

**INQUIRY IN TERMS OF SECTION 29**

**HELD AT**

**DURBAN**

**ON**

**TUESDAY, 01 JULY 1997**

**ROLF HEINRICH WARBER**

**[PAGES 1 - 131]**

1A ON 1997/07/01IN CAMERAINTERPRETERS AND MACHINE OPERATOR SWORN INROLF HEINRICH WARBER (Sworn, states)

CHAIRMAN: This is an inquiry in terms of section 29 of the Promotion of National Unity and Reconciliation Act, 34 of 1995. This is not a hearing at all and no findings will be made here today. It is an investigative inquiry and, as such, is to be held in camera. I will briefly outline the duties and obligations set out under the Act. First you have a right to legal representation and it's clear that you've exercised that right. Mr von Willich, just for the record.

MR W S VON WILLICH APPEARS ON BEHALF OF MR WARBER

CHAIRMAN: Thank you. In terms of section 31 of the Act, any person subpoenaed to give evidence may be compelled to answer any question put to him, notwithstanding the fact that that answer may incriminate him. I am sure you are familiar with those provisions, but, very briefly, the conditions applicable to this section are as follows. Firstly, there must have been consultation with the Regional Attorney-General, and in your particular instance we haven't consulted with him yet, but we will do so and I have an open channel to the Attorney-General for that purpose. We normally arrange that beforehand. The Chairperson of the inquiry must be satisfied that the request for information is reasonably necessary and justifiable in an open and democratic society. Those obviously are the provisions set out in the Constitution, and that the witness has refused to answer the question. The Act

also provides that any incriminating evidence

/obtained during

1A obtained during such an inquiry is not admissible against the person concerned in a criminal court or any other institution established by law. What that, in essence, means is that any evidence obtained of an incriminating nature during the course of this investigation can't be used against you. You understand that? Of course, it could be used as proof of perjury, but for that purpose only. Then lastly, there are two relevant offences that the Act provides for in relation to these inquiries and that is contained in section 39(d)(i) and (ii). The first is to mislead the Commission in any way or make a false statement here, and the second is to hinder any official of the Commission in the performance of their duties. Those, primarily, are the two offences which you could be guilty of. Obviously, perjury is a third one. Are there any questions before we start? Just for the record, Mr I Lax is presiding in the chair. Mr M S Dlamini is assisting him and Advocate S Govender will be leading the witness. You may proceed, Mr Govender.

MR GOVENDER: Thank you, Mr Chairman. Mr Warber, is it a Colonel, Major? What is your rank at present? ---  
My rank is presently Captain.

So we can refer to you as Captain throughout the proceedings? --- Or Rolf Warber. I'm commonly known as Rolf Warber.

Captain, just some personal details. Your first names is Rolf. Second name is Hendrik. ---  
Heinrich.

Your ID number is 4903135062009. Can you remember that? --- I've got my ID book with me. I can check that, if you like.

Your service history - just confirmation as I go /through it, through it, Captain - your force number is 505790. Is that correct? --- That's correct.

And you were appointed to the SAP on the 26th January 1967 and you commenced by training in Pretoria. Is that right? --- Correct.

On the 4th December 1967 you were posted to Greytown SAP? --- Correct.

29th December 1969 you were posted to Dalton SAP. 4th November 1969 you were posted to Kranskop SAP. --- I don't know the exact date, but I went to Kranskop from Dalton, that's correct.

15th February 1971 you were posted to Eshowe SAP. --- Correct.

2nd August 1971, KwaMbonambi SAP. Is that right? --- Correct.

14th February 1972 to ... (inaudible) ... SAP, posted there. Is that right? --- That was permanent transfers but, in the meantime I was transferred on a temporary basis to various stations as Acting Station Commander.

Before the 14th February? --- That's right, but that was only for a short period, like a month or six weeks.

I see. 10th May 1974, Pomeroy SAP. Is that right? --- Yes.

12th August 1974, ... (inaudible) ... SAP? --- Correct.

8th April 1975, Hilton SAP? --- That was the  
radio station.

So if you can say, "Yes", we can record it ...  
(inaudible). --- That was the radio station, Hilton  
/Radio Station.

1A Radio Station.

Radio Station. 3rd November 1975, Camperdown SAP.

--- That's correct.

23rd April 1976, Security Branch,  
Pietermaritzburg. --- Correct.

1st January 1989, Hilton SAP? --- Can you  
repeat the date, please?

1st January 1989. --- No, from Security Branch  
I went up to SAP, Howick.

Was it the 1st January 1989? --- No, 1988.  
That was in - I've got the exact date here somewhere.

Okay, 1988.

CHAIRMAN: Just for the record, do either of you need  
any translation? There is an Afrikaans translation if  
you do require it. --- No, I don't require it, thank  
you.

Ladies, it seems like you're not required. Make  
yourselves at home or go and do something else, if you  
like. --- It was on 1st October 1988 I was  
transferred to Howick SAP, and Howick I was transferred  
to Hilton, back to the radio station.

MR GOVENDER: Hilton Radio Station? --- That's  
right. It was in 1989, 12th December. Then on the 17th  
December 1990 I was transferred back to ...  
(intervention)

Security. --- Internal Security.

Pietermaritzburg? --- Correct.

On the 1st September 1996 you were transferred to Internal Security. Is that right? --- It was in - 1st September you said?

September. --- It was in 1976.

1996. --- No, 1996.

Yes. --- I was transferred from radio control, /Hilton, in

1AA Hilton, in 1990.

Yes, to Security Branch, and thereafter you were transferred on the 1st ... (intervention)

CHAIRMAN: Sorry, Mr Govender, it's a change of name of the department. --- It's the same department. It's just a different name.

MR GOVENDER: (Inaudible). --- No, I've been promoted to Captain.

(Inaudible). --- From the - can you repeat the dates, please?

(Inaudible) ... 26th July 1989 ... (inaudible).

--- No, I was up on the border between the 26th September 1989 - sorry, from the 19th April 1989 up to the 26th July 1989.

(Inaudible). --- That's right. That's correct.

And from the 1st March ... (inaudible). --- 1st of?

March. --- March 1972, ja, to 7th June 1972, correct.

(Inaudible). --- 1972, according to the records here.

(Inaudible). --- And the next entry is 26th February 1970 until the 9th June 1970.

(Inaudible). --- Correct.

(Inaudible). --- Then the 4th April 1969 until the 10th - the 9th April, sorry, the 9th April 1969 to the 10th July 1969.

(Inaudible). --- According to the record, which is the SAP96 - that's my personal record from the police records, yes.

That would record everything that you did? ---

/I presume so.

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I presume so. I've never kept track of those dates.

That's fine. Is it correct that you received the following decorations? On the 18th August 1976, Bar, Combating Terrorism. Did you receive that decoration?

--- I did receive that decoration, but I don't know - I can't remember the date.

Okay, no, that's fine. 19th February 1980, Bar, Combating Terrorism again, decoration? --- Correct.

29th March 1972, SAP Police Medal for Combating Terrorism in 1974. Is that right? Did you receive a medal on the 29th March 1972? --- As I said, I've never kept track of that. We were issued medals and I just received them and that's that.

1st April 1988, SA Police 75th Anniversary Commemorative Medal. --- That I received.

And on the 1st May, 1979 SAP Medal for Faithful Service, 10 years? --- Correct.

Did you get any other decorations besides that?

--- There are still some outstanding. Like 20 years' service. I haven't received that yet, but I have made application for it, yes.

Do you have to make applications for these? ---

Yes.

Do you? I thought it was something that they ...  
(inaudible). --- It's only of late that we have to  
apply for it. In the past it happened automatically,  
but you wait about 10 years to get the - you get a medal  
about 10 years late.

I see. Now, Captain, we want to talk about your  
involvement during your period with the Security Police  
in Pietermaritzburg - the issue of weapons, guns.

/CHAIRMAN:

1A CHAIRMAN: Sorry, before you go on to that,  
Mr Govender, it might be useful to canvass some of the  
demographic issues that we normally canvass.

MR GOVENDER: Captain, ... (inaudible). --- That's  
correct.

(Inaudible). --- Basically, the section that  
worked the urban area and then the section that worked  
the rural area.

(Inaudible). --- Well, the urban part was  
basically the city centre and the immediate black  
residential areas around Maritzburg, and then the rural  
area comprised the tribal areas beyond the immediate  
black areas and then the surrounding magisterial  
districts around Pietermaritzburg.

(Inaudible) ... Camperdown ... (inaudible). ---  
That would fall into the rural part of ...  
(intervention)

(Inaudible). --- That's right.

(Inaudible) ... like Imbali? --- No, that is  
the black areas immediately around Maritzburg that would  
fall within the city area.

(Inaudible). --- The Richmond area, the  
Hammarisdale area, the Camperdown area, Bishopstowe area,



Crammond area. Well, prior to that, when I started the  
Greytown greater - part of Greytown area was also part  
of Pietermaritzburg, but that has changed in the  
meantime. That is now falling under Greytown, but when  
I used - I still used to work the Dalton, New Hanover,  
Crammond area as part of Maritzburg, but that has  
changed.

(Inaudible) ... Maritzburg urban area? ---

Rural.

Rural. --- Correct.

/(Inaudible).

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(Inaudible). --- That's correct. Then you  
include - I mentioned Crammond already. Then you go up  
to Howick and you'll work right round back to the  
Transkei border, you can say, Bulwer, Boston, Impendle.  
All that area would fall under the rural area.

And all that fell under the Pietermaritzburg  
Branch? --- That's correct.

Apart from this urban and rural division, what  
other divisions were there in the branch, in terms of  
sections? --- Okay, each main component would be sub-  
divided again. In other words, you'll have the urban  
section that would be divided into ... (inaudible) ...  
practical, workable sections. You'll have, for example,  
in the beginning we had the group that worked the city  
centre. We had a group that worked the northern areas.  
That is now the Indian residential areas, the coloured  
residential areas.

Was there any title given to these units? How  
were they described? --- Well, I cannot answer that,  
because at that stage I was not working in that area. I  
was working - I was part of the rural area. I had no or

very little dealing with the urban set-up.

Were they not divided in terms of A, B, C unit sections? --- It changed. It was Section A at one stage and Section B, C up to D. It altered so often. I mean, basically every time we had a new commanding officer and new structures and circumstances changed you had different namings again. So it was not a set thing that stayed for a long period, but the A and B Sections remained for quite a while.

What was the A and B Sections? What did they do?

/What sections -

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What sections - what were these sections responsible for? --- I can't even recall which one was which. You had group offices, which were called A Group and B Group, and then the A Group would have sub-divisions in their section, which would - they'll have other members in charge of particular areas.

What was A as a broad category? What was the area of jurisdiction operation? --- It was the city area, the urban area.

City area. Was that broken up in terms of race groups or residential areas? How was that done? ---

It was basically based on police areas. In other words, ja, various police stations. It was basically used as a boundary.

So A would include what sections, what police areas? --- Basically, it would be - well, I'll start from 1 and walk you around. It would be Mountain Rise, Town Hill, Hilton, Prestbury, Plessislaer. That includes the satellite stations or the various stations that were under Plessislaer and then it would go round to Alexander Road on the eastern side, yes. I think

that's basically all.

That was A? --- That's right.

And the B would be? --- Okay, it would be Camperdown - I'm trying to start from side and try and work around geographically. It would start from Camperdown, Hammarsdale, New Hanover - because Crammond falls within basically New Hanover Magisterial District and Pietermaritzburg. Then we have Bishopstowe, which is - then we have Howick. Then we have Nottingham Road on the north, Impendle, Boston, Bulwer. Ja, that's - I would say it's about all.

/Were there

1A Were there just two categories, A and B? ---  
Basically.

Or were there more? --- Well, as I mentioned, it changed from time to time. But basically those were the two main components that always sort of stayed intact.

You said that the sections were broken up into smaller units. What type of smaller units were they broken up into? --- Although they fell under the same section commander, they'll have like the Indian area, for example. They'll have an Indian warrant-officer that will be in charge of basically what's happening there, plus his little team of men that work with him, and then you have -sometimes they also covered the coloured residential areas. Other times we had a coloured member, that would work that area, but it depended on availability of the necessary staff. And then you had also people that worked different parts within the city area.

Did you have a category for African and white races? --- No, it was - as I said, the boundaries were determined by the police station, basically.

No, but these sub-units within Section A itself, you had, say, a coloured area with a coloured warrant-officer, and an Indian warrant-officer area. Did you have the equivalent in terms of white and African? ---

Yes, I mean, look, it was divided to make it practical, to be able to manage the thing. It was - you had whites that worked the white section, yes. Then you had staff that worked the black residential areas immediately around Maritzburg, but it was basically to try and keep the components manageable.

Were there any divisions within the unit in terms of

1A /sections that sections that dealt with the different liberation movements? --- Well, I can only speak for myself here. I mean, I was a field worker and I'm still a field worker. So, as a field worker, this is a perspective that I can sketch here is as I dealt with it. As a field worker, you were given a geographic area that you were responsible for and you covered the whole lot. The white sector - whatever you found in your area - whatever organization - you dealt with it.

Whether it was a liberation movement or other organizations, State, whatever ... (intervention) ---

Correct.

You would deal with all that? --- That's right, the wide spectrum.

You were not involved in dealing with a specific movement or organization? --- No, Sir.

Did you know of this type of thing existing within the Security Branch, where there were, in fact, desks, like ANC desks and PAC desks and ... (intervention) --  
- I believe that was in head office in Pretoria. They worked on the various desks system, but exactly how it worked, I don't know. I was never there. We just had a terminology of, "Die lessenaar", the desk that dealt with that, but how the structure was I don't know.

That structure didn't exist in the Pietermaritzburg Branch? --- Not to my knowledge. I mean, as a field worker, I was working outside and the administrative side I wasn't familiar with.

Well, let's put it this way, Captain, if you were dealing in a particular geographical area and you were dealing with, say, the UDF at a particular moment in time

/and there

1A and there was information you had, was there a specific desk that you had to give this information or person that you had to give this information as, say, opposed to information about the PAC. --- The procedure was that whatever I picked up I put it in writing and I passed it to my section head. That would be the section head of B Section, because I worked mainly in B Section, and he would then distribute it to the various role-players.

So you didn't know who they were and how they operated and how they were structured and so on? ---

I was never involved in that side.

So you ... (inaudible) ... to your section head and he would deal with it thereafter? --- Correct.

When you got your instructions from - or your information or your tasks in terms of your field work, you always got it through your section head? ---  
Correct.

You never got it from any other individual besides that? --- General discussions we had at like weekly meetings, we would decide that this is a problem area that we have to look at. So it might happen that during a weekly meeting that a particular problem would be discussed and, you know, we would all be asked to have a look at the particular - if there is such a problem in your particular area.

These meetings, who was involved all in those meetings? Was it just your section or unit? --- No, it was normally the whole branch. We met on a once a week type of basis.

This is all the sections, Section A, B and whatever other sections existed? --- We - there again, I must say it varied from commander to commander.

Some

/commanders we

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commanders we had it on a weekly basis. Others - that is now the whole branch together. And we also had our A and B meetings separately, besides the weekly meeting. For example, we would have the whole branch together on a Friday morning and we'll have our sub-section meetings on a Monday morning.

I see. And your period from the 23rd April 1976 to around the 1st October 1988. --- Did you say 23rd of?

April 1976 to the 1st October 1988, when you were transferred to Howick SAP, but the period that I'm

talking about you were in the Security Branch in Pietermaritzburg for the first time, what was your role - what was your rank then, sorry? --- I started off as a Sergeant.

You were a Sergeant in the Security Branch? --- Correct.

And your role? --- It started off, first three months I worked together with an experienced member to - like in-service training.

In-service, for three months. Thereafter? ---

Then I was given the Table Mountain area - Table Mountain, Camperdown - part of Camperdown Police area, Police Station area. The Bishopstowe Police area and the Crammond Police area, including the Dalton, New Hanover, Wartburg Police area. It was a vast area.

You were still Sergeant then? --- That's correct.

The type of work that you did in these areas, as a security officer? --- You had to gather any information pertaining any irregular activities, problems at schools. Anything of a security nature you had to gather that in and report it to your area head or group

/head.

1A head.

To your group head. What was largely the main problems in that area? In that period, in those areas that you were ... (intervention) --- Well, it differed from police area to police station - from station to station area. You take, for example, like in Camperdown Police area you had these tribal areas and you had to familiarise yourself with the day to day

events in the tribal areas - the conflicts that exist there, the problems that exist there, as it may result from crime being the reason and then the individual attacks and things like that. We would try and solve those problems. Negotiate with the tribal leaders, the chiefs, the indunas and things like that.

What were the conflicts mainly in that period?

--- A lot of them were related to crime, domestic problems - well, family problems I should rather say, like brother on brother or like you might have a brother being appointed as an induna and an older brother being jealous of the younger brother's position and you'll have a conflict situation there. You have to try and resolve that by talking to them, reasoning with them, and trying to settle that personal problem.

Those, Captain, would relate largely to the work of the SAP, the uniform branch and detective branch. You as a security policeman, were interested in conflicts that affected the security of the State - State security really was your concern, as a Security Branch member. What were the conflicts related to the security of the State that you were involved in? ---

Well, as I said, it differed from area to area. Like in Camperdown, which was a rural

/area, you

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area, you basically had the tribal conflict situation that you had to attend to, and at the same time you looked at political activists living in that area, if there were. You monitored the high schools, the schools, and things like that, to be aware of what's happening in the various schools, various organizations that were active in the various schools, their roles



that they played.

This was as a direct result of what happened in Soweto in 1976. Isn't that so? --- It's part of it, yes.

So you, as a security member, was monitoring the activities in the schools in the area and the organizations within the schools? --- That's right.

Can you tell us anything about what type of activities was taking place and the type of activities that you were investigating and gathering information about? --- Well, at what time? Because, as I ... (intervention)

In Security from 1976 to 1988. --- Well, you see, in the first part of the period I was working the rural area and I was then brought into the urban area and then you've got a complete different scene. The rural area up to that stage was pretty peaceful and quiet, but that was not the case in the urban area. So, I mean, there's two different worlds basically that you experienced in the urban and the rural part at that stage.

What were the problems in the rural areas - in the urban areas, sorry? --- In the urban areas?

Yes. --- Okay, when I started, I was given the Imbali black residential area as a main focus. When I started there, there was great turmoil in the area,

/basically over

1A basically over - at that stage there was the bus boycott. The municipality operated buses that serviced that area and there was a group within the Imbali area that wanted those buses out and they wanted taxis to operate in that area, so they basically concentrated on

stoning buses, trying to get the buses out.

Did they belong to any political organization?

--- At the beginning it was - it appeared to me to be a criminal thing, until you found certain political activists being - leading this attack. Then it became obvious that there was a political nature - well, sort of background - a political motive behind it.

We know that much of the conflict in these areas, Midlands areas, largely was UDF at the earlier stages, and IFP conflict. At what point in time did this become apparent to you that there was this conflict or ... (inaudible) ... conflict between the IFP and the UDF?

--- I think the conflict between the IFP and UDF element only became apparent here round about 1989, I would say.

1989? --- Yes. Up to that point it was more of a - various programmes for various reasons, like when I got into Imbali - when I started working in Imbali the main thrust was against, I think, the council system. The council system still operated there, and at that stage they were the only council system in the greater Maritzburg that still operated, and I think a lot of that was geared against the councillors and the people that worked within the system at that stage.

Section A and Section B - going back to your sections within the branch - who were the heads of the Sections A and B when you started in 1976? Let's start

/there first.

1A there first. --- 1976, it was at that stage Captain Wolhuter, who is now a retired Brigadier. That was in the section that I worked in, Section B.

Section B, okay. Section A? --- It was  
Captain Fourie, I think. Ja, Captain Fourie.

And were these two gentlemen head of the sections  
until 1988 when you left? --- No, they changed.

When did they change? Can you remember? And who  
replaced them? --- No, I can roughly give you names,  
but I can't tell you the dates. I mean that's a thing  
that we never took note of. When Captain Wolhuter was  
the section head, Lieutenant de Kock was then second in  
charge and he then took over when Wolhuter left. After  
De Kock ... (intervention)

CHAIRMAN: Sorry, which De Kock was that? --- Paul  
de Kock that's in the Free State now.

And I think he went to Newcastle after that? ---  
That's right. I think then the next one after him was  
Johan Dyssel. He was Captain in those days. He's now a  
General in the Northern Cape, I think. He's an Area  
Commissioner or Provincial Commissioner of the Northern  
Cape.

MR GOVENDER: (Inaudible). --- Yes.

(Inaudible). --- I can't put dates to it.

(Inaudible). --- Ja, I can just remember the  
faces. I mean I can just give you names, but I cannot  
say they were from that time to that time, because ...  
(intervention)

(Inaudible). --- That's right. I mean, then  
after that it was Captain de Jager. There were a number  
-there were numerous people. I mean, it changed, you  
can

/say, basically,  
say, basically, every 18 months, I would say, because of  
transfers, new people coming into the area, so the

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seniority would depend who is going to be the branch commander. So at some stages it changed quite often.

(Inaudible). --- Captain Fourie. It's quite a few years ago. I speak under correction, but I think it was - it could have been Captain Leonard, but I'm not certain. It could have been somebody else. Put it this way, I had very little dealings with those people. We wouldn't even basically see them. We might see them at a weekly meeting, but we saw each other in the passages and that's basically all. We didn't sort of communicate on a regular basis with each other. So, I mean, we concentrated on your task ahead and you just spent most of the time in the field. You were very little in the office, so you - I mean people came and went quite frequently.

No, that's fine. If you can't remember. If you remember later you can tell us. We don't expect you to remember that far back. Overall commander at that period for security? --- There too it changed. When I started off it was - at that stage he was Colonel Dreyer -Colonel Hans Dreyer. When he left it was, I think, Erasmus, Colonel Erasmus. But I speak under correction again. I mean, I might miss a person out there, because I didn't take note of those things, and then after him it was, I think Brigadier Beukes, and then it was - look there might have been one or two that stayed for a short period that I might have forgotten, but then after Beukes it was Buchner, Jac Buchner. They were the sort - spent a longer period there with us. But in between one being

/transferred and

1A transferred and the other one came there might have been  
an acting commander that slipped my mind.

CHAIRMAN: Didn't Fourie act as commander at some  
point? --- Captain Fourie, after he became Major?

Yes. --- I can't say. It's possible, I mean.

The late 'seventies. My recollection was that he  
was. --- At one stage he did go over to Loop Street,  
because at that stage our office was divided. Some of  
the field workers were at - we were housed in the first  
floor at Alexander Police Station, and the others were  
housed at Loop Street, in the second floor at Loop  
Street. So that also created problems that sometimes -  
I mean, you find a new member that you hadn't even met  
and he was there, say, two months in the branch already  
and you only meet him by chance and say, "Who are you?",  
and you'll meet him two months afterwards. That  
happened. Or people will leave and you don't even know  
about it.

MR GOVENDER: (Inaudible) ... back in the uniform  
branch ... (inaudible). --- I was uniform branch.

(Inaudible). --- Yes, it was a personal  
reason, but my father had passed away at the end of 1987  
and that hit me hard and, as a result of that, I was  
transferred to a post that was less stressful and only  
after I recovered after the loss I then came back.

(Inaudible). --- Warrant-Officer, which later  
became Inspector.

Warrant-Officer for how long were you, what  
officer? --- I think it was from 1980 until the 6th  
June this year.

Now, when you came back to the Security Branch for  
the second time, did the same divisions exist as when

you

/were there

1A were there the first time? --- No.

What were the new divisions? --- Altered again. Put it this way, the basic set-up still existed. The rural and the urban. That basic structure still existed, but you had - well, basically, yes - put it this way, basically, yes, the main components, A and B, still existed. There were A, B, C and D, I think it was. There again, I didn't take note. I mean, you know, I came back and I have worked again in the - what I presumed was the B - the urban black side

It was still the urban black - the B Section was still urban black? --- Put it this way - I made a mistake. The A Section - look, the rural part was the B. The urban was the A part and I then - when I left in 1988 I was part of the urban black - well, the Edendale grouping, the Plessislaer grouping, okay. It was basically the whole area that was in the Plessislaer Police area. That included some white commercial places, so it wasn't just basically - it was just the police area that determined the boundaries.

And when you came back, which section did you join? --- The same section. The urban black residential areas.

Urban - this is B - section B was rural? ---  
No, the urban.

This is A, Section A? --- Ja.

So you now went to Section A not to Section B?  
You were in Section B when you left. --- I was - no, I was Section A when I left. I was working Imbali when I left, which fell under the urban section.

Section A. And you said largely there was still

/urban and rural

1A urban and rural sections. Was there any changes in these sections when you came back? --- You must bear in mind that the two years that I was out I had cut all ties with the Security Branch. I had personal things to deal with and I had - I was Station Commander at Howick, so you had your hands full with the station of approximately 100 members, so you didn't have time. So when I came back in 1990 it was basically you had to start afresh and you had to find your feet basically again. There had ... (intervention)

Were there any changes from the last time that you'd been there, in terms of areas that were included and the sections that were included in Section A? ---

I beg your pardon?

Was there any difference in the way Section A - the categories that fell under Section A? --- No, it was basically the same.

It was the same. Was B the same also? Do you know? --- There were - ja, look the B Section basically was still the same, yes, but there were different groupings again. You know ... [end of tape] ... [break in recording] ... groupings from time to time.

I see. You said there was a new section - C and D? --- Ja, that was the Indian residential area, the Mountain Rise Police area.

That was C or D? --- I'm not even quite sure which one that was. I can remember it was A, B, C and D at one stage. How exactly they were sub-divided - I know the Indian residential areas and the coloured

residential areas, I think, could have been C and D, but  
I'm not 100% certain.

/Was there

1B Was there any category for white areas? ---

No, that fell within Loop Street and the various urban areas.

So there was no section within the Security Branch to deal with that? --- No, not specifically, no.

So who dealt with that then? --- That was part of the urban branch.

Okay, and when you got back in 1990 were you still working in the same areas or were you allocated new areas? --- I was allocated the Edendale area. Part of the Edendale area, should I put it this way. Not the whole Edendale area. It's too vast.

Which part? --- Right of the main road, of the Maritzburg/Bulwer main road.

And when you left in 1998 ... (intervention)

MR DLAMINI: Sorry. Can you explain - when you say right of the main road which direction? --- The northern side of the main road. That's the main road - the double carriageway that goes through Edendale - on the northern part of it. Roughly the north.

MR GOVENDER: When you left in 1988 what was the nature of the conflicts in the area? The conflicts when I talk about, that affected the security of the State or was viewed to be a danger to the security of the State that you were investigating or working on. --- Well, at that stage - during 1988?

Yes. --- I was working in the Imbali area, and that was at that stage basically the conflict that - surrounding the council system, schools, disruption of



schools, public transport. It was basically on all fronts there was disruption and ... (intervention)

Had there not arisen at this time the conflict

/between IFP

1B between IFP and UDF? --- Beg your pardon?

The conflict between the UDF and the IFP? ---

I think until the event of the council system collapsing, I think it was more a conflict between those that were working within the system and it's only when the council system, I think, collapsed then I think it became a political issue.

And that was when? --- I think it must have been round about 1989. After my departure.

You were not there then? --- No, I was then at Howick.

And you said that - your observation was that the conflict really emerged in 1989. That, I presume, you got through information through your colleagues or whatever? --- Newspaper reports.

You were not involved in any of those? --- Nothing.

You had got back in 1989 and what type of scenario did you face in terms of the conflict in these areas?

--- Repeat that, please.

What type of scenario did you face when you got back ... (intervention)

CHAIRMAN: Sorry, he got back in December 1990.

MR GOVENDER: (Inaudible). --- That's right.

(Inaudible). --- In 1990. Well, to give you a background, that part that I was assigned to was predominant UDF/ANC orientated. So you basically had the school problems and you basically - it was a

predominantly UDF/ANC orientated area, so you had the conflict along the main road from the people that came through the Edendale area to the city area. Those attacks along the main road,

/but in the

1B but in the area itself you basically had taxi violence and problems at schools and that type of thing.

(Inaudible) ... is the conflict that you were, as security personnel, interested in that threatened the security of the State, not the criminal element. The nature of this conflict between the UDF and the IFP at that time, you said there were attacks. Who was attacking who? Just a background as to what was happening in that area. --- But you must bear in mind that these political attacks didn't happen where there was just one dominant political group in that area. You had those political attacks where there were IFP and UDF/ANC people living together, but in the area that I was allocated was - you didn't have that problem.

Were there no attacks? --- The only attacks you had is when the people from the Taylors Halt area made us of the main road through Edendale and those buses and vehicles were attacked along the road, but you didn't have residential - you didn't have IFP people residential in that - living in that particular area.

Yes, I understand that. --- The only problem - sorry.

CHAIRMAN: It might be helpful to sketch what areas you were responsible for. --- I wanted to get to that.

The actual suburban areas of that place, and then we have a better picture of what you're talking about, and that will contextualise what you are trying to say

now in a bit of a better way, I think. So let's go back  
one step. --- I will do that.

Just detail what areas you actually were  
responsible for and then we'll see how the violence  
either happened in

/those areas

1B those areas or didn't happen in those areas. ---

Okay, when I came back I was basically, as I said,  
responsible for the area north of the main road, which  
included Georgetown, then Caluza, then you had Harewood  
and then you had Mpumuza. That is Mpumuza tribal area,  
which was an IFP-orientated area. But when I spoke just  
now about the conflict, I was referring to Georgetown.  
Georgetown and - I don't know what to call that area -  
the section along the main road. I think it's part of  
Georgetown, where the main road went through. That is  
where you had this conflict - the politically-motivated  
conflict. And also along the boundary of the Mpumuza  
tribal area and the Caluza area, which was UDF/ANC-  
orientated.

MR GOVENDER: You say the conflict was centred around  
these areas. Firstly, Georgetown, what was the  
prominent political groupings living in that area? ---

Georgetown?

Yes. --- Predominantly UDF/ANC.

You said Mpumuza IFP. The other one, Caluza?

--- Caluza?

Ja. --- To understand it clearly, the Caluza  
area that fell outside the tribal area was ANC-  
orientated or UDF-orientated and that Caluza - because  
there's - and that Caluza part that fell within the  
tribal area was IFP-orientated. Although at some stage

it appeared as if there was a fair mixture of both  
living in that area.

And Harewood? --- Harewood was difficult to gauge. At one stage the leaders there were backing the IFP and the next stage they were on the other side, but it appeared it would have been IFP-orientated, predominantly.

Were you responsible for Ashdown? --- Yes,  
/that's correct.

1B that's correct.

And Ashdown was predominantly? --- UDF/ANC.  
At that stage - in 1990.

You referred to the conflicts centred particularly around Georgetown, where there were attacks and you were saying earlier on it was as a result of people who came there from Taylors Halt and passed through that place who were attacked. Is that right? --- Correct.

Taylors Halt is predominantly what political leaning? --- IFP-orientated.

And Georgetown, you say, is ANC/UDF? ---  
Correct.

And the conflict was - what was the nature of the conflict? Do you know? --- It was politically-motivated.

They would attack what? People, vehicles? ---  
Stone the buses that came through there. It was - the Taylors Halt area was mainly serviced by buses - KwaZulu Bus Service, and these buses would be stoned on a daily basis. As they came through they were shot at, stoned.

Was this all the conflict that you had or attacks?  
Did you have any other attacks? --- No, well,  
that's in the Georgetown area. Then you would have

attacks in, like for example, Mpumuza area. You'd have  
people ... (intervention)

What was the nature of the attacks there? Who  
attacked who and why? --- It would be - look, in  
1990, when I came back, the scale of attacks was much  
less, okay, than before I came back, but there were  
still isolated incidents in the Mpumuza area, where  
houses were attacked, people shot, houses burnt. That  
didn't happen

/as frequent as  
as frequent as it did between 1988 and 1990, when I came  
back, but it did still occur.

Whose houses were attacked? --- Whose houses?

From the point of the political ... (intervention)

--- I mean in Mpumuza it was predominantly IFP houses  
were attacked, because it was an IFP area.

Attacked by UDF, the ANC? --- It appeared -  
yes, by UDF and the people coming from Caluza that were  
ANC-orientated.

So there were deliberate attacks against the IFP  
houses in this area? --- That's correct.

Any other attacks in any of the other areas that  
you mentioned? --- In Ashdown it happened.

What happened there? Can you tell us? ---  
Also - you see, what was difficult in Ashdown, for  
example, because as you say, I'll discuss each locality  
on its own merits.

Please do. --- In Ashdown, which happened to  
be a very strong IFP strongpoint in the early 'eighties  
and then the UDF element, with its gruesome killings,  
murders and the majority just fell silent, so it was  
difficult to gauge in Ashdown what was really happening.

People would not admit that they were IFP-orientated and - but yet you found that their houses were attacked and sometimes you weren't sure if it was of a criminal nature or of a political nature. It was a very difficult line to try and find out what's happening there, but although, I mean, you had those - in Ashdown, particularly, there were - the people wouldn't talk to each other and the only opinion that you could make is that there were different political parties involved, because, I mean, you had sections that

/they wouldn't

1B

they wouldn't even - I mean one street wouldn't talk to the other street and you wouldn't know for what reason.

You said the attacks were largely directed against the IFP people? --- Well, in Ashdown it was difficult to gauge. It was one against the other. It was - we presumed it was political, because it was very difficult to get anybody to admit what side he was sitting, because of fear.

Now, any attacks in any other areas besides these?

--- Well, then you had these squatter places jumping up around, like, for example, Ashdown. There - I don't know what they call it - Peacevale, I think it's called.

Peace Valley. There again it was an assortment of people that moved in. Then you also had sporadic shooting incidents, where they attacked each other for no apparent reason, except either criminal nature or unknown politically-motivated reasons. I mean, it is difficult to establish what was the motive in some of these cases, although we tried. We tried to establish is it criminal, is it politically-motivated, to find out, but some instances you couldn't make head or tail.

Were you perhaps also responsible for the Esigodeni area? --- Well, I take it that is part of the Georgetown area.

Part of the Georgetown. --- Ja.

Captain, emerging from what you've just said in terms of the attacks in the areas that you were responsible for, one gets the impression that largely the UDF/ANC grouping were the aggressors in terms of attacking IFP. Is that correct? Is that a correct description? --- If you look - I don't think you can look at this in

/isolation. We

1B isolation. We looked at each case on its merits. There were also attacks in the predominant UDF/ANC areas, which appeared either to have been criminal or IFP-orientated, so it was a vicious circle back and forth.

In your opinion and in your observation, what was happening, and the information available to you, how did you view this? Did you find that the attacks largely initially was one-sided against the IFP? Do you think the IFP attacks were retaliation? What did you think? What was your opinion? --- Look, the different areas - you form different opinions of different areas. Like the attacks along the road, there it was obvious. Those buses didn't stop, so those buses just drove through, and it was just blatant attack on these buses, knowing that there's going to be IFP people - it's only IFP people on the buses. So they were stoned and - properly stoned. I mean I'm not just saying isolated stones. There were stones that there wasn't a single window left. They were fired into at random, the buses were just shot at. So there I would say yes, you know, that

was gross attacks against the IFP people. And then again in Ashdown it was difficult to gauge because sometimes you could establish that it was either an attack on presumed to be an IFP person and, you know, they attacked him because they thought he was an IFP person, but you could never establish the reality.

They didn't want to talk to you, you said? ---

That's right, they feared, because it was their house and they lived there and if they were seen siding or talking to the Security Forces it would even worsen their situation.

/As a result

1B

As a result of these conflicts, Captain, did any of the sides seek your assistance or the Security Force's assistance in any way? Were you approached by any of the indunas, chiefs or leaders in the area and say, "Look, we are being attacked continuously. We need security. We need protection"? That sort of thing. Were you ever approached? --- What section - I mean what years?

In any of the sections that you were dealing with.

--- On a regular basis. I mean, if you refer to areas like the greater Edendale, on a continuous basis we made sure that there were more patrols, especially Defence Force patrols and things like that, yes.

The question is were you approached personally by anyone to say, "We need assistance. Can you help us in any way?"? --- On a regular basis. On a daily basis sometimes, even on a weekly basis.

Do you remember some of the people that approached you, who were they? --- Community leaders of all the areas. Like in funerals, for example, if in these



attacks people were killed and injured - or killed - and then they wanted to have a peaceful funeral, they will contact us and say, "Please, can we have extra security in the area. We would like to bury our dead ones in peace", and that happened on a regular basis, and we would ensure that there's extra patrols, Defence Force or police patrols, Unit 8, things like that, yes.

So, as a result of which you found yourself in continuous contact with most of the indunas, chiefs, the leaders - community leaders in the areas that you were operating in? --- Can I just rectify one thing? In the Edendale area you don't have indunas, chiefs and that.

/That is an

1B That is an urban black, which have a different style of administration. It's only in the rural blacks that you have chiefs and indunas. Like in the Mpumuza area you had the rural, traditional leadership. But in the greater Edendale area you had councillors or community leaders that were elected as community leaders, through their own ways and means.

And then the question is were you contacted there most of the time? --- Yes, I did. That was one of my first contact persons. If I started working in the area, it was the recognised community leaders that I made contact with on a regular basis.

And one of your main tasks really was to gather information, isn't that so? --- That's correct.

And were these community leaders a source of information? --- Yes, they were.

And they often sought your assistance in terms of providing security for funerals and other things? ---

Correct.

How far did that assistance go from you personally? How far would you go to provide assistance for communities that alleged that they were vulnerable and being attacked on a regular basis? --- Well, I would make sure. I would even go out there myself. I would be present in the area myself, say, for example, over the duration of a funeral, which in many cases took place at the Waddley Stadium. I would spent the whole period there myself. I'd monitor the situation. I'll make sure that there is sufficient defence in the area and that there are Security Forces in the area. I would actually take a personal involvement and go and make my presence known to the

/relatives of

1B relatives of the deceased, so that they know that I'm there, that things probably would work out peacefully. So I took a personal interest in my area.

Were you trusted by both sides, being a police security officer? --- With the response that I got from them, I would say yes.

Who were you more trusted by? Was there any side that trusted you more? Was there any side that rejected you? --- You must bear in mind that I worked different groupings at different times. When I was working an ANC-controlled area I put everything into it and I worked towards the goal of getting the area peaceful and if there's problems - so I put everything into it - so at every particular time I'd find that I got good co-operation from the communities.

So the ANC leaders trusted you and co-operated with you? --- Yes.

Was there not a period when they rejected any police person? --- Yes, I mean the initial stages, when we got to know each other. I mean, it's a process that took some time sometimes. I mean, like in the Edendale area, when I went back in 1990, I was given like the Georgetown area, I went and visited these people. I went and introduced myself to them and I spoke to them and we discussed problems of the area and became - you know, we phoned each other after hours and things like that. So it's from those type of things I formed the opinion that they trusted me. They called upon me. Even if it was 9 o'clock at night or 2 o'clock in the morning, I would receive phone calls and say, "This has happened here. Can you help us?", and things like that would happen.

/Is there any

1B

Was there any evidence of activities in that area of people trained outside the country - political cadres or activists - terrorists - as they were called in those days? Was there any information or evidence of that in the areas that you were operating in? --- I don't understand your question.

Well, was there any evidence that there were people that were trained, in the terminology of the Security Forces, terrorists, that were operating in those areas? --- You must bear in mind that a lot of those people that left the Edendale area, some of them lived in the area that I was in charge of. So it was one of the obvious things that if a person returned he would obviously come to his residential place, so in that sense, yes, there was evidence.

And was there evidence that they fomented some of the conflict that was taking place in the area? ---

There again it's a question what time, what part of time? Because we have here from 1994 onwards, when these people came home. Yes, I mean, quite a few of them, and they've been arrested. They've been charged for murder, for rape or armed robbery and things like this.

I'm referring, Captain, to the period before the 1994 elections, in the period that they would infiltrate into the country and work within the communities, as such. We have had evidence before this Commission that, in fact, there were units in the Security Branch set up in Durban and other places, in Maritzburg, where they were responsible largely for identifying terrorists that infiltrated the country, and arresting them, and so forth. You are aware of also the askaris - people who were turned

/terrorists -

askaris who were used to identify people that were arrested by the Security Branches. Some of them were tortured. Some of them were killed and so forth. That sort of activity, were you aware of? --- I read it in the newspaper, but I wasn't aware of it in the area that I was operating.

Were you ever asked, as a security member, to provide information about possible terrorists that were operating or living in the area? --- That is a part of my main duty. I mean, I had to gather that information, if I came across that. That would automatically be part of my main duty, is to gather that type of information.

Did you gather much of that information in the area that you were operating in? --- From 1990 onwards?

Yes. --- Myself, personally myself, no.

Were you aware of people operating in that area that had infiltrated? You must have been. --- There were allegations, but I never came across any substantial proof.

And these people would necessarily have provided a serious threat to the security of the State, isn't that so? --- If it was proven, yes, I would say yes.

As terrorists, as the definition at that time, as a security service or organization in the country your job largely or the feeling or the understanding at that time that the people who operated as terrorists were, per se, a threat to the State? That they were trained militarily and that they would engage in sabotage and other acts against the State that would undermine the security of the State. Isn't that so? --- That's correct, yes.

You knew that at the time? --- You know, it's

-

/knowing certain

1B knowing certain facts, okay, and having to identify people that were allegedly infiltrating into an area is a different thing.

Well, it was part of your job to get information about that. --- I know. I know. But, as I said, I personally was involved in once or, I think, twice, where people did infiltrate and they - but I didn't get that information. It was obtained through other members of our branch and they eventually were apprehended in my

area, I must admit, but I did not get that initial information. It was other members that got the initial information and they were then subsequently arrested in my area, yes.

Did you gather any information in relation to that arrest? --- I was constantly on the look-out for this type of information. I personally didn't get the initial information. I followed up after information was obtained that they were believed to be in a particular - say, for example, hiding in a particular residential area of a particular area.

How would you follow up this information then, Captain? What mechanisms did you have in place to be able to get this information? --- We had - I mean - a good relationship with community - members of the community of the area. I would ... (intervention)

These are UDF/ANC leaders? --- I would drive into a particular area and I would visit people that I got on well with and ask them if there is strangers in that particular area. Is there somebody living that is unknown in particular houses and they would come and tell me if there was a stranger in the area or not.

So you were actively engaged in getting information

/about possible

1B about possible infiltrators or terrorists in the area?

You were actually engaged in that, isn't that so? ---

That's correct.

And they were part of the ANC/UDF liberation movement people, isn't that so? --- Pardon?

These terrorists, so-called terrorists, were part of the ANC/UDF structure, isn't it, political movement?

--- Mm hm.

And the information that you would get in a predominantly UDF/ANC area in relation to these people or their involvement, existence, would not be as forthcoming as you would like it to be, because they belonged to a particular movement and organization, and they would try to protect these people. Isn't that so?

--- You see it in the whole picture. You will have an area like, for example, Georgetown, where very - I would say a very small percentage of the actual people living in, say, for example, Georgetown are really politically-motivated. Most of the people are politically ignorant, and if you go into an area and you speak to the people and they know you as a friend they will tell you what's the local news in the area.

So you were regarded as a friend in the UDF/ANC ... (intervention) --- I've got lots of friends in the UDF circles.

And in the IFP also you were known as a friend?

--- My whole approach was, as I said earlier on, I'm known as Rolf Warber. I've never had the attitude that I am Sergeant, Inspector, so on. And you can enquire in the area that I worked, they all know me as Rolf Warber or Mr Warber.

/So you would

1B So you would help people when they needed help, if you could? --- Yes.

In your personal capacity? --- Yes.

And you have helped people? --- Correct.

I want to move on to that area. If the Commissioners want to pursue any questions in this area.

You mentioned, Captain, that you arrested one or two

terrorists. Who were they? Do you know their names?

--- I didn't - I wasn't part of arresting them. I was part of the team that gathered the information that led up to their arrest.

Who were they, do you know? --- Piya (?), Xulu and - sorry, I've got those wrong, Xulu and Piya. They came in and they shot Madondo in Edendale - I think it was Madondo.

CHAIRMAN: Ben Langa ... (inaudible). --- Ben Langa, that's right, ja, you're quite right.

MR GOVENDER: Do you know what happened to them? ---

They were both convicted of murder and they were executed, and then - let me just get my facts straight - ja, and then, what was his name, Ngcobo that blew up the pylon there in Prestbury, that planted the bomb there. It was another instance.

You were not involved in George Webster's ... (intervention) --- Gordon Webster.

Gordon Webster, yes. --- I was not involved in that directly. Eventually, yes, later with interrogation and so on.

You were involved in interrogation? --- Mm.

[Talking with microphones switched off.]

SHORT ADJOURNMENT

/ON RESUMPTION:

1B

ON RESUMPTION:

ROLF HEINRICH WARBER (Still under former oath)

MR GOVENDER: Thank you, Mr Chairman. Captain, you said to us that you were accepted by both sides, by the UDF/ANC and by the IFP and that you would meet with people, leaders and they would help you with information that you required and so forth. Is that correct? ---



Yes.

Can you tell us who these people were that you were in contact with? --- Predominantly the community leaders of each area that I worked in. That was the beginning point of my - every occasion.

Yes, but names of people that you ... (intervention) --- Okay, do you want from different wards?

Yes. --- Or different localities?

Yes, the different wards. --- In Georgetown it would be Buthi Msimang.

Who was he? --- He's the chairman of the ANC Branch in that area.

How would he co-operate with you? --- If there was a problem, for example, in a school, okay, or taxis or anything, you know, any problem, I would go and discuss it with him. Through the discussions we would identify potential troublemakers that were involved there.

Would he give you this information? --- Yes, he would say the naughty boys from that particular area, because he had problems. You will find that most of these community leaders were against crime and even these attacks on buses, they didn't approve of that in that sense.

But were you, as a Security Branch member, more interested in the crime-related activities or the

/politically-related

1B politically-related conflicts? --- These were politically-related in the sense that they knew that these were IFP people coming through there and all incidents - all incidents of violence we had to attend.

So he would give information of IFP people's involvement in attacks in the area? Is that what you're saying? --- No, I said in Georgetown, for example, you'll have the community leaders of Georgetown, if there's an incident of stoning of buses that takes place in the area I will discuss it with them, with the intent of establishing who is responsible for these attacks and he will then refer me to the naughty boys of a particular area and then I would go to that particular area and I'll establish the leader of that youth and I will talk to them. In so doing you will eventually pick up one or two names that were involved in the particular stoning.

Well, these attacks were politically-motivated, weren't they? --- It appeared so, yes.

And you say this Buthi chap who was chairman of the ANC in the area would give you information about those people who were involved in the attacks? Is that what you're saying? --- That's correct, yes. Because he also at the same time thought, because it was, as he put it, in his own words, unacceptable, because he at the one stage was working to get harmony and co-operation between communities and this would set his efforts back.

MR DLAMINI: Mr Chairman, can I just make a follow-up through you? Mr Chairman, I'm sorry, I must say that I find this explanation misleading. My understanding is that the purpose of the Security Branch was to ensure the security and the maintenance of the status quo. That is

/the previous

1B the previous administration to continue ruling and, not only ruling, according to it's own terms. On the other hand, the liberation movements were purely for the throwing of the very Government or administration and some of the activities which were regarded by the then administration or regime as destabilising were a deliberate and purposeful programme of the liberation movements, in order to achieve their objective, that is getting rid of the then regime, so I find it difficult that the ANC or UDF at that time would have a common purpose with members of the Security Branch. My experience was that it was even difficult for the uniform police to come in the area to do their normal duties - prevention of crime and law-enforcement, and particularly worse for members of the Security Branch, because the image and the perception in the black communities was that they were anti-liberation. So, Mr Chairman, I would like to challenge this explanation, because I think it's very misleading.

MR VON WILLICH: Mr Chairman, could I object to this line of questioning. I object to the line of questioning put to my client. The questioning put to him was on the basis of the Commissioner's experience and knowledge. He has postulated that as the truth and to the extent that the evidence which has been given didn't tie up with what his perception of it was he said it's misleading. There is no evidence on record of my client to say that. So, No 1, before any statement by my client can be classified as misleading, it must be misleading in the terms of his own evidence, not in terms of private conceptions of Commissioners. That's my first objection. My second

/objection is

1B objection is that if there is any conflict in evidence.

If you want to challenge him on anything, first lay the basis for that challenge because, with respect, there is no basis for it. He has stated what his experience was in his particular area and if it's established that, in terms of his own evidence or in terms of other evidence which is acceptable, which has not been put to him, that that is in conflict with regard to that specific area, then and only then could it be thought or be stated to be misleading, but at this stage, with respect, I take exception to the statement made to my client, because there is simply no foundation for it. ---

Mr Chairman, could I elaborate on this? What Mr Dlamini just said, I can prove him that I'm not misleading the Commission.

CHAIRMAN: Let me just, before you go on any further - I think my colleague's use of the word, "Misleading" is probably not as well-chosen as it might have been, but I think the issue remains. It's public knowledge that the Security Forces were engaged in a low-intensity war with the liberation movements. Any fool knows that, and you're not a fool, Mr Warber, we all know that. Do you concede that? --- Mr Chairman, I can ... (intervention)

MR VON WILLICH: Sorry, can I just deal with this situation. I again object to the situation of a general perception, Mr Chairman.

CHAIRMAN: It's not a general perception, with all due respect, Mr von Willich. It's not a general perception.

We've had Mr Warber's colleagues here who worked with him, who have all conceded that issue. So, frankly, I

can't understand what his attitude is and why he's not prepared to concede that. It is the history of this country, that

/is confirmed

1B is confirmed by everyone's experience, that the Security Forces were engaged in a struggle with the liberation movements. There's no question about that. It's not a matter that's open to interpretation. It's not a matter that's open to evidence of one kind or another. It's common cause by all the political parties, including the IFP, including the National Party. None of them dispute that issue. Everyone accepts that that is, in fact, what was happening in this country from the period 1980 to 1994.

MR VON WILLICH: May I reply to that, Mr Chairman?

CHAIRMAN: Ja.

MR VON WILLICH: Mr Chairman, I take exception once again to the approach. If any questions are put to my client which he replies to in conflict with what he had previously said or if it had been put to my client that that was the general perception or that was the general situation in the country and he says something in conflict with that, then there is an issue to be taken up with him, but he is testifying on questions which have been posed to him. He's replied to those questions. There has been no conflict brought up, and he is testifying about his own experiences in own particular areas. Before he can be taken to task, the foundation must be laid for that. It has not been put to him that what he is now saying is in conflict with the general trend. If that is so, it must be put to him and let him deal with it, but to take him to task at

this stage ... (intervention)

CHAIRMAN: (Inaudible).

MR VON WILLICH: I'm just about finished. To take him to task at this stage, before there is any foundation laid

/for it, with

1B

for it, with respect, is not proper and is unfair and is unjust. What has to be done, with respect, if his evidence differs from the general perception of the committee then the general perception of the committee must be put to him and then he can deal with it.

CHAIRMAN: I'm trying to do that and my colleague was trying to do that, precisely. My colleague is putting to the witness this perception.

MR VON WILLICH: Then I withdraw my objection. My objection related only to that issue. Thank you.

CHAIRMAN: My colleague is trying to put to you, Mr Warber, this perception that - it's not only a perception of this Commission and this committee, it's a perception of this whole country, admitted through amnesty applications, admitted through the political parties' submissions, admitted through the experience of millions of citizens of this country, that there was a low-intensity war between the Security Forces and the Government of South Africa at that time and the liberation movements and their surrogates internally, whether it was UDF, ANC, whatever. Do you concede that?

--- But, Mr Chairman, with all due respects, I relate another incident where you can form your own opinion of what happened on that night. You might recall - you know Pietermaritzburg's history - in the 1988, late 1988, when the violence was intense in

Imbali, to such an extent that the riot unit withdrew all its members, because out of fear of life. They were being shot at and everything. We were called to our office, to the Security Branch office at, I think it was half past - just round about 1 o'clock in the morning - and it was General Beukes who still said

/that the situation

1B that the situation is unacceptable. He said that this violence must be brought to an end. We cannot tolerate this. Policemen's lives - the policemen that live in Imbali's lives are threatened, and those are black policemen. I still said to General Beukes that night, "There's an easy way of solving this problem". I said, "I'll go into Imbali right now", after the uniform police with their armoured vehicles had withdrawn out of Imbali. "I'll go into there. I'll find out who the ringleaders were that are orchestrating this problem and by 5 o'clock this morning we can arrest them", and this is exactly what happened. I and another white colleague of mine, who is no longer a policeman, we went into Imbali. We identified the houses where these people were in hiding. Now, this was - these people were UDF activists who were hiding in UDF-orientated areas, but I identified these addresses at 3 o'clock in the morning, where these people were in hiding. 5 o'clock we went into there and we fetched them out from their hiding places and that same morning at 9 o'clock the bus service was running normally and the whole community boarded the buses and they rode the buses. Now, I was given three hours to identify the places where these people were hiding. How else would I have been able to get that right if I didn't have people - UDF activists -

that co-operated with me - people that were close in day  
to day living with these activists? That's the only way  
I got it right. I had close contact with these UDF  
activists and their immediate families and they helped  
me around every problem that I had.

One is not disputing that. The basic proposition  
I'm putting to you though - you just haven't answered -  
is

/do you accept

1B

do you accept that that was the basic situation? You  
may not have worked like that and you may well have had  
people that co-operated with you and I can see it as  
quite conceivable that there were people who were  
opposed to the violence who would have assisted you to  
make sure the violence stopped. One accepts that. I'm  
not saying that you're a liar for suggesting that. I'm  
not for one moment suggesting that, but one must - what  
I'm putting to you is the general scenario that existed  
at the time. --- The general scenario, I would  
agree. That is the general impression, but I had  
different experiences and in each area that I operated,  
you see ... (intervention)

I'm sure you did. Many people had lots of  
different experiences. I was a defence lawyer, but I  
never found all policemen to be bad. That was my ...  
[end of tape] ... [break in recording] ... --- That  
was basically on information gathering on a particular  
problem at that time, may it be a bus boycott, may it be  
a school - class boycott or something like that. But  
99% of the time I was operating on my own and I've got  
no reason to try and mislead the Commission.



We're not suggesting you're misleading us. ---

Mr Dlamini was pointing out that it was misleading what I was trying to say.

No, he's withdrawn that comment. He's withdrawn that comment and I've already said that I agreed it was not a well-chosen word, and Mr von Willich has accepted that.

MR VON WILLICH: Can I just come in on this? I don't want to give Captain Warber, as he is now, a character reference, but I've known him for 26 years, and I know

/that he has

2A that he has particular circumstances in this case which is vastly different, and before he is attacked on anything, I would just like to have him have the opportunity of telling the committee how he actually operated, because that is vastly different to the norm.

It is so exceptional that Generals have commented on it, as to how different he operated, and if he's given the opportunity I think the committee will see it in context as to what his modus operandi was, and then to put to him the general grist of what other policemen have done I think would under those circumstances - his particular circumstances - would be grossly unfair.

Thank you.

CHAIRMAN: Sorry, Mr Dlamini.

MR DLAMINI: Sorry, Mr Chairman, before you respond to the suggestion from the advocate, yes, firstly, I would like to confirm that the word, "Misleading" was poorly chosen. Secondly, I would like to say that we are not saying that Captain Warber is lying and also there are fundamental parameters within which our country was situated in its history. No matter how unique an

officer was, he could not have operated outside those fundamental parameters.

MR VON WILLICH: I will take issue with you on that.

MR DLAMINI: And, to go back to the last example that has just been given, Mr Chairman, I would believe it and I would accept it, but I would say again there are various ways of achieving that. You don't have to go to UDF to achieve it. There are other people who would be able to co-operate, including UDF people, but not necessarily known UDF leadership. So what I'm trying to say is that we are not coming here, Mr Chairman, blank.

We are

/prepared to

2A

prepared to listen to Mr Warber, Captain Warber, but at the same time it's our duty as members of the - as staff of the Commission to probe and try to reconcile the evidence with what we already have also what we know of our history, which is a known thing.

MR VON WILLICH: If I could just reply to that, Mr Chairman. It is unacceptable in law or in natural justice to put general parameters to a specific witness.

He has to reply to questions and unless there is dissatisfaction to his questions that dissatisfaction must be put to him. It cannot be his - his evidence that he has given, he has given on oath and if there is any imputation of dishonesty or not disclosing the full truth, then that imputation must be based on fact and there must be substance for it. It is improper, with respect, to put to a witness that he cannot go beyond specific parameters. If that situation is to be met it has to be met head-on. The parameters have to be put to the witness. The witness must be given the opportunity

to deal with it, and the witness must be able to explain what the situation is. The issue cannot be prejudged, with respect, by saying there are specific parameters and he cannot move beyond it. A statement like that, with respect, is improper, because the witness must be given the opportunity - he must be confronted with the questions and he must be given the opportunity to deal with it. Thank you, Mr Chairman.

CHAIRMAN: I think the best way to proceed here is to - Mr Govender was busy approaching the issue on the basis of precisely which leaders Mr Warber had had dealings with who had co-operated with him. I think we should stick to that and let's canvass all of that. He can also in the

/course of that

2A course of that sketch his modus operandi, as you request, and we can proceed further with the evidence. I think your point is taken, and I agree that it hasn't been put to him yet precisely what the general scenario was. That needs to be put to him. He can either admit it or deny it, as I have put it to him and he doesn't see it quite that way or he sees it, as he's put it that, yes, that was the general scenario but he didn't quite work like that. That's fine. Let's just move on.

MR GOVENDER: Captain, we were at the point where we were discussing the leaders that you had spoken to, that gave you information about some of the conflicts, some of the attacks and who has been responsible for these attacks. You've given us the name, Buthi Masango. Who else did you deal with?

CHAIRMAN: Sorry, Mr Govender, if I can just intervene here. Let's do this on a systematic basis. Let's take

area by area and ward by ward within those areas and let's just go through the different leadership structures that were there and who Mr Warber worked with. Otherwise we are going to go round in circles, we're going to be jumping backwards and forwards between areas and it's going to become very confusing for everybody.

MR GOVENDER: The ward that you've actually given us now, Captain, was Georgetown. --- Let me just emphasise something. Every school has got school committees.

Are you confining yourself to Georgetown? ---

Georgetown, yes. And in those schools I identified the elected members on that school committee. Every taxi association has got taxi committee members. I identified those members and I visited those people. So out of that

/group - can I

2A

group - can I say that each of those committees consist of about ten people and I made it a point of visiting at least executive members of each of those committees. That gave me roughly about ten people in each area and I could call upon those people at any time and discuss a problem of that area and, as I went along, different people would give me information about the problem that I was probing at that point in time. So it would be community leaders, taxi people - because you must bear in mind that stoning on the buses could have the result of stoning of the kombis at one point in time. So, whenever a bus was stoned the kombi operators were concerned about this and they would cry out for help to ensure that their vehicles don't get damaged. So you

would, by circumstances, you get people to co-operate with you, because they had interests in this whole matter. So you would get people, due to circumstances, who would co-operate, because their livelihood was affected by it.

We understand that, Captain, but the names of people that would co-operate with you in this area?

--- Buthi was the chairman. The chairman of the taxi operators there was - I can take you to his house, but I can't remember his surname. He was also a chairman of the PAC branch of that area. I can take you his house.

He's got a very funny surname. I'll have to - I can't recall it off by heart. And Buthi Msimang was also the chairman of the school committee of the technical college there at that stage. He was influential in all these colleges and schools in that area. So he covered a wide field of interests in that particular area - of security nature, of - it developed problems at schools, taxis and so on.

/Everything was

2A

Everything was fed back to him. So got my vast source of information from the chairman.

Apart from these two people, anybody else in the area that gave you information? --- Well, they were the main source of information.

Were there any other people that gave you information? --- Members of the community. Whenever I drove into an area and shop owners, tea room - shack shop owners, anybody that I visited gave me pieces of information as they picked it up, and I then put the picture together.

Were any of these people paid for that information that they gave you? --- No. It was all contact persons you can call it.

I take it that the information that you were given from these people resulted in arrests of people? ---

In many cases, yes.

And they were mainly what affiliation, the people that were arrested? --- People resident in the Georgetown area are UDF/ANC orientated.

So they were mainly UDF/ANC? --- We are talking now about attacks on the buses, yes.

These are just related to attacks on the buses? --- Along the road. That's how I see it. I mean we are talking - discussing Georgetown, and the main problems in Georgetown area was the attack on the transport or the vehicles using the main road.

And this, you said, was a political attack? It was the UDF/ANC attacking IFP buses? --- Correct.

Did you find out what was the underlying reason for these attacks? Did you ever find that out? ---  
I

2A /didn't find  
didn't find it out. I mean it was a recognised - it was a well-known factor that they didn't want the IFP people to go through that area, but there was no alternative reasonable route that they could use.

Did you question the IFP leaders in the Taylors Halt area to assist them in this regard? --- There were escorts arranged. At one stage we were escorting the buses through that area.

Did you get any approaches from any of the leaders in the IFP area - Taylors Halt particularly - to assist

them in this regard? --- I did not work the Taylors Halt area, but people that worked in the Taylors Halt area were approached and, as a result of that ... (intervention)

Who worked in the Taylors Halt area? --- At that stage it was Captain Gerry Brooks.

Gerry Brooks. He would approach you? --- No, he would make the necessary arrangements.

He would make the arrangements? --- That's right.

Didn't you work with him, because you were in the area, you were involved in the Georgetown area, where the attacks emanated from? You worked in the area where the people were attacked came from. Certainly would he not liaise with you in relation to what is happening in that area? --- He would mention to me that there was a request made by the community leaders of his area for that and then he would subsequently arrange it with the unit for those escorts to take place.

And your responsibility was trying to come to terms with the problem in Georgetown, isolate who the agitators

/or who the

2A or who the leaders were and get them arrested. Is that right? --- The perpetrators of these acts of violence, yes.

Yes. And did you manage by that process to curb these attacks? --- We reduced them considerably, yes.

By arresting the leaders? --- That was part of it and then also the community leaders also played an important role by motivating the youth to refrain from

this type of thing, explaining to them that the consequences of these actions could influence the taxi operators of that area. So it was a process of educating the people that were involved in these attacks, to make them realise what potential consequences of these attacks could be.

So are you saying the general feeling in that community, Georgetown community, that the general community was against those attacks? Is that what you're saying? --- I wouldn't say the general community, but in my discussions with community leaders and people - parents of those boys that were affected or involved in those attacks were against it, yes, because they realised the consequences, the repercussions, the counter-attacks that could take place.

Okay, Captain, would you like to move on to the other areas that you've been dealing with and the leaders or members of the community that assisted you in terms of information and discussion? --- Okay, take Harewood ... (intervention)

CHAIRMAN: Why don't you just put it - why don't you just ask him. I mean, he's given us a list of the areas that he worked in. Just deal with them logically.  
Mpumuza,

/Ashdown, Caluza,

2A Caluza, and so on. Let's just go through those areas and deal with them one by one.

MR GOVENDER: (Inaudible). --- Okay, Harewood was a person by the name, Sifiso Zuma. I think most of you people know him.

Well, for the record, who was he? --- A problematic person, but he claimed to be the community



leader of that area. On the strength of that you did  
visit him, because, No 1 he was ... (intervention)

What affiliation did he have - political  
affiliation? --- I don't think he knows himself.  
Sometimes he's ANC-orientated, the next day he's IFP-  
orientated. He's not being trusted by either party.

CHAIRMAN: Just for the record, at that time he was  
IFP. --- But the very next ... (intervention)

Sometimes he's been considering ... (intervention)

--- Then the very next attack he gets attacked by the  
IFP. So he was a problematic individual. But the thing  
is what made him influential in that area is that he  
owned the tuckshop which was the only source of life,  
you can say. He was the only person that owned a  
vehicle and that would convey people in cases of  
emergencies. So everybody was dependent on him, and he  
could dictate to everybody what should be done. So on  
that strength everybody was reliant on him. So you had  
not much of a choice but speak to him. Then they also  
had a community committee, which comprised of trusted  
individuals of that area and those people are also on a  
regular basis consulted. So it is like a ...  
(intervention)

The names of individuals? --- The chairman  
that I dealt with has passed away in the meantime.

/What was his

2A What was his name? --- I think it was Luthuli.

Luthuli? --- Luthuli, yes.

Was he the only person from that committee that  
you had contact with? --- No, members of this  
committees I dealt on on a regular basis and whenever  
there was a problem I would - it depends on what - you

see, greatly, it depends on the situation of the problem. You had to go to the leader of that particular locality where the problem existed, because he's the only man that could help you. If you went to a leader of another locality he will just tell you, "Look, you must go and see so and so. He is closer to the problem and he'll be able to help you".

But members of this committee that assisted you, have you got their names? --- I can't recall. You must remember that this is years ago that I operated in this area. I can take you to the houses. I mean I don't remember all these names. I mean these are numerous names and the present chairman there is a Mr Ngcobo. He was one of the people that I went and spoke to. There's numerous. I mean the committee consists, I think, of 11 people.

Was this an IFP-affiliated or ANC/UDF? ---  
IFP-affiliated.

Can you remember any of the other names? ---  
Pardon?

Do you remember any of the other names? ---  
No, not in particular. I mean these are just the recognised community leaders in that area.

So you were in contact with all of them on the executive committees? --- Basically, because the committee consisted of members elected from the different wards of the area. So to be able to keep control of the

/different localities

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different localities of the area you had to get to know the broad spectrum of the trusted people in that area and that is what I went out to do. I got to know the

trusted people that people came and discussed their problems with.

What type of information did this committee give you? In relation to what conflicts or what attacks in that area? --- Pardon?

This committee in Harewood, what type of information did they give you, as a result of what activity and what attack? --- Normally that would amount - I mean most of the information that I got from there was about the attacks on transport - on vehicles that went along the Indawu road and then turned off in Caluza road and then up towards Harewood. There again the IFP-orientated people had to go the road that was surrounded by UDF/ANC-orientated people.

So they were victims also of attacks on the buses?

--- Of attacks, and there was a particular little group that was living behind the Thulani's Garage, what is called Moscow and a lot of problems emanated from that little group and ... (intervention)

Was that IFP? --- That was a very strong ANC area. And I went to identify the community leader of that Moscow area. I discussed the problem with him.

Who was he? --- I can't recall his name.

Did he co-operate with you? --- Yes, in the sense - because he realised that if we didn't curb these attacks on each other that it might happen that his house or the other people's houses could get attacked by the IFP group from across the river, because it was only a river that divided these two communities. So they were

/interested in

2A interested in bringing these senseless attacks -  
isolated attacks which aggravated the whole situation  
every time - they were co-operative in that sense, yes.

Did you bring to his attention the repercussions  
of this sort of activity to himself and his community?  
Did you bring that ... (intervention) --- In  
discussions, yes.

In discussions. You made him aware of that? ---  
Correct.

You mean that were it to continue he may be the  
victim of the same thing? --- They knew that too,  
because out of experience.

Yes, but what I find confusing here, Captain, is  
that the attacks were continuing and after your  
intervention and meeting with the leader he then  
realised fully that there may be repercussions to  
himself and then he co-operated with you ...  
(intervention) --- Mr Govender, you will realise  
that a lot of these attacks take place on a Friday  
night, on a Saturday evening or even on Sunday evenings,  
especially at the end of the month, when people are  
intoxicated and the problems start all over again. So  
we looked at it as a global approach. If these attacks  
emanated because of a shebeen near this junction then we  
would put pressure on this shebeen operator to stop  
supplying liquor, because they are causing the problem  
at the junction there. So this is the type of method  
that I applied to try and curb this violence. I looked  
for the causes and then tried to address them.

Was this via the community leader? ---  
Correct, in co-operation with the community leaders.

/You would

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You would discuss it with him, you would convince him that, "This may have repercussions upon you", and then he would assist you in identifying the culprits and either persuading them to discontinue or to have them arrested if it was necessary. --- He assisted in identifying the possible causes of these problems, okay.

Like, particularly in this Moscow area it was a shebeen that was a cause because these youngsters would drink there. Then they would go out and look for trouble - stoning motor vehicles that take that road, because they knew that a lot of these traffic - they knew at certain times - I'll give you an example. A lot of people worked at the Edendale Hospital that were IFP-orientated and they knew that - I think it's 8 o'clock at night these people come off duty -it's either 7 or 8 o'clock these people come off duty and they take this route through Edendale, along the Mpumuza road - the Caluza road to Mpumuza - and they will stand there and try and stone these vehicles, because they identified a vehicle as it approaches. So these guys were normally found to be intoxicated at that time of the day, so we tried to prevent this by bringing about programmes where these people wouldn't be intoxicated and they wouldn't have the courage to cause problems.

So you are saying these attacks were largely criminal attacks? Wasn't it politically-motivated?

--- It works both ways. Obviously they are ANC-orientated. These people that are passing through there are IFP-orientated, and they know it, so although it's a criminal act doing this, but the motivation behind this criminal act is a political nature. So we tried to

prevent this from occurring by bringing a - finding a  
solution at

/grassroots levels

2A grassroots levels to these problems.

Captain, I'm asking you these questions for the purpose of either excluding it or admitting it and you must take it in that spirit, in the sense that when you approached the leaders of the community in Moscow, for example, being an ANC aligned community and a leader as such, the perception, and there is ample evidence before the Commission and, I think, in the public arena also, that the security forces were assisting the IFP to some extent in terms of the conflicts in these areas, and that arises out of the need for the preservation of the State and felt it was threatened by the liberation movement - the ANC or the UDF and if these organizations grew in strength the security of the State would be threatened. The perception, and to some extent established by evidence before the Commission, is that security forces like the Security Branch and the riot squads and SAP and so forth assisted IFP-affiliated communities or leaders and chiefs and so forth to perpetrate attacks against UDF/ANC areas. The fact that you went to a community leader of ANC persuasions, being a member of the Security Branch, is it not possible that by making them aware of the fact that there may be repercussions to them if they continue this activity in itself was a threat. The fact that you were a security member and that if you were there to articulate that repercussions may be a reality in the future, that, in other words, you were saying to them that, "As a security force, we would probably be engaging with the

IFP in attacks against you if you don't stop this sort of behaviour". Is that possible? --- I didn't follow the last end or the last piece of your question.

/COMMISSIONER:

2A COMMISSIONER: I'll put it very simply. The basis thesis was that the IFP was the security force's ally. That's the basis thesis. Consequently, you going to speak to a leader in Moscow, which is a non-IFP area, he's saying that it may have been suggested by the very fact that you were security force that you put it to a leader in Moscow, "Listen, guys, if you don't stop this nonsense, not only are they going to attack you, but we, the security forces, we might even help them attack you.

--- No.

That's how he put it. Am I putting it correctly?

It's plain and simple. --- That would have amounted to inciting violence. I never involved myself in that.

I would have never said to any community leader that, "If you don't get your community to co-operate, we'll get somebody to attack you". What I did say, "If you people don't manage to persuade the shebeen operator to operate, I can get the local police to come and raid her and close it down". That I did say. I have threatened with police activities against them, but I never ever would have stooped that low to do something like that as has just been suggested.

MR GOVENDER: Well, Captain, it's not more that what you would have suggested. I'm painting the picture from the point of view that the perception in the liberation-dominated communities were such that they were fearful of security forces. They wanted nothing to do with them, because the history of the security force

activities in the area had always been to their detriment. They were wary of them. They were wary of their neutrality and so forth and so on. The fact that you belonged to the security branch, the fact that you came and spoke to them,

/inherent in

2A inherent in that was the suggestion that the security force might embark with the IFP against some campaign against them. Is that a possibility? --- Not to my knowledge. I read that in the media that allegations of that nature are being made. I've never experienced that. I would have never co-operated with something like that, because it's against my personal belief. I mean I would have never been involved in something like that.

But, you see, Captain, this is where I find some difficulty in the sense that it is common knowledge in terms of much that has come out to the Commission and to newspapers and to criminal trials and so forth and so on, that the State was fighting a low-level war with the liberation movements and its ally, really, was the IFP.

Inherent in that is the fact that the ANC, as an organization, was banned. The IFP was a legal organization and so forth and so on. The security forces were the guardians of the security of the State, in the sense that their job was to investigate and to minimise the threat to the State, isolate and get information and try to neutralise the ill-effect to the State. Inherent also in the fact that you would be a natural ally of the IFP, as such, because the Government recognises the IFP as an organization and a legitimate government at that time and so forth and so on, that you



would not be perceived - not you individually, but your security forces and anybody who belongs to it, as part of that campaign against them -as part of the enemy, if you want. There is evidence during the seven-day war hearing that was held in Pietermaritzburg where it was clearly accepted that the security forces sided with the IFP in that conflict. Now,

/given the

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given the whole conflict, given that scenario, whatever work that you did in terms of isolating ANC activities and getting information, and so forth, is it not conceivable that your information and your activity contributed to that scenario - contributed to the crushing of the liberation movement? You may not have had the intention personally, but the work you were doing and the organization you were doing and you were supplying them with this information which was used then to crush the liberation movement and you would then, as a result, be perceived as an enemy of the liberation movement. --- I don't agree with you completely, because in most of the cases, where I experienced a problem on the grassroot level, I sought for a solution there and then. I communicated with all the role-players, irrespective of what their political affiliation were and that didn't worry me. If I was given a particular area, like the Edendale area, which was a known ANC area, I didn't approach it in any different manner as if they had given to me any other area with another political affiliation. So I went there to do a specific task. If there was violence, my task was to try and curb that violence, to look at the reason for the violence. Is it school violence? Is it

taxi violence? To investigate the core of the problem, to see if we can rectify that. In many cases, in for example taxi violence, where vehicles were stoned left, right and centre, was misunderstanding because of misinterpretations of things that were said at a taxi meeting. So, I mean, you look at each individual cases on its own merits and you do something about it.

Captain, I grant you that you personally consciously

/may not have  
may not have been involved in what I am suggesting was the scenario of the day, but I'm saying to you simply that your activities as the security branch has contributed to the overall picture of what had happened and what the forces were and who the forces - were the disadvantaged and the advantaged forces, as such, at given time. You may personally not have been involved in that. Let's frame the question this way. In your activities in the security branch, the information that you gathered as a result of that and other activities, how many members of the UDF/ANC allied people were arrested? --- It's difficult for me to say, because, I mean, you must take a particular situation. I take, for example, the bus boycott in Imbali, when I was working Imbali. Every time - okay, put it this way - the initial, when the unit moved out - when Colonel le Roux gave the order that they all move out, I went in that night. We arrested those five people and the situation was normalised. Then they started at various street corners, stoning buses again at particular corners. There next to Mehlo Gazulu, at the bottom there next to the brewery. I then went out and

identified the role-players that were involved in those particular key points - flashpoints. I went and visited them. I went and motivated them to stop it, and we had a lot of success and these were UDF activists that were strongly involved in fomenting problems at school levels, within the youth structures and everywhere. I had a lot of success by going and talking to them and reasoning with them.

Apart from attacks, Captain, let's just put it this way - apart from the attacks you're talking about - that

/can arguably

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can arguably be measured in terms of criminal activity, whatever. What about the legitimate activities of the organization - the ANC or the UDF - in terms of demonstrations and marches and propaganda of their beliefs and so forth. Were you involved in or getting information about those people, having people in those activities arrested? --- But you take school boycotts. That was part of the struggle.

Yes. --- On many occasions I managed to talk to - because if you knew how these people operated, one individual - for example, I'll just sketch you the situation in Imbali. In Imbali we had three high schools - Zibukuzulu, Mehlo Gazulu and Siqongweni. The Zibukuzulu and Siqongweni - Zibukuzulu was ANC-orientated, okay, UDF activists. Mehlo Gazulu was PAC-orientated and Siqongweni was IFP at that stage, because the majority of the IFP children went to there. What would happen, often happen, that we find that children from Zibukuzulu School, the trouble-makers, which normally about 10, 15 of them, would just march out of

the classroom, go and try and disrupt Mehlo Gazulu.

They would not get it right, because these people would resist the so-called ANC reasoning for disrupting the school. They would then run down to Siqongweni. In many cases they found the gate locked and they didn't get it right. So you had different interests, okay, and for that reason you had different results and different reactions, so you cannot generalise and say that that is the overall - on the grassroot levels - okay, speaking nationally that is possibly the overall picture that got formed, but on the grassroot levels you had different circumstances most of the time.

/Did you believe

2A

Did you believe in the legitimate right of those people that belonged to UDF and the ANC to demonstrate peaceably? --- Yes, I did.

Did you? But you were involved in gathering information about those who did demonstrate peaceably as a security ... (intervention) --- You'll find that 90% of the time, when we had class boycotts in Imbali, a group of - I mean at that stage, we had about 3 000 high school children in Imbali, out of the three schools, and you'll find that a little group of about 200 to 250 children would march down the street. We allowed that. The rest of the children went home. So it was - the majority of the children didn't participate and those interests I also had to safeguard.

But the question was did you engage in gathering information about the leaders in that march and how it was going about to pass to your superiors? Did you?

--- Put it this way, in the 1980s, you, as a field worker, had to gather information and do something about

that on the grassroot level to prevent problems, to prevent violence, okay. So 90% of the information that we gathered we passed on, but at the same time we used to counter possible violence.

So you're saying that every peaceful demonstration -90% of the peaceful demonstration had a potential to become violent? Is that what you're saying? --- We never had peaceful demonstrations down there, because all the demonstrations start off with children going to school as a normal day. Then round about 10 o'clock strangers - not scholars from that particular school - would arrive there and chase the children out of school.

I would not

/call that

2A call that peaceful.

I just want to move on now, Captain. Before I move on to the next area, just one point. In relation to IFP people that were arrested as a result of your information or your activity as versus UDF/ANC, which was the greater number in your period of work? --- I can't say. Because I never gauged it as such. If a person involved in, say - when I was working, for example, in an IFP area, people that engaged themselves in violence and I got that information, I fed it through for the role-players, the uniform, the CID members to do something about it and some time later I heard that these people were arrested. Other cases I heard that they weren't arrested because of lack of information - evidence against these people. I never took records - I never had a record of this.

Would you say there was more IFP people arrested or more UDF people arrested, just to answer that

question? --- (Inaudible).

You can't? --- No, because it ever even - it was never my approach to look at it that way.

Let's look now, Captain, at the Caluza area in terms of the people that you worked with there, who assisted you for information and so forth? ---

Caluza - Caluza, that's on the left-hand side of the road. That is normally privately-owned properties, so there was very few - put it this way - no, let me put it differently. There again we had these two schools. We had school committees. We had taxi - we had the Caluza Taxi Association. I dealt with those individuals again.

Shack shop owners and shop owners, I went and visited them, and also again - you might believe it or not, the chairman of the ANC branch

/there.

2A there.

What was his name? --- He lives there right next to the road there on the corner. I don't know what his name is now at the moment. I sketch you the house where he lives. It slipped my mind.

So you would normally identify these people as to the addresses or to the names? How would you remember that if you can't remember their names? Would you say to your superior, "I met so and so, he lives at this address, I can't remember his name"? Is that what you normally do? --- No. In that report writing you don't identify the source or you don't name the people's names. You'll start off, "Information has been received that ...", and then you carry on. The identity of the source is irrelevant. It is the information that is of relevance.

Would you then be regarded as handlers of those sources or what? --- It's contact persons. I don't believe in having informers because informers are very risky - have got a restricted - especially in times of violence, have got a restricted area of operation. So I concentrated on contact persons. I got more success through having a number of contact persons that I could make use of than having one informer and he is restricted because of his - he cannot move around.

Just for clarification, what's the difference between a contact person and an informer? --- Okay, a contact person is community leaders, people that have possessions - natural possessions like community leaders, taxi - committee members of the taxi associations and rate-payers - not rate-payers. They called them residents' associations and things like that. People that

2A /were elected were elected into various positions. I went out to identify these people, approach them, establish a communication channel between those people and myself. Those are contact persons. Informers would be a person that gets registered at our office as an informer, which I didn't work with. I didn't like the system, because it wasn't a very secure system.

And not necessarily the informer will be from that area. He could be planted in the area. Is that right?

--- That's also - that's one of the ways of dealing with it, yes.

Now, just on the contact persons whose names you seem to have forgotten, would they give you information that was used - what type of information would they give

you? Information that would assist you in the investigations? How would it work? --- Basically, it would be about attacks of any violent - violence that's taking place in the area. No 2, people that are active in the area. No 3, we knew - I mean, you must bear in mind that these people had left the country to undergo military training. We knew who these people were. We knew where they were living. They had natural enemies. You must bear that in mind too. That a lot of these people that left the country for military training left a child behind. The mother was struggling. So they left illegitimate children behind. Those family members were ideal people to utilise to keep track of what was happening that household, where that person has left for, because they have got natural access to that house and they've got a natural hatred towards that family because of what has been done to the mother's side. So you used

/the human

2A the human element to your advantage.

You then presumably used them to give you information? --- Correct.

Now, the chairman of the ANC, what is the nature of the evidence that he gave you - sorry, information?

--- Mostly about violence that took place in the area. The origin of that violence. Because, don't forget that most of these chairmen of these ANC branches are all well-to-do people. They had businesses. They had personal interests in that area and they safeguarded their interests. They were against violence. They didn't promote violence in the sense that - because they knew that their own property could be damaged in this



violence. So, in that sense, you utilised the information that these people gave and ... (intervention)

Sorry, the ANC branch leaders' information - apart from the violence, did they give you information of people who had been to military training who were back in the area - terrorists as they were called then? Would they give you information about those people?

--- Yes. On many occasion you'll discuss about how is the household of that family, how is that happening there. I mean, you wouldn't understand that this is a close friendship that you develop with these people, because we fight common goal - I mean for a common purpose. In other words, to have peace in the area, okay, and we knew that if these people came into the area, okay, violence could erupt again from a different angle. So this was an on-going thing, is to prevent unnecessary violence taking place in the area.

So they were actually willing to give you

2A /information that information that would compromise members of their own organization? Is that what you're saying? --- It amounts to that, yes.

And you can't remember those people's names? ---

I mean, look, you must understand that there are, I think, 26 branches in the Edendale area. You can't expect me to remember all 26 names of - they are not common names to me. They are strange names. They are not surnames that I use frequently. So it's people that you get to know in the area. So, it's not a question of ... (intervention)

You formed a very close relationship, as you said.

Close relationship, at least one thing you can remember, Captain, is their name at least. --- But you must ... (intervention)

Close relationship, if you work with a person and forget his name, he's going to be very insulted by that.

--- You know how often ... (intervention)

(Inaudible) ... close relationship. --- You know how often it's happened to me that I discuss something with them and I mention the wrong surname and they say, "No, it's ...", and then they tell me what the surname is. It's a slip of the tongue, and it has happened to me, because you get confused with the number of persons.

Any other person in this area that you ... (intervention) --- Which area are you referring to now?

Caluza area. --- There again, well, the community leaders.

Any names? --- One person that I know that lives in the Caluza area and that I also visited on numerous occasions is Moses Ntshangase, for example.

/Moses? ---

2A Moses? --- Ntshangase. You know, I didn't - put it this way, I didn't isolate a person because of his political affiliation. If he's a member of that community, I went and visited him. If he had a role to play to restore normality, either in his immediate locality or in the neighbouring locality, I would go and visit him. I would discuss my problems that I had and 99% of those times - I must admit on the initial - the first visit was arm's length away, but the second and

third and subsequent visit we were very much friendlier already. So I got a lot of good will from these community leaders.

I don't think you have them any more if you can't remember their names, Captain. --- Well, as I can say, I can take you to some of these houses, because names are irrelevant as far as I'm concerned, because - okay, not irrelevant, not to mention them here. I mean, if I could remember them I'll tell you. I can describe you the house where he lives.

Can we go on. Ashdown - any names in Ashdown? --- Okay, there again, Ashdown was divided into six different wards. We had ward committees from each of them and if you like it or not I cannot remember all of their names again.

Can you remember anyone's name? --- Okay, people - the people that I dealt with on a regular basis in Ashdown was the executive members of the ANC branch and they were also - why I mention that, they were also on the housing committee. The chairman was Mr Ngcobo.

First name? --- I think it was Welcome. The deputy chairman was a prison warder by the surname of - I can take you to his house.

/Okay, we have

2B

Okay, we have an appointment then, because there are a number of houses to take us to, Captain. We will make arrangements one of these days. We will visit all of these houses. --- You're welcome.

Any other names that you remember? --- Well, as I said, the Ashdown youth there - what's his name - he was also the chairman of the taxi association at that stage. If you go into Ashdown, if you go into the new

section - as you go over the bridge to Ashdown you turn right into the new section. It's the third house on the right-hand side. I can tell you that, but - what's his name.

That doesn't tell us much, does it? --- No, but, I mean, it's ... (intervention)

Do you know ... (inaudible). --- Am I right or wrong? You see, I don't wilfully try and mislead. They've slipped my mind and he's no longer in Maritzburg either, this man. He's very far away from Maritzburg.

The last area is - what is the last area you were involved in? --- Mpumuza.

Mpumuza, yes. --- There from the chief, Chief Zondi. His brother, what's his name, that works at the Edendale Hospital? It's also Zondi by surname. He works in the laboratories at Edendale Hospital. You might know him. He's a prominent individual. He serves on various committees of developments - committees and things like that. There again, it's the high school there, of that executive committee there. The chairman there is a pensioned policeman - Mnguni (?). The taxi association there is - his house is there next to the river - no, it's slipped my mind.

Okay. Imbali - who are the people that you worked /with there?

2B with there? --- Imbali. No 1, the councillors.

Okay, their names? --- Those days, in the 'eighties. Okay, the mayor at that stage was Mr Pakkies.

Mr? --- Pakkies.

First name you don't know. --- No, he's an elderly man. I always called him Mr Pakkies.

He's the mayor. --- Then Mr Aweta was the deputy mayor at one stage and then later the mayor.

Who was this? --- Aweta, Abdul Aweta. Then the late Mr Tu Ngcobo. Then Jerome Ncaba. And then - I'm just trying to work through the Imbali area town council. Then there was the one councillor who had a hand grenade thrown through the window and killed his grandchild. The old man. What was his name again. If you go down past Mehlo Gazulu School and you go down towards the bridge it's on the right-hand side there. There's still two houses that are badly damaged. He lived in one of those houses. I can't recall that man's name. And then in unit 3 is Mr Nkabinde.

Which Mr Nkabinde is this? --- He's no relation of Sifiso, not to my knowledge.

What's his first name, this one? --- I don't know. He's an elderly man too. I just know him as Mr Nkabinde.

Anyone else? --- That's all six, I think.

Six. That's all the people - that's all the people that you worked with? --- No, then the chairman of the taxi association at that stage was Norman Mkhize, man in charge of region 12.

Sorry, his name again? --- Norman Mkhize. He was at one stage the chairman of the Imbali Taxi

/Association.

2B Association. Then you've got the different schools, particularly the high schools. At that stage the Chairman of National KwaZulu was Mr Ntenjwayo, the Chairman of the ANC branch there. He is late now. He no longer lives.

What is that now? --- Ntenjwayo.

The Chairman of the ANC branch? --- He was of stage 1, I think it was, but he's late now. He used to work at Huletts Aluminium. He was the Chairman, and then Sibukuzulu also a pensioned policeman - an old man. I forget his surname.

Any other names you remember? --- Pardon?

Any other names that you remember? --- In what context? I mean, the thing is ... (intervention)

In any of these areas that you worked with.

CHAIRMAN: Sorry, we're busy with Imbali. Let's not jump around. --- The thing is Imbali you've got stage 1, stage 2, stage 3, stage 15, 18 and then Willow Fountain is also, so you've got six different localities within Imbali. So I ... (intervention)

MR GOVENDER: I think we've finished Imbali. Have we finished Imbali? --- I mean that's why I'm asking you in what context. I mean you meant it in community orientated, taxi orientated, school orientated.

Any orientation. Anybody you worked with in Imbali? --- Business people, shop owners and tuckshop owners. I visited them on a regular basis.

Give names of those people. --- I know them by sight.

There were no close relationships with these ones, were there? --- Yes, I mean whenever there was a problem, say, for example when I drove past the shopping /complex, I'd complex, I'd pop in there. Have a Coke with them. Chat to them. Find out what's - I mean ... (intervention)

You can't remember their names? --- Every contact person, is it a businessman, is it a parent of a

2B

person who'd left the country is a contact person, and I got on with everybody, even activists' family members, girlfriends, everybody. I made a point of getting to know them and I had a friendly relationship with them.

CHAIRMAN: Who else did you use as contacts in Imbali?

You've given us two of the schools. You've given us the taxi association. There were other structures in Imbali. --- Obviously the Township Manager's office was also a source of information.

Who did you deal with there? --- Any clerk, the superintendent, whoever was available. I had no preference with anybody. They all assisted.

Which township managers did you work with there?

--- Those days - they're on pension now - Mr Bieleveld. I just remember an old man - Byleveld, I think it was, the surname, was one of them, and whoever I found in the office. Telephonically, I'd phone and I'd put my enquiry to them. I'd get the co-operation, so basically everybody co-operated.

That Imbali office was quite central to the Council? --- I beg your pardon?

It was quite central to the Imbali Council - the people that you've spoken about, Pakkies and ... (intervention) --- How do you mean, central to the Council? They worked independent from the Council.

Yes, but in terms of the administration of the township, the Councillors would have had to deal with the

/township

2B

township administration on a regular basis and my recollection was that they did that quite often. ---

They were involved as far as the allocating of houses

were concerned.

Precisely, they had to register those houses in people's names with permits and so on. --- That's correct, ja.

And so they had to deal with the township's manager. A lot of the subsequent violence had connections to the fights over houses and ... (intervention) --- Corruption.

(Inaudible) ... allocated and so on. --- But there was also a lot of people that were driven out of their houses because of political affiliation. You had like - take, for example, stage 1, Imbali, is known as ANC-orientated, so anybody that not openly ANC-orientated was driven out of their house and their houses were taken over by other people. So that happened frequently.

What about Ndumiso and the other colleges, the hostel? --- Strangely enough - I mean if you are from Maritzburg, you will notice that those days those hostels were very quiet. Those institutions were very, very quiet. It's only of late, you know, from about 1990, that they became politicised and involved in all this. I mean, a lot of argument that centred around Sibukuzulu, because Sibukuzulu is right across Ndumiso College and those, and the Sibukuzulu children would march up and down the streets and shout at the students behind the fence to come out and join them and they wouldn't. So there was - basically again you had two different worlds and all what the difference was was the road in between the

/institutions.



2B institutions.

Were you involved in monitoring union activities in the industrial complex there? --- Union activities in what industrial complex?

That adjoins Imbali. --- To a lesser degree, because there was more - I was more involved in the residential part of Imbali, and the activities taking place there, as transport, schools and such things.

Which people in Willow Fountain were your contacts? --- I think his surname is Luthuli, the shop owner there, right at the end. The shackshop owner there, as you leave the bus terminal circle and you go up, the first shack shop on the left there. I think his surname is Luthuli.

And the more established structures? --- At that stage there wasn't much established structures in Willow Fountain area. There were - Dr Zweli Mkhize's parental home was up there on the top of the hill. I got on well with his father. I think it's his late father. And, you know, those type of people, but those days Willow Fountain was very peaceful. It only disrupted into violence here in 1989, 1990s. That was after I had left, but up to that point in time it was very peaceful.

Have you covered all the areas you wanted to, Mr Govender?

MR GOVENDER: (Inaudible).

CHAIRMAN: Okay, let's move on then.

MR GOVENDER: We would like now to deal with some of the specific incidents that were set out in your subpoena. The allegation about the fact that you were involved in purchasing firearms from a firearm shop and

supplying them

/to members

2B to members of a particular community with a particular political affiliation. You are aware of that allegation? --- Correct.

What is your response to that, Captain? ---

That's false, No 1.

What is false? --- It was not - at that stage, when I started working Imbali my prime responsibility was the Councillors of that area. I was not interested in what political affiliation they had. If they were IFP members it was unknown to me at that point in time.

They were Councillors that were prepared to co-operate and try and normalise the situation and it's the Councillors that I assisted in acquiring the necessary weapons to defend themselves and their property and their families from attacks that took place on a regular basis. Houses that were petrol bombed, individuals that were stoned and so on.

So you admit having bought weapons? --- I don't.

You don't? --- No. I assisted them purely in an administrative manner, getting them application forms which they had to fill in and then they were handed in at the police station and the application was treated like any other application for a firearm.

Did you give evidence, Captain, in S v Dumakude trial in 1991, January, before Judge Wilson? Did you give evidence in that trial? --- Yes, I did.

And do you know that as a result of that trial Wilson ordered investigations into the claim that - the evidence of Captain Marion was led to the effect that a

member of the Security Branch - that's yourself - was involved in purchasing about 24 firearms and supplying it

/to sections

2B to sections of the community, namely the IFP. --- That's his perception of what happened. I mean, he's entitled to that, but the reality is a different story.

Were you questioned about that fact during the trial? --- Not in detail, no.

But you were questioned about it? --- Yes.

And what explanation did you give? The same one you're giving us now? --- Ja, but it's generally harped on that I assisted IFP members. As I say, at that point in time I was not aware if they - I did not ask them, "Are you an IFP supporter?" or not. I mean, as I said that, there's one old man that I referred to on the right-hand side. I know that - I learnt later that he was not an IFP supporter, so I never supported IFP per se persons. I supported the Council - Councillors that were elected and that were in office at that stage. It's around their security that every developed.

So you say you were just merely assisting them with the filling in of application forms? --- Obtaining the forms and handing them to them and having them filled in, yes.

You were not involved in the purchasing of weapons from King's Sports? --- Physically involved?

Yes. --- No, I was not.

Where did they get the guns from? --- I believe from King's Sports, yes.

How did they get it? Do you know? --- They raised funds out of their own accord.

Yes, but do you know who physically went and purchased those guns? --- Yes, it was Colonel Vosloo who was involved in that side of the transaction.

/Colonel Vosloo.

2B Colonel Vosloo. --- Yes.

Who was he? --- At that stage he was my immediate head when I was working Imbali.

And he went and purchased those guns for those Councillors? --- He negotiated a price from that gunsmith and it was then arranged and the price per weapon was fed back to them and then they collected the necessary funds and then they purchased those weapons.

How did it come about that your superior officer would become involved in this? You had assisted them with the filling in of the application forms ... (intervention) --- Let me explain that to you. It's very easy. I was working Imbali at that stage and that was in 1984, 1985, 1986. That's the time when the violence started, even with the inauguration of the Council at that stage. The Minister, Dr Piet Koornhof, came around. He was supposed to officiate at that function and the radical group tried to make it impossible. I mean they overturned vehicles and set vehicles alight. They then, after the inauguration of these Councillors, they turned their anger on to these Councillors. These people were stoned on a regular basis. Their houses were petrol bombed. Their vehicles were stoned. As a result of that, the late Councillor, Mr Tu Ngcobo, approached me because to try and effect effective control in Imbali they developed what we

referred to as a security council in Imbali. In other words, all the problems from the various areas would be channelled through the various Councillors and their committee members to Tu Ngcobo. If they could not deal with the situation they would contact me and then Tu Ngcobo contacted me and approached me for assistance to

/defend them

2B

defend them against these violent attacks. My attitude was straight away - he wanted to purchase illegal firearms and I persuaded him not to do that, because it would not be in the interests of the Councillors and everybody if they were found in possession of unlicensed firearms. I motivated them to purchase firearms through the legal way - have a licensed firearm and then, in terms of the laws, if they were attacked they could defend themselves legally. They agreed to that. I took this request to my superior, which was Colonel Vosloo at that stage. He agreed that we should do it legally and should refrain from getting illegal firearms into the area and he then approached various dealers to get a good price on weapons. This information was fed by, I believe, Colonel Vosloo, back to Mr Tu Ngcobo, and then the funds were collected and the purchase was made. In the meantime I assisted with the application - the administration side of getting the forms out to these individual people and then have them handed in at the police station for the processing of the application.

That time there was a lot of violence in the area?

--- That's correct.

Do you think your recommendation that they should get weapons, whether licensed or not, was a good recommendation, in view of the level of violence in that

area? As security personnel? --- Well, the thing is I had to - I could not involve myself in criminal activities and then expect to fight crime. I was not prepared to involve myself in illegal activities. Though I know it was tough for them at that stage - for the black people to be attacked on a daily basis like, I tried to

/assist them

2B assist them in whatever manner I could. I even patrolled there at night. I got special patrols into the area. At one stage we even got guards at these people's houses to protect them. That's how bad things were. I was not prepared to involve myself in illegal activities to overcome any problem. I was strictly in terms of the law, nothing else.

Captain, you had been in that area for some time and the level of violence was increasing. There was sporadic violence and conflicts and so forth. Weapons used illegally or whatever and so forth. Did you, apart from these people that you said at that time you didn't know if they were IFP, recommend or assist anybody else who was being attacked continuously, in filling out application forms for firearms? Did you? --- The request came from them, from the Councillors and I did not go out and advertise. That is not my job.

Did anybody else request from you? --- No.

These are the only people that requested? ---  
The Councillors, yes.

And the question was initially how did your Colonel Vosloo come to purchase those guns? --- I was not involved in that aspect. The funds were - an envelope with money was handed over to me, which I

handed over to Colonel Vosloo.

And did you inform him as to what this was for?

--- He was aware of that at that point in time. He ... (intervention)

Had you kept him informed all the time? ---

Pardon?

Had you kept him informed all the time that a

/request was

2B request was made for firearms? --- Ja, but the thing is - no, you misunderstood that. When the initial request was made to me, okay, I conveyed that request to Colonel Vosloo, okay, and to maintain that - to prevent these people from acquiring illegal weapons, okay, on a large scale, to defend themselves, we encouraged them to operate within the ambit of the law. We encouraged them to obtain legal - licensed firearms, okay. I knew, and I told them that the process would take a period of roughly six weeks to two months ... (intervention)

No, I understand that, Captain. My question to you simply is that when this request was made to you from these people you were dealing with the situation there were a lot of attacks, a lot of violence and so forth and in those circumstances, assisting people to get legal firearms must have been a difficult decision in view of what the circumstances were. Did you discuss this with Colonel Vosloo? --- Yes.

And say, "Look, this is the request"? --- No, I did.

Did he agree that you should go ahead and process - or assist them in filling in those application forms?

Did he agree that you should go ahead and assist them in filling in those application forms? --- He agreed

with me that we should encourage them to get weapons the legal way, yes, and that part of the process of getting the weapons legally is to let them have the application forms and process the whole thing.

You assisted them in filling in those application forms? --- No, most of them could write themselves. I could have had. I can't remember.

/But who

2B But who approved those firearms? --- It was handed in at the police station and it was processed in the normal channel.

Which police station was it handed in at? --- It was at Loop Street Police Station.

Loop Street Police Station. And do you know which officer dealt with it? --- No, I don't know. I can't even remember who was the official that dealt with the application at that stage.

Were you, as a man on the scene as such, consulted about the issuing of these licences? --- No, the applications were judged on their own merits in each case.

Were you not consulted because you were working in the area and it was well known that the area was volatile in terms of violence and here you have a few applications by people living in this area for a licence for firearms. Would they not think it proper to consult you before they take a decision as to whether they should grant that or not? --- There was a certain amount of consultation, yes, and then each application - it was motivated why this application was made. In other words that they were a serving member of the Council, that they were being attacked. They were well



aware - the officials that dealt with it, they were well aware of the circumstances of these places and it was also motivated in the applications if I can recall.

Who motivated them? Did you motivate or did the applicants motivate themselves? --- I did not participate - look, in the application for a firearm the applicant completes a certain form. Then the official of that station completes another form, okay. That was done

/independently on independently on station strength outside my influence.

So you made no verbal or written recommendations? --- I just pointed out to the official that these people are Councillors. I am aware that they are Councillors of the area and that the applications - you know, the entry made on the made on the application form is correct. That is what I verified to that official, that the claims made by the various applicants on the forms is correct.

Were you asked your opinion as to whether the issue of these licences will escalate the violence in that area or not? --- Okay, that aspect was carefully thought through. That is why we encouraged them to get licensed firearms, because in that way the State could control the firearms, okay. Then we knew what weapons there were in the area, but if we encouraged them to get illegal firearms the task could be so much bigger. So we appreciated the fact that there's a possibility of escalation of violence and we educated them - the people that applied. We clearly told them the terms of the law -what they can do and what they could not do.

Why was it necessary for Colonel Vosloo to buy those weapons from King's? Why didn't the applicants purchase it themselves? --- It was generally known that if you buy in a group form, okay, that you get a bigger discount.

Bulk buying? --- Bulk buying, ja. So I think that was the motivation, was to try and get - those times, I must admit, they were tough times, economically too, they were very tough times. These people were prepared to stand up and assist the police round every corner, assist to maintain law and order, assist in maintaining a public life, as normal as possible, which they greatly succeeded

/in, because

2B in, because you will recall that the elections that took place there or the referendum took place at that point in time - I think it was 1983, somewhere around that area - no, 1986, in that period, that Imbali was the only quiet black residential township in the whole of Pietermaritzburg area. The rest of the area was - tyres were burning in the streets and so on. Schools weren't attended, but it was the hard work of the Council - Councillors that maintained reasonable law and order in Imbali at that stage.

You saw them as allies to the enforcement of law and order? --- They proved themselves by maintaining a reasonable level of law and order in the area.

So you were quite happy that they would get these weapons - you and your ... (intervention) --- I had no influence on the final decision. That was made in Pretoria, not locally.

CHAIRMAN: The issue wasn't that you influenced it. He said you were quite happy that they would get those firearms. That was the question that was put to you.

--- I didn't know if they were going to get the - if the licence was going to be approved or not.

Were you happy or weren't you that they got their firearms? Yes or no. --- No, we are talking about the application here. At no stage is the firearms - as far as I might have misinterpreted what was said, we are talking about the application now.

I am asking you a question now. Were you happy or weren't you that they got their firearms? --- Some of them were turned down. I mean ... (intervention)

Those that got their firearms, were you happy about

/it? Yes.

2B it? Yes, or no? --- They were successful in their application, yes, I was happy, but at the same time those that were turned down for obvious reasons, I mean - I can't say that - I wasn't emotionally involved. So I can't see why I was personally happy. I mean, they applied for these weapons to defend themselves, like any other person that goes and applies for a weapon. If he qualifies for the application ... (intervention)

Mr Warber, you wanted to help these people. You've said that much already. --- Yes, I was.

So, if you wanted to help them and you went out of your way to help them you would have been happy if they succeeded. That's obvious. --- But, Mr Chairman, I didn't cry tears because the other people were turned down. This is a life of fact. I mean, if they were successful, good luck, but I wasn't emotionally involved

in the whole process, because ... (intervention)

Listen, let's not get into an argument about this. The fact of the matter is you were happy. You've even said so already. It's not a question of whether you were emotionally involved or not. You succeeded in your mission. Your mission was to help them and you succeeded in it. That's plain and simple. It's not a ... (intervention) --- I wouldn't say I was happy. I was grateful that - I mean - okay, well, if you say, but they had to cover a measure of success, yes.

MR DLAMINI: Captain Warber, you told us that the envelope was given to you to pass it over to Colonel Vosloo. How much was inside the envelope? --- I don't know. I never checked it. It was sealed. I mean, it was sealed, it was stuck together and signatures were over it.

/Okay. How

2B Okay. How much did the whole contract - the amount that Colonel Vosloo had negotiated for that?

--- I don't know. I was not involved in that aspect.

MR GOVENDER: You said that - the reason you advanced why Colonel Vosloo purchased these firearms was because you would get a better price bulk buying - discounted price for bulk. Was it not open to the applicants to come together and give one of them and do the bulk buying themselves? Why did the Colonel have to do it? Was there a special reason for that, apart from the bulk buying? --- Well, it must be they had trust in us and that we could assist them on this issue, otherwise they wouldn't have any other reason.

Who had trust, sorry? --- The Council - the Councillors had trust in myself and Colonel Vosloo, whom

they also knew because of him being the group head.

Yes, but as a security force, you have to maintain, publicly at least, impartiality in terms of this type of thing. It's important that you be perceived to not be involved in purchasing firearms on behalf of anybody, especially in the conflict situation that was prevalent at the time. It would have been better, in terms of your image, to say to the applicants, you take it and buy it yourself. You have nothing to do with it, because you wouldn't be in the problem that you are in presently now. --- I performed an administrative function, by assisting them with a role that the police had to do in any case. I was just a channel through which they could get that application done.

Yes, we can understand that, but why go so far as to get Colonel Vosloo to go and buy it for them? ---

I

/had never

had never ... (inaudible) ... that far.

But you did. --- It was just a thing that - a process that developed from one to the other. I mean, it was just an option that developed.

You remember the inquest that was held into Chief Maphumulo's death in November 1991? --- Yes, I remember.

You gave evidence at that inquest, didn't you, and it was your evidence that you had bought a number of guns - ten, in fact, and the receipt was issued in your name. You had admitted at that inquest that you, in fact, bought those guns from King's. --- That's incorrect. I have never purchased any firearms from

King's. I have never in my life purchased firearms from King's.

Why would the inquest documents then reflect, in fact, that you did admit that? --- That was never said by me.

You dispute that? --- I do.

You say that's not correct? --- Why would I lie about a thing that is - I mean, that's - you'll never find a receipt with my name on in any case.

MR VON WILLICH: Mr Chairman, if I could intercede. Maybe the direct words of the witness can be put to him, so that he can deal with it effectively.

MR GOVENDER: (Inaudible) ... at the inquest it was put to you that you actually bought ... (inaudible) ... receipt with your name on it ... (inaudible) ... do you remember that? --- No, I don't.

You testified that you, in fact, did. --- I did not do that.

MR VON WILLICH: Mr Chairman, if I might interject. It /seems that seems that my learned friend has - I know he's got a great deal of evidence that he's got to put and it is difficult and I sympathise with him, but just for the sake of regularity, so that statements aren't made which aren't quite correct, if I could request my learned friend maybe to read him his specific words and let him deal with it on that basis.

CHAIRMAN: Do you have the actual record there, Mr Govender?

MR GOVENDER: No, we don't have the actual record here.

CHAIRMAN: Okay, well, then it's pointless putting to the man that he said something if you don't have his

2B

words here. I don't think that's very fair.

MR GOVENDER: If he says, "No" then we can't take it any further anyway.

CHAIRMAN: But either way it's much safer, as Mr von Willich suggests, that if you are going to allege that the man did or said or was involved in something, just have the record in front of you so you're not making the possibility of a mistake, because just now you might get him to agree that he did actually say something but on the record he never said that at all and then you're mistaken and he's mistaken. It's not fair.

MR GOVENDER: I take the point. But I'd just like to put to you that Captain Vosloo testified at the inquiry and, in fact, said that he paid for the guns - Vosloo had paid for the guns himself and not you. --- I don't know what he said, I wasn't present.

But that is your evidence, anyway, that you've given us here today. --- He was the link between myself and the business where that transaction took place.

/And you said

2B

And you said that you had collected the money from the ... (intervention) --- I was handed the money by Tu Ngcobo. I don't even know up till today what the contents - how much was in the envelope, because I was just handed that envelope and I went and handed it over to Colonel Vosloo.

Do you know if any of those weapons had subsequently been involved in any shooting or any criminal activity? --- I read it in various reports, but I'm not aware of it otherwise.

Just in reports? --- Yes.

Newspaper reports or police reports? ---

Pardon?

Police reports? --- The - no, in documents compiled by, I think, the Black Sash and people like that. Otherwise I wasn't involved.

What type of incidents? Do you remember any of them? --- No. I think in that document they only referred to those weapons were used in acts of violence, something like that.

Is it correct that some of these weapons went to Bafana Malaluka and his wife, who was the Chairman of the IFP Women's Brigade, and a Petros Ngcobo? Do you remember that? --- Petros Ngcobo was a Councillor, that's right.

And the wife and Bafana ... (intervention)

MR DLAMINI: Sorry, just for record purposes, through you, Mr Chairman, is Petros Ngcobo the same as Tu? ---

No, it's two brothers. They were two brothers.

But both of them were in the Council? ---

That's right.

Okay, thank you.

/MR GOVENDER:

2B MR GOVENDER: Do you know if this Chairman of the IFP - if the wife of Bafana Malaluka. --- Inhlaluke (?)

Ja. Was the Chairperson of the IFP Women's Brigade? --- She was also a member of the committee of the Council of that ward.

Do you know if weapons went to these two ... (inaudible). --- They were of the applicants, yes.

The allegation, Captain, is that it was common knowledge amongst IFP members that IFP member would



receive ,38 Specials from you, Warber, Captain Warber.

What do you say about that? --- Receive firearms from me?

Yes. --- Personal weapons from myself or what type of weapons are you referring to?

,38 weapons handed out to IFP members. --- Let me elaborate on that score. I was working Imbali at that stage, okay, and as a result of the violence that was being conducted or the acts that were conducted against the Councillors at that stage, okay, it was decided to, on police level - that's District Commandant at that stage - they didn't have the manpower to - put it this way, there was a request that these Councillors' houses should be guarded on a 24 hours basis. It was decided on a police level that they did not have the manpower to do it. It was comprised that they would in the interim stage hand them firearms to defend themselves. They were approached - the Department that was responsible for the Council system - it was - they were approached if they could supply those weapons to defend the Councillors. They did not have the necessary equipment. The police then supplied, on an interim measure, weapons to these

2B

/individuals for individuals for their defence, pending the applications of these weapons. That is how that came about.

Did you hand out those weapons? --- I was the responsible person that was working that area at that stage and the weapons - I physically handed the weapons out against a receipt in terms of the Arms and Ammunition Act.

So they were given these weapons, pending their applications for licences? --- That's right.

How long - what period was that? --- A short period until - I don't know, but it wasn't very long. It was just for the period of administration - for that application of the firearms to go through and all that and once the firearms started coming in those weapons were all withdrawn.

Is there a provision in any legislation for the security forces to do that? Hand out firearms to people. --- The decision was made in terms of the Arms and Ammunition Act.

Is there a provision in there for that? --- Yes. For a temporary loan of a firearm to an unlicensed holder.

CHAIRMAN: Just for your information, any person who has a firearm can loan this firearm on a temporary basis to another person with a written receipt. It's just in terms of that Act.

MR GOVENDER: [Break in recording] ... the person that ... (inaudible) ... weapons. --- I get blamed for many things.

Okay, could you tell us, Captain, who got those weapons - the Councillors' names? --- Pardon?

Those Councillors who got those weapons, what were /their names?

2B their names? That applied for those weapons? --- Those Councillors?

Yes. --- Put it this way, I've never made it my business to find out which application was approved or refused, so ... (intervention)

CHAIRMAN: He's talking about the ones you handed out on receipt. Who did you give them to? --- Again, my memory might fail me on this score. It was the Councillors I know. I think Petros Ngcobo was one. Tu Ngcobo was one. Jerome was one of them.

What about someone like Jerome Hlengwa. Did you have dealings with him? Did he get a firearm from you.

--- Jerome Hlengwa?

Ja. --- Could you spell the surname, please?

H.l.e.n.g.w.a. --- I can't recall that surname.

Did you ever give one to someone like Sicezo (?) Zuma? Because he applied for a firearm at some point.

--- No, I don't think he was on that list, no.

You've spoken about the Inhlaluva's (?). --- No, they were members of that committee and they were attacked on numerous occasions. They were on the list.

Mr Aweta. --- He had his own weapons. These things happened spontaneous. All I know, they were all recovered. I mean a list was kept, and that, and they were all retrieved once their applications were successful. There was nothing outstanding.

What about that chap, what's his name, Mtshali - Themba Mtshali? His brother was a policeman. --- Ja, he was one of them. He was a chairman of one of the Council committees. He lived down there at stage 2.

And there was Pat Ngcobo as well. --- That is /Petros.

2B Petros. The same person.

Is that the same person? --- Pat or Petros.

And the Manyoni's. --- Old man.

He was an old man. --- He might have been one,  
I can't recall. I know he was one of the active  
members. He possibly was one of the people, because he  
was one of the committee members.

MR GOVENDER: (Inaudible) ... Ndlovu. --- The  
Member of Parliament?

Yes. --- No, not to my knowledge.

And Totti Zulu? --- Totti Zulu?

Yes. --- No.

CHAIRMAN: There was a chap Zuma from the Council ...  
(inaudible) --- He could have been - no, ...  
(inaudible) ... was the Chief.

(Inaudible). --- Okay, I think he was one of  
them, yes.

He called himself a chief? --- No, he was  
called the Chief. He didn't call himself the Chief,  
because I still remember an incident ... [end of tape]

3A Sorry, there was a person called Mweni. ---  
Mweni.

Ja, ... (inaudible). --- It doesn't ring a  
bell.

By the way, Themba Mtshali was found guilty on two  
counts of murder. Do you remember that? 1990. ---  
Ja, that was long after the firearm story.

Ja, they were the same firearms that were used.  
--- The purchased weapons?

Ja. --- I'm not aware of that.

And Jabu Ndlovu was killed with one of those

/firearms as

3A firearms as well. --- I'm not aware - I've heard  
this - me being involved in that murder of Jabu Ndlovu,  
but ... (incomplete)

No one is saying you were involved. I'm just saying that the firearm that was used to kill him was ballistically linked that it was one of those. --- It's possible.

Okay, it's the same guy, it was actually S.q. something. He had a weird name. How would you pronounce that? --- Mr Chairman, now you must know why I can't remember all these names, because ... (intervention)

MR DLAMINI: Possibly it's Sqeje. Or ... (inaudible).

--- As a Christian name or as a surname?

A first name. It's Qeke Mweni. --- Mweni doesn't ring a bell.

MR GOVENDER: Mr Chairman, I wonder if this is - I've finished with this section.

CHAIRMAN: We'll break for half an hour. (Inaudible).

LONG ADJOURNMENT

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/ON RESUMPTION:

3A ON RESUMPTION:ROLF HEINRICH WARBER

CHAIRMAN: We have resumed after the lunch break. Let me just once again emphasise that we will stop at quarter past three. Mr Govender, you were dealing with the issue of those firearms and I think we sort of got to the end of that particular aspect.

MR GOVENDER: (Inaudible)

CHAIRMAN: Okay.

MR GOVENDER: Captain, the allegation - let's put it this way, while you worked at Imbali did you have any links with the riot unit? --- Yes, ... (inaudible).

Yes. --- (Inaudible).

MR GOVENDER: Particularly the riot unit stationed at Imbali. --- The riot unit stationed at Imbali ... (inaudible).

Were they operated in Imbali? --- The riot unit members reported at their unit and so it was - I do not know - I'm not aware that certain members only worked in Imbali. They were circulated, as far as I know.

They were circulated. But what type of involvement did you have with the riot unit that operated in Imbali? --- When, say for example, houses were attacked during the night and I received the information, normally within ten minutes after the incident or very shortly after the incident took place, my first phone call would be the riot unit, advising them that such an incident had taken place and then the second call I would make was to the charge office at Plessislaer, to inform them that such an incident has taken place.

So you were in regular contact with the riot unit?

/--- Correct.

3A --- Correct.

And whenever there was attacks or any violence, you would contact them? --- Correct.

So the perception that somebody has that you, in fact, were "involved" in organizing the riot unit in Imbali, would that be correct? --- Definitely not.

Your involvement, whenever there was a problem, you would actually summon the riot unit. Somebody outside would probably get a perception that you were organizing the riot unit whenever there was problems in the area. --- I would make the phone calls, because they would have to go there and secure the scene. It was their duty.

Who was the person in charge of the riot unit then? --- At that stage?

Yes. --- I don't know.

CHAIRMAN: Which stage are we talking about? What year?

MR GOVENDER: (Inaudible) ... Imbali. --- I think it could have been Colonel Danie Meyer, but I speak under correction. He might have been in charge or second in charge. Hang on - Colonel Roberts. Colonel Roberts was in charge.

When Captain Danie Meyer was there did you have contact with him continuously, you know, when you phoned? --- Let me put it in perspective. When I phoned, I phoned to the ops room. I wouldn't speak to the person in charge of the riot unit. I would phone the ops room. The person who answered the telephone, and then submit my complaint and they would record it

and then despatch a vehicle out there. I never spoke to  
the persons in charge of the riot unit.

But you would meet with Captain Meyer now and  
then,

/would you?

3A would you? Did you? --- Not for particular reasons  
to go to Imbali or about Imbali, no. I'd meet like  
possibly in a crime conference. I might bump into him  
there.

Well, the allegation, Captain, is, as I've said,  
the perception that you would involved in organizing the  
riot unit in Imbali, and the allegation was further to  
say that you would meet with Captain Meyer every day at  
4pm at Imbali or Willowfontein, and the reason for this  
that ... (intervention)

CHAIRMAN: The allegation isn't that he would meet at  
Imbali or Willow Fountain. The allegation is that he  
would meet with - there would be some sort of a meeting  
with Captain Meyer on a regular basis to discuss the  
situation in Imbali and to decide on what possible  
action needed to be taken of one kind or another. ---

That's false. The only time when I would contact -  
let me elaborate on this. Over week-ends they have got  
stand-by officers, in other words that are on duty for  
that week-end, and if there is like a funeral or any  
reason where I need extra patrols in the area, I would  
then contact the duty officer of that week-end of the  
unit and I would discuss it with him, and my  
requirements to have sufficient security and personnel  
in that area. Danie Meyer might have been one of them.

Various officers - because they rotate. So once a  
month it might have been Danie Meyer. Otherwise it will



be the other officers that were on duty. So it's not  
just particularly - I didn't always choose Danie Meyer.

That's not true.

MR GOVENDER: But you did meet with him? --- No.

If he was around, if he was the officer that you  
needed to meet with? --- All my communications was  
/done telephonically.

3A done telephonically. From my office to his office or  
they sometimes even, when he was out, I'd contact him,  
if it was over the radio, you know, or ask him to phone  
me at the office, that type of stuff.

Well, let's put it this way. Did you ever provide  
any of these officers that you met, including Captain  
Meyer, with a list of activists in the Imbali,  
Willowfontein area? --- No.

You didn't. Who would you give that information  
to? --- My only channel that I fed information is  
written information I would channel through my head - my  
department head.

So none of that information went to the riot squad  
or commanders of the riot squad? --- It could have  
gone. Not that I personally handed it. It could have  
gone, that it's been circulated out to them for their  
information or something, that's possible, but not to my  
knowledge.

But were there regular raids, as it were, into  
these areas, where activists were picked up by the riot  
unit? --- In our presence?

Yes. --- Yes.

Maybe that's in your presence also? --- In  
members of our branch's presence.

Yes. --- That was ... (intervention)

It was a regular ... (intervention) --- That did take place, yes.

And the allegation is that these activists were either assaulted or some of them killed. What do you know about that? --- I don't bear any knowledge of that.

These activists who would be picked up on a regular

/basis was

basis was as a result of information you supplied to your superiors? Is that right? --- Not necessarily just information I supplied. You must bear in mind that these activists that lived in Imbali conducted most of the operations in the city area. Their planning took place in the city area and so it would just not be from my source of information, it would be from the people that worked the city area that also gathered information. So your other sources.

So your information contributed somewhat to that information and in some way to some of the activists being picked up? That information would ... (intervention) --- It's likely, yes.

Do you know of an activist by the name of Sipho Gabela? --- I am aware of him, yes.

Do you know what happened to him? --- When?

Do you know where he is now, do you? --- No, I don't know.

Do you know that he was picked up on one of these raids in August 1989 and he was assaulted? --- In 1989 I was no longer a member of that branch and I'm not aware of that incident.

Do you know a person by the name of Muntu Gasa?

CHAIRMAN: (Inaudible)

MR GOVENDER: Did you? --- That name rings a bell, but I can't put a face to it.

Well, he alleges that you had given information about houses in which comrades were meeting. Is that correct? --- Repeat that question, please.

That you would give information about houses in which comrades were meeting. --- I gave this Muntu /Gasa information?

Gasa information? Can you repeat that question?

That you gave this Muntu Gasa information about houses in which comrades - and I suppose when he says, "Comrades", he's talking about ANC/UDF people were meeting. --- That's false.

You deny that? --- I do.

CHAIRMAN: Sorry, just so you can understand who this person is, he is a young guy who lived at Umhlalankosi Road, Imbali. --- Mr Chairman ... (intervention)

Just let me finish and I can just give you the background. He was one of the people who went for, "Kitskonstabel" training to that power station in Cape Town. --- Koeberg.

Koeberg. Then he was later - I don't think he ever finished his training, if my memory serves me correctly, because he got involved in some sort of - he did finish his training, but he was kicked out of the specials because he got involved in some sort of crime or other and then subsequent to that he was murdered. So he would have been either a special or somebody connected to Inkatha or the Councillors in particular.

--- I can't recall him individually. As I said, that

name rings a bell, but I can't put a face to it.

(Inaudible).

I think he was also a relative, if my memory serves me correctly, of Totti Zulu, who, as you know, was from the Gasa family. --- Well, the only time when I got to know Totti Zulu was after the killing of Reverend Victor ... (inaudible). That's basically the first time I got to know about Totti.

Carry on, Mr Govender.

MR GOVENDER: The allegation was further that you also /informed him, informed him, Captain, that the problematic people in that area - it's the Imbali area - was people such as Rasta Nana, Sifiso ... (intervention) --- Rasta who?

Nana, N.a.n.a. --- I don't know such a person.

The only Rasta I know is Rasta Memela.

Sifiso - Siphho, sorry, Siphho Gabela. --- I know him, yes.

Sikhumbuzo Ngwenya. --- The late, yes, I know him.

Ketho Kambule. --- I know him.

You know him. The allegation is that you informed him that these were the problematic people in the area. What do you ... (intervention) --- If he lived in the area it wouldn't be necessary for him to inform. Right, I never informed him. That I can assure you, because, I mean, they were the known youth - radical youth leaders of that area.

Did you know of the existence of a list of UDF leaders who were to be killed? --- No.

CHAIRMAN: Just while we're on the issue of Ngwenya, did you have any dealings with Ngwenya? --- Yes.

Umrita (?) as he was also known. --- Yes, I  
did.

In what connection were these dealings? ---

After the - when I worked in Imbali he was a student at University of Zululand. He was one of the twelve students that was charged - or locked up for that unrest at Ngoye University, and after the University was closed and they were released from custody, he came back to Maritzburg, and when he arrived at Imbali, his parental home, I went and introduced myself to him and sat down and chatted to him, because I was - I realised that he wouldn't settle down and be quiet in Imbali, that he would continue with

/his actions

3A his actions in Imbali and so we discussed this in broad terms and tried to get him to co-operate to maintain law and order and peace - that he maintained peace and law and order in the area. Basically also to - I went to introduce myself to him so he knew who he was. I knew who he was. So, to get a communication channel open between the two of us.

You're aware that he was involved in a whole variety of peace initiatives in Imbali? --- At a later stage, yes, but before that to the contrary, yes.

Before that he wasn't you say? --- That's correct.

In what way wasn't he? --- I mean, he was one of the founder members of the Imbali Youth Organization and they openly promoted school boycotts. They were involved in destruction of classrooms, things like that, so ... (intervention)

Did he personally advocate that? --- At meetings, yes, at the Imbali Hall. He was one of the people that were strongly involved in getting the youth to resist everything.

Resistance is one thing. Destroying schools is another. --- That was one of their - I mean programmes of destroying things.

So you're saying that Ngwenya was the instigator of ... (intervention) --- One of the instigators, yes.

One of the instigators. We'll come back to him later. Okay, I just wanted to ask about the other guys. Rasta Memela. --- Rasta Memela, I had very little dealing with him. As far as I know, he was a merchant selling firewood. That's about all. Or his father - he /was driving was driving the truck for his father. They had a sort of like a 2-tonne Datsun bakkie. You know, these old Datsun bakkies. If it's the same man.

3A

MR GOVENDER: You say he was selling firewood? --- His father was selling firewood, so he was driving the vehicle and I presume that he was involved in the business with his father.

CHAIRMAN: I saw your ears prick up for a moment. You might have thought he was selling firearms. Kambule. --- I know him from his schooldays onwards. He was one of the problematic peoples at Sicongweni School and a youth - a leader at Sicongweni School. That's where I got to know him, and also they used to be neighbours of Aweta and that is also one of the channels I got to know him, their activities.

Was he part of Imbali Youth? --- Yes, I mean, Sikhumbuzo Ngwenya's widow - I think he's a cousin to Vusi Kambule. She before their marriage - he used to go and visit her at the Kambule's residence.

The Kambule's are a well-known family in Edendale area? --- Well, they've subsequently moved from Imbali and they're now living in Esigodeni.

But they're a famous Edendale family. --- Not famous. The old man and the mother are very good people and ... (intervention)

That family, it might interest you to know, have been there for something like 150 years. --- Yes, I'm aware of that. They are of long-standing.

I'm not saying famous in the sense that they are notorious. They are a well-known leading family in Edendale. --- Well, in Imbali originally, but only /recently ...

3A recently ... (intervention)

Before they moved to Imbali they were obviously in the early days it was just Edendale. Imbali didn't even exist in those days. Carry on, Mr Govender.

MR GOVENDER: While we are at Sikhumbuzo Ngwenya, you are aware, of course, Captain, that he was killed in February 1992? --- I read that in the newspaper, yes.

Do you know the circumstances of his death? ---

Well, I know that he was shot in front of the hotel down there in Victoria Road when he was coming from the hotel after meeting some foreign visitors.

Yes. Do you know who was involved in this killing? --- I just subsequently learnt it in the newspaper, that he had been charged.

One of the people was Abdul Aweta. --- I believe so, yes.

You knew him, didn't you? --- Yes, I did.

Was he an informant of yours? --- Every Councillor was an informant in that sense.

Well, the allegation, Captain, is that you were involved in organizing Aweta to kill Sikhumbuzo. ---

That's nonsense. That's not - that's untrue.

The circumstances are such that Ngwenya went to the Windsor Hotel, and it is alleged that the East Street (?) Hostel Dwellers informed Aweta, who then arrived with his navy blue car on the roof of the ... (inaudible) ... and that he allegedly shot Ngwenya. Do you know anything about that? --- I am not aware of anything of that.

Are you aware of the fact that a few days before the murder Aweta's car was attacked and three children were

/killed?

3A killed? --- I didn't know it was - I thought it was - I knew it happened in that period of time, but I wasn't aware when - before or after.

Do you know where this incident took place, where these children were killed? --- In stage 1, Imbali.

You were there at the time? --- Where, I mean where I was stationed?

You were working at Imbali at the time? --- I was back at Internal Security, but I was stationed at Edendale.

Did you have any hand in the investigation of that? --- No, I did not.



You didn't? --- No.

Who was investigating that incident - which investigating officer? --- I think it was murder and robbery. I'm not sure. Either CIDs - I think it was murder and robbery. I'm not aware. I'm not sure. It was one of the CID branches.

You didn't have any discussions with the investigating team about this incident? --- Never.

MR DLAMINI: Can I just, before Mr Govender moves away.

Captain Warber, can I check one thing? Based on the allegation that was put to you about your knowledge of Sikhumbuzo's assassination or murder, was there at any stage a meeting where you were present where perhaps Sikhumbuzo was discussed as a troublesome person in the area? --- A meeting?

Yes, with people like Aweta, etcetera. --- You mean - look, there were discussions taking place about people involved in various problems in Imbali, where Sikhumbuzo Ngwenya's name was mentioned because he was one

/of their youth

3A

of their youth leaders. So, in that context, yes.

Did you in any of those meetings get the impression that perhaps the old Councillor group like ... (inaudible) ... were getting impatient and perhaps to the extent that they felt the only solution would be to remove these people, including Sikhumbuzo? Did you get that impression? --- Never.

CHAIRMAN: If I could just come in there. I mean, at that time frankly Imbali was quite peaceful in 1992. There had actually been a peace agreement reached at that stage. There were very sporadic outbreaks of

violence, but by and large it was very peaceful. ---

It was more the two criminal elements that attacked each other.

That's right. --- Those two opposing groups.

Quite correct, and Ngwenya had actually effected quite a peace settlement. The Inkatha Youth and the ANC Youth were working together on various projects at the time. --- I'm not aware of that, Mr Chairman, because I was not working Imbali at that time.

I'm just telling you now. I know that for a fact, because I knew Ngwenya quite well, as you know. --- No, look, I got on well with him too.

MR VON WILLICH: Mr Chairman, I really just want to give you some assistance of my personal knowledge. I don't know if you want it, but my wife's got a pre-primary school, a black private school in Pine Street and both Abdul Aweta and Sikhumbuzo Ngwenya had children there and a couple of days before Sikhumbuzo was killed - no, before Abdul Aweta was fired at they were both there at a school meeting and, to my absolute surprise, they were chatting to each other like old friends. So I don't know if you -

/you know, just

3A you know, just for assistance, if that could help you in any way.

CHAIRMAN: No, it's fairly well known that they were not on particularly bad terms at that time, but, of course, the attack on Aweta's car might have changed all of that. --- But, Mr Chairman, you are aware that the person that - there was a person charged for the attack on Aweta's car.