was threatened by a blowtorch? -- I was present when it was done.

Why is there the distinction between you then? Can you explain it at all?-- No.

What I want to suggest to you is that you may not have seen that incident, but you were told about it by sergeant Van Heerden perhaps or the other members? -- No, I was present.

What was, I just want to return to the September incident, you remember the man September? -- That is correct.

Now it seems to be common course, as it were, that (30)
September/...

K19.1609

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NOFEMELA

September was abducted from a place called Makganyane police cells during or about, I think it was August 1986, the difference is, the question is who did it, was it you or was it the A.N.C.? -- It was me.

And what has been put to you is that September says it was the A.N.C.? -- That is correct.

Do you still believe that it was you who did it? -- I am convinced that it was me.

Did you hear about that from someone else? -- No, I was personally there. (10)

How many of you were there? -- We were four.

Did it happen in the night or in the day? -- It was during the night when we arrived at the police station.

What sort of time in the night, was it late at night or early in the morning or when?-- I cannot recall whether it was early in the morning.

Okay.

CHAIRMAN: When do you think it was? I think it is important for

counsel to try and get what your recollection is. -- We arrived in Piet Retief in the early hours of the (20) morning, but now I cannot, it was a long distance from Manzini to Piet Retief.

So I have got difficulty to recall exactly what time did we arrive in Makganyane.

In other words you arrived in the early hours of the morning in Piet Retief?-- That is correct.

In other words the attack must have been the previous night? -- That is correct.

Before 00h00? -- It could be.

But if it is a long way and you arrived very early on the next morning, it must have been the previous night. -- (30)

That/...

K19.1682

- 488 -

NOFEMELA

That is right.

MR NUGENT: Did you say that you put it at about midnight, is that what I understood?

CHAIRMAN: No I asked him whether it was before midnight and then he said it may be. I do not think he committed himself.

MR NUGENT: Yes. Now I want to just deal with some of the car incidents.

CHAIRMAN: Sorry, do you have the date of that incident?

MR NUGENT: I only have a newspaper report.

CHAIRMAN: What does the newspaper say, because I cannot (10) remember whether ... (intervene)

MR NUGENT: I have a newspaper, The Times of Swaziland dated August 15, 1986 which has as the headline: "Jail bust" and it says that it took place apparently the night before or the early morning before, but during the course of the previous night.

CHAIRMAN: About 14 August 1989?

MR NUGENT: The 14th to the 15th that night that went across there.

CHAIRMAN: Thank you, well that fits in with B105. (20)

I only note for what it is worth that during that period you were on the border of Northern Natal? -- I cannot recall that and I cannot dispute it.

MR NUGENT: Mr Nofemela, dealing with the worksheets, I want to understand how these worksheets are compiled and to what extent one should rely on them. Now it appears from the documents we have that in order to make a claim for S & T a form is filled in and then it is submitted. -- That is correct.

You told us that you do not normally fill in the (30)
form/...

K19.1793

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NOFEMELA

form, but your commander will fill it in? -- That is correct.

Let me tell you that we have information from Coetzee who says that people use to crook with forms to get extra S & T. Is that correct or is it not? -- That is correct.

Can you tell me how that would take place, what would happen? -- You just claim that you have been in Eastern Trans-vaal and then you fill in the form and you get the S & T and while you are in Pretoria.

And from once you have filled in the form, what happens next?

Do you then get called and told that there is money(10) to be collected? -- I do not follow the question.

Once you filled in the form and submitted it, you now want to get the money, the S and T. -- That is correct.

How do you get it? Do you get it at a regular time, at the end of the month or whatever? -- There is a certain person whom we call a paymaster, he comes to Vlakplaas and call our names and give us the money.

And is that where the worksheet is then available? -- That is correct.

CHAIRMAN: Have you ever seen the worksheets before this (20) hearing, except for the two times when you signed it, have you

ever seen it thereafter? -- No.

I thought that might have been.

MR NUGENT: For example, could you just look at B72 and B73 and B74 and B75, there are four, you see those seem to be claim forms for S & T? -- That is correct.

Now they seem to all be filled in by the same person, they are all signed by the particular claimants as it were? -- That is correct.

Do you know whose writing that is off hand? -- No. (30)

I/...

K19.1878

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NOFEMELA

I see they are signed at the bottom by captain De Kock or it is a E. de Kock, captain, yes who would have been your commander at that time in 1985. -- That is correct.

And presumably then Coetzee would have filled in and signed your forms in 1981? -- That is correct.

Yes. So again if these forms have been filled in are they just presented to you to sign them by your commander? -- At times they give us the forms and then they are not filled yet, we just sign the forms. We are many, and then we sign the form and give it to them and then they will fill the (10) form thereafter.

And sometimes they are already filled in by your commander you say? -- That is correct.

And then they give it to you to just sign? -- To sign, that is right.

So we have not seen the forms themselves for 1981 when Coetzee was there, but do I again assume that some of them might have been filled in by yourself and some of them might have been filled in by Dirk Coetzee? -- I do not recall having filled a form, such a form. (20)

But the source then of the information on the "werks-kaart" is the form that was put in for the claim for S & T?-- That is

correct.

You say you do not recall having filled in forms for S and T in 1981? -- Personally?

Yes? -- No.

Do you remember signing them? -- I remember signing them.

And were they prepared by Dirk Coetzee? -- That is correct.

So the source of the information here, B37 for 1981 (30) is/...

K19.1946

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NOFEMELA

is forms filled in by Dirk Coetzee? -- That is correct.

And I do not think it is unfair to put to you, I do not think anybody would recollect precisely what he was doing on any particular day in 1981. You have to rely on what essentially Dirk Coetzee says if you want to determine what you were doing at any particular day? -- That is correct.

CHAIRMAN: Says or wrote?

MR NUGENT: Wrote, the information, it is in that sense, sorry wrote, yes. Now there had been a few references to, I am going up to a new topic, would you like me to stop now? (10)

CHAIRMAN: No.

MR NUGENT: No-no sorry, my watch is wrong. Motorcar incidents, remember there was the white farmer's car that was burnt? -- That is correct.

There was an attempt to burn an activist's car? -- That is correct.

Again in your evidence-in-chief you have told us, that is 1982, but the white farmer as I understand it was Coetzee with you, Dirk Coetzee? -- That is correct.

And the attempt to burn the activist's car, Dirk (20) Coetzee was with you? -- That is correct.

And then there was a theft of a union car that you talked about, Dirk Coetzee again?-- That is correct.

Let me just tell you, because I think it is fair to do so, that it was put to you this morning that there is no record about an unionist's car that had been stolen in 1981, I have not got an affidavit yet, but we do have some information which suggests that it may have happened, just to clear the record, but we will put that up if we actually get the evidence.

(30)

But/...

K19.2020

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NOFEMELA

But I think your evidence is Dirk Coetzee told you on each occasion to go and do these acts because it is part of your duty?

-- That is correct.

And you believed him? -- I believed him, yes.

Do you still believe him today? -- That is correct.

Yes and whether it is true or not that it was part of your duties to steal cars and kidnap people, only Dirk Coetzee can tell us or is there any other way we can establish? -- That is right.

Is there any other way we can establish whether Dirk (10) Coetzee was acting on his own account or acting under authority?

-- No.

You do not know of any of it? -- I do not know anyone.

Can you just tell us about another little incident which apparently you were involved in, do you know a man called Ace?

-- That is right.

Do you remember a man called Ace at all? -- I remember, yes.

A-c-e.-- That is correct.

Do you remember the Mnisi brothers? -- I do remember (20) them.

Can you just tell us when you first met Ace? -- I first met Ace in Vlakplaas when he was taken from Nelspruit together with Johannes Mnisi and Victor Mnisi.

Yes, when you say taken in Nelspruit, what do you mean, how

were they taken?-- It was said that they have been arrested in Nelspruit.

You weren't there? -- I wasn't in Nelspruit and it was said that they are members of the A.N.C. and they have decided to co-operate and then they were send to Vlakplaas. That (30)
was/...

K19.2096

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NOFEMELA

was in 1981 when I started meeting them.

Well forget about dates again, who was the commander at that time? -- It was captain Dirk Coetzee.

Yes okay and were they brought to Vlakplaas? -- They were brought to Vlakplaas, yes.

What happened to Ace do you remember? -- I really do not know, but I just heard from Johannes Mnisi that they suspected that captain Vermeulen had killed him.

You did not see anything happen?-- No, I did not.

You got that from Mnisi?-- I got that from Mnisi. (10)

And the Mnisi brothers have since defected again didn't they? -- That is correct. In fact captain Vermeulen, they said captain Vermeulen.

They said that captain Vermeulen had done it, you do not know whether it is true or not? -- That is correct.

But you say that Dirk Coetzee ... (intervene)

CHAIRMAN: No, they said they suspected? -- They suspected.

They suspected not that he did it.

MR NUGENT: Suspected sorry yes, I understand.

CHAIRMAN: So it is hearsay on a suspicion. Now it is (20)
very unfair type of examination in any event.

MR NUGENT: No, with respect, I was not making any suggestion that there is any truth in it, I wanted to see what the alle-gation was. Now at the time that Dirk Coetzee was the comman-der at Vlakplaas do you remember another occasion when a red and white

Kombi was allegedly stolen from the Johannesburger Hotel? -- I remember of that.

What do you remember of that event? -- Captain Dirk Coetzee told me that the car had been stolen in Johannesburg, it was a VW Kombi, red and white and then at one stage (30)

he/...

K19.2181

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NOFEMELA

he send me to drive towards Erasmia and then he will find me on the way and he took the Kombi. I do not recall ... (inter-vene)

He took which Kombi? -- Dirk Coetzee took the Kombi, I do not recall ... (intervene)

The red and white Kombi? -- Pardon, the red and white Kombi.

CHAIRMAN: The stolen Kombi? -- The stolen Kombi, he took it from me at Vlakplaas at the road, between Vlakplaas and Erasmia and then I took his car back to Vlakplaas and I (10) do not know what happened to the Kombi.

MR NUGENT: Let me understand that, did you drive the car from, the Kombi from Vlakplaas? -- From Vlakplaas.

And you met him near Erasmia and you changed cars? -- That is correct.

Did he tell you where that car had come from? -- He said from Johannesburg, it had been stolen.

Did he say who it had been stolen from? -- No, he did not tell me.

I want to deal with what happened to you while you (20) were in prison. You were arrested I think in about September 1986, is that right? -- That is correct.

And you have been in prison eversince? -- That is correct.

Is that right? -- That is right.

First awaiting trial and then after your conviction you remained in prison obviously? -- No, I was on bail.

I see until your conviction and then you went back into prison?

-- That is correct.

We have been given a list of names of people that ... (30)
(intervene)/...

K19.2241

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NOFEMELA

(intervene)

CHAIRMAN: No, Mr Nugent, I understand that there must be a second list, because that list is incomplete, so Mr Roberts we must get a correct list. I had the same problem as Mr McNally says he visited Mr Nofemela. Apparently they have got a list for officials and non-officials and that is what my understanding is, I do not promise that that be the fact, but that is clearly not a correct list or a full list.

MR NUGENT: Do I understand that there is actually a list then of everyone who saw him. (10)

CHAIRMAN: I do not know, but ... (intervene)

MR NUGENT: Well, could we perhaps adjourn at this stage so that I can find out if that is correct and to whether to follow this up or not.

CHAIRMAN: Yes, we have got the prisoner officials here, they will be able to tell us.

MR NUGENT: I would like to just have that information before asking the questions, if I may.

CHAIRMAN: No obviously, because I think it is in everyones interest to have that information. Mr Nugent without, (20) my impression is that you are running with you examination, are you - do you still have a lot to cover?

MR NUGENT: No, not a lot.

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