

TRUTH AND RECONCILIATION COMMISSIONSECTION 29 HEARING"IN CAMERA"

DATE: 27-05-1997 NAME: NGOSIKAYA P. GOBINGCA

CASE: CAPE TOWN

DAY 3

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CHAIRPERSON: Good morning, and welcome. I would like to indicate that I am not going to be here for most of the time, in fact I am not going to be here for almost all of the time and for that reason the person who is going to Chair this proceedings is Mr Killian.

I believe that Mr Gobingca is represented by a lawyer and I would like you to place yourself on record, but before you do so I would like to indicate as the name also show that the Members of the Investigative Unit are the ones that are going to conduct this Section 299 inquiry.

I have on my extreme left Mr Njosela, next to me is Pumula Dwane-Altman and to my right we have Shandre and to the extreme right and this has nothing to do with his politics we have Mark Killian and as I indicated he is the one who is going to be presiding.

This is a Section 29 inquiry to which you Mr Gobingca has been asked to ask some questions. He is entitled to legal representation, which is why we have to welcome you sir and as I've indicated, you will place yourself on record. I would just like to indicate that in an inquiry of this nature, questions will be put and it is the expectation in terms of the Act, that such questions must be replied to by the witness as truthfully and as fully as

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it is possible and I don't know whether there have been provisions for any breaks. There would be the normal tea break at some stage

and if the inquiry lasts that long, there will be a lunch break.

Those are the basic ground rules. One of the rules of course is that the evidence must be taken on oath and after you have placed yourself on record, we will then request Mr Gobingca to take the oath. But may I ask you now to place yourself on record?

MR HEBSE: My name is Adriaan Hebse and I am Mr Gobingca's legal representative and I confirm everything that you've said.

CHAIRMAN: May I then administer the oath? I am going to swear you in, I don't know if you would prefer me to speak Xhoza. It makes no difference whether you speak English or Xhoza. Let me speak Xhoza to you. I am going to ask you to stand.

NGOSIKAYA PRINCE GOBINGCA: (sworn states)

CHAIRMAN: The witness has been sworn in. May I then hand over to Mr Killian to continue with the rest of the proceedings?

MR KILLIAN: Good morning, thank you Mr Dumisa. You may be seated Mr Gobingca.

MR GOBINGCA: Oh, thank you.

MR KILLIAN: I'll move over there to the other ... First of all this is a Section 29 inquiry, this is not a criminal hearing, no findings will be made at the end of our inquiry, findings will be made at the end of the Commission, when the Commission puts his final report to

the State President.

So we are not going to make any findings. The Press will not be allowed into this inquiry, because it is being held in camera, but the people you see present here are all members of the Investigative Unit and these people are the interpreters and we also have our normal policemen who act as our security here.

Secondly we will break at half past ten until quarter to eleven, that is for tea and as it was stated, if we continue, we will break at one for lunch and you and your client are invited for lunch, which will be on the 10th floor, so you are welcome to join us for lunch.

I don't know if you have prepared a statement or anything, but if you ...

MR HEBSE: No statement has been prepared.

MR KILLIAN: Thank you, we will then start this proceeding. I will then hand over to Miss Pumula Dwane Altman who will be leading the Investigative Unit.

MS ALTMAN: Thank you Mr Chairman. Before we start the questioning, I believe legal representation does have the documents that were sent to him?

MR HEBSE: I do yes.

MS ALTMAN: I also propose that we actually start marking these documents, starting with the first one, the typed one, it says Guguletu CR12/01/86. If that could be marked as Annexure A. The second one is the hand written statement, named Guguletu Int239/05/86, if that could be marked as Annexure B. The third one is of a Athlone meeting on the 24th of April 1986, I think it is in Afrikaans, if that could be marked as Annexure C. And the

forth one is Annexure D, I believe it is notes on an interview held with Prince Gobingca. The fifth one, would be Zuku interviewing Gobingca, could that be marked Annexure E. The other one is a Cape Times article, dated the 3rd of January 1986, if that could be marked as Annexure F.

Are all those the documents that you have?

MR HEBSE: Those are all the documents I have, yes.

MR ALTMAN: I would like to apologise because there is just one more Press article, that would be marked as Annexure G and we have just arranged for that to be photocopied for legal representation. Thank you.

Thank you once again Mr Gobingca for being with us this morning. The first question that we would like to put forward is we would like to know as the Investigation Unit, what your background is, where do you come from, when you came to Cape Town.

MR GOBINGCA: I was born in the Eastern Cape, a place called (indistinct), in a village called Stugene. I do not know if you want me to proceed?

MS ALTMAN: What I would like to know is how you came to come to Cape Town?

MR GOBINGCA: I think I came to Cape Town in 1970 and I stayed at the hostels in Langa while looking for employment. I stayed there until I found work at Rondebosch Motor Supply and thereafter I went to work at Porter Sigma while still residing in Langa.

And then because I was arrested for not being in possession of a passport, I moved to [REDACTED] in a Section called [REDACTED] and then I married and there was a

place that I got in Crossroads in 1975 and I then went to live in Crossroads in 1975. In Crossroads houses were built for us in New Crossroads and I then moved to New Crossroads.

INTERPRETER: Could the speaker please be requested to speak up a bit?

MR KILLIAN: Mr Gobingca, there is just one request from our interpreters, that you can just speak up a bit because - to the interpreter, thank you.

MR GOBINGCA: Very well. I went to live in New Crossroads because it was opened in 1985, it was an area which was opened in 1985 and I was living at number [REDACTED]

And I left New Crossroads in December of 1985, when we were being shot at on the road and I was injured in a hand grenade explosion and I was then admitted to Conradie Hospital. I never went back because the people who were attacking us, also planned to set us alight. I then went back to old Crossroads and went to go and live at Nqolo School.

Even there in old Crossroads, in 1986 I just don't remember the months, I was shot at there at old Crossroads. I was living in a shack in the yard of a house belonging to Mr Qasa. I was shot at there and I was once again admitted to Conradie Hospital.

After my discharge from Conradie Hospital, I went to Mr Sipika's place, Alfred Sipika's place whereafter I went to go and look for a place in Khayelitsha. I went to go and live in Khayelitsha in a section called Greenpoint and there were other people who were also attacked in 1986 in Crossroads.

I then lived in Greenpoint, Greenpoint section of Khayelitsha for a while between 1986 and 1987, up until 1990 and then we moved to Macassar in 1990 because we - to the section where there were flushing toilets because we were using the bucket system. I then bought a house in a place which was then known as Mandela Park, but which is now known as Ikaya. While living there, on the 26th of - the 26th I got home and my house was burning and there were people who were carrying ANC and SACP flags and the caspers also arrived there and in that way I lost everything I owned in that fire.

I then went to look for a place to live in [REDACTED]

[REDACTED]  
where I still reside.

MS ALTMAN: Thank you Mr Gobingca. I will now pass on the questions to Mr Njosela, thank you.

MR NJOSELA: Thank you Chairperson. Sir I am also going to speak in (indistinct). Before I proceed with any other questions, there is a point of clarity based on what you have just told us. You say that when you went to stay at Mr Alfred Sipika's house, how long did you live there for and if you could just tell us which year that was? Was in 1986?

MR GOBINGCA: At Sipika's place?

MR NJOSELA: Yes.

MR GOBINGCA: I think it was towards the end of 1986, sir. It wasn't - I think it must have been for about three days.

MR NJOSELA: Very well sir, I understand. You gave an account, you made a statement at Guguletu police station,  
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Annexure B, I am referring to the lawyer now, to take cognisance of that. In that statement there are certain things you mentioned and you signed the statement, do you recall this statement?

MR GOBINGCA: I remember having made this statement to the police in Guguletu. I recall having made the statement. What I will not be able to remember is exactly what is contained therein because it was a long time ago because so much happens in one's life and there are certain things that you forget, you know. Because in one year with so many incidents, you cannot remember the specific details of a particular statement and I did not receive the statement beforehand to refresh my memory about what was contained therein. The Attorney is only showing me the statement now, but what I confirm before you is that I made three statements at the police station, it was about my injury at New Crossroads, and about the fighting in Crossroads, I also made a statement to that effect and also about the being shot when at Sipika's place when I moved to Khayelitsha.

MR NJOSELA: Very well sir, I will assume that Mr Gobingca doesn't reject the fact that he made this statement. So I will love to refer to it.

MR HEBSE: I have no problem with that.

MR NJOSELA: Sir you say here in this statement on page 1, the first paragraph, you say at that time when Mr Nobunqwana was still in Ciskei, when you made this statement Mr Nobunqwana was in Ciskei.

MR GOBINGCA: When I made the statement to the police?

MR NJOSELA: Yes.

MR GOBINGCA: No, he was still there when I went to the police.

MR NJOSELA: He was not in Ciskei at the time.

MR GOBINGCA: No, he was still there. When he was not there was when the violence was taking place. He was present when I made the statement.

MR NJOSELA: So you made this statement in May 1986, and in other words you want to say that he was there in New Crossroads when you made the statement?

MR GOBINGCA: Mr Nobunqwana was present when I made the statement sir, because ... Are you referring to the first statement, the untyped one, the handwritten statement?

MR NJOSELA: No sorry, I was referring to the typed statement. It was done in May.

MR GOBINGCA: No, he was not present when I made that statement.

MR NJOSELA: Where was he?

MR GOBINGCA: He was in Ciskei.

MR NJOSELA: I would ask you to please tell us when Mr Nobunqwana left for Ciskei?

MR GOBINGCA: Sir, I don't know which day he left because he did not - I was not aware of his departure, it is just that when I asked where he was, I was told that he was in Ciskei. I never saw him leave. When I asked someone where he was, I was told that he was in Ciskei.

MR NJOSELA: In other words you merely heard?

MR GOBINGCA: I merely heard, I didn't know or see him off or anything.



MR NJOSELA: So you - did you ever hear why he left since he left for Ciskei?

MR GOBINGCA: What Mr Ndima said was that Mr Nobunqwana, there was an attempt on his life or people wanted to kill him. When I asked Mr Ndima what he was - why he went to Ciskei, he said that he was running away from people who wanted to kill him. I asked who and he said one of his old Committees. And I asked why did they want to kill him, because it was one of his old Committees and he said that the reason is because there was a request for trucks to go and fetch Mr Stwayi and Mr Meqlane's things in Crossroads and when the trucks got there, they found that they had been murdered and set alight.

The discovery was made by these people who went to fetch the furniture. The men that went in the trucks found that seven people had been killed and when they came back, those who had survived, a meeting was called at Nqolo and then they wanted to know why these men weren't killed since seven people were killed and he then decided to run away because the people were then going for his blood.

MR NJOSELA: I understand what you are saying. Are you saying that this also happened in those months, the murder of Mr Stwayi when Mr Nobunqwana asked these people to go and fetch that furniture, when did that happen?

MR GOBINGCA: It happened in March.

MR NJOSELA: Very well.

MR GOBINGCA: If I am not mistaken sir. It is possible that I am mistaken, but I think it happened in March.

MR NJOSELA: So you say in your statement that while under the leadership of Mr Nobunqwana, the time when he was

still in Ciskei you and Mr Ndima took over the leadership?

Could you elaborate on the role you played as the acting leader in his absence and also the role Mr Ndima played while Mr Nobunqwana was in Ciskei?

MR GOBINGCA: I did not take over any leadership. Since I owned a car and Mr Ndima did not have a car, he would ask me when he wanted to attend a meeting and at the time when this incident took place I was - had been discharged from Hospital and was walking with a walking stick but I could drive my vehicle, because it was an automatic, and Mr Ndima kept asking me.

I am sure this person who wrote the statement got the impression that I was part of this, but Mr Ndima would ask me to do him a favour by transporting him there and when we would go to meetings, he would ask me to speak on his behalf in English because he probably couldn't put things as eloquently as he would have liked to.

MR NJOSELA: Could you please tell us the role that Mr Sam played since he would ask you to take him, about the role he played?

MR GOBINGCA: I would say that at the time there was conflict and at that meeting there was a new Committee and an old Committee. There was a Committee which consisted of Mr Langa and Mr Nofemela, Mr Quqomba and then there was a Committee which consisted of Mr Zuku and Mr Msingata and him which was also Mr Nobunqwana's one and apparently at the time where I was residing at the school, there was conflict between them because I kept going to Site C, to go and sleep over there because I had to keep going into Hospital to have my dressings changed and I decided to call

Mr Nofemela and them and it came to be heard that there was some conflict between them and I decided that, let us talk about this so that I asked that I be in this meeting as a neutral party and hear from these gentlemen what the cause of the conflict was, that caused Mr Nobunqwana to run away.

And the I Chaired that meeting at Nqolo School and it became apparent that it was just a misunderstanding between the Committees and I said that they should stop that because it was not going to take them anywhere and also the death of people was in the hands of the police and also the setting alight of people was in the hands of the police, it was for the police to investigate.

And because being a man, you would go and sleep elsewhere and looking for some warmth, you wouldn't be home at all times, you would go and sleep elsewhere and when I had come back, I'd find that the old Committee was not there any more and that there was conflict between them and the new Committee and that the others had run away and so forth.

MR NJOSELA: I will leave the matter there, but I hope that my colleagues will put questions in that regard in due course. Let us now proceed to the matter about the Committees. You have given us names about certain people.

Here in your statement on page, the second page, if you can turn to page 2 at the beginning, the first paragraph, you state that there were various Committees or let me rather say, that the old Crossroads was run by various Committees and the members of those Committees were elected by the residents of Crossroads and one of the roles played by those Committees was to maintain law and order. Could

you just elaborate on the maintenance of law and order which these Committees were expected to maintain, especially in this group or the camp you were in?

MR GOBINGCA: When I got to Crossroads, there were the Chiefs or the Headmasters of the sections, there were sections 1, 2, 3 and 4 and when - I found it like that when I got there, there were these Councillors or authorities in these various camps and whenever there were problems, they would fetch people from their homes for example if someone came and said I've been assaulted or I've been, my house had been burgled, people would be taken to the leaders of the various sections and then discuss what was bothering them.

MR NJOSELA: How were these Committees elected? Let us refer to your specific area, how were the people elected?

MR GOBINGCA: By the time I got there, the Committee had already been elected but as I have already said here, we were told that there was a Committee of Mr Nobunqwana and then there were the traditional leaders, the Headmen.

MR NJOSELA: Could you just tell us who were all in those Committees?

MR GOBINGCA: I have already mentioned them.

MR NJOSELA: Could you please refresh our memories?

MR GOBINGCA: Mr Lale, in Nobunqwana's group, Nofemela, Quqomba, Liqala. Mr Zuku, Mr Muloy, Mr Nzungu, Mr Ndima, Mr Poni. Sir it is possible that I have forgotten the names of the others.

MR NJOSELA: On the side of the police, was there a leader there?

MR GOBINGCA: I could say that, but I cannot remember the names because it was a long time ago, but I am sure that if there was someone that was, it was someone who was a Headman, they might know, but I was told that the police would be sent to go and discuss with the Headmen because they had a room there where they would discuss whatever they were discussing. But I was never present in these discussions.

MR NJOSELA: The reason why I am putting this question is that because you are telling us about the Committee, you are telling us about the police and you are telling us about Headmen, and those are different things. The Committees were on their own, the Headmen were on their own and the police were on their own, so you called Members of the Committee. Sir, I would now like to know who was the leader of the police?

MR GOBINGCA: I wouldn't know because I was not familiar with the police because sometimes there would be new people who would be sent, one would just hear that the police were there and the Headmen would be sent when there were problems in the squatter camps.

MR NJOSELA: So in other words who were the police known as? What was the Xhosa name that the police were referred to as?

MR GOBINGCA: These were people who basically maintained law and order, they played a policing role in the community, they were called the Masolomzi, within the community, they played a policing role.

MR NJOSELA: So who was the leader of the Headmen?

MR GOBINGCA: Jeffery Noqwe.

MR NJOSELA: I trust that my colleagues will put more questions in this regard, for the sake of clarity. On this page you refer to 1983 and you mention a certain Mr Malfed Yamile or something like that, who attempted to lead those, all those camps together and his intention was to overthrow Mr Johnson Nobunqwana? Do you see that in the statement?

MR GOBINGCA: Yes, that is so.

MR NJOSELA: So at the time that Malfed Yamile attended this campaign, where was Mr Nobunqwana?

MR GOBINGCA: Yamile's campaign took place while Nobunqwana was still the - at the time of the UDF, because we were all members of the UDF and civic organisations. Nobunqwana was the Chairman of the Western Cape Civic Association. And we were all there as members of the Civic Organisations and the UDF.

MR NJOSELA: So from what you heard, what was your impression of this campaign? I am basically asking you for your opinion, did you regard Mr Yamile as ...

MR GOBINGCA: It was not right, because firstly there were differences in the development of the various sections of Crossroads. We arrived and there would be someone, there was a watchman there, Mr Madya who we asked to be there, he was an old man and after him there was Mr Nobunqwana. And then the bush was opened up, the bush was known as Nyanga bush and that is where people arrived out of their own and would erect a shack because there was the development board with which there was negotiated at the time where people would appoint somebody as the Chairman and what upset us

was when we heard Malfed's announcement that he was going to lead all the squatter communities of the Western Cape without any discussion with us.

Without any prior discussion because most of the people elected who they wanted to lead them and Mr Nobunqwana was the one who was in the forefront of the protest as far as rent boycotts and things like that are concerned, and we were surprised by this because we were all there in Nyanga and one person couldn't just appear and appoint himself as the leader of the entire squatter community, that was not right.

He could do that if there was an election which was going to be held and he was elected into that position, that would have been the correct procedure.

MR NJOSELA: So your reaction or what was Mr Nobunqwana's reaction when Mr Yamile made this announcement?

MR GOBINGCA: We did not have reaction because these were merely things that were being said and there was no way you could really react when something like that was being said.

MR NJOSELA: How did you come to hear of it?

MR GOBINGCA: I could say that they were rumours because Civic meetings were held, Civic Organisation meetings were held.

MS ALTMAN: When you talk about rumours, surely you must have had a source who gave you that information, it didn't just flow in there. Could you tell us who your source was?

MR GOBINGCA: We were not given any news as such. We met with Yamile from time to time.

MS ALTMAN: I think we are not understanding each other clearly, what I am trying to establish who gave you the

information that Yamile was campaigning for the election?

MR GOBINGCA: That was something which Yamile himself said. When we would meet because Crossroads and Nyanga bush would meet but it then got blown up because it was announced in the newspapers that Malfed Yamile was to be the leader of the squatter community and that is what I am talking about of us having come to hear about it all over, it was in the newspapers.

MS ALTMAN: Thank you, you may carry on.

MR NJOSELA: Thank you very much Pumula. Sir, on the same page you mention that there were people who were loyal to Mr Nobunqwana who were living in New Crossroads where they were attacked by the comrades who were armed with hand grenades and firearms. So I would just like to make sure, there were two statements here. I would like to refer you to the typed statement. Paragraph 6 of the typed statement.

MR HEBSE: Excuse me, can you just refer to the Annexures?

MR NJOSELA: Oh, Annexure A, I am sorry Chairperson. I think it is page 3, paragraph 6 where you say that in December the violence erupted and those things happened that you mentioned, is it the same thing which you say here in your statement in Annexure B, and what you say in Annexure A, paragraph 6, on page 3? Are you referring to the same incident here?

MR GOBINGCA: What confuses me is that there are two statements in stead of one, because when something happened in December 1985, there is supposed to be one statement in stead of two.



MR NJOSELA: In other words you deny this one, what is being said in paragraph 6 because you are saying that there are two statements?

MR GOBINGCA: It is possible that I gave an account or made a statement in 1985 about the events in 1895.

MR NJOSELA: I am just asking you for clarity, I don't dispute that. Are you referring to the same incident?

MR GOBINGCA: I am sure it is the same incident.

MR NJOSELA: I just want to make sure sir, so that we can proceed.

MR GOBINGCA: I was talking about the same thing.

MR NJOSELA: So we can assume that it is one incident?

MR GOBINGCA: Yes.

MR NJOSELA: So if it is one incident, let us make sure about the date. Exactly when did this thing happen, did it happen in December or when?

MR GOBINGCA: On the 31st of December.

MR NJOSELA: The reason I ask is because in Annexure B, the way it has been set out creates the impression that it was in 1982, but whereas this incident took place in 1985.

MR GOBINGCA: Yes, it was in 1985.

MR NJOSELA: That makes more sense. So this incident when you talk about the comrades in regard to this incident, when you talk about the comrades, could you just tell us who you were talking about because you said that you were attacked by comrades?

MR GOBINGCA: Those were people who called themselves comrades, that is what surprised us is that these were people who called themselves comrades and there was another group who called - we all called ourselves comrades, yet

there was this group they call themselves comrades, that attacked us.

MR NJOSELA: Are you referring to the youth?

MR GOBINGCA: Yes, they were youth who called themselves comrades.

MR NJOSELA: Were there no older people among these comrades?

MR GOBINGCA: No, not at the time that we were attacked.

MR NJOSELA: Who all were attacked?

MR GOBINGCA: We were in the location as men, grown men.

MR NJOSELA: Is that what this statement calls the fathers, is that what the newspapers referred to as the conflict between the fathers and the youth?

MR GOBINGCA: Yes.

MR NJOSELA: Sir could you please tell us what the cause was of the attack on you by the youth?

MR GOBINGCA: Sir, what happened was that Mr Mondi Magazi was set alight. He was just around the corner from me and Mr Makhala came to tell me about it because Mr Makhala was the Chairperson of the Street Committee.

And he told me that this happened to Mr Magazi, a group of youths came to his house during the night and took him and left with him and he has now been found in Section 12 having been burnt. I said to him Mr Makhala that is terrible and a meeting has to be called in that regard so that we can try and establish why that happened, because the setting alight of people is something that we aren't used to.

He said very well, he was going to go to the Chairman of New Crossroads, I just do not remember what the name of

that gentleman is, but there was a Chairman of the New Crossroads community.

I then went to Nyanga because we always went there to the other people there and sometimes when something happens in your community you would go to the other community and inform them of what happened and it seemed as if I got there to Mr Stuurman and them and they were busy because there were certain boys who had come from Mr Qasa in Site C, having been chased there and they were given refuge at Zolani Centre and Mr Stuurman then said Mr Gobingca, sit and listen to this because we are here discussing this and we intend calling a meeting at the stadium so that we can discuss this in depth so that we can even discuss the setting alight of people in New Crossroads, and setting alight the properties and so forth.

The meeting was then called on the 29th.

MR NJOSELA: Of December?

MR GOBINGCA: Yes. Of December. If I am not mistaken it was close to the setting alight of Mr Nqabase and I think it was round about a Sunday, the youth of Site C was called by us the older gentlemen and we said please tell us why he ran away because they were accusing Mr Whoza's Committee. We wanted to know why did they want to attack him, they said no, it was found that one of Mr Whoza's men who was going to, who you people were going to set alight because they said you people were going there with a tire, so please tell us the truth because we are now at the stadium and it was decided that what we agreed on was that a Committee was elected who was going to go with these young men to Site C.

And I was appointed amongst this Committee and then asked Mr Stuurman, Mr Stuurman I am not going to be long here because there was a meeting that was called at X3 in Khayelitsha where the matter about Mr Ngabase's burning is going to be discussed.

I would ask you that we all go and if I remember his response, he said that we cannot go to New Crossroads Mr Gobingca, because we are amazed that we are being told that there is CYCO youth. We didn't know about CYCO, because we knew about CYCO being launched in Port Elizabeth, not here and if there was such an organisation launched, we would have been told about it.

And I said, well, let me go I have to attend this meeting. I took the car and got there with the meeting in session where an 11 year old boy was Chairing the meeting.

There were women and men and everyone was there at the meeting and the meeting was very tense because it was politicised, because I got there when the women were talking and saying our sons, you have to drive these men to Vorster to go and ask for our independence, because we marched to Pretoria and you people marched in 1986 so you people now have to drive these men so that Monday they go to Parliament and request our liberation.

I raised my hand and this boy then gave me a chance to speak and I said that I ask that we do not discuss, conduct a meeting in this way and talk about driving people, because there is conflict there because you people are causing conflict by saying that our sons should drive us to Parliament to go and request our liberation, fight for our liberation. By requesting the youth to drive us that way,

you are inciting conflict and it appeared as if though we did not see eye to eye and the ladies, because of the tension, I would ask you to leave us here with the youth so that we can try and establish from them what happened. (tape ends) ... and we remained behind with the youth and said that if you are going to burn furniture trucks, inform us because sometimes this furniture has been paid and it might be on its way to my house and if there is conflict with someone in the community, tell us about it, inform us.

And while the meeting was in session Pumilelu Bengé stood up and he swore at us saying that he was not going to listen to us. The wheel of liberation will burn you if you aren't going to agree with us and Thabo Mashavu then led them out of the toyi-toying and we then said Mr Bengé do you hear what your son says, how can you leave him to talk to us like that and nothing will come right if the youth is left to talk to us like that.

And Pumilelu said we are not going to stop the burning, we will continue in the name of liberation and then we decided that we should rather guard each other and go about reporting to the other structures that this is what is happening and attempt to discuss this and that each person should try and speak to their child in the home and it seems that there was a Ndungine child who lived in my street, I don't know if it was number 1879, but somewhere there, whose father said to us I've got a problem with this child because this boy goes to a girl and doesn't come back, I think I should rather take him to the homelands because he just won't listen to me.

There is no way in which I can make him see sense.

MR NJOSELA: I am listening sir.

MR GOBINGCA: Ndungine does not want to listen according to him and then we said we will ask Ndungine, what is happening, why do you not want to listen, being a girl. Ndungine was a girl and with the role that you are playing in the youth, Ndungine then explained to us that Mr Ngabase was taken by them to Mrs Mangozi's place in Section 14 where they discussed with him and thereafter they set him alight.

And then there was nothing we could do about it because then it was in the hands of the police because this person had already been set alight.

MR NJOSELA: I am going to hand to my colleague Pumula, there is a question she would like to put to you.

MS ALTMAN: You mentioned in Annexure D, if you could just refer to Annexure D, I will be focusing on paragraph 1 and 2, in fact 1 to 3, in that interview that was held between you and the investigators, you mention that you got information that on the 5th of December 1986, Mondi Ngabase was necklaced in New Crossroads, could we have the dates wrong or was that what was said?

MR GOBINGCA: On the 5th of December? There probably is a mistake in the dates because I am not sure about the date on which Mr Ngabase was necklaced, but what I am sure about is the month.

MR ALTMAN: So it is the 31st of December 1985?

MR GOBINGCA: No, Ngabase was not set alight on the 31st, he had already been set alight by the 31st. When we went to the meeting at X3, he had already been burnt and we were

there to discuss his setting alight.

MS ALTMAN: You also mentioned that you had to carry out an investigation that were established to deal with cases, except murder. Why wasn't this matter referred to the police, why did you have to go and conduct the investigation?

MR GOBINGCA: I remember that we went to the police. The role that we played was the whole mess about people being burnt, we didn't accept it, we didn't investigate, we would merely ask questions because it involved our youth and we wanted to know from them how these things happened. It was not an investigation. These were questions that we put, inquiries which we made, not an investigation.

MS GOLD: I am sorry, I think Pumula does want to continue, but I wonder if I could just ask a clarifying question about the youth because I am a little bit confused. We've been talking about the youth attacking on a particular day, I think that was the 31st of December, we are talking about the youth in a meeting which you've been holding. Are these youths people who are part of your community who are just undisciplined or do they have a different leader. Who exactly are these youths, I am sorry I am just getting a little bit confused about who the youth are that we are all talking about?

MR GOBINGCA: The youth we are talking about was the youth from our community. They were our sons because Pumilelu Benge's father was also a resident in our community.

MR NJOSELA: If I may just elaborate on that question sir, what she - was the youth a structured, for instance were they a structured organisation and did they have any

name or were they affiliated to any grouping, political grouping?

MR GOBINGCA: They were known as the youth of CYCO.

MS ALTMAN: If we may just carry on with Annexure D towards the second last paragraph on this interview you mention that you went to Pumilelu Benge's home with the intention of handing him over to the police, if you found him. Wasn't that the role of the police to actually go there and arrest him considering that you actually knew the information?

MR GOBINGCA: Where did I say this, where did I mention it?

MS ALTMAN: It is in the second last paragraph where it starts off with Ndungine, if you can just read through that paragraph.

MR GOBINGCA: Pumilelu Benge, I did not say that we were going to arrest him ourselves or take him to the police, the Chairpersons told us to go to him and to his father to try and find a solution in this conflict because other people may also be set alight, because he was the leader of the youth.

We were not there to take him to the police, we met him but nobody took him to the police. We discussed this issue, we told him to stop doing what they were doing.

MS ALTMAN: What I am trying to establish, I mean murder is a very serious allegation, was this matter reported to the police prior to your going to Benge's house?

MR GOBINGCA: I remember that we reported this issue to the police, everything that was happening in Crossroads. It was not easy at the time to go to the police, that is



why the people were set alight. The structures would discuss the issues happening in the community.

MS ALTMAN: What I would like to try and establish is was the situation tense at that time after the meeting when you went to Pumilelu Benge's house?

MR GOBINGCA: There was - the situation was tense because Nqabase was set alight, we were surprised that a person can be necklaced, we heard from the newspapers that Archbishop Tutu stopped people from doing this.

We thought that these things were happening far away, it was a mistake to happen in our community.

MS ALTMAN: Considering that the situation was tense, do you think that was the best move that you had made to actually approach Pumilelu Benge?

MR GOBINGCA: Yes, because we wanted to discuss as we were all in the struggle, since he was young, we wanted to talk to him and to advise him.

MS ALTMAN: Let us now refer to Annexure A, on page 3, paragraph 6. You mention in your affidavit of statement that during December 1985 the inhabitants were being attacked by youth under the baton of CYCO. Could you elaborate on that, I mean how did you know that these people who were attacking the inhabitants were coming from CYCO?

MR GOBINGCA: They were calling themselves CYCO members, Pumilelu was one of them.

MS ALTMAN: Was this common knowledge that they were CYCO members or did someone tell you that they belonged to this organisation?

MR GOBINGCA: They were calling themselves youth of the CYCO.

MS ALTMAN: At the moment I have no further questions, thank you.

MR NJOSELA: Thank you Pumula. May we try to conclude the CYCO issue. Can you please tell us in full what CYCO is?

MR GOBINGCA: It is Cape Youth Congress.

MR NJOSELA: The reason I asked this question is that you said that you were not aware of the launch of CYCO because the CYCO you knew was launched in Port Elizabeth.

MR GOBINGCA: I said that when I was with Mr Stuurman in the stadium I told him that we have a problem because people set alight Mr Ngabase. He said that CYCO was launched in Port Elizabeth, it was not launched here.

MR NJOSELA: Thank you sir. To go back to Annexure B, page 2 the last paragraph, up to page 3. You mentioned the 31st of March 1986 where you said that weapons were found near Mr Yamile's house and Mr Yamile was detained. Can you please tell us the weapons that were found near Mr Yamile's house?

MR GOBINGCA: Sir, I don't remember, talking about the weapons. If I talked about them I talked about a rumour that Yamile was detained because weapons were found near his house. When he was released from jail, he said that he was arrested because of these weapons, but I don't know what kind of weapons.

MR NJOSELA: I would like to place this on record because in your statement, if I can quote from statement 2, from page 2, "on 1986/03/31 firearms were found near the home of

Yamile and he was arrested and detained. He was later released and I heard that there were comrades and choirs singing freedom songs welcoming him home. Yamile held a speech." The reason why I am asking this, I want to hear about his rumour. What did you hear, was it the last part that he was released and the comrades sang freedom songs? In your statement you did not say that it was a rumour.

MR GOBINGCA: Maybe the person who wrote the statement made a mistake, what I knew is that Yamile was arrested and when he was released I was the one who talked to him, Crossroads choir was also there on his release.

MR NJOSELA: Thank you sir. To go back to a question asked by Ms Pumula Dwane Altman - you are talking about rumours. Please tell us who told you all these things about the arrest of Mr Yamile, about the singing of freedom songs, all those things.

MR GOBINGCA: This issue was on the newspapers, there were marches held for the release of Yamile. When he was released he went back to his home. I talked to him, I met him next to Nonzupa's house, driving his car. I asked him when he was released, he told me that he was arrested because they found weapons near his house. He told me that there was going to be a concert and the conductors of the choirs in Crossroads went to that concert in Yamile's home.

MR NJOSELA: You also talked to him and he told you this?

MR GOBINGCA: Yes, because I asked him why he was arrested.

MR NJOSELA: In this statement you also mentioned that there was an attack planned. Can you please comment on that attack. Where did you hear about the attack? Did you

hear about the attack from the newspapers or from him?

MR GOBINGCA: Sir, we had meetings at Nolungile School at Site C. The leaders would be asked to attend the meetings and we would discuss the conflict between the UDF and Civic. Yamile would be there and Mr Toyis. We discussed about the wheel that was on issue and people were talking about the informers in that meeting. We were in this liberation together.

MR NJOSELA: This issue about planning, the planned attack, do you agree that it was something that was there?

MR GOBINGCA: Yes, because it was something that happened. And it was something you could see.

MR NJOSELA: So, in your statement you proceed to say that because of that, because of what you heard, the planned attack, you decided to conduct patrols at night in an attempt to prevent or put a stop to these attacks, is that correct?

MR GOBINGCA: The patrols were there because there were refugees there. There were people there who we were giving refuge, we were not the only people from - it was not only people from New Crossroads, there were these people Mr Kumsha and them, who were taking refuge there and then Mr Nsanqani and them were the people that were shot at Yamile who were also taking refuge at Mr Ndima's place. And then there were these people who were attacked from other places around Crossroads. And there were people who came from the other side and who were told that because you were staying there and were shot by the comrades, your place is going to be shot at and they would come and discuss that in our presence, with us listening.

And then we would decide it is best if we did not sleep but patrolled to ensure that our place does not get burnt. But even at that time, I was not, I had not completely recovered, I was still limping.

MR NJOSELA: So this discussion would take place with you sitting there, people would just be talking generally?

MR GOBINGCA: About the attacks? No there was no meeting which I personally attended where we were told that, or we were said that we are now going to attack

MR NJOSELA: The decision to patrol, how was that taken?

MR GOBINGCA: It was taken because there were people who were already injured, were there who were told from their people from the other side that they are going to come and attack you right here because people have been shot and they are going to creep up on you people and come and attack you right here.

MR NJOSELA: What I am trying to establish sir, is in your statement you spoke about police and you speak about Headmen, so I am now on the issue of the patrols. I am just trying to get a mental picture as to how the decision was taken to conduct these patrols. Was it taken by a certain structure where a plan was drafted as to how the patrols were going to be conducted?

MR GOBINGCA: Within the squatter camps, people would just patrol generally as a resident of the squatter camps I am telling you about how it happened in the squatter camps. Sometimes even when there is smuggling or other illegal activities taking place, people would patrol or sometimes if there was a burglary or a robbery or something.

MR NJOSELA: How many people took part in these patrols?

MR GOBINGCA: Sir, there were more than 98 000 people in Crossroads, I cannot say how many people because there were no documents released as to who was going to patrol. I would say that people would patrol freely because there were these rumours that there were plans to attack the refugees there because there were these people who had been attacked where they stayed and who had come to take refuge there by us.

MR NJOSELA: Was there no one leading these patrols?

MR GOBINGCA: I do not know who led the patrols because there were different sections and as I said to you it was sections 1, 2, 3 and 4.

MR NJOSELA: The reason why I put this question is that I find it rather surprising that such an important decision could be taken in regard to these patrols to guard against attacks and you also mentioned that there were structures within the community, there were committees, there were these (indistinct) and there were these Headmen, or these policing forums.

Were there no controlled - the neighbourhood watch and so forth?

MR GOBINGCA: You put it so correctly, to make an example there were neighbourhood watches which - where people would call us and say you know, let's go and patrol without any specific person saying you lead this patrol and so on and so forth. People would patrol their areas of residence.

MR NJOSELA: I am not pressurising you in any way to agree to anything that you don't agree with by saying that the neighbourhood watches were doing this, but what

surprises me is that there would be these patrols without anyone taking charge of them because with these patrols being conducted, people would be attacked without - and you would find that the intention is not actually to patrol, but to attack the people.

MR GOBINGCA: It would be much better if you would ask a Headman, one of the Headmen that I mentioned to you would be able to elaborate to you on the patrols because you are taking me back to what I said and asking me to compare it with the patrol. If you put a Headman here and ask him, I am telling you about the structure that was there, perhaps if you could put a Headman here and ask him, he would tell you that I as Headman would lead the patrol or whatever.

What I am telling you is that there were people who were shot and who were taking refuge and they would come here with the rumours because they were afraid because people had been injured and then we who had also been chased, and then when people went to fetch their furniture, seven people were killed and then there were refugees there and who would be attacked by people with guns and so forth and perhaps if you could put a Headman here, he would give you more information in that regard.

MR NJOSELA: Do I understand you correctly?

MR GOBINGCA: I understand you perfectly.

MR NJOSELA: I think the reason why we called someone like you is to gain clarity on issues like that. We are not asking you to agree to anything which you do not agree with.

MR GOBINGCA: But what I would like to mention to you is that you say you understand me perfectly, I am giving you

some information and perhaps if you were to call a Headman here and say look in this section as Gobingca said, what was the situation like in your area and then perhaps he would mention to you what was happening in committees and perhaps you could call somebody from those committees to corroborate what I am saying because the people that I am mentioning are people who could give you more detailed information.

MR NJOSELA: I understand you perfectly sir, but we have noted that.

MR KILLIAN: You see Mr Gobingca, I think what Lucky is trying to get over, that you were a person that was involved there. As you mentioned previously at the beginning of your - when the questioning started you said that counsellors would fetch people from their homes to act as the amazalomzi, now you see, I think what he is trying to ascertain that seeing that you had leadership status within Crossroads. You had to know about the structure and of the leadership of the amazalomzi. I think that is what he is trying to ascertain. How was the amazalomzi mobilized and on whose instructions were they mobilized when needed or were they a permanent institution that was formed by the committee in Crossroads? If we can just get clarity on that please Mr Gobingca.

MR GOBINGCA: Sir, firstly what I would like to say to you is that I explained this to Mr Njosela and I would like to repeat before you that I was referring to the Members of the neighbourhood watch who were there. I was just saying what I observed as having been there, I did not see who instructed or whatever, I am merely giving an account of

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what I observed. I was told to come and tell the truth here and what I am relating here is what I saw with my own, what was my own observation.

The counsellor who was there leading the section, if that counsellor could be called here, he could perhaps come and elaborate on who the neighbourhood watch was and who instructed them and so forth. Firstly, another thing I would like the Commission to be very clear on is that I do not want to be seen as a leader. If you are a leader, you are elected into that position. I want the Commission to be very clear on that. Do not label me a leader, you are elected into a leadership position, you do not just become a leader.

And furthermore the justice which I wanted in the form of these statements, was the reason for me having made these statements, was because I wanted justice.

MR NJOSELA: Ms Shandre Gold will ask you the last question before we break for tea.

MS GOLD: Mr Gobingca, I just wanted to ask you for some clarity around the issue of you not being a leader because I am afraid I am confused once again. I was under the impression that in fact you were a leader in that area and perhaps that impression came from the fact that you are always mentioned as one of the group of fathers. Apart from the fact that I think that when we spoke at some time, sometime back you did also tell me that you did see yourself as a leader, so now I am confused as to whether you were a leader or you weren't a leader and if you weren't a leader, then how did you fit in in terms of the structures that existed at the time?

MR GOBINGCA: In Xhosa, perhaps there is a difference between Xhosa culture and English culture, sometimes when you are a speaker explaining things to the community, in English culture you might be seen as a leader. I agreed in that sense that I was a speaker who clarified certain issues, and I was then seen as being a leader in the other sense which I was not.

MR KILLIAN: The very last question will come from Ms Dwane Altman and then we will definitely have to break for tea.

MS ALTMAN: Thank you Mr Chairman. Again on this leader issue, you mention in Annexure A, paragraph 4 I lost my position as an Executive member. Would that not put you in a leadership position, having been a member of the Executive?

MR GOBINGCA: I never was a member of the Executive. It is possible that the person who took my statement was implicating me because of some or other reason because I was - when I was shot I was made - this was the impression that was created because I was a speaker who argued and debated and so forth.

MR ALTMAN: Just one more question. Isn't it customary to actually read a statement that you have made to whoever, aren't you supposed to check the statements before signing them?

MR GOBINGCA: I don't know about that I was never told that. I do not recall that. I do not recall being told to read my statement before signed it.

MR HEBSE: Paragraph 4 of Annexure A, I lost my position as an Executive member when the argument between the leaders

broke out." This to me in the context would seem to have been at the end of the 1970's and then with regard to the reading of statements, page 3 paragraph 5 of Annexure A approximately half way down it says the different leaders at that (indistinct) were, and then it gives eight different leaders.

MR KILLIAN: Yes, I think what we are trying to ascertain is that as an Executive member Mr Gobingca had to have at that stage leadership status, I think that was the question and the second question was but did he read his statement before he signed it or was it read to him before he signed it? I think we can come back to that issue after our tea break. We will now adjourn for tea until eleven o'clock, thank you.

COMMISSION ADJOURNS UNTIL ELEVEN O'CLOCK - ON RESUMPTION:

MR KILLIAN: Welcome back after our tea break.

NGOSIKAYA PRINCE GOBINGCA: (still under oath)

MR NJOSELA: Thank you Mr Chairperson. Sir, I have a last question for you concerning the patrols. According to your observations the people who were patrolling, were they armed?

INTERPRETER: The speaker's mike is not on.

MR GOBINGCA: I did not see these people who were patrolling. I don't know whether they were armed or not because I did not see them.

MR NJOSELA: To clarify this matter for the record, in other words sir, you deny that you took part in the patrols?

MR GOBINGCA: No, I never patrolled.

MR NJOSELA: Thank you Mr Chairperson. I do not have any further questions for now.

MR KILLIAN: Ms Pumula?

MS ALTMAN: Sorry, you mention that you knew about the patrols, I mean how did you know about it if you hadn't seen it?

MR GOBINGCA: As I've already said before that there were people from different places and people from places nearby Crossroads. They - it was said that they would also be assaulted in that place, that is how I put it.

MS ALTMAN: All right. I will now refer you to paragraph 4 of Annexure A, if we can just get to that. On the third line you talk about the changes that Johnson Nobunqwana made with respect to the creation of a local police station and a court in Johnsons' Funeral Parlour building. Could you just elaborate on this?

MR GOBINGCA: As I am reading here I was talking about the history of Crossroads in times of Mr Madyi and Mr Nobungwana's time. I was talking about the background and the history of Crossroads. As I was talking about the police stations, the police would go and discuss there in these shacks. They built these shacks and they would go there and discuss certain issues, they called them the police stations.

MR ALTMAN: Do you know when they came into being, do you know what year they were established?

MR GOBINGCA: I don't know because as I've already said I saw Counsellors and the police there, but I don't remember the year.

MS ALTMAN: Was this the only place where they were bases or were there other places?

MR GOBINGCA: It was the only place but there was another place for the Counsellors. It was called "Die Wit Huis", because the offices of the Funeral Parlour was near the road, near Section 1 and the Headmen would be at Nqolo High School.

MS ALTMAN: You also mention that certain persons were appointed as policemen by the Executive. Do you recall any names?

MR GOBINGCA: Please repeat your question Ma'am.

MS ALTMAN: In that same paragraph you say certain people were appointed as policemen by the Executive itself. Do you remember any names?

MR GOBINGCA: I think that is a mistake, but I don't remember their names but I am sure that the Counsellors appointed the police, they would call them Minister of a certain department. There were many people there so I cannot remember their names. But I do have one name Mandla Sihlayi if I am not mistaken, it is Mandla Sihlayi. He was one of these police who were there. But I don't want to lie to the Commission, maybe I am making a mistake but the Headmen or Counsellors will know these names, I am sure about that.

MS ALTMAN: Sir, were you in fact part of the selection committee that appointed these policemen considering that you were an Executive member?

MR GOBINGCA: No, but the issue of the Executive happened a long time ago because we are fighting for Crossroads not to be removed, we are fighting to stay there, not to be

removed. Before Mr Nobunqwana's time, I was not in Mr Nobunqwana's Executive. When I arrived there, there were Committees in that place.

MR KILLIAN: Thank you. Mr Gobingca, just to get clarity on your statement you said you lost your position as an Executive member. Were you ever then there again elected on the Executive to serve in Crossroads?

MR GOBINGCA: No sir, I was never elected again because Mr Nobunqwana appointed his members.

MR KILLIAN: Okay, now I want to take you to page 5, paragraph 8. Page 4, sorry page 4, paragraph 8, the sixth sentence. During this meeting Sam and I were elected to the Executive. I suggested that we approach the police for protection from the comrades. I am going to reiterate the question - were you then thereafter elected as an Executive member or were you elected after you lost your position. Were you then thereafter elected as an Executive member?

MR GOBINGCA: This did not mean that sir, as I was a person who had a car, people said that they would give me money for petrol and I would take certain members to the police to give report to them. I was not elected to serve as an Executive member.

MR KILLIAN: You see, first of all, this is your statement made under oath, signed at Guguletu police station. At the bottom of it, page 8, paragraph 14 says I know and understand the contents of this statement. I have no objection to taking the prescribed oath. I consider the prescribed oath to be binding on my conscience, so help me God. And directly thereunder in the right hand corner, there is P. Gobingca with a signature. Is that your

signature sir?

MR GOBINGCA: Yes, that is my signature.

MR KILLIAN: So then are we then to believe that this statement is then not a correct statement given to the police on that particular day?

MR GOBINGCA: Sir, I don't remember any person reading out this statement to me. You don't remember everything happening in your life, you would make a statement at a particular time. If I am looking at this statement it was done a long time ago, that is why I don't remember certain issues. I don't even remember the police reading out a statement to me and saying sign. It happens that a police would write down something and give you the paper to sign.

MR HEBSE: Sorry, if I may just say something. The date on the statement is the 5th of August 1987. I see the statement was actually taken a year before.

MR KILLIAN: I agree with you, I see. I will come back to that issue. Were you interviewed by then Captain Leonard Knipe when you gave this statement?

MR GOBINGCA: I gave a statement to Captain Knipe after that there was Warrant Officer Coetzee after him.

MR KILLIAN: You see the reason why we, you see because as you've heard earlier this morning that we as the Commission must try and establish the truth of what really happened. This is our main objective. You see because you state and you stated under oath and I believe that you've got your statement in front of you, it is emphatically stated that during this meeting Sam and I were elected to the Executive. I suggested that we approach the police for protection from the comrades. You see once again I am

going to ask you were you an Executive member or as you said the statement was written and only put to you without you ever reading it or it was read back to you? And then I am going to ask you the last question.

Could the police then have fabricated this statement and falsely then let you place you under due arrest to sign this statement without you bearing the knowledge of the contents thereof?

MR GOBINGCA: That might happen. A person might write down something and he would not read this, because in my statement I said that Ndima and myself we went to the police station. I am saying this I was the person - as I was the person who took Ndima to the police as I had a car at that time.

MR KILLIAN: Mr Mgela?

MR MGELA: Thank you Mr Chairperson. I do hear what you are saying sir. On this issue of leadership on page 5 of the same statement and the top paragraph "I wanted him to have my people trained to defend ourselves." Again the next paragraph where you are talking about Sam Ndima "I chaired the meeting and Sam Ndima was my right hand man." Please sir explain to us about this issue? Why are you referring to these people as your people? You also said that Mr Sam Ndima was your right hand man.

MR GOBINGCA: When you are in a meeting and you go and report to the police you would say that there was someone next to me. I think that is how it happened. I was explaining a meeting which took place in Athlone at that time because we could not do anything. The police said that there was a shortage of the police. I then said that



there are people to be trained, because there was a shortage of police.

MR KILLIAN: Ms Altman?

MS ALTMAN: Okay, I will take you back now seeing that you don't seem to remember. What I need to establish from you is how exactly was statements taken at the time when you went to report to the police?

MR GOBINGCA: What was happening was that they would take a book in the police station saying that you are not laying a charge, you are just reporting what happened.

MS ALTMAN: I am specifically asking about the taking down of a statement. Do you remember how that was done?

MR GOBINGCA: They would ask you a question and write down on a paper. I would not be there when they typed the statement.

MS ALTMAN: So what you are telling me is that they would first write it out by hand and then type it out?

MR GOBINGCA: Yes.

MR NJOSELA: Yes, I just want to come back to you Mr Gobingca because this has left me puzzled now. You see first of all you said to us that you heard and what you observed about the police, but you weren't present at the selection process, is that right?

MR GOBINGCA: Could you please, what was being elected?

MR NJOSELA: Okay, of the selection process of the policemen in Crossroads, you weren't - you didn't know how this process took place, that is what you said, right?

MR GOBINGCA: I was not there when Nobunqwana was in charge, it was his structure of police, that is true.

MR NJOSELA: Secondly you said to us that after you were, like in other words after Nobunqwana came into power you lost your - you weren't part of the Executive, is that correct?

MR GOBINGCA: That is correct.

MR NJOSELA: Okay, you then said thereafter that never again you were elected to be part of the Executive, is that right?

MR GOBINGCA: That is correct.

MR NJOSELA: Now I am going to take you back to the statement, page 5. If you look at the bottom of the page you see "we used the infrastructure created by Johnson of the police wardsmen and home guards to organise the people." So then only as an Executive member you could have organised these structures, is that correct Mr Gobingca?



MR GOBINGCA: Is that in the statement?

MR NJOSELA: Yes, page 5 - at 6, right at the end "we used the infrastructure created by Johnson of the police wardsmen and home guards to organise the people. All our people as means of identification wore a white piece of cloth around the head." So my question is as an Executive member, only the Executive member had the right to organise these home guards, am I correct?

MR GOBINGCA: Sir, you were present when I explained what was being, what is being said here about the patrols. When I was describing the history it is possible that the policemen implicated me when I mentioned these structures which were functional then, which I found there when I got there and the police that I found there that were called

neighbourhood watch who were guarding the neighbourhood. It was possible that this policemen was under the impression that I created these structures, yet these structures were there when I got there.

I got there and found those structures there. Those structures were functional at the time that mr Nobunqwana and his Committee were in power.

MS ALTMAN: Sorry Mr Gobingca, was this statement used in a court of law?

MR GOBINGCA: I wouldn't know because the case was in the hands of the Attorney General. I wouldn't know whether this statement was used in a court of law, the matter was in the hands of the Attorney General and the statement that I am responding to now is more than 10 years old and so many things have happened since.

That is why in regard to certain things, I am trying to establish how they were written because the statement is typed.

MS ALTMAN: Were you never interviewed by the Attorney General on this statement?

MR GOBINGCA: No, never.

MR NJOSELA: Then, can I then, to summarise this whole statement then, would you then agree with me if I say that as you said that, you said that it is the police, that this is then a fabrication of the truth and is not as you went that particular day and told it to the police?

MR GOBINGCA: I am not a policemen because some things contained in this statement are what I said, but I am changing what was put here. When, it is possible when you are dictating something and somebody is writing it down,

that they write down something different and there is a big difference between what you write down and the way somebody else writes down something. I am not a policeman I cannot be accusing that policeman.

What I do not accept is the way that what I said was written down.

MR KILLIAN: You see Mr Gobingca, this statement was a very important piece of document into the happenings in Crossroads and the Attorney General could have made his decision on this statement which was very crucial.

So you as a learned man sir, would you agree with me that what you said here today that, you said that the police could have added in things and that you were never given the opportunity to read the statement, was the statement, I am going to ask this for the very last time, then we are going to move on, was the statement ever read to you or did you ever read the statement yourself before you signed it?

MR GOBINGCA: Sir, I already said I did not read the statement. When you are arrested by a policeman and they get you an Attorney, here we are talking about something that happened more than 10 years ago and I did not say I read it and so many things have happened in these 10 years.

The reason for taking an Attorney when you are arrested is to establish whether what the policeman wrote down, what the policeman wrote down as your statement is true or not.

MR HEBSE: Sorry if I may just say something. This statement is signed at one place at the end. Usually when a statement is made, you are given a chance to read it and

initial and the bottom of each page, that is missing as well, so I would take it that the statement was never read out or read.

MR KILLIAN: Yes, I agree with you. We will take cognisance of that issue. I am converse that it has to be initialled or signed at each page and we also take note that there is two different dates on the statement, one date is the 1987-05-08 and then there is also a date, statement taken by me L. Knipe, who is the Captain, Guguletu, 1986-08-20, at 15h15.

But what we also will have established that Mr Gobingca agrees that it is his signature on the last page and I will now hand over to Mr Mgela.

MR MGELA: Just a small thing sir in regard to the statement. At the time you were submitting this statement in particular, which language did you use?..

MR GOBINGCA: I used English.

MR MGELA: So no one was interpreting?

MR GOBINGCA: No, and besides my English isn't all that good.

MR KILLIAN: Pumula Altman?

MS ALTMAN: Now, on the statement which is marked Annexure B, would this statement have been signed by you at the bottom of the page?

MR GOBINGCA: I see the signature.

MS ALTMAN: Is that your signature?

MR GOBINGCA: Yes.

MS ALTMAN: So would I be correct in assuming that this statement was read out to you?

MR GOBINGCA: This statement was not read to me either, because the police do not read statements to you, they just say sign. I never read the statement and besides this is an old statement, I do not remember every single thing that happened then. Many years have gone by since then and so much has happened in those years.

I am not being asked about something new, something that happened yesterday, I am being asked about something that happened years ago and it is possible that I will remember certain details and not remember others because of the years that have gone by.

MS ALTMAN: So you do remember quite clearly that this statement was never read to you?

MR GOBINGCA: I remember at the time police did not read statements to you, because you would go to an Attorney and the Attorney would ask the police for the statement because they would never let you read the statement, they would just say sign.

MS ALTMAN: Now, we did talk about policemen in the area and I sort of have noticed that in one of the statements you mentioned that certain persons were appointed as policemen by the Executive, they received card issues with a stamp of the Executive stating that they were home guards or policemen. And that they dealt with all crimes except murder. Now I actually don't need you to go back to the statement itself, you actually said yourself that they were policemen or home guards, what I need to establish from you is how did they deal with the crimes that they were faced with?

MR GOBINGCA: The place I am talking about is the structure which I found in place and when I repeat the question I said if Headmen or members of these neighbourhood watches or police forums could be called here, they would be able to give more detail and I repeating my answer because you are repeating a question which you put to me earlier.

MR HEBSE: Sorry, if I may just say something again. The answer to the question seems to be in the next line. "persons apprehended and convicted are either fined or whipped".

MS ALTMAN: My argument is that if Mr Gobingca knows that these people were fined or whipped, he must have seen the way they dealt with these crimes.

MR HEBSE: If somebody told him that he had been whipped or fined ...?

MR ALTMAN: Well, can we try and establish that please. I repeat again, how were these people dealt with? You mentioned that they were fined or whipped, did you in any time actually see this happening or were you informed about the kind of methods that they imposed on people?

MR GOBINGCA: Those were things which I saw. In the Xhosa culture they were dealing with these matters according to Xhosa cultural courts because in the Xhosa culture people would go to the Chief or the Headman and if a person could be sentenced whatever was decided, according to the age of the accused or the crime the person has been accused of. They could either be charged to fine or be whipped or whatever.

MS ALTMAN: Can you mention the different punishments that would be imposed for different crimes, for example theft and things like that? What kinds of punishment were imposed?

MR GOBINGCA: I do not know, I did not punish anybody. I do not know what the punishments were because I did not punish anyone. I would know if I as Gobingca was there sentencing someone. I am not going to sit here and speak on behalf of people who sat in these people's courts, because if you called them they would be able to tell you that this is how we sentenced people.

If I sentenced anyone, I would say that I, Gobingca, sentenced people in this way or that way and that when I found someone guilty, I would sentence him in some way or another, but that is the way I observed the structure to have functioned.

MS ALTMAN: Didn't you just mention that you had actually witnessed such a thing happening, that you saw it yourself, just a few minutes ago?

MR GOBINGCA: I did not see anything happening. As people that lived there, there were these Headmen lived amongst us, the same as in the Homelands where someone would have their - if someone would have something stolen from them they go to the Headman and tell the Headman and that was the example which I made as someone that lived in the squatter community.

And the other example that I made was the people's courts as they functioned in the Homelands. I was never present where I saw a certain person being taken by Mr or Mrs anybody, taken to that court and anyone whipping them



or anything like that.

MS ALTMAN: You also mentioned that the fines were taken to Mr Nobunqwana, could you confirm that?

MR GOBINGCA: I cannot confirm that because I did not see somebody taking any fines to Mr Nobunqwana, because when I - it is possible that it was a mistake where each person, where I said each person contributed a R1-00 to Mr Nobunqwana.

I did not say that anyone was fined and the money was taken to Mr Nobunqwana, I cannot recall having said that. It is possible that that is not my English, but since I did not have an interpreter, the person that was writing down my statement must have misunderstood me.

MS ALTMAN: Maybe I should put it in another way. Who were the fines paid to?

MR GOBINGCA: I was never present Ma'am, I never saw where they were taken.

MR KILLIAN: Ms Shandre Gold.

MS GOLD: Mr Gobingca, perhaps, if you wouldn't mind, if we could go through a short exercise because we've been talking certainly earlier about a number of people who were part of the leadership structure in Crossroads. We have spoken about people in leadership structures, we had spoken about Headmen, we had spoken about the Chief of the Headmen and so on. I wonder if you wouldn't mind just helping us draw a diagram so that we can work out exactly how those structures work, so that we don't keep on asking you questions that are unnecessary.

MR GOBINGCA: I just want to make a correction. The structure which I spoke about, I cannot draw without

knowing how it worked. I did not see it and I did not see how it functioned. It is possible that if you call somebody that was directly involved in those structures, that they would be able to draw this for you. I cannot draw a structure that I don't know anything about and I was merely giving my own observation over here.

And as I said I did not see anybody being taken and being whipped or anything like that, if it was anything that I was personally involved in, I would be able to give you first hand account, but I cannot stand there and draw a diagram of anything that I do not have any first hand knowledge about.

MS GOLD: Sorry, Mr Gobingca, there seems to be a confusion. I am actually coming off the question totally about the courts and how the punishment was meted out, I am asking you as a member of the community who lived in Crossroads, did you have an understanding of how the leadership structure in Crossroads worked?

MR GOBINGCA: What functions are you referring to?

MS GOLD: I am merely asking do you know who the leaders in Crossroads were at the time when you were living there?

MR GOBINGCA: I do know who the leaders were in Crossroads. Do you want me to mention them?

MS GOLD: If you could just hold on one minute, I will ask you to mention them just now. I would just like to ask a further question - did you know who the Headmen were?

MR GOBINGCA: Yes, I do.

MS GOLD: Did you know who the Chief of the Headmen was?

MR GOBINGCA: As I've already said it was Jeffery Noqwe. It was Jeffery Noqwe. Let me say it was Jeffery Noqwe, let

me not say it is Jeffery Nqwe, because we are talking about the past and I am sure that if this Commission should call, could call Jeffery Nqwe, he would be able to give you this diagram that you want. I do not want to involve myself into something where I was not involved in those structures, but I am saying that the person who was the leader of the Headmen was Jeffery Nqwe, and even Johnson.

If Johnson of the police could come here, he could come and tell you what his structures were. I cannot tell you, but if I had been involved as Gobingca, I would illustrate what my structure was.

And I am telling you who the leaders in Crossroads were because I knew who they were. And who the Headmen were as well, and I mention those who I can recall, but it is possible that Nqwe would be able to give you the names of all the Headmen because he was the leader of the Headmen.

MS GOLD: Mr Gobingca, I am merely asking a question of clarification, also because I am not always clear about how traditional structures work. You said that there were traditional structures, I am not always clear how traditional structures work and I am asking you merely as a member of the community of Crossroads.

So can we go back to just discussing your perception of the relationships?

MR GOBINGCA: I did mention them here, I don't know if you want me to repeat. I did mention these structures, unless you want me to speak about the structures we have in Xhosa culture, because I said to you that there are people who would be able to elaborate for you in detail about what

structures, who did what and as the Headman this is what I did and so and so forth.

I did say that. I do not want to speak here on behalf of someone else so that when you call that person, you say Gobingca said this. I came here to talk about my perceptions and what I know.

MS GOLD: I am very happy to hear that. Mr Gobingca can you perhaps explain to me quite simply you spoke about leaders and the leaders that you mentioned were Johnson Nobunqwana, Alfred Sipika, Altan Ntsangana, Jerry Tutu, Mr Lele and I think there were a few others.

MR GOBINGCA: That is correct.

MS GOLD: Sorry to add, there was also Christopher Toyisi you say as well as Malfed Yamile? So those were the leaders?

MR GOBINGCA: Yes, that is correct.

MS GOLD: Can you explain to me were the Headmen - what is the difference between a Headman and a leader?

MR GOBINGCA: In our Xhosa culture, you have the king, then you have a paramount Chief under him and then you have a Chief and then you have the Headmen and I am telling you about Xhosa culture because we are Xhosas.

And someone - each Headman can be called here and if that person disputes that, I can be called here and put it to that person that you were a Headman of a certain group, what were you heading? And I am sure that in that way you would be able to get more details.

I was not a Headman in any way. If I was a Headman, I would be able to tell you that. My clan was the Gobingca clan and this is how we operated. I don't know if that is

clear to you or if you want me to repeat?

MR KILLIAN: The question was what is the difference between a Headman and as you put it in your statement, a leader because in your statement you said Johnson - Christopher Toyisi, leader of the Portland Cement ...

MR GOBINGCA: There is a person who is in charge. As I mentioned how it happens in Xhosa culture, this is what happened here where we as Xhosas stayed because sometimes in Xhosa culture when your daughter falls pregnant you have to ask someone to intervene between the family of the person responsible for impregnating the girl and going to the family and said that the girl is pregnant.

And then the Headman has to come and preside over the discussion and if the Headman cannot resolve the issue, it has to go to someone who is above the Headman and I refer to that person as a leader. And because we as Xhosas lived in the squatter camp, we applied our cultural, our customary law to this because what happens there is that the - an elder is called to go and call people in the community when someone is charged and then you sit down and you discuss the matter and see if it can be resolved in a people's court or if it should be taken to the court of law.

And that is how we lived and that is how the people wanted to live, that is how we got along in our community.

MS GOLD: Okay, so if I am understanding you correctly in other words Christopher Toyisi and Malfed Yamile, Alfred Sipika and all the other leaders that were mentioned were these, were in other words what you would call Chiefs, or they were the leaders and underneath each of them were

Headmen?

MR GOBINGCA: Yes, that is correct, but I do not want you to say that Malfed Yamile and Christopher Toyisi had Headmen, I don't want the Commission to say that Gobingca said so. What I want to make very clear here is that one day you could call Yamile here and tell him that Gobingca said that he was a Headman and he could dispute that. The person that I am sure about was Nogwe.

MS GOLD: Mr Gobingca, just to continue. In other words can you explain to me the relationship now between all the leaders? In Crossroads you've got the seven or eight or nine leaders that you have mentioned, whether or not they do or don't have Headmen underneath them, that we can perhaps discuss later, but what was the relationship between the leaders?

MR GOBINGCA: Well, the leaders got along because if you remember we were being moved to the Transkei, forced moved to the Transkei and that made them work even closer together and when the UDF was launched, people started, the conflict started and I see that there were so many differences in the way people saw things, but before then people got along well with each other because the law did not want Xhosa people coming from the Eastern Cape to come to the Western Cape.

Coloureds and Whites were allowed to come and the fight then was for people to live harmoniously wherever they wanted.

MS GOLD: So in other words up until what period were all the leaders meeting together and getting along with each other? When did the differences start?

MR GOBINGCA: The people got along, I will just make an example with Memani. Memani was from Uniedal where houses were demolished in Uniedal and then they came to old Crossroads. I was not living there at the time, I am just relating the story where Mr Nobunqwana and them lived and then there was conflict and so many houses were burnt and Memani ran to KTC. I am mentioning what I saw, I think this was round about 1983 where there would be conflict from time to time and serious things would happen but it became worse where the organisations were launched and I do not know whether a Xhosa person gets excited when put in a position of power and in stead of bringing people together, create further division because of a greed for power.

Because there were these power struggles and the problem was where people were trained within the country with firearms from outside the country and these were in the hands of the people and Xhosa people get very trigger happy when they are in possession of a firearm, because even if you go to the location, you will find that where a person has got a firearm, they just shoot into the air.

And where people would try and show themselves off as being powerful because they had firearms from Lusaka and things like that and that is where, you know, that is where division came about. Where the ideologies differed because then there were these different organisations, the PAC and so forth and that was where there was absolutely no harmony because it seemed as though those who supported the PAC and those who supported the freedom charter differed, and it seemed as if the Headmen's structures and so forth, were not going to work any more, that is why they decided to

launch these Civic Associations.

MS GOLD: Mr Gobingca, could you make it clear for me in the period 197, we've been talking about these specific leaders that you mention on page 3 of your typed statement, who were the differences between? Where were the lines drawn between the leaders?

MR GOBINGCA: In 1987?

MS GOLD: Yes, we are talking 1986 and 1987.

MR GOBINGCA: In 1987 the person who saw the division in the Western Cape and decided to do something about it, was Bishop Tutu who called us all as the founders of the UDF and asked us what went wrong because we left this so that you people could take it forward and each person laid his feelings on the table and said the reason for me being like I am today is because of a certain person.

And then Bishop Tutu broke down in that meeting and said that he couldn't stand to see us being hurt like that and hear the painful accounts that we are relating because the problem that was there, was created by them.

And Bishop Tutu said we must discuss the matter, resolve the issue and get along and thereafter we got along well. Malfed Yamile and everyone and then we were divided by Mr Nobunqwana and Mr Nqabase and thereafter they were not there where we had united.

I am talking about 1987 now.

MS GOLD: If we talk about 1986 in other words before Bishop Tutu came and there was a unification amongst the leadership, who disagreed with whom?

MR GOBINGCA: We were divided there at the time the organisation ideologies were implanted in the people where



they were attempting to gain support for the various organisations and then Yamile and them had people from outside the country and training people.

And then there were kangaroo courts and Masani Centre and then you would find the youth fetching you and taking you to the Centre to a kangaroo court and sentencing you to 100 lashes and we found that Yamile Toyisi and Sipika and company agreed with what was happening, because they said it was a struggle and we wanted to know how can it be a struggle between us as Black people?

How can there be such different struggles between us as Black people, how can the youth assault us older people and burn us with tires and use firearms with us. Because when we discussed this, we called them in 1986.

Since 1985 - we called them from 1985 at Nolungile School and we called the teacher Stuurman and them and said people, let us go back to that, to the old way because it seems that the conflict is because of this and it seemed as if there was this person that - there were those who decided that they would not give up the liberation struggle.

And Mr Stuurman was very upset in that meeting. Nobunqwana was the leader of the Western Cape Civic Association who was elected in the whole Western Cape and then he stepped down after having been arrested for rent boycotts and then he left for the Eastern Cape and then Mr Stuurman took up the position and then AZAPO and the PAC were in a meeting.

George Bonge and Sidina were in that meeting and what was clear was that what was decided in that meeting was

that the UDF was part of the ANC and we wanted to know why it was launched and if - because it was called the United Democratic Front, why was there this division because the United Democratic Front was for all the banned organisations and in that hall Mr Stuurman said that I as the Deputy Chairman of the Civic Organisations in the Western Cape feel that when - if it seems that the UDF is one Organisation and the Civic's are another organisation, I as Stuurman am stepping down.

Because what would happen was we're going to funerals, one person chanting PAC slogans and one chanting ANC slogans when going to funerals and that, the police would be standing over us with firearms and things like that. And that is where the chaos started with people being branded as police informers and so forth.

MS GOLD: Thank you Mr Gobingca. I am going to take you back a little bit. I had asked you who the conflict was between and you've explained quite a series of events for me.

But at the outset you seem to indicate, you did mention three names of three leaders, Mr Yamile, Mr Toyisi and Mr Sipika. Was the conflict in the leadership between Mr Yamile, Toyisi and Sipika on the one side and Mr Nobunqwana and Mr Jerry Tutu, Mr Lele and others on the other side? Is that - is my understanding correct?

MR GOBINGCA: There is something I omitted. I am also curious about that conflict. I also do not know where it originated from. I am going to make an example with Jerry Tutu.

In 1985 Jerry Tutu was a leader as I mentioned here. His house was burnt and his cars were burnt and Nonzuzu who was the creche teacher was burnt to death where she was pregnant with twins. Her stomach was ripped open and children were taken out alive and they were eaten by the dogs and then this person ran away to the Eastern Cape. These things all happened in front of Yamile.

And we would call people and say no, come and do something about what is happening. You would never know where the conflict started because in 1985 I was injured in a hand grenade explosion and I also had to take refuge.

And you would find even in Paarl, people ran away from Paarl and came to take refuge here in Langa and these places. That was conflict which existed, which Bishop Tutu attempted to resolve and I as Gobingca do not know what happened.

Because on the one hand you would find somebody calling himself a comrade with an AK47 and a tire and assaulting us in the location. Go to town and assault the people that are taking away our liberation, that are oppressing us, I do not know why there was the conflict because we were assaulted for trying to put a stop to the senseless violence.

MS GOLD: Thank you Mr Gobingca. Whatever the reason for the conflict, you mentioned when I asked you the previous question about the conflict in the leadership, you mentioned that Yamile had people who were trained outside the country. Is that correct?

MR GOBINGCA: That is correct.

MS GOLD: You also mentioned the youth. You mentioned that Yamile from what you were saying, it appeared that what you were saying was that Yamile was working with the youth, is that correct?

MR GOBINGCA: Yes, that is correct. Let me just put this in context for you.

When we were at Nolungile, Yamile was being accused by the men of Site C who had gone to the war who were arrested for the murder of the seven people and then there were men who went to Zolani Centre, chasing these people before they were burnt, before - when they were taken out of the taxi.

Yamile stood in front of them and asked them what are you doing here because these children working here are my children, I do not want you here and then he was asked in the meeting Yamile, why did you tell the children to burn us? That is what I am saying, I was present in the meeting when he was asked, that was in 1985.

MS GOLD: Mr Gobingca, are these youths that you are referring to who Mr Yamile referred to as his youth, are these the CYCO youth?

MR GOBINGCA: Yes, this was the CYCO youth which he was saying were his children. He was busy working while we were trying to discuss with him.

MS GOLD: In other words it appeared as though Mr Yamile was the leader of the CYCO youth?

MR GOBINGCA: I cannot say that he was the leader because I saw him as an older person who was the leader at the squatter camp. I cannot say here that he was the leader of the youth because I was not there when they elected their people.

But what I am mentioning here are Yamile's words where he was talking about the youth at Zolani Centre after there was this story about the youth were attacking people who were getting off the taxi's and taking them to Site C and going to burn them at KTC.

That was raised at Nolungile School when we had that meeting and we were trying to resolve this so that this could all stop and we could put forward what we had had in practice all along.

MS GOLD: Thank you very much Mr Gobingca, I think I am a little bit clearer about the structures now.

MR KILLIAN: Just one question on the youth. Were they also known as comrades, the youth, that was in ...

MR GOBINGCA: Yes, that is correct.

MR KILLIAN: Now according to what you could observe, was Mr Yamile very protective towards these youth? In other words was he siding with what they were doing?

MR GOBINGCA: Sir, he said in the meeting that we had with him, he said that they were his children, that they should not be disturbed. When the people from Site C were complaining that seven of their people had been burnt and when they went to fetch these youths, Yamile stood in front of them and said I do not want any of you to go anywhere near these children because they are mine.

MR KILLIAN: Shandre Gold?

MS GOLD: Mr Gobingca, just to continue. You mentioned, we already agreed that you had said that Yamile was working with people who were trained outside the country. You also mentioned to me that people especially Xhosa men get trigger happy when they have a gun.

If I tie those two things together, would it be correct to say that the people who were trained outside the country who were with Mr Yamile, were armed?

MR GOBINGCA: Yes, of course, because Yamile and Toyisi were training within the country and they were told to give us firearms as well, but they never gave us firearms.

And they told us that they never gave us firearms and they were told not to differentiate between anyone that the firearms that they received from outside, they should train us in the use of these firearms and they should give us firearms. In stead they did not give us firearms, they attacked us with these firearms.

MS GOLD: Sorry if you can just clarify for me, who told them to give you the firearms?

MR GOBINGCA: The organisations which were banned were the PAC and the ANC but the person who mentioned this in the meeting which Bishop Tutu held with us and the person said no, I was given the weapons and instructed to distribute these weapons, but I decided to keep them to myself.

Because we were also involved in the liberation struggle, we wanted liberation and we also wanted those firearms but they never gave us any firearms.

Yamile never gave us firearms, but Yamile never gave us firearms. He never trained us and he never gave us firearms; so that we could defend ourselves against the people that were armed that were attacking us.

MS GOLD: Was that perhaps one of the reasons why there was a conflict between Mr Yamile and some of the other leaders?

MR GOBINGCA: I cannot say because what happened was that people were taken off buses and taxi's and at the terminus

and set alight and people were being killed, necklaced alive and the community was becoming more and more unhappy with this - because of the actions of the comrades.

I cannot say that the weapon issue was the cause of the conflict because that only came out afterwards. And because when we - at the time it was an issue to get a firearm, it was something to be very proud of but when we sat down and spoke with him generally, we would want to know from him why he didn't give us firearms.

And we were also eager to be trained and be given firearms.

MS GOLD: Mr Gobingca, can I understand that there was at that time when there were trained people in Mr Yamile's group and they were carrying firearms, that there was conflict between the community and that the firearms that were in the possession of Mr Yamile's group were used against the other side of the community?

MR GOBINGCA: That is correct, because as I said the Committee of Toyisi and them were shot there and then they ran away to stay in Crossroads.

I am going to say that it was a rumour because when we were shot on the 31st, the people who were talking there Mr Matomile and them said that the youth who were carrying the weapons, that shot at us in Crossroads, had received the weapons from Yamile.

I would say that they were rumours because I did not see them getting these weapons, but what was said was that the youth that shot you in Crossroads and attacked you with the hand grenades, is the youth that was trained by Yamile who came from Yamile, because Yamile had cadets here inside

the country.

MS GOLD: It seems to me that we are talking about two different types of cadets that Yamile had. One that was trained inside the country and one that was trained outside the country.

MR GOBINGCA: That is correct.

MS GOLD: How did you know that there were people trained outside the country?

MR GOBINGCA: I said that I had heard and also when we were shot, we were shot at, the reason for my involvement in this is because I was injured. I survived at the funeral because - and then I decided to find out - because the way these people shot at us and threw the hand grenade at us, at the time I was very ignorant in this regard.

I did not know what this was where I was injured. Even from those who shot at us, I wanted to know these people who are shooting at us like this, who are they and how do they know how to use these things?

And somebody said to me, somebody in the community said to me Yamile trained these people and armed these people. And even the seven people that were taken and gone to be set alight, these things all came out there and another person even corroborated that and said, yes, he does train people.

MR KILLIAN: Ms Altman?

MS ALTMAN: What I need to establish is whether these rumours were sort of came across to you, was this after the 31st of December 1985 incident or was that before?

MR GOBINGCA: After I had been injured, as I have already said because when you are injured, you start enquiring why



you were injured and what the cause of your injury was.

MS ALTMAN: Why do you think people sort of thought that these people were also trained on the outside, was it because they had such weapons?

MR GOBINGCA: I heard that it was because of the weapons because I had never seen an AK47, I did not know what it was and that is what made me sure that Yamile was trained outside. He was from Lady Frere, a Village called Bilaje and I cannot say that he was trained by a White man. I have to say that he was trained outside the country because he knew firearms very well and how to use them.

MS ALTMAN: You just mentioned the possibility that they couldn't have been trained by White men, so surely there must have been a distinction between the way they were trained and the way White men were trained. Could you just explain, seemingly you know the differences. I do not know if I am correct about that?

MR GOBINGCA: I do not know the difference, I am just mentioning something in a political context that what made people suspect that people were trained outside, is the weapons they used, the attacks of hand grenades and the weapons that they used, because the rumours said that they were trained by people from outside.

I do not know the difference between being trained by a White person and being trained outside the country, nobody trained me.

MS ALTMAN: You have just mentioned that they could not have been trained by White men, why did you make that statement?  
(tape ends)

MR GOBINGCA: ... in which I heard this because in our struggle we did not want any White people and the reason I heard - that is how I came to hear that Yamile was trained on the outside.

MR KILLIAN: You see Mr Gobingca, it is a very relevant question because you just said that you could see that they weren't trained by White men, so we would like to know how could you draw, or how could you distinguish between the two? How would a White man train a person to use a firearm and how would a Black man teach a person? You then had to have knowledge to make this type of distinction between the two.

MR GOBINGCA: I am putting this in a political context. At the time that this conflict was taking place, no White person could drive a car past those roads because of the extent, or the intensity of the conflicts of the struggle of the time, because the objective of the UDF was aimed at Whites.

I am not putting it in terms of military training and so forth, I am putting it in a political context. The people who were expected at the launching of the UDF were the cadets who had gone outside, who were to come back and assist us in putting forward the liberation struggle.

MR KILLIAN: As you said earlier you were part of a liberation struggle, am I correct?

MR GOBINGCA: That is correct.

MR KILLIAN: Now why would they then attack members or supporters of the same struggle, why would they then attack you people who were then part of the liberation struggle, why would they see it fit to attack you people?

MR GOBINGCA: Sir, this is what I said - this puzzled me because this is what Bishop Tutu came to try and resolve, this is what I mentioned us having had so many meetings about to try and establish what this was all about because we were all fighting the liberation struggle together.

That is what I praised Bishop Tutu for, because he is the person that came to us and wanted to know what went wrong. All of you come here, come and sit in this church and let us discuss and let us write down what happened.

MR KILLIAN: Lucky?

MR MGELA: Sir I just want to know when did you also ask for help from Yamile and the others, was it in December when you were still in New Crossroads or at the time when you had gone to seek refuge?

MR GOBINGCA: We did not ask for firearms, I did not say we asked for firearms at any stage.

MR MGELA: Are you correcting me sir, because if I listen to you correctly it seems as if you said ...

MR GOBINGCA: What I said was after Bishop Tutu had brought us together and we got along, they said to us in conversation that we were also supposed to get it, because after Bishop Tutu came to resolve the conflict, we got together, we came together and the friendship grew.

And these things came out.

MR MGELA: So in other words at no stage did you ask Toyisi and them for firearms?

MR GOBINGCA: You would, as I said when I was injured, I wanted to, I started to enquire because I was attacked by youth in broad daylight, people were shot dead before me and I started asking questions. Surely you would also ask

if I were to draw a firearm now and shoot at you, you would ask and that's the reason why I started asking questions.

And I said I heard from people when I put it, I said that I heard rumours, I heard people saying that the weapons and the hand grenades which we used to attack you people, came from Malfed Yamile, that is what I said and I repeated it.

MR MGELA: Perhaps I did not understand you very well. So you were never, you were never injured?

MR GOBINGCA: God never allowed me to die.

MR MGELA: I am just trying to establish here how many times you were injured, you were attacked? Were you attacked in Crossroads as well?

MR GOBINGCA: I am talking about the attack in December where I said that - not after that, but a while after I was injured I heard a rumour which said that the children, the youth who had attacked us, were from Yamile, were Yamile's youth. That is what I said.

MR MGELA: I understand sir. After you had heard about these grenades and things coming from Yamile and that they were youth who were being trained, what was your reaction?

MR GOBINGCA: There was nothing we could do because we were afraid of firearms, we decided to call meetings after we were injured with the priests Mfenyani and them. Called meetings at Khayelitsha for us to try and resolve this matter.

The people would hold these meetings to try and put a stop to the conflict.

MR MGELA: Do you mean that besides these meetings, there is nothing else you did as Prince Gobingca to look at the

situation of the youth that was trained in the firearms and the use of hand grenades and things like that?

MR GOBINGCA: As someone that was taken to the police station having been attacked by hand grenade, with a hand grenade, the meeting which I attended thereafter was called by someone who was a Commissioner in Athlone and after having seen the attack on us and I said it is very strange that these policemen were there, because you would pass a casper and find them playing cards. That is what I said to the Commissioner of Police, yet you say that there is so little police.

How come these police could not protect us from what was happening.

MR MGELA: Apart from that sir, I am just trying to establish whether there isn't anything else because if you look at your statement at Annexure A on page 5, paragraph 8 you say here that you went to Guguletu police station to report that Yamile and Toyisi and Sipika were training youth in the use of firearms. Do you know this?

MR GOBINGCA: After I was injured?

MR MGELA: This statement was made in May if I am not mistaken, so could you clarify to us which report to the police you are talking about? Are you talking about December 1985 when you were attacked in Crossroads?

MR GOBINGCA: When I was making this statement to the police, I was telling them what happened to me. About the youth that were attacking us and in my statement I was giving my account of what happened.

I said that that happened.

MR MGELA: You see that is what I was trying to establish, but

MR GOBINGCA: Sir, I am not interrupting you. You are asking a victim of an attack. You - we don't know what will happen tomorrow.

You are talking here to a victim who was to have been necklaced, who survived by the grace of God. This is a victim that you are interrogating.

MR MGELA: What I am trying to understand is when you went to report at the police station, did you report something that happened in December or other things that happened after December?

MR GOBINGCA: You see I was telling what happened because I had nowhere to go, I was being sought so that I could be burnt alive.

MR MGELA: Was that the first time you went to report the matter to the Guguletu police station?

MR GOBINGCA: I do not know how many times one goes to the police station when you were on the run, because you are talking about something beyond ten years. I have got grown sons since then. You are asking me about something that happened in those years, that I am to come and account for here.

And so much has happened since, but the pain which I experienced was my injury.

MR MGELA: I understand that sir. Do you still remember the policeman to whom you gave your statement at Guguletu?

MR GOBINGCA: Sir I made my statement at the charge office. I gave a statement at the charge office, these were statements that were taken by the investigators,

because even the one at New Crossroads is not here which goes to show that I was to have been injured, because what I am saying here before you is that I have a pain because the statement says nothing about my pain, my injury.

Because even I don't see anything here that relates my violation of rights, the violation of my rights.

MR MGELA: That is one of the things we have noted, that is why I am asking if you can remember the policeman to whom you submitted a statement?

MR GOBINGCA: I cannot remember, we are talking about 1985, it is now 1997.

MR KILLIAN: Shandre Gold?

MS GOLD: Mr Gobingca, I just wanted to ask you perhaps something a repeat that had, something that I am trying to understand. You had been injured, people had been necklaced, there was a tremendous conflict in the community and the way you have explained it is that the youth from Mr Yamile's side were attacking everybody.

So we have a situation where a community is in conflict, people are being injured, people are being killed. How did the leaders respond?

MR GOBINGCA: I said that we tried to have meetings in Site C. Reverend Mfenyani tried to solve this together with other priests and we - I would like to thank Bishop Tutu because if he did not come, I don't know what would have happened in our township.

MS GOLD: Thank you. Were there any steps taken in order to protect yourselves? I mean clearly you were under fire?

MR GOBINGCA: There were no steps taken because where we went in Athlone, we wanted the police because we are from

the villages, we are not aware of trainings. When Brigadier Schroeder who was a Commissioner at that time, said that what could be done is that they would extend the number of the police and I said to them why don't you hire Black people if there is a shortage of the police.

Black people can be trained to be police, so that the situation at that time, can be stopped. He said that he had noted this, he will send the message to Pretoria.

There was no other way to defend ourselves.

MS GOLD: The patrols that were established, you mentioned that patrols were established, were those in order to protect yourselves?

MR GOBINGCA: It might happen that if you have been assaulted, you would go and report and one person would be taken and you would find out that that person was burnt down. An example I may add about the Crossroad meeting - we tried to stay together in the street. We did not want anyone to be taken to be out of our group to be burnt down.

MS GOLD: Were you ever warned of any attack that were launched upon you by Mr Yamile's group?

MR GOBINGCA: The Committees said that Kumsha was one of them, they left the township and they left their wives behind. It was found that everybody who was in Crossroads was going to be assaulted. The new Committee took over the old Committee and everybody was going to be assaulted.

We got that report.

MS GOLD: Can you just clarify for me the date of that?

MR GOBINGCA: I don't remember the date because there was conflict at that time, I cannot remember the date. You would hear that a person was burnt down and someone else



was taken from the terminus and got injured.

I don't remember the dates.

MR KILLIAN: Ms Altman?

MS ALTMAN: You mentioned earlier on that after the hand grenade incident, you met with various priests like Reverent Mvenyana and then at some stage you had a meeting with the Archbishop, Bishop Tutu is now Archbishop Tutu, do you remember the exact dates of the meeting with Archbishop Tutu?

MR GOBINGCA: I don't remember the dates, but it was in June 1986. When Bishop Tutu came to us, he spoke to me. I found him at school, (indistinct) and I went to him. I asked people when did Bishop Tutu arrive and then went to him, I introduced myself.

He said that he was from Australia, he was supposed to be in Australia to give a speech but he couldn't, because he wanted to make peace in our township. He said that there were two sides in the township.

I said Bishop we have no sides here, but there is conflict in the township. If you can organise a meeting for us, you would help us. He said that he did not want the Security Branch people to know where the meeting was going to be held.

He said that a kombi would come to pick us up, to take us to the venue of the meeting, that is what happened.

MS ALTMAN: Was this before the 9th of June 1986?

MR GOBINGCA: If I remember well, it happened after the 9th of June.

MS ALTMAN: And the meeting that you had with Reverend Mvenyana, when did that happen?

MR GOBINGCA: The meeting with Reverend Mvenyana, I did not attend it because I did not know what would happen to me. I heard about this meeting and the other priests, they were meeting in Reverend Mvenyana's house.

They tried to stop what was happening. I couldn't go because I was walking with a walking stick, but I know that they tried to bring peace in the township. I think it was about January or February.

MS ALTMAN: Will this be January 1986?

MR GOBINGCA: Yes, I think so.

MS ALTMAN: You also mentioned whilst you were talking with Shandre, that at some stage you went to Athlone at a meeting. Now I do believe we have certain documentation around that issue.

If you can look at Annexure C which was a meeting held in Athlone on the 24th of April 1986. You were present at that meeting, weren't you?

MR GOBINGCA: Yes, I was present.

MS ALTMAN: Now before we get to the meeting itself, prior to that meeting, was there another meeting held to sort of discuss what would be conveyed at the Athlone police station?

MR GOBINGCA: I remember two meetings in Athlone police station. The one about our injuries where we are going to meet the Commissioner and report what was happening.

There was a Mr Kumsha who was struck by a bullet in the shoulder and the Committees from Yamile and Ntsangana, the Commissioner then said he is going to send a message to Pretoria and he will phone Mr Ndima to tell him when can we go back.

He said that he would report back to us when there would be any more police trained so that the chaos can be stopped. We attended the second meeting where there was a person from Pretoria, I think it was Colonel Du Toit from Pretoria.

He said that he was a Colonel from Pretoria, saying that the Government has noted our issue. People are to be trained, Black people are to be trained to join the police.

MS ALTMAN: Okay, taking you back to the first meeting. Do you remember what date that was? It must have been before the 24th of April 1986, do you remember the exact date?

MR GOBINGCA: I don't remember the date, I think it was in February because it was the time when I was walking with a walking stick.

MS ALTMAN: And you just mentioned that it was to do with the injuries that you had sustained as well as Mr Kumsha?

MR GOBINGCA: Yes, we wanted to know from the Government how can this happen to us.

MS ALTMAN: Who was present at that meeting?

MR GOBINGCA: Kumsha, Mr Ndima and Ntsangana. I don't remember other people who were there.

MS ALTMAN: Are these all people from Old Crossroads?

MR GOBINGCA: They were people who were staying in Mr Tsawe house.

MS ALTMAN: Mr Tsawe being Sam Ndima is that correct?

MR GOBINGCA: Yes, that is correct.

MS ALTMAN: Now, let us now go to that second meeting on the 24th of April 1986. What I needed to establish from you is whether before you went to the meeting itself, whether there were any discussions in the community about what was

going to be conveyed at that meeting?

MR GOBINGCA: I don't remember because this happened a long time ago. What I remember is that we attended the meeting and we listened to the Colonel from Pretoria. He said that he got a message from the Commissioner and they are going to extend the number of the police who are going to be trained.

MS ALTMAN: So before this meeting, surely there must have been a message conveyed to the people that had attended the first meeting, that there would have been another meeting on the 24th of April 1986, is that correct?

MR GOBINGCA: What kind of message?

MS ALTMAN: What I would like to know is that did you just arrive at the meeting itself on the 24th of April 1986 or were there any prior arrangements made before that meeting took place that such a meeting will take place?

MR GOBINGCA: I don't know whether, who told Tsawe. As I was a person with a car, he came to me saying that there will be another meeting in Athlone, he asked me to take them to that meeting in my car.

MS ALTMAN: I think if I am correct, you do make reference to the fact that a suggestion was made that the police in Athlone be approached, is that correct?

MR GOBINGCA: Where is the reference?

MS ALTMAN: On page 6 of Annexure A, especially if we look at paragraph 11, no sorry not paragraph 11, you said after the battle I led a delegation, no this is not the one actually, sorry can I just look for that quickly?

Sorry, I will rephrase that. In paragraph 5, I don't know - page 5, it says "after this I went to the District SECTION 29 HEARING TRC/CAPE TOWN

Commander in Athlone and asked his help. I wanted him to have my people trained to defend ourselves." Could you just elaborate on that?

MR GOBINGCA: It is when we discussed that a lot of people have to be trained, when he said that he would bring reserve police. I then said that why don't he take Black people to be trained.

And this led to the Special Constable people all over the country, these people were trained.

MR KILLIAN: Okay, so what you are saying is because of you making the suggestion, thereafter did the police recruit members out of your community that you were part of, to become part of the Kits Constables? Did they then - was that during the conflict or was it after the conflict?

MR GOBINGCA: If I still remember well, the police were trained after the meeting with Bishop Tutu and after all the conflict. After Bishop Tutu stopped the conflict, there was peace.

Then the police all over the country were then trained.

MR KILLIAN: You see what I still can't understand, you were two people fighting for the same cause, but there is one party is opposing the other party is attacking. How did Yamile and his group see you, did they see you as pro-Government supporters? Did they see you as supporters of the Government of the day and could that be one of the reasons why they attacked you, that you didn't align with what they were doing, could that be one of the reasons because as you said earlier, you were fighting for the same cause - that was for the liberation of the people?

MR GOBINGCA: Sir, I already stated where the conflict started. As I was here before the Commission since this morning, I have been trying to tell you when the conflict started.

And I thank Bishop Tutu as if I was working for the Government, I would not go and attend the meeting where Bishop Tutu was. I would tell him that and I would not attend the meeting.

I will see him as an opponent. I tried to point out the reasons since this morning, I tried to tell you what was the conflict about ourselves and Yamile. There was nothing between us and the Government.

MR KILLIAN: You mustn't misunderstand me, I never said that you worked for the Government, the question was did they see you as supporters of the then Government that was in power, wasn't that one of the reasons? The question is that they attacked you people because you didn't align with their policies, that is the question. Not that you worked for the Government.

MR GOBINGCA: That is not so sir. I don't know whether you understand me.

MR KILLIAN: I still don't understand you. You see my question to you is as I stated earlier, you were two people fighting for the same cause, correct? That is for the liberation of the people?

MR GOBINGCA: Yes, that is correct. I've explained that the problem between the organisations was that each organisation had its ideologies. The UDF adopted the freedom charter, that is when the problem started amongst these organisations.

I tried to explain that and I am repeating this again. I've explained the reason why there was a conflict between Yamile and our group and I also mentioned the presence of Bishop Tutu questioning what was happening because I mentioned that Bishop Tutu cried when we said that Yamile did this things to us and he left the meeting saying that he cannot accept what was happening.

He said that Bishop Matalongwe must see what to do. He stopped the necklacing, saying that he was going to leave this country if such things happened. I've tried to explain that to you and after that, there was peace amongst us, after that meeting with Bishop Tutu.

If I was working for the Government, there was nothing for me to discuss with Bishop Tutu. I would have said to him, I've got nothing to do with you because I am working for this Government.

And he can come here today saying that Gobingca was working with me. I thanked the Bishop for attending that meeting that day.

MR KILLIAN: Pumula Dwane Altman?

MS ALTMAN: Okay, going back to the Athlone meeting, you say that you were approached by Sam Ndima, is that correct?

MR GOBINGCA: Yes, that is correct.

MS ALTMAN: Now you get to the meeting, could you tell me who was part of the delegation from Crossroads that went to that meeting, and secondly who were the police present at that meeting? I also believed that you also mentioned a Colonel Du Toit from Pretoria, if you could just slowly remember the names that were present at that meeting?

MR GOBINGCA: I've mentioned the names. I remember Brigadier Schroeder and Colonel Du Toit and these other people I mentioned. I may be leaving out certain people, maybe Sam Ndima will remember others, I've already mentioned these names.

MS ALTMAN: You mentioned that you had, I mean Sam Ndima had requested you to transport them to the meeting, is that correct? Was Sam Ndima the only person who was in your vehicle when you went to that meeting?

MR GOBINGCA: I said that Ntsangana was there, Kumsha. I would remember those two. It was Ndima, myself, Ntsangana who were in the car. There may be others, I can't remember.

MS ALTMAN: That was the first meeting, I mean you mentioned those names for the first meeting. Ntsangana, you mentioned Kumsha for the first meeting, because you went to report this hand grenade explosion incident, but you didn't mention that with regard to the second meeting.

Now I am asking you when Sam Ndima approached you, who were the people who were present in your vehicle when you went to the Athlone meeting?

MR GOBINGCA: The same people who were with us in the first meeting.

MS ALTMAN: Now going to the meeting itself, can you tell me what exactly transpired, what was being discussed at this meeting?

MR GOBINGCA; What was discussed in the meeting, I've already mentioned that. That I cannot remember clearly because I was not taking minutes. Colonel was not there, he said that the Government will train Black people to join



the police so that violence can stop. That is what I remember in that meeting. I may be leaving out certain things.

MS ALTMAN: It has been suggested that we break for lunch, but we will continue this line of questioning of the Athlone meeting after lunch, thank you.

MR KILLIAN: If you've got no objection that we should break for lunch?

MR HEBSE: I've got no objection, no.

MR KILLIAN: Okay, we will break for lunch. It is now ten to one and we will be back here at ten to two, thank you.

COMMISSION ADJOURNS FOR LUNCH - ON RESUMPTION.

MR KILLIAN: I would like to welcome you back again. I hope you had a good lunch and once again Mr Gobingca, I just have to remind you that you are still under oath, and we will start the afternoon session and I will immediately hand over to Ms Pumula Dwane Altman who will continue with the questioning.

NGOSIKAYA PRINCE GOBINGCA: (still under oath)

MS ALTMAN: Thank you Mr Chairman. I think we will refer back to Annexure C, that Athlone meeting on the 24th of April 1986. Now Mr Gobingca, if you look at the list of people, in fact some names are mentioned here in paragraph 2 where sort of mentioning the people that went to this meeting, being yourself, Sydney Mzelagazi, Albon Zangani, and if you go to paragraph 8, Sam Ndima, Mrs Florence Qasa in paragraph 9 and on page 2, Mrs Jostina Qageni and that is paragraph 10, paragraph 12, we have a Mr Majege Kumsha.

Were these all the people that came with you to the meeting on that day?

MR GOBINGCA: I don't remember them. I remember only the three I mentioned. I can't deny that they were not in that meeting, because I was using a private car.

MS ALTMAN: But you did attend that meeting, so you don't remember whether these people were present or not?

MR GOBINGCA: I attended the meeting, but I don't remember the people who were there as I mentioned the Brigadier's name, I don't remember clearly what his name was, I just remember the three I mentioned.

MS ALTMAN: Would that be Schroeder?

MR GOBINGCA: I don't know whether it was Schroeder, I don't know exactly his surname. But I think it is Brigadier Schroeder.

MS ALTMAN: Now let us go to the meeting itself. What was discussed at this meeting from what you can recollect?

MR GOBINGCA: I repeat this for a second or third time, we went to the meeting being invited by Mr Ndima because we got injured. Kumsha was also injured. That was the main thing discussed, we wanted the Government to help us with his police and with his army. We wanted the Government to stop this and the Brigadier Schroeder said that what can be done is that they will look for reserve police, but he will have to contact Pretoria first.

MS ALTMAN: Was there any mention of the provision of weapons seeing that people from your area were being attacked?

MR GOBINGCA: No, there was no mention of any weapons because nobody knew how to use a gun amongst us.

MS ALTMAN: Can you go to page 2, Mr Gobingca? Can you also look at paragraph 30, something that was said by Mr Ndimba.

If you can just read that?

MR GOBINGCA: I would like to answer you sir. I can't say what Ndimba said, because I did not say it. I did not listen to what Ndimba was saying, I did not know why he said what he said. I was feeling pain, Ndimba was speaking Afrikaans, there was no interpreter, I don't understand Afrikaans.

I do understand English, Ndimba was speaking Afrikaans and I can't say that he did not say this. He was speaking in Afrikaans because he understands and he knows how to speak Afrikaans.

MR KILLIAN: Mr Gobingca, if you stay on page 2, you see paragraph 11 near "Prince", that refers to you?

MR GOBINGCA: Does it say that I wanted weapons.

MR KILLIAN: It says, no, no, I am coming to what I want to ask you. Will you answer the question, it says Mr Prince, in KTC where all these ugly things are happening. I was thrown out of Nw Crossroads by the comrades and went to live in Site C, where the people don't take nonsense from the comrades. This week somebody told me there are lots of weapons in KTC, all the weapons are stored in KTC and old Crossroads, and the comrades are in charge there."

When you made this allegation, did you say it in Xhosa, English or in Afrikaans?

MR GOBINGCA: What I would like to rectify is the part about KTC, I never lived in KTC. The person that wrote here in Afrikaans, wrote it down incorrectly, I never lived in KTC and besides I was speaking English and I was

relating as part of my version how I was attacked with hand grenades, by people who came from the direction of KTC who were armed with firearms and KTC was joined by Jay Mndolo, and that is what I said when I gave my version.

I was asked where I was and I told them where I was. And I never went to represent KTC because I wasn't staying there, I couldn't go and lie and say that I was representing KTC.

MR KILLIAN: No, my question didn't go if you represented KTC, my question was did you speak in English or in Afrikaans or in Xhoza?

MR GOBINGCA: English.

MR KILLIAN: English?

MR GOBINGCA: English.

MR KILLIAN: Translated to Afrikaans?

MR GOBINGCA: There was no one translating into Afrikaans.

MR KILLIAN: Okay, then Mr Sam Ndima then also had to speak in English because you just stated that there was no one present who could translate it into Afrikaans.

MR GOBINGCA: You see in a meeting, in a free meeting, we were not told there that we were bound to speak any particular language and that no one could speak Afrikaans or anything that we were obligated to speak English or Afrikaans. I spoke English and this is what was wrongly translated here where it says that I represented KTC and I did not.

I stayed in New Crossroads.

MR KILLIAN: You see what we are trying to ascertain here, you are part of this delegation, you are part of the group that goes to the Athlone police station with one

objective, to go and seek help, am I correct in stopping or combatting the ama-comrade, am I correct in saying that?

So you had to know what was being discussed in this meeting because you were there, I think that is the question that Ms Dwane Altman would like you to answer on.

You were there when they were asked about the questions of firearms, you were present. What was your reaction when Mr Ndima put it to the Chair or to the meeting that we need firearms, what was your reaction or what was your reply to that when he mentioned this, that you also need firearms to fight the ama-comrade?

MR GOBINGCA: Sir, I was surprised to hear here that he spoke about firearms because we never went there about, to discuss anything about weapons, we went there to raise our complaints.

MR KILLIAN: Then could it be that Mr Ndima perhaps without your knowing, had a different meeting with these people about the firearms, I am talking about the police now?

MR GOBINGCA: That is possible sir, because in the meeting I excused myself to go the loo for a while. I cannot dispute that Ndima said that, I did say that I did not hear him saying that, I did not hear him say anything like that because the Brigadier said that no one else can attend to this, they cannot attend to this unless they recruit reserve, they make use of reservist police.

That is what was said in my presence.

MR KILLIAN: Ms Altman?

MS ALTMAN: You just mentioned a few minutes ago that you were surprised to hear Mr Ndima speak about firearms? Were

you at the toilet at the time that happened?

MR HEBSE: Sorry if I may just say something. Mr Gobingca said that he was surprised to hear here that Mr Ndima had spoken at the meeting about firearms. He may have been in the same room, but if Mr Ndima was speaking in Afrikaans, he can't understand Afrikaans and he wouldn't be able to follow.

MS ALTMAN: He says he spoke Afrikaans?

MR HEBSE: No, he said that Mr Ndima spoke Afrikaans and he does not understand Afrikaans, so even if he was in the same room, he would not be able to follow what Mr Ndima was saying.

MS ALTMAN: All right. What I need to know is was that spoken after he had spoken. I mean here he talks about, in paragraph 11, after Ms Florence. Did Ndima speak after him? Was he present when Mr Ndima spoke Afrikaans, that is what I am trying to establish.

MR GOBINGCA: I was present when Ndima was speaking Afrikaans which I do not understand, because I do not know Afrikaans. I understand Xhosa and I understand a bit of English.

MS ALTMAN: Now let us talk about the concerns that were raised at that meeting, especially with reference to you. What were your concerns at that meeting, what did you bring forward to the meeting?

MR GOBINGCA: Mr Ndima had called the meeting and asked me to attend and when we got there he spoke about our injuries and the people that had been burnt. I am repeating this for the sixth time.

He spoke about our injuries and the people that were burnt and also those whose things had been set alight and we complained to the police and I still said the police are sitting there, playing cards in stead of patrolling per foot so that they could stop these things.

Because people were burnt in front of them and they just drove past in their caspers. And his response was that there were too few policemen, that reservists would have to be used, or otherwise he would speak to Pretoria because we said that if you feel that there are too little policemen, you have to employ more policemen.

And that is why when we went back the second time, there was this Brigadier from Pretoria, I am not sure about his name, I think it was Du Toit or something, he said that he had been called by this Colonel because there was this complaint and the people are being killed, the police are playing cards, there were too little policemen, they said that they would consider training policemen and this is when these Special Constables were trained.

MS ALTMAN: Can we go back to paragraph 5, please? Did you speak there Mr Gobingca about a hand grenade being thrown at you or did Mr Ndimba say that for you?

MR GOBINGCA: Ndimba spoke in Afrikaans and I was told to speak for myself. When he - since he organised the meeting, he addressed them in Afrikaans and this Brigadier said that I should explain what happened, because he saw me walking with a cane and I explained what happened.

MS ALTMAN: Can we now go to paragraph 11? Did you tell the Brigadier that - my Afrikaans is not that good - here it says "in KTC all these ugly things are being stored. I was

thrown out of New Crossroads by the comrades and I went to live in Section C where the people don't stand for the nonsense from the comrades", this is my like, direct translation. "This week somebody said to me that there were many weapons in KTC. So basically all the weapons were hidden there in KTC and old Crossroads. Do you remember talking about this at the meeting?

MR GOBINGCA: I explained how we were injured because there were more than 500 people there and we were being shot at and that is what I said. I said the people who shot at us, were from the direction of KTC and they wanted to know where I then went and I said, where I went when I was discharged and I told them that I went to Site C.

And it is written in Afrikaans because I would never have pointed a finger at KTC because I never lived there. I spoke about our attackers having come from the direction of KTC who shot at us.. I don't understand this other part that is being explained here.

MS ALTMAN: What I am trying to establish is whether at any stage you mentioned to the police at the meeting, that there were weapons being hidden in these two areas that I've mentioned, old Crossroads and KTC? That is all I am trying to clarify?

MR GOBINGCA: No, I did not tell them that weapons were hidden at old Crossroads.

MS ALTMAN: Could you also continue and tell us exactly what was discussed, I am sure these weren't the only issues that were discussed at the meeting, from your memory?

MR GOBINGCA: What I said is that they said that they would refer it to Pretoria to see about the training of



more Constables.

MS ALTMAN: After this meeting, did you have to report back to the community and tell them about this meeting that was held on this month?

MR GOBINGCA: It was not at night, the meeting was held during the day, it was never at night. The meeting with the police was during the day.

I ask you to correct that because it was not at night.

Who said anything about the meeting was held at night?

MS ALTMAN: I think the translation, we might have a problem here with the translation. I said on that month?

MR KILLIAN: Yes, the question was after the meeting did you go and report back to the community in Crossroads? Ms Altman never mentioned time, if the meeting was during the night with the police, she just asked after the meeting did you go and report back to the community of what transpired at the meeting?

MR GOBINGCA: There was no need to do that because the community did not send me there. I met Ndimu who said that he had organised the meeting about what was happening. He was talking to us as victims, as people who had gotten hurt like Stwayi's wife, who had been burnt, so he was telling us as victims of that attack that he had organised a meeting.

So there was no need to call the community and say we went to this Brigadier in Athlone.

MS ALTMAN: Then why in paragraph 2 are you referred to as leaders of three groups, you are mentioned as a leader of KTC, Sydney Mzelagazi is mentioned as a leader of old Crossroads and Albon Tsangani is also referred to as a

leader.

If you were victims, why are you then referred to as leaders in this meeting?

MR GOBINGCA: What amazes me is that my name is mentioned as a leader of KTC, I was never a leader in KTC. KTC did have its leaders. This is the part that surprised me where it said that I was a leader in KTC.

I never even stayed in KTC, how could I have been a leader in KTC.

MR KILLIAN: Now, this document you've got before you, would you then say that this is a, first of all let me put it this way, we have to come to the bottom of the truth because certain incidents happened in Crossroads which the Commission would like to really find out what was the cause of the conflict, the root. Now this document you've got in front of you, you agree that you were present at this meeting on the 24th of the 4th, 1986 at the Athlone police Headquarters, is that correct?

MR GOBINGCA: Sir, I would also like to say to you that I have taken an oath here before God. I have said several times that I was there, seeing that you want to investigate much deeper into this matter in Crossroads, what more do you want from me, because what I cannot do is to commit myself to something where someone else was involved.

I've answered you as far as my involvement went and as far as I know, but I cannot answer for matters where I was not present.

MR KILLIAN: Okay, you said that you were present but you've got the document in front of you, the question was asked by Ms Altman that you are referred to here as a

leader, you refute that you were a leader of KTC at any time, so I want you to agree with me or disagree with me.

Then this minutes that was taken at this meeting is then not the correct version of events that took place at this meeting, would you agree with me or would you disagree with me?

MR GOBINGCA: Sir what I disagree with, I agree with the date of the meeting, what I disagree with is what is written down here. It is written in Afrikaans and Afrikaans is not my language.

What is written here is written in Afrikaans, I don't know who wrote it. I've been seeing it here before you, I know about the meeting and what I know to have been said in the meeting. You are asking me to accept what was written by someone else in their mother tongue which is Afrikaans, which I don't know.

You are asking me to tell the truth about something that has been written in Afrikaans by somebody else that I don't know. My (indistinct) is Xhosa. I agree with what was said in the meeting, but what I dispute is the part that says I am a leader in KTC.

I told you about the meeting and I gave you the reason for the meeting and I've been giving you that reason since this morning.

MR KILLIAN: Mr Gobingca, it is our aim and our objective to get to the truth, no matter how hurtful it may seem sometimes, or it might seem sometimes that we are putting through an interrogation session, but that is not our aim and our objective here.

Our aim and objective, our main aim and objective is to get to the bottom of the truth. You were present at this meeting so you are the logical person to tell us what really occurred.

MR HEBSE: Sorry, can I say something?

MR KILLIAN: Your Attorney interject there. Please sir, I am asking you please, we can pick up what you are saying on the microphone if you leave your microphone on. We are all ...

MR GOBINGCA: What did I say?

MR KILLIAN: We leave the Lord Jesus Christ out of this now.

MR GOBINGCA: What did I say?

MR KILLIAN: We want to, as I said to you before, you got your chance to answer the questions and please don't interject.

MR GOBINGCA: What did I say?

MR KILLIAN: Don't interject, I am going to tell you for the very last time, don't interject. You were present at this meeting as I said and the question I put to you was do you then accept this as a correct minute or as not a correct minute. You must agree with me or disagree with me. Was this a correct minute or not a correct minute of the meeting that occurred there on that day?

MR GOBINGCA: Sir, I do not agree with the minutes written in Afrikaans. I agree that I was in the meeting and I do not want us to argue, I do not want you to see me as being stubborn or arrogant or anything, but what I am saying here and I have repeated about ten times, is that I was in the meeting in Athlone, you want the truth, I do not know what

these Afrikaans minutes are all about saying that I am a leader in KTC.

I cannot be in a meeting and go and pronounce myself to be a leader in KTC. I spoke about what happened to me.

I am surprised at these minutes written in Afrikaans, labelling me as a leader in KTC.

Everything here surprises me because it portrays me as a liar, because you can even put Bishop Tutu here. He will corroborate what I am saying as someone that likes the truth, because what comes from me here is the truth and I had said it to Bishop Tutu in the meetings as well.

MR HEBSE: Just to reiterate, Mr Gobingca can't be expected to confirm or deny what he is not aware of. If portions of the meeting were in Afrikaans, he can't understand the language, he can't be now expected to say yes, this was said or it was not said. It may have been said, but if he couldn't understand it, he may as well not have been there.

MS ALTMAN: I think he also does refer earlier on in his testimony that they went to that meeting because they were victims and ...

MR HEBSE: Yes, and he did confirm that the hand grenade issue was mentioned by him but as regards what was said in Afrikaans, he can't deny or confirm it because he doesn't understand what was said or what is in the minute in fact.

MS ALTMAN: If I may just ask one more question around this issue. The people that attended that meeting, were they all victims of the violence that was happening at that time?

MR HEBSE: Yes, those that I have mentioned. I did say so before.

MS ALTMAN: Could you elaborate, I mean for example how was Sam Ndima affected directly, seeing that you had an injury, I mean how was he affected in this whole conflict?

MR GOBINGCA: The people that I mentioned, were the people that we went with. I regard Ndima as a victim, as people that went to ask for their things to be fetched from New Crossroads and where seven people died. I said that in the beginning, because the reason for me to regard him as a victim is because in an attempt on Mr Nobunqwana's life, seven people were killed and they were found burnt and I regard him as part of the victims.

MS ALTMAN: Are you aware of any other meetings that happened in the community to report back to the community about this meeting that happened in Athlone?

MR GOBINGCA: I cannot know because Mr (indistinct) and them were the Committee and they were the ones who would report back, but there was nothing to report back because what we went there for was just to tell them.

MR KILLIAN: Mr Lucky Mgela?

MR MGELA: Sir, you say that this meeting on the 24th of April 1986 you walked away from that meeting with a promise that they were going to recruit more policemen in the form of kits Constables?

MR GOBINGCA: Yes, they said that they were going to get reservists and thereafter they would see if they could add, since they said that there were too little policemen because my argument was that if there are too little policemen, why they did not employ more policemen?

MR MGELA: I would just like to know whether that really did happen? Since the meeting was in April, did that happen

and if it did, when it happened?

MR GOBINGCA: I do not remember when the Special Constables were employed. It was thereafter, but they were employed all over. And they were not chosen from any particular side, I saw that it was something that happened, but I don't know when it happened because I was never involved again looking for people that were to be trained and so on.

Because when we left the meeting we were told that the Government would recruit people.

MS ALTMAN: Now let us go to the incidents leading to the 9th of June 1986. I believe on the 17th of May and the 18th of May that there was quite a lot of conflict. Could you just tell us a bit about that?

MR GOBINGCA: I woke up that morning and when I went outside I heard shots, gun shots. I think it must have been approximately nine o'clock and when I looked towards Section 4, I saw that Section 4 in Crossroads was ablaze. The only shop there was Mr Gunuza's shop and I could see it burning and I could see people running in our direction and then I asked people what was happening and they said Yamile and them had gone in there and set the place alight.

I then asked Ndima that we should go and tell the police. We went to the Guguletu police station and when we got to the charge office, the police wanted to know what was going on and we told them that there is violence in the area and they said that there were no caspers.

But as soon as the caspers came back, because there was so much happening in the location, as soon as the caspers came back, they would send them out, but what they

could do is that they would give us Captain Louw's telephone number if the caspers didn't come back and then we got back in the vehicle and went back to Crossroads.

And still the shooting continued and the fires continued.

MS ALTMAN: You spoke about Captain Louw, who was it Captain Luke? Where was this in Guguletu?

MR GOBINGCA: We were told that it was going to be reported so that the caspers could move from wherever they were deployed to go and look at this matter. I did not see when the caspers arrived because people from Section 4 were - it was very chaotic.

MS ALTMAN: Was the telephone number the police station's telephone number or a home telephone number?

MR GOBINGCA: They gave us two numbers, one for the police station and one private number for his house.

MS ALTMAN: Okay, if I can just refer to paragraph 10 of Annexure A. You mentioned in your previous testimony that you went to Guguletu police station to report that houses were being burnt at Section 4, is that correct?

MR GOBINGCA: When did I say that?

MS ALTMAN: Didn't you just say so now?

MR GOBINGCA: Yes, I did.

MS ALTMAN: Now, if we look at your statement itself, why isn't there any mention of your going to Guguletu police station and getting these two telephone numbers and reporting that Section 4 houses were being burnt?

MR GOBINGCA: What amazes me is that I do not see this reflected in the statement. This very statement which I questioned, does not include that although it corroborates



that I went to the police station but the writer does not say why I went.

MS ALTMAN: If you can just carry on, did you at any stage phone Captain Luke?

MR GOBINGCA: When the fires were continuing and I was unable to get hold of Captain Luke, I tried his house again and his wife answered and said that he still wasn't back from work.

MS ALTMAN: Can we look at your statement again? I ran to Table Top and phoned Captain Luke at home and you say you didn't find him, that is according to your present testimony? The Captain promised to come. Could you comment on that?

MR GOBINGCA: Ma'am, that was a long time ago. I did not read this statement now to refresh my memory, but what I know is that I did phone Captain Luke's house. I agree, but what happened is that I did not have time to refresh my memory, what I am relying on is as far as I can recall what happened back then.

MS ALTMAN: Is there a possibility Mr Gobingca, that you actually did speak to Mr Luke, I am just talking about a possibility?

MR GOBINGCA: It is possible that I did manage to speak to Captain Luke, this is an old statement because I phoned when the fires continued raging and it seemed as though nothing was being done.

MS ALTMAN: So you are agreeing that it could be a possibility?

MR GOBINGCA: Yes, that is correct.

MS ALTMAN: If you can carry on, after the telephone call what happened thereafter?

MR GOBINGCA: I do not remember unless I read my statement, because what I do know is that the fires continued raging, people were running around and it seemed that the only thing that would help was for people to identify themselves, because there were so many shacks and all people could do was to identify themselves by tying something on themselves, because what was happening was that people were trying to salvage whatever they could.

So you wouldn't be able to identify who was from our camp and who was not because so many shacks were burning at the time and they were standing so close to each other so each one would set the other one alight.

MS ALTMAN: You talk about tying something on themselves. What are you referring to, could you just describe to me what it was that people tied around themselves?

MR GOBINGCA: It was just string which was tied on their arms, a white string to show that where there was - because there was smoke and things like that you would identify the people by that. That is the string that we spoke about, this is what was referred to in the newspapers as "the wit doek". I do not recall any organisation being launched called "the Wit doeke", because this was white string that was tied around peoples' arms to identify them as being residents of that community.

MS ALTMAN: So you are trying to tell me that this whole idea of the white string in order to identify yourself, came on this particular date, the 17 or the 18th of May 1986, is that correct?

MR GOBINGCA: Yes, it happened on the time when it was burning there at Crossroads. I never again saw it being tied anywhere else because after those caspers came and soldiers were there, there was no need for anyone to tie these strings around themselves to identify themselves.

MS ALTMAN: So the caspers came? Could you tell me more about what happened when the caspers came?

MR GOBINGCA: I don't remember when the caspers came. I cannot remember when the caspers came because there was no way for the caspers to enter Crossroads, because the squatter shacks were situated very close to each other.

MS ALTMAN: But you just told me that the caspers came? Where were they situated if they could not come - I mean into the area itself because of the closeness of the shacks?

MR GOBINGCA: I saw them in Lansdowne Road and I saw the soldiers standing in Lansdowne Road in the caspers and I saw the caspers there, but the problem was that they could not go in because the fire was raging throughout those shacks because they were so close to each other.

MS ALTMAN: Can we go back to your statement Mr Gobingca. Paragraph 10, once again. You mentioned that after the Captain had promised to arrive in the area he arrived with a squad of policemen and started patrolling in the casper, could you explain that to me? I mean, you are telling me that there was the closeness of these shacks and then suddenly we are getting Captain Luke arriving with a squad of policemen and patrolling the area in the casper, could you explain that?

MR GOBINGCA: What I saw is that I saw caspers in Lansdowne Road, I saw them in Lansdowne Road because they could not get into Crossroads, there was no way for them.

MS ALTMAN: Then what was done to prevent this whole violent situation?

MR GOBINGCA: I don't remember what happened, I don't remember what the police did because there was fire all over Crossroads. This happened 10 years ago, I don't have a memory of what they did when they got there.

Because the caspers could not go in. I saw them in Lansdowne Road, soldiers were in small caspers also in Lansdowne Road, they did not go into because there was no way for them, there was fire all over.

The shacks were closely packed to each other.

MS ALTMAN: So what you are trying to tell me is that they watched from Lansdowne Road, is that what you are trying to tell me?

MR GOBINGCA: Yes, they watched from Lansdowne Road, they could not go in, there was fire.

MS ALTMAN: Then what is said in this statement is not - could you actually go through that paragraph, paragraph 10.

I will give you some time to read it, just to remember?

MR GOBINGCA: I read the statement. What I was referring to here, I was referring to Lansdowne Road but I did not mention it. I saw caspers in Lansdowne Road, I thought that they were patrolling around there. They then left after that.

MS ALTMAN: Let's go back now again. If you remember having phoned Captain Luke, do you remember where you phoned him from?

MR GOBINGCA: In the China shop. There was a public phone near the Table Top in the China Shop because there were no public phones in Crossroads, they were in that area.

MS ALTMAN: So when you mentioned I ran to Table Top and phoned Captain Luke, you were referring to this China shop, am I correct?

MR GOBINGCA: Yes. It was referred to as the Table Top.

MS ALTMAN: Now you've informed us just recently that the police were watching, what happened thereafter, I mean the police are in Lansdowne Road, the houses are burning, what is the activities around the area?

MR GOBINGCA: The police did not do anything, there were no fire brigades. This happened in Section 4, people were all over the place at that time and there was shooting all over the place.

The police did not help and they did not call the fire brigade to put off the fire.

MS ALTMAN: You mentioned shooting, who was shooting whom?

MR GOBINGCA: I heard gun shots from Section 1. They were flying on top of us, the bullets were flying on top of us.

People said that Mr Yamile together with his group were the ones shooting and setting fire.

MS ALTMAN: Please continue.

MR GOBINGCA: Continue with what Ma'am?

MS ALTMAN: Is that the end of what - is that what happened, I mean wasn't there anything that happened?

MR GOBINGCA: Yes, that is what happened. Houses were burnt down and nobody tried to stop the fire, the shacks were burnt down and the people were running.

There were gun shots all over. We could hear gun shots and people said that Yamile was the one shooting at us.

MS ALTMAN: Were there any attempts from your side to defend yourselves during that time?

MR GOBINGCA: People were trying to set off the fire, they tried to fetch water and to set off the fire, to put off the fire. Others had batons with them and there was stone throwing from the Section 4, but I was in Section 1. The fire was in Section 4 and Section 3.

MS ALTMAN: You mentioned that other people had batons, who were the people who had batons? Was it people from Section 1, was it people from Section 3 or was it people from Section 4?

MR GOBINGCA: They are from Section 3, Section 1 with batons.

MS ALTMAN: And these were the weapons they were using to defend themselves, am I correct?

MR GOBINGCA: Yes, yes. That is what I saw.

MS ALTMAN: Now during this fight, what happened to your alleged attackers? Did they manage to get you out of the area, what happened? The people that you referred to as being Section 4 people who were attacking, did they retreat or did they continue with their attack, what happened? I am trying to understand what happened?

MR GOBINGCA: They continued attacking. This happened in the morning and on the following morning we - I could not see anything, I saw that people were all over and the caspers were all over, the 18th, the following day.

MS ALTMAN: So I assume there would have been a deaths on that particular day, I mean the 17th and the 18th and the police are not intervening, would that be correct?

MR GOBINGCA: The police did not intervene, they did not intervene. The police did not intervene, I did not see any of them doing that.

MS ALTMAN: I see in your statement you state that we did not receive any help from the police, here on paragraph 10. But what I find interesting is that eventually you gained the upper hand and destroyed the camps of Yamile, Toyisi, Sipika and Ntsangana, is that a true reflection of what happened?

MR GOBINGCA: Section 4 and Section 3 was also on fire, that is where the fire started. And there were other houses left after the fire, not all houses were burnt down.

And Crossroads shacks were also burnt down, but others were not. More houses would not have burnt down if the Government sent the fire brigade to stop the fire.

The person who helped us was Bishop Tutu. Mr Tutu who helped us to stop the fire.

MS ALTMAN: What I am trying to understand, during this fight, did the camps of Mr Toyisi, Mr Sipika and Mr - I think I just mentioned it now - and Mr Yamile's areas get burnt, Mr Ntsangana actually, did their camps get burnt?

MR GOBINGCA: Yes, they did. Yes, they did.

MS ALTMAN: How did people manage to do that considering the fact that these people were armed, I mean how were they able to go and burn these shacks? Could you explain that to me?

MR GOBINGCA: I don't know because there was shooting all over and fire. I don't know how the people did this. He is the one who can answer this, because they were the ones who were setting fire.

For example in Qoniben thousands of shacks would burn down if only one shack started fire. I tried to go to the police station so that the fire brigade can come and stop the fire, but they did not arrive.

MS ALTMAN: In your earlier testimony you just mentioned that the people at old Crossroads were armed with batons. What I am trying to understand, I am really having difficulty with this one, here are people from the other camps armed with weapons, and people from the other side are armed with batons, how come the people who were armed with batons were able to go and burn the shacks where people are supposedly armed with weapons, that is what I am trying to understand?

MR GOBINGCA: I did not see anyone burning down shacks, this happened in Section 4. The people from Section 4 came in section 1, they were running away from fire.

The person - the fire started in one shack and this continued to other shacks.

MR KILLIAN: Lucky?

MR MGELA: I have a few questions sir. When the fire started, how was your state of health?

MR GOBINGCA: I was still injured at the time. I was still walking with a walking stick.

MR MGELA: You were still walking with a walking stick?

MR GOBINGCA: Yes, but I was trying to walk without. I still had walking sticks with me, but I was trying to walk without them.



MR MGELA: So to understand you well when you said that this started on the 17th of May 1986?

MR GOBINGCA: Yes.

MR MGELA: Was it on a Saturday?

MR GOBINGCA: I don't remember, but I remember the date that it was on the 17th.

MR MGELA: The day before the 17th, where were you on the 16th?

MR GOBINGCA: I don't remember whether I was in Crossroads or I was around driving my car.

MR MGELA: You don't remember?

MR GOBINGCA: No, I don't remember.

MR MGELA: Do you remember sir, what happened on the 16th in Crossroads?

MR GOBINGCA: I don't remember sir, what happened on the 16th.

MR MGELA: We will now go back to the written statement, Annexure B, on page 3. After you received information from that Yamile and his group are planning to attack Crossroads, you said that you arranged night patrols and you also mentioned the date that on the 16th at about half past eight your houses were attacked and they were set alight. You tried to set the fire off. I am trying to find out as you said that this started on the 17th, what is your comment after reading this piece?

MR GOBINGCA: Please repeat your question sir.

MR MGELA: Please take your time and go through your statement and go to another page where three people died.

MR GOBINGCA: I think this is a mistake, it was on the 17th, it was on the 17th because these are old statements,

they are things I cannot remember clearly in these statements.

MR MGELA: Going back to the 17th, you say that this attack started in the morning?

MR GOBINGCA: Yes, it started in the morning.

MR MGELA: So this time here, half past eight at night?

MR GOBINGCA: No, there was no attack at night.

MR MGELA: In other words you dispute what is in the statement?

MR GOBINGCA: It was on the 17th in the morning, not on the 16th.

MR MGELA: In other words you dispute what is in the statement? Because if you can go back on the issue of the patrols, you got the information that Mr Yamile's group and other comrades are going to attack Crossroads and in the patrols you said that you tried to wait for the attack and after that they burnt down your houses, you tried to put off the fire and violence started.

MR GOBINGCA: The conflict did not start on the 16th, because there was a patrol. As I've already said that the patrols were in the Headmen's areas, Section 4 Mr Nono was there - was staying there. They would have patrols in that Section.

The patrols would be in the shacks and I've already mentioned why these patrols took place, but what I saw the attack started on the 17th in the morning, from Section 4 as we were residing in Section 1.

MS ALTMAN: Going to your statement once again, paragraph 10.

I would like to refer you to the bottom part of it, it is not at the bottom. Here in the statement you mentioned

that you fought alongside your men, I was captain. Could you try and tell me what this is all about?

MR GOBINGCA: Please repeat your question?

MS ALTMAN: You mention in paragraph 10 where like it says the police could not come with their caspers because of the closeness of the shacks, I fought alongside my men, I was the captain, I was in charge of our men?

MR GOBINGCA: I never said this in my statement. I was not a captain. I couldn't be a captain because I was injured. I went to Conradie Hospital and there is no way that I could be a captain.

MS ALTMAN: And also in Annexure B, if you look at page 4, page 4, there on the second paragraph it says we decided to fight back and a fierce fight ensued. Why on both statements am I getting the impression that there was actually resistance on these two statements on that particular day? Don't you find it a bit strange that this would be reflected on both statements if it didn't happen?

MR GOBINGCA: I was not a captain, I said that people were throwing stones at each other, some had batons with them. They were throwing stones at each other and they had batons with them. I did not say that I was a captain and I was fighting along my men.

MS ALTMAN: What does "we" mean?

MR GOBINGCA: What I am saying is that I was, I did not say that I was a captain, I say that people were fighting with each other, they were throwing stones, others had batons, others were trying to put off the fire from the burning houses.

MS ALTMAN: I am not referring to the captain issue, I just want you to explain to me what "we" mean? "We"?

MR GOBINGCA: Is there a place where I said "we"?

MS ALTMAN: If you refer to Annexure X, paragraph 2 "we decided to fight back", now I am asking you again, what does "we" mean?

MR GOBINGCA: When I made a statement I said to this person who was writing down, people were fighting with each other, I think the person who was writing this statement made a mistake, because I was the one telling him so that is why he included me.

I was the one giving him the statement saying that I saw people with stones and batons and others were trying to set off the fire. I think that he said that we because he took the statement from me.

MS ALTMAN: What I would like to comment on is that I find it a bit strange that this person who take the statement, sort of puts in things like we and so forth.

I really don't know what that is supposed to be. Anyway, can we now go to the 9th of June incident in 1986? If you can just refresh your memory on that issue.

You mentioned that on the 9th of June you and Mr Shelhouse and other people went to King William's Town to fetch Mr Nobungwana, why was that?

MR GOBINGCA: What happened is that Shelhouse came to me, he said that we must go to Mr Nobungwana in Ciskei because they wanted him to come back and to continue with his job.

I agreed, I said yes, I can accompany them. We then took a plane to East London, we met Mr Nobungwana in a hotel in East London. We spoke with him, they told him

that they wanted him to come back and to continue with his job.

He said that he was going to come back.

MS ALTMAN: When did Shelhause approach you to say that you should go and fetch Nobunqwana in the Ciskei?

MR GOBINGCA: I don't remember the dates, but I think it was in the beginning of June, but I don't remember the exact date.

MR KILLIAN: If I may just ask one question there. You see I find it strange that Shelhause will approach you because you said you had no leadership capacity in the community, then why didn't he take one of the other leaders with him to Ciskei?

MR GOBINGCA: I was not the only one sir who was going to go to Ciskei. But what I can say is that I was amongst the people who were there together with Shelhause, it was the Committee of Mr Nobunqwana. Shelhause asked me whether I wanted to go?

I said yes, because I never travelled with a plane. I just agreed to go to Ciskei with them.

MR KILLIAN: Pumula?

MS ALTMAN: So you agreed to accompany him and you met in East London. Now you mentioned about him continuing to come and - you said that Shelhause came to you and he said that you should go to Nobunqwana in the Ciskei to convince him to come back so that he could continue his job.

What do you mean by continue his job?

MR GOBINGCA: Because he was a leader of Crossroads at that time, I thought that they wanted him to come back and to continue with his leadership job. After his return, he

became a Mayor, that is what I thought.

MS ALTMAN: Wasn't it a bit strange that the people would go all the way to the Ciskei considering the fact that other leaders had been left in the area like Sam Ndima. Couldn't Sam Ndima deal with the situation?

MR GOBINGCA: No, Sam Ndima did not remain behind, we all went. He went with us, he did not remain behind, we all went and Zungu and Ntsangana, we all went to the Ciskei.

He did not remain behind.

MS ALTMAN: What I am trying to establish is why was there a necessity to go and fetch Nobunqwana if Sam Ndima was also considered as one of the leaders?

MR GOBINGCA: I did not know why because that was the agreement that we should go to Nobunqwana and that Nobunqwana should come back.

When even the secretary in Crossroads said that Nobunqwana should come back.

MS ALTMAN: What was discussed at that meeting in Ciskei and East London?

MR GOBINGCA: What was discussed was that Nobunqwana should come back, the necessity of him staying in the homelands was that we were there to see him and that he was pleased being asked to come back.

MS ALTMAN: No go to the time when Nobunqwana had fallen, he was not in the favour of his followers because seven people had been attacked in March 1986, I might have the dates wrong, but when they went to fetch their belongings in New Crossroads. Isn't it a bit strange now that he is now called back to come to the area where his supporters are not in favour of him?

MR GOBINGCA: I would not say that is so because he left when he was told to leave, I went and when he was told to leave, what was surprising was when he came and he was the Mayor and the others were appointed as Counsellors and I found that the intention of us going there to fetch him was that he should be a Mayor and people were fraudulently appointed as Counsellors.

That was the way I saw it after he had been brought back, was where there was even more confusion reigning because he was - they wanted him to come back and now that he was back, he was appointed as Mayor.

MS ALTMAN: Do you know if there had been any consultations prior to going on the 9th of June 1986 with the community that they bring back the so-called leader?

MR GOBINGCA: I think, I do have an idea about before going there that there was a meeting that was held at Nqolo that said that Nobunqwana should be brought back.

I seem to recall something like that.

MS ALTMAN: Who had called that meeting?

MR GOBINGCA: Mr Ndimu.

MS ALTMAN: So this whole question of it being Mr Shelhouse's idea of actually bringing him back, wouldn't be the case, would it?

MR GOBINGCA: If I remember correctly, I would say you wouldn't be wrong because after Shelhouse and them came and suggested that Nobunqwana should be brought back, a meeting was held, was called by Mr Ndimu thereafter stating the need for Mr Nobunqwana to come back and then thereafter a rent cards were prepared for people to rent and those are the things that I thought Shelhouse suggested as part of

the reason for Nobunqwana to come back.

MS ALTMAN: Was Shelhouse part of this meeting at Nqolo School?

MR GOBINGCA: I think so, I think it was Graham Lawrence and Shelhouse were there, although I can't remember. Graham Lawrence was his Head, he was stationed at Goodwood and Shelhouse was there. If I am not mistaken, I speak under correction, but I think that Shelhouse and them were there.

MS ALTMAN: What about Phillipus du Toit, do you know if he was at that meeting?

MR GOBINGCA: I never saw him at the meeting at Nqolo. Unless I saw him when the Mayor was appointed.

MR ALTMAN: What do you think the whole objective was for Graham Lawrence and Shelhouse to have Nobunqwana returned back into the area, do you genuinely think that it had something to do with him having control over the area because there was violence or were there other motives behind his coming back?

MR GOBINGCA: I would say that the intention, objective that there was an ulterior motive because the Bishop's request, Bishop Tutu's request was that people in all the houses that were not burnt down, in an attempt for there to be peace, they had to go back and rebuild their houses and Mr Nobunqwana's old Committees that were chased out by the others that were there, should come back and rebuild their houses.

So, my interpretation of that was that it was an attempt to sideline the peace effort by Archbishop Tutu because thereafter this thing with Mr Nobunqwana happened,



because he was quickly brought back after Archbishop Tutu had taken this initiative towards peace.

MS ALTMAN: Now at this peace meeting that you mentioned that Archbishop Tutu was present, was Shelhause and Lawrence present at that meeting?

MR GOBINGCA: No, they did not go. Archbishop Tutu requested us to be there, they were not there at that meeting.

MS ALTMAN: So where did this suggestion from Shelhause come from do you think that Nobunqwana return into the area?

MR GOBINGCA: I think the reason for me putting this to the Commission is that when he came back, the people, when he came back there was this division because then there was this issue about the Mayor and people couldn't come back to their houses because the Mayor and the Counsellors were appointed and people could not go back to their houses as it was said they should.

I am not saying that they were in the meeting, I am just stating my perception of the suggestion that Nobunqwana should be brought back. It was an attempt to derail the peace process that the Archbishop had attempted to get on track.

MS ALTMAN: What I am trying to understand, I mean there has been conflict in the area from the 17th of May, the 18th of May 1986 and maybe a few days after that and on the 9th of June, you, Shelhause, Sam Ndimma and whoever went to that meeting, decide to leave and go to the Ciskei. Could you explain to me that coincidence because I mean KTC flares up, the surrounding areas get burnt, there is a lot of violence.

Why on that particular day did you people have to leave and go and leave Nobunqwana in East London?

MR GOBINGCA: Ma'am the conflict in KTC, we did not know about and I as someone that is a bit educated, knew that there was an interdict that nobody would have gone and get involved in what was happening in KTC and when I came back I saw that there was a big fire and I wanted to know why there was fire at KTC, how could somebody disobey an interdict and go and burn KTC, why would they want to burn KTC?

MS ALTMAN: Did Mr Nobunqwana return with you on the 9th of June 1986?

MR GOBINGCA: No, he never came back with us. He was someone that was going to come back at a later date. We left him there and he was going to follow at a later date.

I think that he came after our meeting with Archbishop Tutu because the date that I can't remember is when Archbishop Tutu came, but I know that it was after the KTC incident, I think it was on the 11th or the 12th when he came from Australia.

The date of the meeting with Archbishop Tutu is around there.

MS ALTMAN: So that would be towards the end of June, is that correct, of 1986?

MR GOBINGCA: Which date?

MS ALTMAN: The meeting with Archbishop Tutu.

MR GOBINGCA: I didn't say it was towards the end, I said I estimate that it was round about the 11th or the 12th because Bishop Tutu came at the time when all this happened in KTC.

That is when I saw him at Ngqolo School when he was with Reverend Currin. But I am not sure what the date was because it is such a long time ago.

MS ALTMAN: I don't have any more questions around the incidents, are there any more questions?

MR KILLIAN: Yes, thank you. In the first instance the attack, you said that the police didn't intervene to try and stop the attack? Nothing?

MR GOBINGCA: No, not at all.

MR KILLIAN: So this must have left you very saddened to see that the police that must protect, are not doing the protection that you are expecting from them? Now, here once again all the leadership is taken out of Cape Town to Ciskei and you come back and you find the same situation about KTC being attacked again.

MR GOBINGCA: That is correct sir.

MR KILLIAN: So at that stage did you, when you saw this attack, what was the police doing? Did they intervene between, trying to prevent, when you came there did you see any police action taking place? I am talking about the June attack now? You went to Ciskei, you came back, you said you saw the fires burning again.

Was there any police action?

MR GOBINGCA: Because I was far I cannot testify to the effect that the police did anything at the time, because when I came back I had heard it on the radio and Mr Van Eck and them were condemning very strongly the idea that people were burning KTC and that is where we also wondered, I also had a question mark as to which people would defy the interdict because when I tried to examine this whole thing,

I cannot say sir, that I saw them because the - for example on the side of Mr Whoza and then there were cries from the people.

There were people there who were violated and when this whole thing took place, I wondered to myself who could have defied, possibly defied this interdict and why? Because at the time when Bishop Tutu called us, he was part and parcel of the people that went to lay their complaints before Bishop Tutu and it surprised me and I was baffled as to how someone could have raised enough forces to go to KTC and set the place alight.

MR KILLIAN: Do you think that there was somebody or some person that didn't want peace in that area from what you could derive and what you saw there after having peace talks? And could you come to that conclusion who was behind this derailment of the peace efforts, who didn't want peace there?

MR GOBINGCA: Sir, I identified that after Bishop Tutu called us that there are people who do not want that unity again and that is the time where these Counsellors were hurriedly appointed, there were people that got involved in those things and I realised that something fraudulent was going on here, because when I opposed that, I was shot.

I still have a bullet in my spine that cannot be removed because when these Counsellors were appointed in Crossroads, I asked that when Archbishop Tutu called us for the peace meeting, we were all together, what is this whole thing about the Counsellors and why do you see someone from the Security Branches suddenly wearing traditional attire because I had never seen something like that before,

because if I don't know, even though I don't know what happens very well within Council, I know that people are elected to such positions.

And even though I cannot elaborate on that, I know that there were definitely people who did not want peace in the location, people were burning our houses and shooting us. That made it quite clear to me that there were people who did not want peace and after that they were given 9 mm guns and made Headmen and Counsellors and then the service charges were attached to the rentals and so forth and Mr Nobunqwana and them were given R11-50 from these amounts, and I reported this to Bishop Tutu because I went to these leaders that Archbishop got us together, was Yamile and these men and said look gentlemen, something else is coming out now that I didn't know about.

And they said so many things are making us cry because these people are being used and this surprised me as well, because all I knew was that Bishop Tutu tried to initiate peace by bringing us together and that wasn't working.

MR KILLIAN: So you saw the system as using these people and abusing these people and the system, if I get it right, the system put this people into power without consulting the people and this was the main cause of the conflict and the trouble that flared up in KTC and in Crossroads area? If I can put your whole summation in a nutshell?

MR GOBINGCA: Sir, I agreed with that when I saw that they were being dressed in Xhosa attire and they were being made, while being Security and they went to go and sit in the hall saying that they were electing a Mayor and certain Counsellors, I realised that there was something fraudulent

going on there and I tried ways to have them photographed there so that as soon as I could get those photographs, I could take them to Bishop Tutu because at that time he was here in Bishops Court and attempts was being made by the Medical Resource Centre that something should be done because something fraudulent was going on there.

MR KILLIAN: One last question. When these people were elected, was the other people of KTC and Crossroads present or were just the Nobunqwana's, and his Committee, were they only present them and the people of as you said, the Security people, were they the only people present?

But were there any other people present like the ordinary person who stayed in Crossroads?

MR GOBINGCA: No, sir, no one was there from the community and that is why the lost the case because only certain men and ladies went there and the names were forwarded that Nobunqwana is the Mayor and so and so is a Counsellor and even certain Headmen that I mentioned, were made Counsellors.

And that is what led to me taking the initiative that we should take the matter to the Supreme court so that he should step down as Mayor because there was no evidence of him being democratically elected.

MR KILLIAN: Ms Pumula Dwane Altman would ask you one more question.

MS ALTMAN: I will ask you one more question. Seeing that you went to the Ciskei on the 9th of June 1986, was that the first time that you had ever been there?

MR GOBINGCA: Yes, it was the first time, it was the first time.

MS ALTMAN: Thank you very much.

MR KILLIAN: Lucky Mgela?

MR MGELA: Just a few questions sir. When you went to Ciskei did you come back on the same day?

MR GOBINGCA: Yes, we came back late that day.

MR MGELA: And when you came back, what did you come back with from the airport, what did you use from the airport?

MR GOBINGCA: We were taken by one of the vans from, I think it was the van from the office.

MR MGELA: So you went in a van and you came back in a van? Who was driving when you came back?

MR GOBINGCA: Shelhouse.

MR MGELA: So all of you and Mr Sam Ndimba and them all came back?

MR GOBINGCA: Yes.

MR MGELA: So what was the time?

MR GOBINGCA: I think it was approximately 8 pm.

MR MGELA: So if you came back at 8 pm on the 9th, you say that you saw smoke and flames and you could see that it was burning in KTC?

MR GOBINGCA: Yes, it was still burning that day when we came back late.

MR MGELA: so when did you start wondering about who defied the interdict to go and burn, set KTC alight?

MR GOBINGCA: Yes, I wondered, started asking about it on the 10th that people should please explain because I had no knowledge of the people because the reason why I questioned it was because I cannot remember which policemen came and who explained, it was apparent that even the police were in trouble.

Because it was discussed in Parliament that please they should try and investigate who did this in KTC because there was an interdict and when they came back they were seriously wanting to find out who went to go and set this place alight.

MR MGELA: When you speak about the Committee people, who are you talking about?

MR GOBINGCA: I am talking about Zuku and them because I asked the people that had remained behind.

MR MGELA: So in other words there were Committee people who had gone to East London and there were those who had remained behind?

MR GOBINGCA: Yes, the majority of Headmen had remained behind. Many of them remained behind.

MR MGELA: So since you were really concerned with people that had defied an interdict, and you disagreed with the decision taken, in your investigation, who did you find to be responsible?

MR GOBINGCA: A lot of people were giving various stories and I was also very serious about this because there was no other way because the police themselves now had to find the person who had defied the interdict.

And while one person would say we saw these people, we saw them go down (indistinct) Drive, chanting, going towards Table Top and various stories came out and no one would say with absolute certainty who had gone, or who had said that they should go and attack KTC.

MR MGELA: Where were these people from?

MR GOBINGCA: That is what I also wanted to know, because the police came to ask us and I tried to ask the people who



remained behind, and nobody came out with the truth because the people who went to set KTC alight, were to have been charged because there was an interdict.

MR MGELA: Just lastly, you say that there were these stories, one person was saying this, the next person was saying that. What can you tell us as a Commission as far as you know about the people who went to attack KTC because you say that you enquired from people and you got different stories?

MR GOBINGCA: I tried to ask around and that is also part of what caused problems for us with Zuku and the others when I asked them to explain who went to go and burn KTC because there was an interdict and no one was coming forward to tell us and I said okay, fine what is going to have to happen is that everyone should go and make a statement to the police.

And that is when everyone, that was in trying to establish who had gone to set KTC alight.

MR MGELA: So in trying to investigate, you investigated from the 9th because if you remember what happened in KTC happened on the 9th and the 10th and the 11th, when you came back from East London?

MR GOBINGCA: I got back at night, so I didn't see anyone, I got home and I slept. So I started asking on the ...

MR MGELA: The next morning?

MR GOBINGCA: Yes, that was on the 10th. Yes, because at the time there was still a noise in the Nyanga area, it was chaotic.

MR MGELA: So what was the role you played on the 10th and the 11th when you came back from East London, was it trying

to investigate these people that were attacked in KTC?

MR GOBINGCA: Yes, I tried to investigate it because an interdict had been given and the conditions of the interdict had been broken because the police also knew that there was an interdict and they were supposed to find the people that did that and arrest them, put them in the caspers.

And I said that this whole thing is creating confusion, you people are supposed to uphold the law, you know that there is an interdict in KTC.

Why don't you put these people and put them in the vans because you've got the necessary power to do that and you saw this happening.

MR MGELA: I understand what you are saying sir, but I am asking the question, you as someone who was concerned about the defying of this interdict, you say that some people spoke from Site C probably went down Lansdowne Road, where did they join the road to KTC?

MR GOBINGCA: There are many roads going to KTC. One can either come from the Nyanga bush, from the Boys' Town side to Site C, you can come down Mahobeq Drive, you can even come from the direction of Brown's farm.

The people that I blamed were the police who knew the law and knew that there was an interdict, who were soldiers and who did not arrest these people, having seen them.

Because that was not even supposed to happen, the police was supposed to just arrest all these people for violating this interdict.

MR MGELA: You are saying you never saw these people went to go and attack there?

MR GOBINGCA: No, I didn't, apart from what I heard from the community.

MR MGELA: Did you conduct this investigation from your house or ...

MR GOBINGCA: It was not an investigation, I was not conducting an investigation for myself, the policemen were supposed to conduct an investigation. All I did was to ask a few questions for clarity because I said to the police, you are the ones with caspers and everything, you were supposed to have arrested those people already because Parliament had to put pressure on them to do something.

MR MGELA: Thank you sir, I was just trying to investigate your concern. Please do not take exception to my questions.

MR GOBINGCA: No, it is your right to put questions, you also have to make sure so that tomorrow if there is any one else here you should ask them the truth so that you can get down to the truth of this whole incident.

MR KILLIAN: Okay, Mr Gobingca, you arrived back on the 9th? Right, the night, so you see the burning. The next morning it is still burning, the 10th?

MR GOBINGCA: Yes, sir, you would still see the smoke. After there has been a fire, there is still smoke that remains, so one couldn't be sure whether there were still flames or whatever, but you could still see the smoke rising.

MR KILLIAN: The 11th it is still burning?

MR GOBINGCA: I cannot say with certainty sir, because I wasn't taking note of the dates.

MR KILLIAN: Okay, but this was a three day conflict?

MR GOBINGCA: Sir I am not sure because where you hear me remembering is when the police came on the 10th, the morning of the 10th, looking for the people that had set KTC alight, and they went around asking about the people that burnt KTC, where I argued with them was that it seems the first person that came was Warrant Officer Barnard, or someone like that, someone I knew and I asked him, why are you coming to ask us in our houses who set KTC alight, because you are policemen.

What you were supposed to have done was to have arrested people there, you were supposed to have arrested the people who did this, because there is an interdict for KTC and you were supposed to have arrested these people immediately.

In stead you are here to come and ask us who had gone and started fires in KTC.

MR KILLIAN: So, from your perception or your - you then perceived the police once again of not intervening in the conflict as the previous one which they didn't intervene?

MR GOBINGCA: Yes, I did accuse them because as police they were being paid with taxpayers money and to have allowed such damage to take place and yet, they couldn't protect the community when they had vans, they had handcuffs, they had guns, and yet they couldn't arrest the wrongdoers.

Yes, I did place the blame squarely on their shoulders because they couldn't maintain any order.

MR KILLIAN: One last question from me, was there ever through your investigation or your mention that there was a

possible terrorist attack on KTC or an ascari attack on KTC? Do you know what is an ascari?

MR GOBINGCA: I know that it is someone who was a cader and who were transformed to work for the State, no sir, there were no ascari's I knew about at the time.

I've got no names of ascari's.

MR KILLIAN: Pumula Dwane Altman?

MS ALTMAN: You mentioned that on the 10th, the police came into the area and you mentioned in particular Warrant Officer Barnard, did they come into the area itself or not?

MR GOBINGCA: They were all around every house, I don't know whether they were trying to confuse us or not, because they asked people who burnt down houses. Warrant Officer Barnard was a clown because he understand Xhoza and you would hear him talking through the loudspeaker speaking Xhoza and I saw him as someone who liked jokes, because he was a police, but he came us as asking people who burnt down these houses.

MS ALTMAN: How did they come into the area?

MR GOBINGCA: They were just patrolling there, near Nqolo where we were on the 10th in the morning, saying that there was an attack in KTC and they have a problem with an interdict.

The people who did that are supposed to be arrested because people are not supposed to do that in that place, they said that they were looking for these people.

MS ALTMAN: How did they come into the area, did they walk, did they come in vehicles?

MR GOBINGCA: They came with a van, there was a road next to Lansdowne Road through Nqolo School.

MS ALTMAN: So there was a way to enter the area, wasn't there, you've just indicated that to me, so the closeness of the shacks have got nothing to do with the police not entering that area, is that correct?

MR GOBINGCA: In this road near Nqolo School there was a way to go in even this new School, it is near Lansdowne Road, there was a way to go in, there is Mr Tsawe's house and on the other side there is Nqolo School.

MS ALTMAN: That is what I am trying to establish that there was a way to go in, wasn't there Mr Gobingca?

MR GOBINGCA: Yes, there was a way from School and from near Mr Ndima's house.

MS ALTMAN: So the argument that the shacks were too close to each other, doesn't hold water, because they could have gone in that way, and they could have walked, couldn't they Mr Gobingca?

MR GOBINGCA: There is no way through but there is a road near the School, but it is not through the shacks. There is no road in the shacks, they are closely together, we can go to the shacks and you will see that there is no way.

The shacks which were built by us, I would take you now to the shacks and you would see what Gobingca is saying. The Commission can go there and see that there is no way between the shacks.

Because people would build a shack next to each other leaving no way for cars.

MS ALTMAN: Thank you.

MR KILLIAN: Any more questions from the panel? I think, we've come to the end.

First of all, do you have questions Mr ... We want to say thank you to you Mr Gobingca. I don't know if I am going to say it right, thank you sir, for coming this morning.

Also thank you to your Attorney and for the time you spent here. As I said this morning, we don't make a finding at the end of the session, that is entirely up to the Commission when they put their report to the President and if we need you again, we will certainly call upon you.

I also want to say thank you to the panel, Ms Pumula Dwane Altman, Lucky, Shandre Gold and the interpreters and our soundman, I want to thank them all.

MR GOBINGCA: I would like you to call others to come forward to ...

COMMISSION ADJOURNS.

