

TRUTH AND RECONCILIATION COMMISSIONSECTION 29 ENQUIRYIN CAMERA

DATE: 27-10-97

NAME: VUSIMUZI ISHMAEL MYEZA

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(SWEARING IN OF THE PERSONS DOING THE RECORDING  
AND INTERPRETING)

CHAIRPERSON: Thank you very much. Thank you good morning  
the panel today Mr Lyster and Mrs Virginia Gcabashe and in  
attendance Mr Satchy Govender from investigation unit and Ms  
Gail Wannenberg also investigation unit and Deborah Quinn from  
the research department.

And the person subpoenaed today is Mr - or does he go  
under his former rank. Mr Myeza represented by Mr Christo van  
Schalkwyk from the Pietermaritzburg Bar from Mr Christo Nel  
from Christo Nel and Associates Attorneys in Durban.

And this is an inquiry in terms of Section 29 of Promotion  
of National Unity and Reconciliation Act of 1995. This an  
investigative enquiry and not a hearing and as such is held **in  
camera** and no findings will be made at this hearing.

The duties and obligations of the parties in terms of Section  
29 of the Act the person subpoenaed has a right to legal  
representation and he is represented by the persons of who I have

mentioned. In terms of Section 31 of the Act any person subpoenaed to give evidence shall be compelled to answer any question put to him, notwithstanding the fact that the answer may incriminate him. There are conditions applicable to this Section. As follows; there must have been consultation with the Regional Attorney General, the Chairperson of the Inquiry must be satisfied that the request for information is reasonably necessary and justifiable in an open democratic society and the person must have refused to answer the question.

The Act also provides that any incriminating evidence obtained at an enquiry of this nature is not admissible against the person concerned in a criminal court or any other institution established by law. And there is one proviso to this and that is that any evidence obtained at this inquiry may be used against the person subpoenaed arising out of him making an untruthful or conflicting statement in which case he could be charged with perjury.

I also just briefly mention the offences section in terms of Section 39 of the Act which provides that it is an offence, any person who hinders the Commission or any staff member of the Commission in the performance of his or her duties or any person who wilfully furnishes the Commission with any information which is false or misleading commits an offence and on conviction is liable to imprisonment for a period not exceeding

two years and a fine or both. Before we proceed to - I just ask Mr Myeza himself to take the oath. If you could stand up please and give us your full names please?

VUSIMUZI ISHMAEL MYEZA: (sworn states)

CHAIRPERSON: Is there anything that you, any statement of any sort that you wish to make before I hand over to Mr Govender to start?

MR VAN SCHALKWYK: Yes Mr Chairman I am sorry if I have to lean across the witness. Just two things if we may just place on record that at the previous hearing we have had a discussion regarding further particulars. We place on record that we thereafter had a formal meeting with the investigation team who had provided us with a number of aspects as far as particulars are concerned. We then directed a further request which my learned colleague, Mr Govender had replied to, reacted to and filed on those instructing me in this particular matter. We have placed on record formally by way of a letter to the Commission that we have had some difficulties in looking or looking up or investigating certain of the matters. We will no doubt in due course it will be if Mr Myeza is asked about that be brought forward. But as far as the requests have been concerned those have been replied to by my learned colleague. In general that is thank you.

CHAIRPERSON: Thank you very much. Mr Govender?

MR GOVENDER: Thank you Mr. Mr Myeza what is your present rank?

MR MYEZA: I am no longer with the police force.

MR GOVENDER: You have retired since when?

MR MYEZA: Since April.

MR GOVENDER: Is it April 1997?

MR MYEZA: Yes 1997.

MR GOVENDER: And what was your rank at the time that you retired?

MR MYEZA: I was a captain.

MR GOVENDER: Mr Myeza is it correct also that you are known by the name "Spyker"?

MR MYEZA: Yes people call me that.

MR GOVENDER: Is it ~~correct also that~~ you were appointed to the SAP on the 6th of June 1973?

MR MYEZA: That is correct.

MR GOVENDER: And your force number

MR MYEZA: That is true.

MR GOVENDER: That you attained the first leg of your captaincy on July 1, 1996?

MR MYEZA: That is true.

MR GOVENDER: On the 6th of June 1973 you were stationed at Brixton SAP, is that right?

MR MYEZA: That is true.

MR GOVENDER: On the 4th of February 1974 you underwent training at Hammanskraal, is that correct?

MR MYEZA: That is true.

MR GOVENDER: And on the 29th of June 1974 you were again stationed at Brixton SAP?

MR MYEZA: Yes.

MR GOVENDER: On the 17th of November 1975 you were stationed at Umbumbulo SAP?

MR MYEZA: That is true.

MR GOVENDER: 1st of July 1992 you were at CISRC in Natal?

CHAIRPERSON: There is a gap there sorry Mr Govender. After Umbumbulo did he go in August 1978 to CR Swart? Is that correct that you went from Umbumbulo?

MR MYEZA: CR Swart was not there at the time, we had Durban Central.

CHAIRPERSON: (...indistinct) 1978 that you were posted to Durban Central?

MR MYEZA: Sir that is true.

CHAIRPERSON: Durban Central you went in 1992 to CIS which was the new name for the criminal investigation service is that right?

MR MYEZA: There is a mistake there. From there it was called security branch the time it was Durban Central. From there when

they were extending the CR Swart we were moved from that place to C R Swart.

MR GOVENDER: That is from 1978, obviously 1978 you were stationed at Durban Central which became finally CR Swart is that right?

MR MYEZA: That is true.

MR GOVENDER: And after that time on the 1st of July 1992 you were then stationed at the new body, CISRC Natal where the security branch were given a new name CIS, is that right?

MR MYEZA: Yes.

MR GOVENDER: 1995, October 1 internal security KwaZulu Natal Province is that right?

MR MYEZA: What happened there?

MR GOVENDER: You were stationed at the internal security from the 1st of October 1995. Internal security for the province KwaZulu Natal.

MR MYEZA: That is true.

MR GOVENDER: And on the 6th of December 1996 also you were stationed in the same?

MR MYEZA: That is true.

MR GOVENDER: Mr Myeza you commenced your employment with the SAP in 1973?

MR MYEZA: Yes.

MR GOVENDER: Can you tell us how and by who were you recruited to the SAP?

MR MYEZA: After completing my high school I went in person to Durban Central where I joined. After I joined I was sent to Brixton and we were quite a number from Natal to Brixton, Johannesburg.

MR GOVENDER: I take it that when you were in Durban Central and Brixton you were in the uniform branch?

MR MYEZA: That is true.

MR GOVENDER: How did it come about that you eventually joined the security branch in 1978?

MR MYEZA: We were asked to come because they still fall under the same police force. So it was kind of a transfer from this place to the other.

MR GOVENDER: Did you ask to join that section of the SAP or were you, or did you volunteer on your own to join that section of the SAP, the security section?

MR MYEZA: I was asked.

MR GOVENDER: Who were you asked by?

MR MYEZA: I do not remember who asked me but there was a letter from head office.

MR GOVENDER: At the time that you joined the security branch that was at Durban Central, who was the Commanding Officer?

MR MYEZA: If I am not mistaken it was Helman, Kenneth Tathla.

MR GOVENDER: What type of activities were you involved in at that time when you had joined in 1978? What was your job?

MR MYEZA: You mean after joining the security branch?

MR GOVENDER: Yes.

MR MYEZA: It was a lot of things that we did, mainly focusing on violence wherever there would be violence we would just go. We were investigators of all the things that were going on. Like violence, when violence erupt from the schools we will rush to the schools to see what happens.

MR GOVENDER: When you speak of violence, violence that was associated with the political conflict or was it violence of a general nature that you would investigate and respond to?

MR MYEZA: It will be mainly politics but at times not politics.

MR GOVENDER: What were your responsibilities in this job? What did you do personally?

MR MYEZA: Many a times we will be some of the people who will be helping to interpret in case we arrest one who is not able to speak english. Then we will assist in interpreting. And again investigate people who come from outside South Africa, coming into the country with weapons and stuff like that.

MR GOVENDER: You say investigate people who come from outside the country?



MR MYEZA: Ja.

MR GOVENDER: These were terrorists who would infiltrate the country. Is that right?

MR MYEZA: Yes at the time we called them terrorists.

MR GOVENDER: (...indistinct) to get on your own or would you work with somebody else in the branch when you investigated these people?

MR MYEZA: We were many.

MR GOVENDER: But you personally, were you given a docket and say investigate this matter or these people who infiltrated the country. Were you personally given that responsibility?

MR MYEZA: Yes I will be given such responsibility. Truly it was not a docket. It was a file where they will tell you where to go and look for who.

MR GOVENDER: What I want to understand Mr Myeza is this that; did you carry that file or docket if you want as an investigating officer would you go out? Would you be in charge of that case? Or did you take your orders from somebody else about that case?

MR MYEZA: I will be given orders.

MR GOVENDER: From whom would you be given orders?

MR MYEZA: From the person in charge of the section, a commander.

MR GOVENDER: And each one of you in that unit would be responsible for investigating one or two or many cases at a time. Is that right?

MR MYEZA: Yes that is right.

MR GOVENDER: And you would be given a case or a number of cases to investigate on your own as an investigating officer. Is that right?

MR MYEZA: Yes. We will be told where to go and what to look for. I mean what to do.

MR GOVENDER: By your commanding officer. Is that right?

MR MYEZA: That is right.

MR GOVENDER: Were you not attached to a white member of the security branch in any of these investigations or in all of these investigations?

MR MYEZA: Yes at times we will be working with whites in some cases.

MR GOVENDER: And I take it then sometimes you would be working on your own. Is that right?

MR MYEZA: Yes. I would at times work with other people. I never worked alone, with other blacks. Not necessarily whites.

MR GOVENDER: And who would be in charge of that investigation when you worked with other blacks? Would you be in charge of it? Would a black member be in charge of it or would a white member be in charge of it? How do that operate?

MR MYEZA: What I am saying at the time there was never a black person who will be in charge. It was always a white person who will give commands.

MR GOVENDER: That is what I wanted you the first time Mr Myeza. How did it come about that you get the name "Spyker"?

MR MYEZA: I do not know. I just heard people calling me that name. It was quite interesting because I did not even know where it emanated from.

MR GOVENDER: So people just called you that one day and you do not know where it came from?

MR MYEZA: Yes, they simply called me by that name. I did not know where it originated from. I wonder, today I do not even know why they called me that name.

MR GOVENDER: Now do you know [REDACTED] who was also at some time a Commanding Officer of the security branch that you worked in? Do you know him?

MR MYEZA: Yes I do know him.

MR GOVENDER: How closely did you work with him?

MR MYEZA: I worked with him and he was in charge in other sections as well.

MR GOVENDER: Sections, what other sections?

MR MYEZA: He was in charge of our section. He was also one of those who were in charge of our section.

MR GOVENDER: And when you said earlier on in the many of the investigations that you did was a white officer or a white member of the security branch that was in charge of that and you generally took your instructions from them in terms of the investigations. During your stay in the security branch how often did you work with this type of relationship with [REDACTED]

MR MYEZA: I worked with him afterwards. If I am not mistaken from I will say the time when we arrived CR Square around 1985 or 1984. I am not too sure which year it was. That is when I started working with him there, working under him.

MR GOVENDER: (...indistinct) commanding officer wasn't he at that time?

MR MYEZA: Yes.

MR GOVENDER: Him being a commanding officer you worked with him, closely in terms of investigations, you personally?

MR MYEZA: Yes.

MR GOVENDER: It has been said Mr Myeza you were regarded as Mr Taylor's right hand man.

MR MYEZA: No that is a mistake. It was not like that. I would not be his right hand. There were other people who were my superiors and I would in my opinion think they will be the ones who would be the right hand for him. I would not be his right hand.

MR GOVENDER: (...indistinct) didn't he?

MR MYEZA: I would not say that.

MR GOVENDER: But he had you do a lot of important assignments. Isn't that so?

MR MYEZA: Like what for an example?

MR GOVENDER: At the time it was a lot of investigations that he was conducting, the abductions of a lot of the terrorists who were subsequently killed and so forth. Our information has it that you have been closely involved in those and you were trusted by Colonel Taylor to carry out those activities.

MR MYEZA: I would say that is a mistake. I was just working like any other person. And not to say he trusted me.

MR GOVENDER: (...indistinct) Mr Myeza you know what ascaris are. I am not going to ask you that question, what ascaris are. You know what ascaris are and you have worked with them. Haven't you?

MR MYEZA: I know the ascaris.

MR GOVENDER: Sorry your answer was?

MR MYEZA: I know the ascaris.

MR GOVENDER: So you worked with a lot of ascaris. Isn't that so?

MR MYEZA: Yes it would happen that they will come and work with us.

MR GOVENDER: Can you remember the names of the ascaris that you worked with throughout your career with the security branch?

MR MYEZA: You mean the Durban one or?

MR GOVENDER: Durban and outside Durban.

MR MYEZA: One other person we worked with, who is an ascaris [REDACTED]

MR GOVENDER: What is [REDACTED] other name? Did he have another name though?

MR MYEZA: [REDACTED], something like that.

MR GOVENDER: Carry on?

MR MYEZA: There are quite many that I worked with. I can't remember all of them. [REDACTED] is one. There were quite a number. [REDACTED] was another one.

MR GOVENDER: What is his surname, [REDACTED] who?

MR MYEZA: Wait I am still thinking about his surname. And another one was [REDACTED]. But at the end they ended up as police. The very ascaris they were police.

MR GOVENDER: (...indistinct) these people, ascaris were they ANC people that became ascaris or were they PAC or what organisation did they belong to?

MR MYEZA: It were ANC people.

MR GOVENDER: Any PAC ascaris or PAC people who became ascaris?

MR MYEZA: Yes I think there is one, though I am not quite sure if he was a PAC. But [REDACTED] his name was [REDACTED]

MR GOVENDER: Do you know where this person is now?

MR MYEZA: I would not know.

MR GOVENDER: Have you ever worked with [REDACTED]?

MR MYEZA: No I never worked with [REDACTED] but he will come here to testify on some cases in Pietermaritzburg. Yes he will come to testify in the Pietermaritzburg cases.

MR GOVENDER: (...indistinct) do you know him as an ascaris?

MR MYEZA: Yes I know he was an ascaris in Pretoria.

MR GOVENDER: Where in Vlakplaas?

MR MYEZA: Yes he was in Vlakplaas.

MR GOVENDER: And did he ever come down to this region and work with you or any other members of your security branch?

MR MYEZA: He never worked with me. What happened was, they will arrive from Pretoria, from Vlakplaas to Durban and work on their own because they also had their own superiors. And will come to our office to use telephones and that is how we would meet. At times they will want to know about where is what and we will just show them and tell them. But they were quite independent from our group.

MR GOVENDER: When you say there were times they want to find out certain things and you would show them the where and what about what?

MR MYEZA: Like they would want to go to Claremont and they do not know Claremont and we will take them to Claremont where they were told to work. But they were working independently.

MR GOVENDER: On what matters would they be working independently? What cases would they be working independently?

MR MYEZA: I would not know but what we know is that they will try and identify the people that they were with outside South Africa and try and identify.

MR GOVENDER: (...indistinct) they would come looking for terrorists. Is that right?

MR MYEZA: That is true.

MR GOVENDER: And you would show them if you knew where to find those people. You would show them where those people were. Isn't that so?

MR MYEZA: No we would not know these people but they will give us that information and ask us to show them a particular place where they are supposed to go and work and look for those people. And that is all we will do, show them the place.

MR GOVENDER: Mr Myeza wouldn't you agree with me that you and your section or your security branch was working in this area and when it came to terrorists and activities of terrorists in this area you had accumulated a lot of knowledge? You would know a lot about the activities and the whereabouts of these people? Isn't that so?



MR MYEZA: Yes. We also had our own information and they also had their information. Because they were working nationally. They were working all over South Africa. And they will arrive with their information from Pretoria to work here.

MR GOVENDER: (...indistinct) at times where they want certain information about activities of certain terrorists or activists in this area that you or your branch would have that information. Isn't that so?

MR MYEZA: I would not know that much because my superiors will be the ones who have that kind of information. Because they will also come with the whites and talk to the whites in our station. But what we will be told is just we should take these people to a particular place and that is it.

MR GOVENDER: Tell me were you ever requested by your superiors to take these people and point out to them certain houses or certain people or certain locations?

MR MYEZA: Please repeat your question?

MR GOVENDER: Were you ever requested by your superiors to take these people who came from Vlakplaas and point out to them certain people, places or houses?

MR MYEZA: No they had never requested me, never.

MR GOVENDER: So if they say that you were a person that pointed out to them certain people that were subsequently abducted and killed, they would be lying?

MR MYEZA: Yes often times they will be telling lies.

MR GOVENDER: Do you realise Mr Myeza that much of these allegations of your involvement in these matters are bade in amnesty applications? In applications that say that you were involved in the pointing out or the abducting of certain people that were killed?

MR MYEZA: In actual fact that is not true. Those are lies. I refute all of that and I will like to know who are those.

MR GOVENDER: But will there be any reason? We will come to that later. But will there be, can you give me any reason why the people from Vlakplaas including the ascaris would come and say that you were involved with them in abducting people or pointing out this person or disposing of this person's body and so forth? Why would they say that? What reason would they have to say that?

MR MYEZA: I repeat that is not true that is a lie. And I would like to know who are those.

MR GOVENDER: Mr Myeza I have heard you, you said this (...indistinct) I want to know from you is there any reason that they would do that?

MR MYEZA: It may be that they are mistaken, that they are pointing at me and yet I am not the person. That is possible as well because often time they will arrive in my office and use the

telephone in our office and by way of getting out of this whole trouble they are capable of saying the things they are saying now.

MR GOVENDER: So you are saying that they probably could be mistaken or alternatively that they want to get out of trouble so they are saying these things about you? Is that right?

MR MYEZA: It may happen that they are mistaken or it may be that they are trying to get themselves out of trouble by alleging all of this.

MR GOVENDER: How Mr Myeza would they be able to get themselves out of trouble by saying that you were involved with them in things that they are applying for amnesty for, for abductions and killings? How would by naming you would they get out of trouble?

MR MYEZA: I will go back to say, they may be mistaken by using my name. I even think they may, they are mistaken by using my name but I think it is a big mistake they have made.

MR GOVENDER: (...indistinct) an ascaris by the name of [REDACTED]  
[REDACTED] Sorry policeman.

MR MYEZA: I know him.

MR GOVENDER: Where is he from?

MR MYEZA: From Vlakplaas.

MR GOVENDER: And did you ever have occasion to work with him on any matter?

MR MYEZA: [REDACTED] was one of the leaders and was a police with the ascaris. He would come to our office as a police and I was a police we happen to know one another as policemen.

MR GOVENDER: You said he was a leader of the ascaris, he was in charge of the ascaris. Is that right? From Vlakplaas is that right?

MR MYEZA: Not in Vlakplaas but the group that he will be with they had many groups and many police who worked with ascaris.

MR GOVENDER: (...indistinct) when he came down with the ascaris from Vlakplaas he would be in charge of them, is that right?

MR MYEZA: He will be with those ascaris.

MR GOVENDER: He would be responsible, he would be in charge of them. Is that right?

MR MYEZA: I would not say that because there will be white guys as well so. He was a driver, he was the one who was driving the ascaris around.

MR GOVENDER: (...indistinct) Mr Myeza let's not be so naive whenever there was a white man in charge there was also a black man who also kept the ascaris in place, a black policeman who kept an eye on them, who in fact was responsible for them and he would report to the white officer. Isn't that so?

MR MYEZA: I would not know the procedures.

MR GOVENDER: What was your relationship with the ascaris that were here in the Durban security branch? What was your relationship with the ascaris?

MR MYEZA: There was no relationship except when they arrived here the police will meet alone and the ascaris will just come to the office to use the telephone.

MR GOVENDER: The ascaris that you worked with here in the security branch in Durban how many were there?

MR MYEZA: If I am not mistaken there were four or five.

MR GOVENDER: And they were based where?

MR MYEZA: In Kimberton. But they occupied their houses except for those who were afraid of staying in their houses then they will come here.

MR GOVENDER: (...indistinct)

MR MYEZA: Yes.

MR GOVENDER: [REDACTED] was one of them named [REDACTED]?

MR MYEZA: No. I do not remember [REDACTED]. He never was at Kimberton. We never had a Sotho person.

MR GOVENDER: And those people that were based on the farm who was responsible for them? Who in other words were in charge of them? Apart from the white officers who were the black officers in charge there? Or the black policemen that were in charge there?

MR MYEZA: There were many black policemen. There were about three. It was myself, Myeza; [REDACTED]; [REDACTED] and [REDACTED] (...indistinct) from Pietermaritzburg.

MR GOVENDER: ...(inaudible)

MR MYEZA: I do not know his name. Yes he is Simon.

MR GOVENDER: But did you live on the farm also with the ascaris?

MR MYEZA: No. No I did not live at the farm.

MR GOVENDER: Which white policemen lived on the farm or operated from the farm?

MR MYEZA: It was [REDACTED] [REDACTED] as well as [REDACTED], [REDACTED] and [REDACTED]. There is one other one that I am forgetting. I do not remember him. No he was not working at Kimberthon?

MR GOVENDER: ...(inaudible)

MR MYEZA: No he was not there.

MR GOVENDER: ...(inaudible)

MR MYEZA: Yes he was working there.

MR GOVENDER: (...indistinct) white policemen remain on or live on the farm?

MR MYEZA: They will exchange and have one to keep watch.

MR GOVENDER: (...indistinct) watch?

MR MYEZA: Ja.

MR GOVENDER: Was it a white policeman or a black policeman who kept watch?

MR MYEZA: It will be a white policeman.

MR GOVENDER: What activities took place on this farm?

MR MYEZA: There was nothing that was happening but it will be a place of departure, you know each time they had to go and work outside.

MR GOVENDER: Was this just a base for the security branch?

MR MYEZA: Yes it was the base.

MR GOVENDER: How many farms did the security branch operate apart from the one in Kimberton?

MR MYEZA: There was one in Verulam.

MR GOVENDER: ...(inaudible)

MR MYEZA: No I do not know it.

MR GOVENDER: (...indistinct) farms?

MR MYEZA: There are two farms that I know, I would work in Pietermaritzburg mainly. Not on the other side.

MR GOVENDER: Is it just the two, the one at Verulam and the one Camperdal you know of?

MR MYEZA: Yes.

MR GOVENDER: Have you not visited any other farms in the area?

MR MYEZA: The farm that I know of is Verulam. From there I was transferred in 1988, 1989 to Camperdal.

MR GOVENDER: ...(inaudible)

MR MYEZA: No from Square. The Verulam was the place where they would get their sources. At the time there were no ascaris.

MR GOVENDER: (...indistinct) at Verulam. What happened at Verulam farm?

MR MYEZA: There were informers in Verulam that is where they would go to hide or to be based from police station because CR Swart was in the police station and there they were highly visible.

MR GOVENDER: So the informers were kept on this farm in Verulam? Is that what you are saying?

MR MYEZA: No they were not kept there but they will go there when they want to discuss issues and most of the time they will be going there to discuss with the whites.

MR GOVENDER: You mentioned [REDACTED] as one of the ascaris that worked with you.

MR MYEZA: [REDACTED]?

MR GOVENDER: Yes.

MR GOVENDER: Do you remember how he was recruited?

MR MYEZA: No I do not know.

MR GOVENDER: Do you know how any of the ascaris were recruited? Were you responsible for recruitment of any of them or do you know how they were recruited?



MR MYEZA: No. ... when we got to work with them they were already working with the white policemen.

MR GOVENDER: Did you Mr Myeza perform any duties or tasks or investigations outside the country?

MR MYEZA: Repeat your question please? May you please explain your question?

MR GOVENDER: As part of your investigations did you have to go outside the country to carry out any investigations?

MR MYEZA: No I never left the country to investigate outside but I would go to the informer who has called outside to whenever an informer calls us to give us information. I will investigate that kind of information that I gathered from a source outside South Africa.

MR GOVENDER: And did you have any occasion to go outside South Africa to in order to get that information?

MR MYEZA: Yes.

MR GOVENDER: Where did you go?

MR MYEZA: I went to Swaziland.

MR GOVENDER: On how many occasion did you go to Swaziland?

MR MYEZA: It is not often that I have gone to Swaziland but I do not remember how many times.

MR GOVENDER: More than one? More than two?

MR MYEZA: Yes it is more than two.

MR GOVENDER: And can you remember in relation to which matter or which investigation or what information that you had to go out to Swaziland?

MR MYEZA: It will happen that the informer will be outside the country and I will go to the informer. My last time I went there it was after I had realised and discovered that our informer had been killed.

MR GOVENDER: (...indistinct) Swaziland?

MR MYEZA: Yes he will go to Swaziland and come back to give us information and go back again, gather more information and come back. At times we will talk with the informer here inside the country and outside the country, depending where he will be at the time.

MR GOVENDER: (...indistinct) what I am asking you Mr Myeza is the occasions that you had to leave the country to speak to the informer on those occasions how did you, or how were you informed that you had to meet the informer outside the country? Where did you get that information that you now have to meet your informer outside the country and get information from him or her?

MR MYEZA: The informer will call and ask for one or two to come, for some people to come to go to him and see him.

MR GOVENDER: (...indistinct) telephonically?

MR MYEZA: Yes he will phone, telephone.

MR GOVENDER: And you had, I presume at the time a passport to travel into Swaziland and back?

MR MYEZA: Yes I had a passport.

MR GOVENDER: Was it an official passport issued in your name and your identity?

MR MYEZA: Yes it was an official passport.

MR GOVENDER: Did you use that passport to travel in and out of Swaziland?

MR MYEZA: Yes.

MR GOVENDER: And I take it that, that passport would reflect the number of times that you travelled into Swaziland and back or anywhere else?

MR MYEZA: Yes.

MR GOVENDER: Did you ever have occasion to have a passport with a false identity? In order to protect your identity when you travelled to and from Swaziland or anywhere else?

MR MYEZA: No I had the passport with my full names.

MR GOVENDER: Do you still have a copy of that passport?

MR MYEZA: No I do not have that passport it was burnt in a car when our car was burnt in Bambaye, the police vehicle, SAP.

MR GOVENDER: ...(inaudible)

MR MYEZA: Yes. The passport was in my bag.

MR GOVENDER: ...(inaudible)

MR MYEZA: Yes.

MR GOVENDER: ...(inaudible) was your identity document there also?

MR MYEZA: My ID, appointment certificate, a policeman document and my clothes. I think in 1991, but I have that in the records and the case was opened in that regard.

MR GOVENDER: Which police station ...(inaudible)?

MR MYEZA: Vela police station.

MR GOVENDER: ...(inaudible)

MR MYEZA: It is in Inanda.

MR GOVENDER: ...(inaudible) docket opened in relation to?

MR MYEZA: Yes.

MR GOVENDER: And did you then make applications for a new ID document and a new passport and a new appointment certificate. Is that right?

MR MYEZA: I made arrangements to have a new appointment certificate and an ID, not the passport.

MR GOVENDER: Do you not have a passport now?

MR MYEZA: Yes I do not have a passport.

MR GOVENDER: The Court will show that you applied after 1991 for a new ID document and an appointment certificate is that right?

MR MYEZA: Yes.

MR GOVENDER: And we are free to actually have access to those records in order to get that information. Do you have any problems with us?

MR MYEZA: No I don't have any problems.

MR GOVENDER: Did you ever travel to Swaziland after 1991?

MR MYEZA: 1989 or 1991?

MR GOVENDER: 1991 after the burning of your passport and stuff like that did you ever get to travel to Swaziland after that?

MR MYEZA: No.

MR GOVENDER: So you did not travel anywhere out of the country after 1991 is that right?

MR MYEZA: No.

MR GOVENDER: You say that an informer was killed, the informer you had been to Swaziland to see was killed?

MR MYEZA: Yes that is true.

MR GOVENDER: ...(inaudible)

MR MYEZA: I think it was 1988.

MR GOVENDER: Do you know how he was killed and by who he was killed?

MR MYEZA: No we only read from the newspapers that he had been shot at a certain garage.

MR GOVENDER: Garage where?

MR MYEZA: I Swaziland.

MR GOVENDER: So you read that in the newspapers?

MR MYEZA: That is correct.

MR GOVENDER: And you got no information from anybody as to how he was killed and who killed him?

MR MYEZA: What we heard was that he was abducted by ANC people and later killed.

MR GOVENDER: Abducted by ANC people?

MR MYEZA: According to the report.

MR GOVENDER: Was he an ANC person, a PAC person or what?

MR MYEZA: He was an ANC member?

MR GOVENDER: ANC member?

MR MYEZA: Yes.

MR GOVENDER: And he was stationed in Swaziland? Is that right?



MR MYEZA: That is correct.

MR GOVENDER: He ...(inaudible) for the ANC but informing on them at the same time, is that right?

MR MYEZA: That is correct.

MR GOVENDER: So they had no need to abduct him, did they?

MR MYEZA: It is possible that they did receive some information that he was spying on the ANC because they also have an Intelligence working for them which could possibly tell them that this particular person was working with the South African government.

MR GOVENDER: ... (inaudible) I am saying that if they wanted to get rid of him they did not have to abduct him, he was in Swaziland, they just get rid of him? Isn't that so?

MR MYEZA: I would not know but that is the report we got.

MR GOVENDER: Do you know who this person was? Do you know his identity?

MR VAN SCHALKWYK: With the greatest respect Mr Chairman would you please rule whether the witness is allowed to disclose the information of an official source at that particular point? There is a privilege attached to that. My advice to the client would be to request not to be forced not to answer that particular question.

CHAIRPERSON: Just explain the context in which you are asking the question Mr Govender?

MR GOVENDER: The witness has said that during a period of time he had been to Swaziland to get information from an informer and that informer was subsequently killed. The context in which is to basically the credibility of the witness in a sense if the name of the informer is divulged and the informer is dead, there is no prejudicial consequences to anybody, the informer whatever but it will authenticate the story of the witness in the sense that in fact this was the informer that he had been to and so forth and so on.

CHAIRPERSON: If he alleged that the informer was killed and he knows that he was killed can you just explain in what sense that there may be prejudice to anybody and if so to who?

MR VAN SCHALKWYK: Mr Chairman yes you are quite aware of the (...indistinct) of the disclosure of informants let me immediately say, I am not speaking generally I am speaking about this particular case. My submission is firstly there is a privilege attached to the identity of informers. That privilege does not die when an informer dies for the simple reason Sir that your prejudice does or the potential prejudice does not "die" so to speak with the witness. The informer might have family in Swaziland. The informer might still have people working with in circles where his family relatives, people he knows might be seriously embarrassed or for that matter where lives may be in danger. My submission is simply it is difficult to answer your question is that prejudice simply does not end with the non-existence any more of an informer. My understanding of the law on privilege as far as that portion is concerned that it is not something - it can be waived obviously and over here my advice is not to waive it but if it is not waived it is a universal privilege which does not end with the death of the informer. For obvious reasons.

MR GOVENDER: I wish to make the point that like the right to self incrimination in this Section 29 hearings there is no



consequences to the witness. The Act has been framed purposely for that purpose in order to get information. Like with the question of the informer the confidentiality plus the prohibition against the use of such information for prosecution or public purposes as such is a safe guard against the type of thing my learned friend is talking about. This enquiry is designed (...indistinct) and otherwise to get information. The information may be necessary for the work of the Commission and for the Investigative Unit that we get information of who that informer was. For that reason I think that the witness must be asked to divulge that name.

CHAIRPERSON: Ja in terms of the applicable legislation it is a question which he may be compelled to answer. There certainly is not any legislation that I know of which would relieve him of that obligation. I understand that it is a sensitive issue the naming of an informer is obviously but there is no legislation available to him on which he could safely rely to say that he refuses. And it is a question which he compelled to answer. If he does not answer the question obviously we can look at the relative value of the importance of the possible answer to the question and it is then something which we would then be obliged to take up with the Attorney General. Because he cannot be compelled to answer any question here in this forum unless we have consulted with the Attorney General on the matter. So if his inclination is not to

answer the question obviously we cannot here force him to answer it but we will look at the, as I say the value of the possible answer to that question to us. If we believe that it is something which we need to know then it is something which we must first take up with the Attorney General and then ask Mr Myeza thereafter if he is prepared to answer it. And if he is not prepared to answer it well then obviously there are consequences in terms of the legislation. But if he is not going to answer it now we cannot force him to answer it. He has not actually been asked whether he is prepared to answer it even though it is your advice that he should not but perhaps it can be put to him whether he is prepared to answer that question as to who was the informer in Swaziland.

MR VAN SCHALKWYK: Mr Chairman would it be or may I ask your indulgence to perhaps just discuss this matter with him and if necessary take instructions from whoever one may take instructions from in this particular case. I am not sure what your normal day looks like and whether this would be a convenient time for the normal short adjournment. I do not want to interject and slow the procedure. We will take I suppose about five minutes if I can just discuss it with Mr Nel as well.

COMMITTEE MEMBER: Sorry can I just say something? We have a in terms of (...indistinct) the ANC submissions to us we have a list of people who are executed due to them being

suspected of being informers, etc. It would help us to know who that informer was so we can corroborate our list on the ANC submission. And also I think we do have some knowledge about that incident. So it would actually be basically confirming our knowledge of that incident.

MR VAN SCHALKWYK: Thank you Mr Chairman may I discuss that as well with Mr Myeza? Thank you for that, I think it makes the approach easier. Thank you.

CHAIRPERSON: We will take a fifteen minute break.

MR GOVENDER: ...(inaudible) in view of the fact we started late but if my learned friend requires we will take the adjournment now.

MR VAN SCHALKWYK: Thank you Mr Chairman.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: Thank you. Mr Myeza you are still under oath. I understand that during the adjournment you were not able to speak to anybody who you intended to speak to. And if it is your view that you do not wish to reveal this name we will move on and we will at a later stage consider whether that is information which we feel we need to obtain. Is it your view that you do not wish to, do not intend to reveal the name of the source or the informer that you had in Swaziland?

VUSIMUZI ISHMAEL MYEZA: (s.u.o.) No not now.

MR GOVENDER: ... left to rest until such time that we get clarity on that or?

MR MYEZA: I would like to speak to my handler or his handler. I think I want to discuss the matter with him so that we can get some clarity.

MR GOVENDER: ...(inaudible) to answer at this point in time is for issue of getting the permission from the handler really?

CHAIRPERSON: That is something that we can take up outside this forum through yourself or Gail Wanenberg and Mr Nel and if there is information forthcoming from the handler, if we get the information that we need then that is fine. If we do not get the information that we are looking for we will then consider whether this is something that needs to be taken further through the office of the AG and whether it is a question that we should compel the witness to answer but we will not deal with at this stage.

MR VAN SCHALKWYK: Mr Chairman thank you Sir. This is probably a matter that would be probably more or better be resolved in a way that you have suggested now and we undertake to take that route. We will liaise with my learned colleague about that so that we know where we going about this.

CHAIRPERSON: Thank you very much.

MR GOVENDER: I just want to move on then to the first incident. In August 1985 Mr Myeza you were still with the security branch stationed at CR Swart, isn't that so?

MR MYEZA: Yes that is true.

MR GOVENDER: And sometime I think it is August that year that a political activist by the name of Victor Ntengya was killed in Umlazi. Do you remember that incident?

MR MYEZA: Yes I do.

MR GOVENDER: And as a result of that killing of Mr Ntengya the Isipingo High School had closed down because there was unrest in the area. Do you remember that?

MR MYEZA: Yes I do. All the schools, not specifically Isipingo almost all the schools.

MR GOVENDER: Well particular to that school during the unrest in that school one, [REDACTED] was allegedly shot somewhere in Umlazi. Do you know anything about that?

MR MYEZA: I would request the Chairperson to explain and tell me as to which part of Umlazi because Umlazi is quite big.

MR GOVENDER: Well just to get it, in and around the Isipingo High School.

CHAIRPERSON: In fact according to the information I have here it was at U-section in Umlazi.

MR MYEZA: Yes I do remember.

MR GOVENDER: Were you present when this person was shot?

MR MYEZA: Yes I was.

MR GOVENDER: And did you see who had shot this person?

MR MYEZA: I am one of the people who were involved in the shooting.

MR GOVENDER: You shot this person?

MR MYEZA: That is correct.

MR GOVENDER: Can you describe to us the circumstances under which you came to shoot this person?

MR MYEZA: It was in the morning we were heading towards our work places but I do not remember as to what time it was. They were burning the cars, they were blocking cars, stoning the cars and shooting the cars and we approached a certain gang of people who were stoning the van. But I am not particularly sure as to whether he is the one who participated in that. They shot at us, they also stoned the police vehicle. And thereafter we realised that we had to save ourselves and they were going to burn our car -that is when we started shooting. It was myself, Warrant Officer Nduli and Sokele. I think there were three or four of us but I do not have a clear recollection. We were actually cornered. They formed a circle around the police vehicle, we could not reverse, we could not go forward. And we had absolutely no escape and the only way we could escape was to open up and pave way by shooting at the crowd. That is how he got shot.

MR GOVENDER: (...indistinct) with you (...indistinct)?

MR MYEZA: Yes he was.

MR GOVENDER: And did you personally shoot this person, Zwane?

MR MYEZA: Yes I did. I shot towards the crowd but not Zwani in particular. I was just shooting towards the crowd. But I think Zwani is the one who got shot.

MR GOVENDER: (...indistinct) that Zwani was shot in the neck, do you remember that?

MR MYEZA: Yes I do.

MR GOVENDER: And did you and Nduli take him to hospital?

MR MYEZA: Yes that is correct.

MR GOVENDER: And he was charged for public violence is that right, Zwani?

MR MYEZA: That is true because there were other cars that were burnt earlier on who submitted statements. For instance another one was having orders for his shop.

MR GOVENDER: The allegation goes further Mr Myeza that you in fact intimidated Zwani and his family against taking up a civil claim against the police by telling the neighbours, [REDACTED] and [REDACTED] that you did not shoot to injure but to kill. And that you did not like to see people you shot still alive.

MR MYEZA: Excuse me people what?

MR GOVENDER: Who had been shot still alive, apparently by yourself.

MR MYEZA: That is a blatant lie because he lived. Had we wanted to kill him I think we would have done that. We took him to the hospital.

MR GOVENDER: The allegation is that you intimidated them against opening up a civil claim.

MR MYEZA: That is a blatant lie. The police went and took statements from him. So that is not true.

MR GOVENDER: Well were you aware of the fact that the family were intending to bring a civil claim against you or the police?

MR MYEZA: No there was nothing that I had done. They were the transgressors as far as I am concerned.

MR GOVENDER: And you know that this person Zwani is now paralysed from the chest downwards? Are you aware of that?

MR MYEZA: Yes I do. That is why the case was postponed indefinitely because he was not going to be able to present himself to court.

MR GOVENDER: This is a case, the public violence case against him? Is that right?

MR MYEZA: That is true.

MR GOVENDER: Was there any charges opened against you and other policemen?

MR MYEZA: They could not have opened up a case they could have only opened up a case against the transgressors or the



attackers. Because they attacked us. Some statements were submitted, a case was opened. It was opened.

CHAIRPERSON: For the record Mr Govender the way it has been put to Mr Myeza is or put it this way. You have not put any other version to him other than the one that he has given about how the incident happened. I think at least put that to him because he has given us a version which would certainly justify him having shot the person concerned but as I understand it that is not what the version is that we have. I think he should have that version put to him.

MR GOVENDER: Okay Mr Myeza the allegation is that during this unrest at this school, Isipingo the person [REDACTED] was on his way home when he saw a yellow Toyota Corolla Sprinter driven by Nduli with you in the vehicle also and that you pointed a gun at him and shot him in the neck.

MR MYEZA: That is a blatant lie. I was the driver, Nduli was not the driver.

MR GOVENDER: When the shooting took place was the vehicle stationary or was it still moving, your vehicle?

MR MYEZA: The car had been brought to a halt and we could not run away. The car that we were driving was not an armoured vehicle so we were not protected. So it was easy for them to attack us in any way that they wanted to. In other places we were able to escape their attacks or imminent attacks.

MR GOVENDER: How many people were killed in this incident or shot in this incident, sorry? How many people were shot in this incident?

MR MYEZA: Only one person. And they were later dispersed.

MR GOVENDER: So there was a crowd of people that had surrounded the vehicle, is that right, that is what your evidence is?

MR MYEZA: Yes there were a lot of people surrounding the car.

MR GOVENDER: ...(inaudible) was the crowd?

MR MYEZA: Yes correct we just shot at random trying to disperse the crowd because we were afraid of the imminent attack.

MR GOVENDER: ...(inaudible)

MR MYEZA: I do not remember whether it was three or two but I do remember the part that I played. I did fire a shot but I think you can read the docket, you can get it from the statements as to who admit to having taken part.

MR GOVENDER: ...(inaudible) shot towards the crowd?

MR MYEZA: I would not be sure about that because our main aim was to scare the crowd off. It was not to shoot a certain person per se but if you are shooting sitting down in a car it is not easy to aim and at that time there was a lot of confusion because there was a burning car in front of us.

MR GOVENDER: You shot into the crowd you know that?

MR MYEZA: I have no clarity on that aspect. I can only speak for myself. What I am saying is we wanted to disperse the crowd. Maybe some fired some warning shots and one of the bullets got to a certain person. But what I cannot say is whether the other people were aiming towards the crowd.

MR GOVENDER: ...(inaudible) simply did you shoot into the crowd, you personally not the others?

MR MYEZA: When you shoot, especially when you are being attacked there is absolutely no time for you to stop and think and aim and do all sorts of things. I was just shooting so that the crowd could be dispersed and so that I could protect myself. And the main aim was to scare the crowd off.

MR GOVENDER: I understand that Mr Myeza but I am simply questioning did you shoot in the direction of the crowd? Did you discharge the gun in the direction of the crowd?

MR MYEZA: No it is not particularly at the crowd. I was inside the car sitting. And when you point a firearm it does not necessarily point to the particular direction because you are sitting down, you are not aiming as you would want to aim when you are standing on your feet.

MR GOVENDER: As a result of you firing the shot somebody was shot in the neck, isn't that so?

MR MYEZA: Yes that is true.

MR GOVENDER: And you say your intention was to disperse the crowd by firing the shot?

MR MYEZA: No we wanted to disperse our attackers, not just an ordinary crowd which had met. We were being attacked so we were dispersing our attackers who were well armed and who had already burnt several cars around us. So the attack was imminent I could say.

MR GOVENDER: They were shooting at you all so they had firearms also, that is what you said earlier they had firearms they were shooting at you?

MR MYEZA: That is correct. They shot but luckily none of us was injured.

MR GOVENDER: Was there an injury to the car, the vehicle?

MR MYEZA: Yes the car was stoned and it was damaged. Because we were ultimately helped by a caspir that arrived at the scene to rescue us.

MR GOVENDER: Were there any bullet holes in the vehicle?

MR MYEZA: No.

MR GOVENDER: People were shooting at you, in which direction were they shooting then?

MR MYEZA: If you are not an experienced shooter who is just having a gun in your hands you may not be able to aim as an experienced person or a person who knows how to handle a firearm.

MR GOVENDER: But as I understood it from your evidence you were surrounded by a group of people, they had formed a circle around your vehicle and they were stoning you and they were firing at you and so forth and so on. How much accuracy do they need in those circumstances to fire into your vehicle?

MR MYEZA: As I am explaining the people were blocking the car from both sides. We could not reverse, we could not go forward. And all we could do was to shoot towards the crowd so that they could pave way for us to go through. So we were ultimately rescued by the caspir.

MR GOVENDER: I am only interested in your evidence that you were being shot at by the crowd. In circumstances where the crowd had surrounded your vehicle and you said to us there is not a single bullet hole in your car and none of your were injured. And your answer to that question is simply that if you not used to a gun and you do not have accuracy you will not hit the target. But in circumstances as you explained. You were surrounded by a group of people how much accuracy would you need just to even hit the vehicle if not you?

MR MYEZA: They pelted the car with stones and we heard some gun fire going off.

MR GOVENDER: ...(inaudible) direction?

MR MYEZA: At that point in time I cannot explain but I heard some gun fire. Whether it was coming to my direction or not I cannot say.

MR GOVENDER: ...(inaudible) Mr Myeza to discharge your firearm and the other peoples' firearm in the air, isn't it so, to disperse or frighten the crowd?

MR MYEZA: That is true you must fire a warning shot. My aim was to fire a warning shot initially so that they could get dispersed because immediately after the shot had been fired they ran away.

MR GOVENDER: ...(inaudible) crowd because he was shot in the neck, isn't that so?

MR MYEZA: That is when we saw that there is one person who had been shot. It happened that the bullet does ricochet even if you do shoot upwards or you fire a warning shot.

MR GOVENDER: Mr Myeza if you fire a warning shot in the air it will ricochet against what?

MR MYEZA: What I am trying to explain is if the people are standing, they are taller than us because we were sitting in the car and when you aim, when you aim upwards it is possible that the bullet can get a person on the neck because he is standing taller than you when you are sitting down. That is the logic?

MR GOVENDER: The logic?

MR MYEZA: Yes that is true.

MR GOVENDER: ...(inaudible) shoot in the air the person is standing there tall enough how is that bullet going to ricochet from there into that person's neck? Explain that, I am actually very curious to know how that will happen.

MR MYEZA: The gun was not pointing as you are demonstrating. It was pointed as I am demonstrating. That is how I had pointed the gun, not the way you had done it.

MR GOVENDER: And the barrel of the gun was pointing above the heads of the people in front of you. Is that right?

MR MYEZA: That is possible.

MR GOVENDER: ...(inaudible) above their heads how did the bullet come to strike somebody in the neck?

MR MYEZA: It can happen that when you pull the trigger the barrel does go down if you know how to handle guns.

MR GOVENDER: You are an experienced policeman, you have been trained on guns, you use them a lot in the past before this incident.

MR MYEZA: Yes that is partly true but there are many types of guns. So I was trained in certain guns in particular.

MR GOVENDER: Mr Myeza your version is this that you attempted to fire a warning shot in the air to frighten those attackers. Well for some reason or the other it either ricocheted or the barrel of the gun came down and somebody got shot in the

neck. Is that your version of what happened in circumstances as you described them?

MR MYEZA: Would you please repeat the question? Please rephrase the question because it is getting very complicated?

MR GOVENDER: Well the reason it is getting complicated is because the answers that you are giving does not make sense. Because you are not being quite truthful to us Mr Myeza. You see you said in your evidence earlier on that you shot as you were being attacked into the crowd. You said that. And as we proceed you seem to change that version and try to suggest that you were tempted to shoot into the air as a warning shot?

MR MYEZA: Yes as a warning shot. When people attack you, you can just shoot at random and they disperse and run away, you do not necessarily have to aim at a certain person.

MR GOVENDER: ...(inaudible) killed that it is not possible if you shoot near or above peoples' heads that, that bullet will strike somebody and you seem to suggest that it may have ricocheted or the barrel of the gun came down as you shot. Now which of those versions are we to believe?

MR MYEZA: As I have already explained when you shoot during the time at which you pull the trigger the barrel does not remain stationary especially when you are under pressure, you being attacked you are not just aiming and standing there and waiting for things to happen.



MR GOVENDER: ... (inaudible) move on nevertheless. I want to move on to this incident, is there any questions that?

CHAIRPERSON: No I think I just want to state that the way that Mr Myeza put it is that he fired a shot in order to create a path or a passage in the crowd so the vehicle could get out. And it was only after you mentioned his legal obligation or possible legal obligation in such circumstances to fire a warning shot that Mr Myeza then said that it was his intention to fire a warning shot. So I think the record will show that he only introduced the notion of a warning shot after you had reminded him that it was perhaps his obligation to fire a warning shot. But I do not think we should spend any more time on it.

MR MYEZA: Chairperson I would like to point this out the question was, was it me who shot Mr Zwani, I said yes. I would not have said I had shot a warning shot because he said to me am I the one who shot Zwani. He never said am I the one who fired a warning shot. So I answered the question in the manner that he asked me.

MR GOVENDER: Mr Myeza do you know a person by the name of Stanley Biyela?

MR MYEZA: Yes I do. [REDACTED] was once arrested with regard to a certain matter which was dealt with in Maritzburg court. They were found in possession of explosives and he was one of the people who were in Lamontville together with Tusu,

Chiga and a lot of others. They were all arrested and they appeared in court.

MR GOVENDER: ...(inaudible) in regard to the activities of Mr Biyela?

MR MYEZA: They were a lot of people who were arrested. They were more than fifty five but all the people who were arrested were more than fifty five I still do remember some and I do not remember the others. And some I never knew personally or came into contact with them. But I saw the list.

MR GOVENDER: Mr Myeza were you involved in the arrest of Mr Biyela? Were you personally involved?

MR MYEZA: It is quite a long time ago I do not remember but I do remember him being arrested in Lamontville, that is in his particular unit when they were taken to Cr Swart Square. That is where I saw him for the first time.

MR GOVENDER: He was arrested together with [REDACTED] and [REDACTED] in regard to the bombing in Toti, the shopping centre bombing in Toti?

MR MYEZA: Yes that is true I do remember that and there were a lot of people who were arrested. I know particularly about Andrew Zondi.

MR GOVENDER: ...(inaudible) [REDACTED] was charged with [REDACTED] [REDACTED] also?

MR MYEZA: That is true. All of them were charged.

MR GOVENDER: Did anything happen in that prosecution to Stanley Biyela?

MR MYEZA: Biyela was arrested and he was kept at Maritzburg prison and they kept on appearing in court but at that time I was not present. So I do not know first hand as to what happened, what was happening during the trial. But I understand he was acquitted.

MR GOVENDER: Who else was acquitted? Was he the only person that was acquitted?

MR MYEZA: I think there were quite a few, [REDACTED] and others. I do not remember their names off hand. But one of them was Biyela.

MR GOVENDER: And the fact that [REDACTED] and [REDACTED] were acquitted in that trial did that create any problems with the members of the security branch? Were they happy or not happy with that situation? Do you know?

MR MYEZA: I would not speak on their behalf because I do not know what was going on in their minds and as to how they viewed the situation. According to me the Court did its work and if the Court found them not guilty and were therefore acquitted I cannot gainsay that or comment on that.

MR GOVENDER: You personally quite happy with the verdict of the Court is that what you are saying?

MR MYEZA: I was not particularly happy because I did not know as to what they had done. A number of people were arrested and a number of people were injured.

MR GOVENDER: ...(inaudible) in circumstances where people are arrested for having weapons, being involved in terrorist activities and so forth are you and the other black members not kept ... who they are and what they are doing in the country and why they are being arrested?

MR MYEZA: No it was not necessary for us to be told because people were dying and bombs were being planted and innocent people were dying especially at railway stations and many black people were dying. And there was no need for us to be told. But our aim was to protect the ordinary public or the civilians and arrest the perpetrators and take the arms.

MR GOVENDER: ...(inaudible) did all these things by the instructions, you acted on the instructions of your superiors. The white members of the branch. Isn't that so?

MR MYEZA: Yes it was a rule. There were rules that governed us as the police force. That is laws against terrorism and use of firearms and explosives.

MR GOVENDER: Are you aware of the fact that three days after Stanley Biyela's acquittal that the members of the security branch went to his house looking for him?

MR MYEZA: Yes my attorneys told me that the Commission has got a belief that I was present when Biyela was arrested. I flatly deny that. I even told my attorneys that I have no knowledge thereof.

CHAIRPERSON: Sorry it is not our belief Mr Myeza. We do not believe anything yet. We have just got information in front of us which says that you were there and it is our obligation to investigate that you see. We have received statements from various people, some of whom have applied for amnesty who have told us that you were involved in the abduction of Mr Stanley Biyela. And they have also told us that you were involved in the disposal of his body after he was killed by members of C1 or C-section. And it is not our belief, we have come. That information has come into our possession, your name is mentioned in that information so it is our job to call you in and put that information to you to see what you say about it. And that is what we are asking you. So what do you have to say to that?

MR MYEZA: I deny that. I was not present and I do not know anything with regard to his death. But what I shall request this Commission is for the Commission to disclosed the names of the people who have given this information to the Commission.

CHAIRPERSON: Well that information will be disclosed to you in due course when these people make application in public for amnesty and you will receive a notice in terms of Section 19 of

the Act inviting you to go along to that amnesty application because your name will be mentioned in public saying that you were part of the abduction and you were part of the disposal of the body of Stanley Biyela after he was shot in the head by two senior members of your section, two white members. And you will be given an opportunity in public to respond to that. So we cannot tell you those names. We are prohibited by the Act from revealing the names at the moment but they will be made known to you in due course. Is there anything else you want to say about that?

MR MYEZA: I repeat this. I deny having been present. I believe there is a mistake either on the part of the people who made the allegations.

CHAIRPERSON: ... (inaudible) who made these allegations. They made them at different times. They made them in different statements to different lawyers. They have applied for amnesty and they are not, they have not instructed the same attorneys. And they have not only mentioned you. They have mentioned several other people who participated in this abduction of Stanley Biyela and his murder and the disposal of his body. They have mentioned you and several other people who assisted. Now do you know of any reason why these people should at different times and in different statements to different attorneys when

making their amnesty applications, why they should both mention you?

MR MYEZA: It can happen if they do not know who they can implicate. Firstly I do believe that there is no one who mentioned my name because I was not there. It is either it is a genuine mistake on their part or they just want to implicate some other innocent person.

MR GOVENDER: Can you think of any reason as to why these people would have or make a concerted effort to name you in incidents that you say you were not or in circumstances where you say you were definitely not present?

MR MYEZA: I would not know the reason but what I would say is they could have probably made a mistake. That is all I can say at this juncture. That is why I say it would be better if you tell me the names probably I could connect and say something about the people but if you come with an accusation like this where there is nobody in particular being pointed out as having said that, I cannot respond properly to that.

MR GOVENDER: ...(inaudible) get your opportunity then at the amnesty hearing. [REDACTED] do you know that person, the other person that was acquitted with Stanley Biyela?

MR MYEZA: Yes I do.

MR GOVENDER: ...(inaudible) recently in the newspapers that this person's remains was exhumed from a farm in Verulam?

MR MYEZA: Yes I did.

MR GOVENDER: And that was as a result of certain members of the security branch informing us through their amnesty application about the fact that they had killed that person and buried him on that farm.

MR MYEZA: Yes I saw that in the newspaper reports as well as the TV.

MR GOVENDER: This is the farm that you mentioned earlier and that you knew about in Verulam, is that right?

MR MYEZA: Even though the house was not shown they just showed background so I could not identify that ground.

MR GOVENDER: ...(inaudible) more than one farm in Verulam which you know of?

MR MYEZA: That is why I am explaining to you that they just showed background. They did not show the house by which I could positively identify it. But according to what I see in front of me here - sorry I beg to withdraw.

MR GOVENDER: So you not sure whether that is the same farm that you have mentioned earlier on or that you know of as a place used by the security branch?

MR MYEZA: I do not deny it. Neither do I admit it because I cannot make a positive identification. If you see background, not seeing any buildings that you can identify you cannot positively



say this is the place. It is possible that this is the place and it is possible that it is not.

MR GOVENDER: Do you know anything about the killing of this person and the burying of his body on that farm? Do you know anything about that?

MR MYEZA: Nothing.

MR GOVENDER: Do you know of a cliff somewhere on the Umbumbulo road?

CHAIRPERSON: Just hang on, before we get into that. Where is your family home Mr Myeza?

MR MYEZA: I am from Mtwalume.

CHAIRPERSON: ...(inaudible)

MR MYEZA: Mtwalume, it is near Portshepston.

MR GOVENDER: Do you know of a cliff in Umbumbulo?

MR MYEZA: There are a lot of cliffs. I do not know what type of cliff you are referring to. Maybe if you can expatiate upon that and tell me what does it have in particular or what specifically are you referring to?

MR GOVENDER: ...(inaudible) gorge. You know what a gorge is? Where you get a valley of the road you get a valley, a drop right down, a sort of gorge like a smaller version of Arabic Gorge. You know the Arabic Gorge?

MR MYEZA: No I have never been to Arabia I am not aware of that.

MR GOVENDER: But you know what a gorge is?

MR MYEZA: I cannot hear the explanation.

MR GOVENDER: Do you know of a place in Umbumbulo road where if you stand at the top you look down, right down? I mean if you throw something down there it is very difficult for you to get down there. It is a long way down. It may be a river valley or something. Is there any such terrain in the Umbumbulo road like that, that you know of?

MR MYEZA: No there is not. I would not say there is or there is not but I am not aware of it.

CHAIRPERSON: I will tell you why we are asking you these questions Mr Myeza. It is because in the amnesty application the people who are applying for amnesty for shooting Mr Biyela alleged that you took them to this remote spot and you showed them where the body could be thrown over and disposed of in such a way that it was highly unlikely that it would ever be found again. And the reason why they are not able to show us where that spot is and where we could maybe find the remains of that person's body is because they do not know where it is. Because they were taken there by you. And they say that you know where that place is.

MR MYEZA: That is an untruth. No they are telling a blatant lie. I do not know of any such allegation or place and I am not

from Umbumbulo. I grew up in Mtwalume. I am not familiar with Umbumbulo area.

CHAIRPERSON: ...(inaudible) do you know Mike Glembede?

MR MYEZA: Yes I do.

CHAIRPERSON: Who is he?

MR MYEZA: He was working for the security branch.

CHAIRPERSON: ...(inaudible)

MR MYEZA: That is true.

MR GOVENDER: So you saying they are lying even if they say that you were one of the people that actually threw the body over the cliff, body of Biyela?

MR MYEZA: It is not true.

MR GOVENDER: ...(inaudible)

MR MYEZA: Yes they are lying.

MR GOVENDER: Will you be able to prove this Mr Myeza at the amnesty hearing when this matter comes up and your name is mentioned as the person involved with this? You will be able to prove that you were not involved in that, is that right?

MR MYEZA: If they tell the truth I will be able to answer for myself. But what I can say is that I was not present at that time. Those who say I was present they know perfectly well that I was not.

MR GOVENDER: Do you also know that as a consequence that if amnesty is granted to those people there are certain allegations

against you in relation to these matters that you can be prosecuted for, do you know that?

MR MYEZA: Yes I am aware of that.

MS NGCABASHE: I have got a question Mr Myeza, as you have already explained that you know nothing with regard to this incident. Maybe at the back of your mind you remember as to where you were during that time?

MR MYEZA: I do not remember as to where I was during that day. I have no recollection whatsoever. But I can assure you that I was never present at such an incident or when it took place.

MS NGCABASHE: Let me just ask another question. If you do not remember where you were at that particular time what is it that makes you very positive that you were not present at that time when that incident took place?

MR MYEZA: If I was present I would know that I was. I would not forget such an incident.

MS NGCABASHE: Even though you are able to forget as to where you were?

MR MYEZA: I think this is an important event or an important incident. I would not forget it if I was present.

MR GOVENDER: Mr Myeza I want to now ask you about a person by the name of [REDACTED].

MR MYEZA: My attorney has shown me that in May 1987 this is one particular day that I do remember because in 1987 during

May I was in hospital. I had been shot, that is myself and Lembede. We were at Umbumbulo. So during that time I was not working. That is from April, either the 12th or the 14th I was admitted for 3 to 5 weeks and thereafter I was booked off sick, I could not walk. And there are records to that effect.

MR GOVENDER: When were you injured? On the 12th or 14th you said of May?

MR MYEZA: It is between the 12th and the 14th of April but it was towards Easter time. I was admitted at St. Augustine, in hospital. That is when Warrant Officer Lembede died.

MR GOVENDER: ...(inaudible)

MR MYEZA: I think the whole of May, it was 3 to 5 weeks. But there are records to support whatever I am saying that can be obtained from the hospital.

MR GOVENDER: Our information has it Mr Myeza that you were injured on the 12th Of April not the 12th of ...

MR MYEZA: You coming back to what I have been saying. I said to you I got injured between the 12th and the 14th of April. I was admitted at St. Augustine Hospital from there I was discharged and I was booked off sick because I could not walk.

MR GOVENDER: ...(inaudible)

MR MYEZA: Yes the whole of April as well as the whole of May.

MR GOVENDER: ...(inaudible)

MR MYEZA: That is true.

MR GOVENDER: Was it a few weeks in May or what?

MR MYEZA: Almost the whole month. I think from, I was better during June but again obtain the records from the hospital just to get clarity on the dates.

MR GOVENDER: ...(inaudible) to provide a doctor's certificate to your employers when you were off for that period?

MR MYEZA: Yes I was booked off sick. I underwent an operation on the same night of the 12th. I remained in hospital and thereafter it is a rule or a regulation that you should have a doctor's certificate and you complete a certain form that says you have been booked off sick.

MR GOVENDER: The form and did you get a doctor's certificate in this case?

MR MYEZA: Yes I did get all these documents.

MR GOVENDER: ...(inaudible) copies of those documents?

MR MYEZA: No they are in the file.

MR GOVENDER: ...(inaudible) file to get those documents?

MR MYEZA: Yes I can give consent. You can go to St. Augustine's Hospital. I was being treated by a certain [REDACTED].

MR GOVENDER: ...(inaudible)

MR MYEZA: Ja during that time I was admitted at the hospital.

MR GOVENDER: ...(inaudible) to the documentation that you furnished to your employer, the documentation is basically the form that you filled and the doctor's certificate that would be in your personal file?

MR MYEZA: That is correct.

MR GOVENDER: To go into your personal file and look at that document?

MR MYEZA: Yes if you request it, it will be given to you. You will have access.

MR GOVENDER: ...(inaudible) do I have your permission?

MR MYEZA: My attorney will assist you in so far as that is concerned.

MR GOVENDER: ...(inaudible)

MR MYEZA: That is true.

MR GOVENDER: So you say you were incapacitated in that period for April and for May 1987?

MR MYEZA: That is true. I was using some walking sticks or crutches.

MR GOVENDER: ...(inaudible) about ██████████, you told us about your illness in that period. Now tell us what you know about this (...indistinct)

MR MYEZA: That date that is mentioned here, I was just expatiating upon the allegation that I know Ntombi. I do not

know Ntombi Ncobeka and the date that is mentioned here coincides with the date at which I was admitted.

MR GOVENDER: ...(inaudible)

MR MYEZA: No I do not know.

MR GOVENDER: ...(inaudible) you said you were injured, you were shot were you?

MR MYEZA: Yes that is correct. And the person I was with died on ...(inaudible)

MR GOVENDER: ...(inaudible) that shooting?

MR MYEZA: It was a group that was led by [REDACTED] [REDACTED]. I forgotten the person's name, that is the one who shot me.

MR GOVENDER: ...(inaudible) take place?

MR MYEZA: It is next to Amanzimtoti or close to Amanzimtoti.

MR GOVENDER: ...(inaudible) members of the MK shot or arrested on that occasion?

MR MYEZA: No one was arrested. They all ran and went out of the country. I remember now the other one who shot me was Mkulisi together with the others, if I am not mistaken.

MR GOVENDER: ...(inaudible) bombing of the shopping centre where [REDACTED] was convicted? Was it before or after that?

MR MYEZA: It was thereafter.

MR GOVENDER: Now in much of the work that you were doing Mr Myeza as a security branch member, is it true to say that you



would have had some information if not a lot of information about the activists or the terrorists if you want and the activities within the country and probably outside the borders, Swaziland, Lesotho and so on? You personally would have some of that knowledge if not all of that knowledge and the identity of many of those activists?

MR MYEZA: Yes we did have some information with regard to others especially in particular the ones I have just spoken about. I knew that they were being trained outside the country.

MR GOVENDER: ...(inaudible) any information about Ntombi Ncobeka? Did you know about her at all, her activities in the country or outside the country?

MR MYEZA: No I did not know [REDACTED].

MR GOVENDER: ...(inaudible) you mean all your investigations, all your dealings with the investigations of other people?

MR MYEZA: No according to my knowledge there has never been an [REDACTED] who has been an alleged terrorists. It is possible that she was there but I did not know her. It does not mean that when I say we got information I knew everything that happened throughout Natal.

MR GOVENDER: ...(inaudible) When is the first time that you come to hear of this person, Ntombi Ncobeka?

MR MYEZA: I first knew when I was given a list by my attorney which was sent by the Truth Commission where a lot of people are listed. That is the first time I saw this name of [REDACTED].

MR GOVENDER: That was recently about say a couple of weeks ago is that right? Or a couple of months ago? Oh the subpoena you mean?

MR MYEZA: That was on the 8th of May.

MR GOVENDER: ...(inaudible) much publicity, there was much publicity about the exhumation and the whereabouts about MK activists that the Commission had been able to trace. And during the publicity Ntombi Ncobeka's name was also mentioned as one of the people whose fate the Commission had been able to find out as a result of some of the security members of your branch that had given information to the Commission.

MR MYEZA: No I have never come across the name.

MR GOVENDER: ...(inaudible) Phumezo Nkweni exhumation in Verulam farm. Do you remember reading about that? You said you did earlier on.

MR MYEZA: Yes I saw it on TV. I did explain it that I saw it on TV but I never saw the name.

MR GOVENDER: ...(inaudible) [REDACTED]'s name was also mentioned as one of the people whose whereabouts the Commission had been able to trace.

MR MYEZA: It is possible, I would not say it is like that or it is not. I said I do not know.

MR GOVENDER: So You are saying to us now that you did not know anything about this person, you were not aware of her existence until such time that the Commission subpoenaed you to come and answer questions about?

MR MYEZA: I said that.

MR GOVENDER: The allegation is Mr Myeza that she was killed or sorry. The allegation is she died while under interrogation of a heart attack.

MR MYEZA: I would not know of that.

MR GOVENDER: ...(inaudible) that she was tortured and electrical shocks and stuff was administered to her body and that you together with two other members of the security branch, white members were responsible for taking her body away after she had died, for disposing of that body. What do you say to that?

MR MYEZA: I am still saying that I do not know anything about that. You must go and get the documentation to the effect that I was hospitalised at that time and thereafter I was booked off sick. That is where you will prove that a lot of the allegations are just utter untruths.

MR GOVENDER: So you are saying to us that those people who give us that information are fabricating these allegations against you? Is that what you are saying?

MR MYEZA: I would say they are making a mistake I do not want to say they are lying. Because I have got testimony to the effect that I was not there at that time and I was very ill to have been involved in such an exercise.

MR GOVENDER: ...(inaudible) it is strange you say that they may have been mistaken. Now one can understand a mistake being made on the first occasion but when you are repeatedly named in a number of different incidences it no more becomes a mistake. It is either true or there is a conspiracy against you. Now which is it?

MR MYEZA: I would request this Commission, if the Commission wants to believe what the people say rather than the documentation that substantiates my denial. That is up to you.

MR GOVENDER: Mr Chairman I am going to move away from this incident. If there is any questions? (...indistinct) my learned colleagues needed a time out (...indistinct) allow them the opportunity. It is not really a boxing match. Associated also Mr Myeza with the time that [REDACTED] was killed there were two other MK people that went missing. And they are [REDACTED] and another by the name of [REDACTED], sorry who was also known as [REDACTED]. Sorry I beg your pardon there are three of them; [REDACTED] and [REDACTED].

MR VAN SCHALKWYK: Mr Chairman if my learned colleague can just repeat that I think we are a bit lost amongst the subpoenas and the list of the names.

CHAIRPERSON: The three names are Moosa Phewa, Pindili Mfeti and Monwabisi Mphalwa.

MR MYEZA: No I do not know those ones. It is my first time I hear these names.

MR GOVENDER: You have not come across these names at all before in your investigations? During your investigations at any time during that time did you ever come across these people?

MR MYEZA: Not to my knowledge no.

MR GOVENDER: So you know absolutely nothing about these people and what happened to them?

MR MYEZA: No I bear no knowledge.

MR GOVENDER: You have agreed earlier on Mr Myeza that whenever the Vlakplaas people came down to Durban you would sometimes show them around the area, is that right? You would show them around the areas?

MR MYEZA: Yes.

MR GOVENDER: Okay Mr Myeza let me just show you some photographs of these people and you tell us whether you recognise them or not.

MR MYEZA: I have seen these pictures in the past from my lawyers and I told them I do not know.

MR GOVENDER: ...(inaudible) reflects that you do not recognise any of these people?

MR MYEZA: No I do not recognise any of those.

CHAIRPERSON: And who are these people alleged to be? Is it Phewa or Mphalwa or?

MR GOVENDER: It is Phewa, Moosa Phewa, Pindile Mfeti ... (tape ends)

CHAIRPERSON: In Phewa?

MR MYEZA: Phewa, yes.

CHAIRPERSON: But there were only two photographs there. You mentioned three names. There were three.

MR GOVENDER: In view of his reply Mr Chairman, I don't want to pursue that. If there's any questions from the panel then.

CHAIRPERSON: Perhaps again just to say that the reason why we are asking you these questions is because there have been statements made under oath by people who say that you indicated to certain people where Mr Pewa lived and that after he had been killed that you were involved in the disposal of his body.

MR MYEZA: I refute all of that. I had asked from Wasserman and du Preez and them also couldn't explain fully to me. I had asked them about the pictures because the photos were brought to me by my attorneys. I also asked them to get some details but they couldn't explain anything to me.

What I will request from the Commission is to clarify to me as to which day they are referring to and what year was it so I may help the Commission as well.

MR GOVENDER: 1987.

MR MYEZA: 1987?

MR GOVENDER: Yes.

MR MYEZA: Let me go back. I have explained every details with regard - that took place in May, and at the time I was on leave and I have evidence to that effect. I do not know anything in that regard.

MR GOVENDER: I have to say that the evidence still has to be looked at by the Commission. We don't have it before us. You've mentioned to us that you were sick in that period and we will explore, you've given us permission to look at your personal files for then.

MR MYEZA: That will please me if you may go and explore all the details and all the documents, because that will correspond with what I am telling you that I was on leave at the time of these incidents.

MS GCABASHE: May you explain to us what date you went back to work after your leave?

MR MYEZA: It was around June. I don't quite remember, but what could help me is the fact that in April and May I was not working, I was at home.

MR GOVENDER: Another incident is the attempted attack, Mr Myeza, on what is known as MK ...(indistinct), this is in 1988.

Oh yes, the, Xele, you know Dingaane Xele?

MR MYEZA: Yes, I heard about it.

MR GOVENDER: How did you come to hear about it?

MR MYEZA: The person who told me about that one Dingaane Xele was [REDACTED] because they were together when he wanted to go back and he was tired of being outside and Skakane left with the Pietermaritzburg policemen to meet him and they brought him back. I don't know much, but what I know is that he was working in Swaziland and was a person who was checking on the border, doing the border checks. That's the only information I have.

MR GOVENDER: Are you aware of the fact that he was killed by members of the Security Branch that you belonged to?

MR MYEZA: I heard that and I saw on the television and on the newspapers subsequently.

MR GOVENDER: Do you know anything about his abduction and subsequent killing?

MR MYEZA: No I don't have any knowledge inasfar as that is concerned.

MR GOVENDER: Do you know that his body was, or his remains was exhumed from a farm in Elandskop?



MR MYEZA: I don't know if he was the one who was exhumed but it was shown on TV, the whole thing.

MR GOVENDER: Do you know the farm in Elandskop?

MR MYEZA: No I do not know it.

MR GOVENDER: You don't know it.

MR MYEZA: No I don't.

MR GOVENDER: Well our information is that, well it is a known fact that the Security Branch operated a farm in Elandskop and this is the farm where people like D Xele were kept prior to their killing and they were subsequently buried on those farms.

MR MYEZA: That I don't have any knowledge of.

MR GOVENDER: Did you ever meet Dingaane Xele?

MR MYEZA: No.

MR GOVENDER: Dian Xele was abducted from Swaziland, do you know that?

MR MYEZA: From what I heard from [REDACTED] he was not abducted, he wanted to come back, voluntarily, not that he was abducted, but the other one was his friend and he went to fetch him and they came back together.

MR GOVENDER: Were you not perhaps involved in bringing -him across from Swaziland, you personally?

MR MYEZA: No. I have assurance that the matter was dealt with by the Pietermaritzburg police.

CHAIRPERSON: So you can't explain why someone should have said in a sworn statement that you were involved in bringing Dian Xele, you and [REDACTED] were involved in bringing Xele from Swaziland?

MR MYEZA: No. Well I did not know Skakane, even to date. Even when he got back here in South Africa he was working in Pietermaritzburg, not in Durban.

CHAIRPERSON: So did you say you don't, you didn't ever know Goodwill, is that what you said?

MR MYEZA: Dian Xele.

CHAIRPERSON: Oh.

MR GOVENDER: But you say you knew [REDACTED], isn't that so?

MR MYEZA: Yes I know [REDACTED].

MR GOVENDER: ...about Dian Xele isn't that so?

MR MYEZA: Yes he told me that he came back with him this side. Yes from Swaziland.

MR GOVENDER: Do you know what happened to Dian Xele after he came back from Swaziland?

MR MYEZA: No, he just said he was working in some place somewhere, [REDACTED]  
[REDACTED], somewhere else but not here in Durban. He did not know what happened as well.

MR GOVENDER: Did you ask him specifically what happened to him or did he just volunteer this information to you?

MR MYEZA: No I did not ask him.

MR GOVENDER: Okay if there's nothing else we will just move on. Mr Myeza do you know Blessing Ninela?

MR MYEZA: Blessing who?

MR GOVENDER: Ninela.

MR MYEZA: Yes.

MR GOVENDER: How do you know him?

MR MYEZA: [REDACTED] was one person who used to have explosives in his possession and Inanda - people went, the police went to search and found such explosives in his possession and he left to try and kill Mbambo who was the councillor in Hillcrest and gave two boys limpet mines. And when they tried to put the limpet mine it exploded and one got injured on his arm and was admitted to hospital in Marianhill. [REDACTED] went to Marianhill Hospital and some experts but we did not go there. And they came back and told us the person who gave those boys bombs was [REDACTED]. And now we started investigating the issue and the arms cache.

MR GOVENDER: Were you part of the investigation?

MR MYEZA: Yes I was part.

MR GOVENDER: And you had known that time the identity of the person who had supplied these arms and that was [REDACTED]?

MR MYEZA: Yes we knew then because the person who was admitted gave the statement and explained that it was him, Ninela, who gave him the explosives.

MR GOVENDER: Did you ever arrest [REDACTED]?

MR MYEZA: Even though I do not remember quite well he was the one who was arrested in Pinetown. After that he was handed over to [REDACTED]. That was the end. I never heard anything after that about him.

MR GOVENDER: (mike switched off)

MR MYEZA: I don't remember the policemen but one of them was Simon Makaya if I am not mistaken. Myself, I don't remember the others but after he was arrested he was handed over to Colonel Taylor and we never heard anything from them.

MR GOVENDER: Were you not involved in the arrest of [REDACTED], you personally?

MR MYEZA: I am explaining that when he was being arrested I was there in Pinetown. He was arrested in Pinetown if my memory serves me well.

MR GOVENDER: Whereabouts in Pinetown was he arrested?

MR MYEZA: Between the Post Office and the Bank.

MR GOVENDER: Was he arrested while he was walking in the road, how, how - did you go into a house, to a bank, to a shop to arrest him?

MR MYEZA: He was arrested in the street of Pinetown.

MR GOVENDER: Who was there, apart from you, who else was there that arrested him?

MR MYEZA: It was myself, [REDACTED]. I don't have the recollection of these other policemen who were there with us, but I was one of the people who arrested him, although I don't quite remember the rest.

MR GOVENDER: And when you arrested him what did you do with him?

MR MYEZA: He was taken to [REDACTED] because he was the one who was going to go on with the investigation.

MR GOVENDER: Took him to [REDACTED].

MR MYEZA: He was in Pinetown if I am not mistaken, although I don't remember quite well.

MR GOVENDER: Was he in Pinetown in a street somewhere, or was he at a building, where was he? Was he there when you were arresting?

MR MYEZA: Well he was there although I don't have good recollection of the whole incident but he was also in Pinetown.

MR GOVENDER: At the point where you arrested Blessing Ninela, is that right?

MR MYEZA: Yes, he was there.

MR GOVENDER: Who were the other white officers with him at Pinetown?

MR MYEZA: I don't remember, I do not remember.

MR GOVENDER: Now Mr Ninela was taken to [REDACTED] and what happened?

MR MYEZA: He was taken to CR Swart Square, he was taken there to the Square by Taylor. I don't remember the other white policemen who were there, whether it was [REDACTED] from Pietermaritzburg I am not too sure.

MR GOVENDER: Do you know that they were taken, they had taken them to C R Swart, how did you know that? Did you go along with them?

MR MYEZA: Often times when we arrested people they were always taken to CR Swart.

MR GOVENDER: So you assumed that he would have been taken to CR Swart?

MR MYEZA: According to [REDACTED] he said they were taking him to CR Swart.

MR GOVENDER: [REDACTED] was taking him to CR Swart?

MR MYEZA: Yes he said that.

MR GOVENDER: Now where did you go?

MR MYEZA: I knocked off and I left and I also had troubles with my car.

MR GOVENDER: You left where?

MR MYEZA: I left, I went home.

MR GOVENDER: Now do you know whether he was in fact taken, this is Blessing Ninela, was in fact taken to CR Swart, do you know?

MR MYEZA: I am not too sure, but I am not certain if he was taken there for sure and I didn't see any need for me to want to know or insist to know if they were going to CR Swart or not.

MR GOVENDER: Did you see Mr Ninela the next day when you went to work?

MR MYEZA: No I did not see him.

MR GOVENDER: I presume that you went to work at CR Swart, isn't that so?

MR MYEZA: Yes.

MR GOVENDER: And you didn't find him at CR Swart did you?

MR MYEZA: One person will be arrested and be handed over to others for him to submit his statement. There were many people who were investigating cases. So it could have happened that he was handed over to one of the other investigators.

MR GOVENDER: I understand that Mr Myeza, but you personally didn't see him the next day?

MR MYEZA: No I did not see him.

MR GOVENDER: Did you enquire about him or his whereabouts from anyone?

MR MYEZA: No I did not enquire anything.

MR MYEZA: You were no longer part of this investigation is that correct, now that the suspect had been arrested?

MR MYEZA: Yes I never went on participating in the investigation and that was common.

MR GOVENDER: Do you know what happened to Blessing Ninela?

MR MYEZA: Ultimately I saw on the paper and on television showing the funeral and that he was exhumed from where he was buried.

MR GOVENDER: Yes, but do you know why he was - how did he come to die and when did he come to die, do you know that?

MR MYEZA: I don't know that much. I don't even know when he died.

MR GOVENDER: ...(indistinct) you were saying after the day of the arrest you never discussed him with anybody, you never came - there was no occasion for you to talk about ~~██████████~~ again until such time that you saw in the newspaper one day or quite recently on the television that he was now, his body has been exhumed ...(intervention)

MR MYEZA: Yes that is correct.

MR GOVENDER: His activities had no impact on other investigations that you were doing into MK activities in the area?

MR MYEZA: May you please repeat your question.



MR GOVENDER: His role did not have any impact on any other activities of MK in the region that you were investigating after his arrest?

MR MYEZA: No nothing emanated thereafter.

CHAIRPERSON: So Mr Myeza you don't know why someone should give a sworn statement in the form of an amnesty application saying that after his arrest that you and Colonel Taylor severely assaulted this man?

MR MYEZA: We did not - he was not assaulted and that is not true.

CHAIRPERSON: And you are not aware that he was then taken to a railway line where explosives were fastened to his body and he was exploded? He was deliberately detonated, I mean explosives were detonated on his body causing him to die, do you know that?

MR MYEZA: No I wouldn't have known that and no one could say that or could tell me that.

CHAIRPERSON: But that's what in fact happened, because that has come to us in the form of an amnesty application. And the amnesty application states that the man was killed in that manner in order to make it look as though he had mistakenly blown himself up whilst attempting to sabotage a railway line.

MR MYEZA: As I say Mr Chairperson that wouldn't have been discussed with us, I mean the perpetrators, the ones who

committed the act wouldn't have discussed that with us. I take it the reason why we were not told is that because they knew they were not going to tell us anything because they figured out that if they tell us that that won't go down well with us. We won't be happy to hear that.

CHAIRPERSON: Does it surprise you that things like this happened, that I am telling you now? Does it come as a surprise to you?

MR MYEZA: In actual fact it doesn't scare me because I saw on television such things that transpired in the past that we were not aware as police at the time.

CHAIRPERSON: No, I am saying now that you have been told what happened to this man does it come - I know you didn't know about it, you said you didn't know about it, but does it come as a surprise to you that people in your unit were doing these things?

Are you shocked or surprised by this that people in your unit were doing such things as this?

MR MYEZA: Yes, this is surprising.

CHAIRPERSON: You are saying that you didn't know at the time that members of C Section were doing such things?

MR MYEZA: Yes I did not know and that is the truth, an absolute truth.

CHAIRPERSON: So even though we have been told by members of C Section that this sort of thing took place quite frequently

during that period, '87, '88 and we have received amnesty applications from members of C Section for many, many murders are you saying that those things come as a complete surprise to you, that you had no idea that people in your unit were doing these things, abducting people, interrogating them, torturing them and then killing them and burying them, does that come as a big surprise to you?

MR MYEZA: Yes this comes to me as a surprise because when you get to look at this even the people who were committing these things they were doing these things alone and they were not telling or reporting to the blacks, and if they want to tell the truth they should tell it as it is, that there were no blacks who did such things.

CHAIRPERSON: How do you explain the fact that in every statement, every incident that we've mentioned here today, your name is somehow involved? Either pointing out the area where the person who was to be abducted lived, participating in an assault on the person or helping to dispose of the dead body afterwards, how is that?

MR MYEZA: May you please repeat this question.

CHAIRPERSON: You see all the incidents that we have mentioned so far we have statements to the effect that you were involved in one way or another, either pointing out the house of the person who was to be abducted, or participating in an assault

on the person, or disposing of the dead body after the person had been killed, why do you think it is that in all these incidents your name has come up?

MR MYEZA: I do believe that it's easy for them, for all those people to remember my name or to remember me, and that is true.

CHAIRPERSON: That's not an explanation. I am sure they remember you, you worked there for a long time. They remember you, why should they mention you as having been involved in all those things?

MR MYEZA: What I could say the Commission said something about Tombi Kubeka and that's where I want to come out strong and say they were mistaken, they kept mentioning my name and I had nothing to do with that incident. Because I worked there for a long time this is why they come to remember my name quite often. And often times the dates that they mention I was not even available at work at the time. And I did explain that to the Commission. And how will the Commission believe as to whether these people are telling the truth or not or just alleging.

CHAIRPERSON: No I want to make it clear to you that we haven't believed them yet. At some stage we are obliged to make a finding as to who we believe. We don't believe them, we don't necessarily believe you at this time. We are just gathering information and our job is to get enough information which allows us to make a finding on the probabilities, which version is

probably the most likely one, the correct one, and then we have to make a finding. But we are not putting this stuff to you now to put you in a tight spot or to make you feel as though we have decided on anything. The information has come to us and we are putting it to you to see what your response is. And your response has been that you know nothing about it. You never knew the person or that you were sick at the time or that the people are mistaken or that they implicated you for their own reasons, and those are all, you know, reasonable explanations. We have to put this information to you, you see.

MR MYEZA: That pleases me.

CHAIRPERSON: The reason why I am asking you a question is because so many different people have made statements which implicate you and that you know is of some concern to us, because at the end of the day we have to decide whether all those people were mistaken or they were simply telling untruths or whatever, you see. Anyway, we will continue now and put some more allegations to you and see how you respond to those.

MR GOVENDER: You explained Mr Myeza that [REDACTED] was arrested as a result of him supplying limpet mines to two boys in Marianhill and one of the boys had injured themselves and that [REDACTED] then got a statement and it was revealed that [REDACTED] was the man responsible for supplying those limpet mines. You and other people were then brought into the

investigations. How long from that point of time, when you got the information, did you conduct an investigation on [REDACTED], you and the other people?

MR MYEZA: I am not too sure as to how long a time did that take, but when I went to Inanda to his place that's where we found some other weapons. And the other police came as well to raid the house and Blessing was not in the house.

MR GOVENDER: Would you say this investigation was going on for some time, for many months, or was it a couple of days after those boys were discovered, or how soon thereafter until his arrest?

MR MYEZA: I am not quite too sure. I don't remember.

MR GOVENDER: Do you know one [REDACTED]?

MR MYEZA: Who?

MR GOVENDER: [REDACTED]

MR MYEZA: Yes, I do know him.

MR GOVENDER: ...(indistinct)

MR MYEZA: [REDACTED] in Pretoria. He was first arrested in the case of Ramlakane and he was a witness at the Supreme Court in that case and that was my first encounter with him, he was coming there as a State witness.

MR GOVENDER: Was he involved with you in the investigation of Ninela's matter?

MR MYEZA: I had explained briefly that I don't remember who were others. It might happen that he was also there, but I am not quite too sure now.

MR GOVENDER: Was it ever your task [REDACTED] to infiltrate Blessing Ninela's unit?

MR MYEZA: It couldn't have been my task because I was a police and I was known as a police. There was no way I could infiltrate. There was no one who didn't know me here, in Durban.

MR GOVENDER: Well was there ever a plan to have Askaris infiltrate [REDACTED]'s unit, that you knew of?

MR MYEZA: Things like this were being discussed by the commanders whether they wanted the Askaris to come to Durban to undertake such an operation but I don't have any knowledge of that.

MR GOVENDER: ...(indistinct)

MR MYEZA: No I don't remember.

MR GOVENDER: Do you know if [REDACTED]'s unit was in fact infiltrated by Askaris?

MR MYEZA: No I don't have any knowledge about the fact. Even his unit was not known, only the people who were injured were known, but it was not known.

MR GOVENDER: Ja, how did ...(indistinct) get information that in fact Ninela was going to be in Pinetown the day he was arrested?

MR MYEZA: Although I won't remember quite well whether [REDACTED] is the one who made an appointment to see him because he did not know him, [REDACTED] as a person who was coming from Pietermaritzburg he's the one who could contact him. But what I know is that I told [REDACTED] that we will meet in Pinetown and that's where he will be arrested.

MR GOVENDER: I think it's certain that somebody made an appointment with Blessing Ninela at that spot where he was arrested, is that right?

MR MYEZA: I am saying it might have been like that, that an appointment was made by him because I couldn't go there and -I couldn't go myself that side to [REDACTED]'s area.

MR GOVENDER: So you didn't know whether there was an appointment or not, but all you knew was that at that point in time, or at that point in Pinetown you would find [REDACTED]

MR MYEZA: As I have explained that I got an instruction from [REDACTED] that we should drive to Pinetown, that's where this thing will take place.

MR GOVENDER: The two boys that were given limpet mines by Ninela, who were they?

MR MYEZA: I don't know them but in Hillcrest there was a docket that was opened, a case that was opened and we never



went there to take a statement, except for the Hillcrest police and [REDACTED] and the explosives experts who went there.

MS GCABASHE: I want to make a follow-up to that and ask whether you knew them or not. It appears here that you went to the hospital so you could identify the person who got injured, what was the cause of the - why was it you?

MR MYEZA: No it's a mistake there. I said Colonel Taylor and the - Colonel Taylor went to Marianhill Hospital. I did -not any other person or not any other policemen went there.

MS GCABASHE: But when the person who got injured explained as to who gave him that you could understand that person?

MR MYEZA: No that is a mistake.

MS GCABASHE: You do not recall you going to talk to the person that you belonged to one organisation?

MR MYEZA: No [REDACTED] went there in person and Hillcrest policemen as well.

MR GOVENDER: We finally come to the incident involving MK Tubul 1988. Real name was Prince [REDACTED] (?). The allegation - do you know him, do you know this person?

MR MYEZA: Yes I do.

MR GOVENDER: How do you know him?

MR MYEZA: In 1988 Tubul was wanted with regard to some armed robbery cases, I think it was in Claremont, as well as the

Kentucky in Pinetown. After quite some time he was arrested by the kwaThabeka police station, and his docket was 115/98, that was the case number, and he was arrested and prosecuted and he spent some time in prison.

MR GOVENDER: Was that for robbery?

MR MYEZA: That is correct. A number of armed robberies.

MR GOVENDER: And were you responsible for his arrest and possible conviction?

MR MYEZA: The people who arrested him were the police from kwaThabeka. That is kwaThabeka police station and I was not involved in that.

MR GOVENDER: What role did you have to play in this case anyway? It was a robbery case wasn't it? What role did you play in this case?

MR MYEZA: There is nothing that I did except for the fact that they wanted to know, they had his photo, his ID as well as his address and they wanted to get him and luckily there was a photo Tubul.

MR GOVENDER: Was he an MK activist or not, did you know that?

MR MYEZA: Yes he was.

MR GOVENDER: And your branch had an interest in him insofar as his activities as an MK was concerned, isn't that so?

MR MYEZA: When he came back into the country nobody knew that he was around.

MR GOVENDER: But at the time that he was arrested for the robbery and convicted, at that time you knew or your branch knew that he was an MK activist, isn't that so?

MR MYEZA: When he was arrested by the kwaThabeka police station he was brought to our particular branch because they wanted to investigate with regard to his explosives.

MR GOVENDER: They found explosives on his premises, is that what you are saying?

MR MYEZA: Yes some AK-47's according to what I learnt thereafter because I was not present at this time of his arrest, and the matter was being handled by the kwaThabeka police station.

MR GOVENDER: And did your security, did the Security policemen interrogate him in any way, or question him when he was brought there?

MR MYEZA: I think so, I think so, I was not directly involved.

MR GOVENDER: That interrogation.

MR MYEZA: No I wasn't.

MR GOVENDER: Do you know if he was assaulted on that occasion by the Security Branch?

MR MYEZA: I don't think he was assaulted because he was arrested by the kwaThabeka police station.

MR GOVENDER: Was he brought to the Security Branch because of the AK-47 rifles that were found?

MR MYEZA: That is correct. But I never heard that he was assaulted and I don't remember that he was assaulted because I was not part of the squad or the group that arrested him.

MR GOVENDER: ... he was convicted and imprisoned. I think that was in 1988, when he was convicted and imprisoned?

MR MYEZA: I think it was in 1988 ja, but I don't remember quite well. But that information can be obtained from the kwaThabeka police station. They do have a docket, I believe.

MS GCABASHE: ...(indistinct)(mike not switched on)

MR MYEZA: I don't have any clarity as to that effect, but I do know that he was convicted. But if you are interested or want to know I think you can get that much from kwaThabeka police station.

MR GOVENDER: Now the allegations against you Mr Myeza is simply that prior to his arrest on that occasion on the instruction of ~~you~~ you, together with other people, went to Tubul, MK Tubul's house with the intention of attacking him, or attacking the house that he was living in while he was there.

MR MYEZA: That is a lie.

MR GOVENDER: And that you, all of you fired shots at the house and the occupants escaped. Then while this was happening

██████████ was one of the guys that went along with you, one of your policeman, ██████████

MR MYEZA: I wouldn't say that we were going to attack him per se, but we wanted to approach his house in order that we search his house or get him personally. Yes there was an exchange of gunfire and one of the policemen was injured, but it was not an attack. I can't say it was an attack.

MR GOVENDER: ....took place, that's what you confirm?

MR MYEZA: There was information received that Tubul was staying with his girlfriend at that particular house and after that apparently there was a robbery in Pinetown and some police arrived before the others, i.e. one group arrived, and by the time we arrived one policeman had already been injured. That policeman was taken to St Augustine's hospital. So that was not an attack, but that was known amongst the police that the house should be surrounded in order for them to capture their pray or whoever they wanted.

MR GOVENDER: The next incident I want to ask you about Mr Myeza is the attack on Griffiths Mxenge and Kwenze Mhlaba's houses.

MR MYEZA: There is nothing I can tell the Commission with regard to that. I have no knowledge thereof.

MR GOVENDER: Did you know these two gentlemen? Do you know these two gentlemen?

MR MYEZA: Yes I do know them.

MR GOVENDER: Do you know where they lived?

MR MYEZA: Yes I do.

MR GOVENDER: Are you aware of any attacks on their houses?

MR MYEZA: Yes I heard about Kwenze Mhlaba's house attack, it appeared in the newspapers.

MR GOVENDER: Do you know who was responsible for that attack?

MR MYEZA: I do not know.

MR GOVENDER: You don't know.

MR MYEZA: No.

MR GOVENDER: Do you know of the attack on Griffiths Mxenge's house?

MR MYEZA: No. It's possible that he was attacked but I have no personal knowledge thereof. What I know is that he was killed together with his wife, but the attack is beyond my knowledge.

MR GOVENDER: You say you know of the attack on Kwenze Mhlaba's house, do you know what the nature of this attack was?

MR MYEZA: No I do not know. I did hear that he was attacked, his house was attacked, but I do not know as to how.

MR GOVENDER: Well the allegation is that they were attacked, their houses were petrol-bombed.

MR MYEZA: I wouldn't know thereof.

CHAIRPERSON: So if there's a sworn statement in an amnesty application alleging that you took part in such an attack and that you were given material to make the petrol bombs including rubber gloves to cover up and avoid leaving fingerprints by Colonel Taylor then that person is lying, is that right?

MR MYEZA: No that's a blue lie. I never got such an instruction from [REDACTED] and I never did anything of that sort.

MS GCABASHE: It looks as if you were under Colonel Taylor's unit, is it possible that when this unit works or operates you are not present?

MR MYEZA: Yes it was possible. It was quite a usual occurrence. We were divided and we worked at different areas. We would be sent to different areas as part of the group.

MS GCABASHE: Do you remember as to which incidents in which you were involved?

MR MYEZA: There isn't a place that I have never worked and I can't remember each incident *per se*. The only difference is that we were not working all at the same place, if maybe we were 20 we would be divided and we would work at different places at different times.

MS GCABASHE: How many were you in your unit?

MR MYEZA: I could say that a unit had 12, up to 15, there could have been more because there was quite a group.

MS GCABASHE: Could you be 20 or so?

MR MYEZA: Yes I could say, but I don't remember quite well. There were whites as well as black members of the group.

CHAIRPERSON: It's an appropriate time to take the break. There are a lot of matters in which Mr Myeza is not necessarily directly involved as he has been, for example, in this last matter, but they relate to incidents in which C Section members were involved and we need to ask his assistance to see whether he can throw any light on some of the matters. So they won't take as long as these ones have taken, but I do think we will busy for at least another hour.

HEARING ADJOURNS

ON RESUMPTION



MR MYEZA: (s.u.o.)

CHAIRPERSON: We are going to go onto the next incident now Mr Govender. That is Memela is it?

MR GOVENDER: Mr Myeza you know somebody by the name of Tebani Memela?

MR MYEZA: Yes I do.

MR GOVENDER: ...(indistinct)

MR MYEZA: Memela is known also as "Bridge", that's his other name, worked with [REDACTED], [REDACTED] and [REDACTED] Ri, and also he was trained outside South Africa. According to my knowledge he was implicated in the case of Wellington Sebelo's



wife, her death, and also attacking Mhlongo's house, he was also implicated in KwaMashu.

They attacked the house simply because Thomas Sebelo was living in that house. Now they wanted him. From what I have heard I got to Kwale Road and he was already shot by the police.

I was not there when the incident took place. I just got there afterwards.

MR GOVENDER: You said Kwale Road?

MR MYEZA: Yes, that's where they were shot. I got there and the police had already shot, in that road.

MR GOVENDER: Do you know ... (indistinct) shot?

MR MYEZA: No I did not know him in person. I heard about him.

MR GOVENDER: Were you involved in the investigation of the incidents that he was involved in?

MR MYEZA: Yes I am one of the investigators who handled those cases, and Mr Sebelo's wife's case as well. I was there because the MK's were used during those incidents. Now we were investigating such activities.

MR GOVENDER: You say you didn't meet him before he was killed, he was shot, sorry, you didn't meet him before that?

MR MYEZA: No I did not know him in person.

MR GOVENDER: Apart from yourself who else was involved in these investigations, investigation of this person?

MR MYEZA: Almost all the police at the square in the security were searching for him, looking for him, and not only the security also the Umhlazi police because Parliament member's wife was killed, and because of that that's why everybody was up on his feet looking for him.

MR GOVENDER: Do you know which police personnel were involved in the shooting of Memela?

MR MYEZA: Some of the police who were there were from Uniform Branch in Riot Unit, and some from our branch was Lawrie Wasserman was there as well.

MR GOVENDER: ....the branch?

MR MYEZA: I don't remember. I got to this thing after actions now. There were still many police who were there, but it was after they had shot and we did not quite witness the incident.

MR GOVENDER: Did you find out who initially shot Memela?

MR MYEZA: No we took it that he was shot by the Uniform police of the Riot Unit.

MR GOVENDER: Now can you explain to us how it came about that he was shot in Kwale Road, do you know that?

MR MYEZA: No we got there after the incident, they had already shot by then so we don't know. I wouldn't know.

MR GOVENDER: I want to know, do you know how it came about that he was there and he got shot, do you know?

MR MYEZA: I don't know that either, whether he was the one shooting the police I don't know the way the whole thing transpired. But there were police statements that were written by the Riot Unit police who witnessed the incident.

MR GOVENDER: Why did you go there after he was shot, why did you go there?

MR MYEZA: We heard from the radio that there was an attack there taking place now, we had to rush there as expected of the police.

MR GOVENDER: The allegations Mr Myeza is that you were responsible for luring Memela and the others into the sand bush in Kwale road, what do you say to that?

MR MYEZA: I don't agree with that, that's not true.

MR GOVENDER: And you don't know how Memela and the others got to that place, Kwale Road, or why they were there?

MR MYEZA: No I don't know why they were there.

MR GOVENDER: Are you saying that you had no contact with this Memela prior to this shooting incident?

MR MYEZA: No I had no contacts.

MR GOVENDER: Did anybody in the Security Branch have any contact with him?

MR MYEZA: I wouldn't know that much.

MR GOVENDER: But you were one of the investigating officers in this matter?

MR MYEZA: Yes it's possible that you may be the investigator of the issue, but then it's possible at the same time one other person can discover more before you even know or discover.

MR GOVENDER: For how long had you been investigating Memela and those incidents that you spoke about, the killing of Wellington Sebelo's wife and so forth? For how long before these incidents had you been investigating?

MR MYEZA: It was just at the beginning of the investigation when Mrs Sebelo - I think it was on the third day when the police discovered or heard his whereabouts.

MR GOVENDER: How did the police know that he was involved in the killing of Sebelo and the other people?

MR MYEZA: I don't know.

MR GOVENDER: How did you know?

MR MYEZA: I didn't know but I heard from the - I was able to know about that from the information we obtained. I think their fingerprints were taken and that's how we got to get even more information. Whether there was an informer working there that much I don't know, but ██████████ told me that these are the people who did what they did and that's when we started looking for him.

MR GOVENDER: Was Mamela known to the Security Branch as an MK activist?

MR MYEZA: Even though I am not quite sure, some knew him, some didn't know him.

MR GOVENDER: So you say that three days after you started investigating about approximately three days after you started investigating those incidents, killing of Sebelo, Wellington Sebelo's wife and some other people, that these people were then shot in Kwale Road, is that right?

MR MYEZA: No. Sebelo's wife was killed by these boys, that's when we suspected that these are the very people who killed Sebelo's wife instead of Sebelo. Unfortunately it was the wife who was driving the car, they wanted him as the husband but unfortunately that day she was the one driving the car, they got her.

MR GOVENDER: I understand that, but my question is simply that three days after Sebelo's wife was killed Mamela and others were shot in Kwale Road is that right?

MR MYEZA: Yes, approximately, that's an estimation.

MR GOVENDER: So it was very soon after you started investigating the killing of Sebelo, you and other people started investigating that these guys were killed, isn't that so?

MR MYEZA: Yes, but Mr Chairperson it was not myself only who was investigating this matter, we were quite a number. Everybody was investigating this matter.

MR GOVENDER: I understand that, I understand that, but my question is - okay we'll leave it at that. All the other people that were investigating this matter did they communicate with each other when they came across any information about who possibly could be the suspects and where they could be found and that sort of thing?

MR MYEZA: As I said the information had come to the surface and we were being told on the ground down there, that this is the person who killed Sebelo's wife and this is that, and this is that.

MR GOVENDER: So you knew before he was killed that Mamela was one of the suspects in this matter?

MR MYEZA: Yes our commander Colonel Taylor told us so. Almost all the members knew then that these are the people we should go after because ~~these are the ones~~ who are committing these things.

MR GOVENDER: Did you know where Mamela was, where he could be found?

MR MYEZA: No one knew. That thing happened or transpired in Umhlazi so we were going around Umhlazi as well.

MR GOVENDER: Did you ever find out subsequently how the police knew to find Mamela at Kwale Road the night he was shot?

MR MYEZA: No I did not ask that much, I didn't even bother to ask them.

CHAIRPERSON: Do you know that three people have applied for amnesty for that incident?

MR MYEZA: Yes I know.

MR GOVENDER: Did you know Mamela's girlfriend?

MR MYEZA: No.

MR GOVENDER: Did you ever hear of an MK member called "Young Lion", he operated in the Pietermaritzburg area?

MR MYEZA: The one I know was "Big Lion", not "Young Lion". I don't know Young Lion, I know Big Lion.

MR GOVENDER: It could have been a young Big Lion. ... (indistinct) arresting ... (indistinct) (mike not on)

MR MYEZA: No.

MR GOVENDER: What do you know about Big Lion?

MR MYEZA: According to my knowledge Big Lion was being hunted by the Pietermaritzburg Police after shooting the people of Taylor's Halt, where he shot about four to five people using MK's. After that he fled to Eskhoweni where he attacked the police station. From there he fled the country. That is as far as I know. Now it took place in Pietermaritzburg, not in Durban.

MR GOVENDER: His real name was ~~████████████████████~~, is that right? Is it the same person?

MR MYEZA: I don't remember. This is why I say I recall Big Lion not Young Lion.

MR GOVENDER: The allegation Mr Myeza is that in Pietermaritzburg one Askari who was together with you and [REDACTED] had recognised this Young Lion or Big Lion and that he had come to you and told you that he had seen the Young Lion or the Big Lion.

MR MYEZA: No.

MR GOVENDER: And that you also ignored him...

MR MYEZA: No.

MR GOVENDER: And that you, together with a white soldier, grabbed the Young Lion or the Big Lion.

MR MYEZA: I completely repudiate all of that. I never worked with the soldiers. That is a blatant lie and a blue lie.

MR GOVENDER: You even telephoned the station to send somebody to pick him up after you had arrested him.

MR MYEZA: No. Maybe they made a mistake. Maybe some people who were there. I never arrested anyone in Pietermaritzburg.

MR GOVENDER: ...(indistinct) with the Askaris whenever they made an arrest or they identified an MK activist, were they paid for that?

MR MYEZA: That much was between their superiors or their leaders and themselves. I am not in a position to refute that or agree with you.

MR GOVENDER: You don't know in other words?



MR MYEZA: I don't know if they were paid and how much. But I don't completely refute the fact that they were being paid. That might have been kept as a secret you see because we were also paid.

MR GOVENDER: Did you ever work outside the Durban area, were you ever sent out outside the Durban area to do work, reconnaissance or whatever?

MR MYEZA: Yes I went to Uitenhage during the unrest when Kinikini were burned by tyres. Now all the police were sent and deployed in that area, from Uniform Branch down to Security Branch, to investigate matters in that area.

MR GOVENDER: (mike not on)

MR MYEZA: East London is one place I've been.

MR GOVENDER: What did you do in East London?

MR MYEZA: It was during the unrest times.

MR GOVENDER: Yes, but what did you do there?

MR MYEZA: I went there to take statements and many police as well were sent there.

MR GOVENDER: Take statements from whom?

MR MYEZA: From the people who were injured and the people were being attacked and the people who were being burned and from the people whose houses were set alight. Those were the people we were taking statements from.

MR GOVENDER: Have you ever been to Josini?

MR MYEZA: Yes I have been to Josini.

MR GOVENDER: On many occasions, on one occasion, how many times have you been to Josini?

MR MYEZA: I have been there on many occasions.

MR GOVENDER: Now what did you have to do in Josini, what was the work mainly?

MR MYEZA: As we were searching for the weapons after the unbanning of the ANC we would go and search for such because Mozambican people who were selling such weapons to people from Duli Mbazwane and such areas and we will go to search for those weapons or guns.

MR GOVENDER: Were you ever looking for MK cadres?

MR MYEZA: No. I have never worked there. We will only look for or search the houses for weapons because we were aware of the fact that they were selling the weapons to people, to the civilians, to that they could get some food and clothing.

MR GOVENDER: Do you know a [REDACTED]?

MR MYEZA: Yes I do.

MR GOVENDER: Did you ever work with him?

MR MYEZA: I have never worked with him direct but I do know him.

MR GOVENDER: Have you ever been to Josini with him?

MR MYEZA: No, no.

MR GOVENDER: You are quite sure about that?

MR MYEZA: Yes I am quite sure about this.

MR GOVENDER: Do you know Joe Coetzee?

MR MYEZA: Maybe if I see him I will remember him, but I don't remember him now.

.(The speaker's mike is not on)

MR GOVENDER: The allegation is that you had gone up with a number of other people including [REDACTED] and [REDACTED] to Josini area in search of two MK cadres.

MR MYEZA: No I have never worked in Josini at the time.

MR GOVENDER: You found them and one of them was shot and the other one ran into the dam after shooting Frank McArthur, do you remember that?

MR MYEZA: No I never worked there. I was not part of the group that worked in Josini.

MR GOVENDER: You can't remember this incident at all?

MR MYEZA: Not that I don't remember, but it was not me who worked in Josini or I never worked at Josini and this incident took place in my presence. It's on record that the people who were working at that place were who and who and who.

MR GOVENDER: But it's not that you never worked in Josini, you told me earlier on you did work in Josini looking for arms and stuff like that, isn't that so?

MR MYEZA: Yes.

MR GOVENDER: So you were there.

MR MYEZA: Yes I admit that I worked in Josini but as for that day when ██████████ was shot I was not present.

MR GOVENDER: Do you remember the day he was shot?

MR MYEZA: I don't remember that.

MR GOVENDER: You don't remember when he was shot, no?

MR MYEZA: Yes I don't remember. But if the Commission wants to obtain such information it is at the Commission's liberty to go and search for details and they will find out that it will be - people will be authorised to be going to such places and work.

MR GOVENDER: Where should we search for those details?

MR MYEZA: No I just thought in case the Commission is not satisfied the Commission is at liberty to search for more information.

MR GOVENDER: Can you point us in the direction of where we should search for more information? Do you know possibly where we can search for more information?

MR MYEZA: Yes you could go to the head office. You might obtain some information or even McArthur's statement you can gather more from the medical certificate as well, you will get more information. That will perfectly state as to who was there and what happened.

MR GOVENDER: Do you really think that that information will still be available Mr Myeza?

MR MYEZA: Yes maybe in his file, McArthur, there will be a medical certificate from his file. You gather so much information from the statement.

CHAIRPERSON: Mr Myeza we know when he was shot, we don't need to find that information. We have an amnesty application which tells us exactly when he was shot and also states who was there and it says that you were there. And it says that two people were shot, one was shot after he had been arrested, and the other one was shot after he ran into the water.

MR MYEZA: As I have answered to this Commission it is my request to you as a Commission because McArthur was shot there is a statement that will shed more light as to who were there. I am sure about the fact that I wasn't there myself. And I have got evidence to that effect. I am asking the Commission, the Commission is at liberty to go and search and look for his file and go through his file and go through that file and will gather more information.

MR GOVENDER: The trips that you made outside Durban, when you had to work outside the Durban area, was that ever recorded anywhere? Sorry let me rephrase it.

Whenever there was an occasion for you or anyone else in the Special Branch to go outside the Durban area and work in another precinct or whatever, was that fact ever recorded? Was there permission required? Was any documentations filled up?

MR MYEZA: I don't know, because you will be given an instruction to go to a certain place except for when you will be filling up a claim that you won't be around or you are not at home. I think that's the only way you can see, ja, that out.

MR GOVENDER: S & T where you claim for allowances when you are out?

MR MYEZA: Yes.

MR GOVENDER: And that will reflect the times that you are out of the area, well sort of, almost?

MR MYEZA: It will show that you are not at home.

MR GOVENDER: Mr Chairman I still want to - is there any questions on this?

[REDACTED] was an ANC/MK person who became an Askari, is that right?

MR MYEZA: Yes.

MR GOVENDER: Was he ever required to infiltrate the ANC structures, local structures?

MR MYEZA: I don't know because only the leaders will be aware of such a thing.

MR GOVENDER: Which leaders are these?

MR MYEZA: For an example here in Durban [REDACTED] would be the one who will negotiate with them for a person who could be able to infiltrate.

MR GOVENDER: Do you know of any circumstances where [REDACTED] had in fact infiltrated MK units in the country?

MR MYEZA: No. I don't remember. I am not saying that did not happen, but what I am saying is that I don't have any recollection of that.

MR GOVENDER: Now the MK unit in Umhlazi do you know who was involved in it and how they operated, you personally?

MR MYEZA: There was never an MK unit based in Umhlazi, they will just get in and out to carry on the mission and go back, not that they were based in Umhlazi. There was never a thing like that.

MR GOVENDER: Let me rephrase it, the one that operated in Umhlazi do you know who they were?

MR MYEZA: Yes there is like Pela Ndwandwe, Stanley Moni was also operating in Umhlazi, ultimately arrested.

MR GOVENDER: Did [REDACTED] know all these people?

MR MYEZA: [REDACTED] ended up working with Stanley Moni in Pretoria.

MR GOVENDER: Yes before he worked in Pretoria, while there were units still operating as MK unit, did he have contact with these people?

MR MYEZA: No, I don't know. I don't think he had any contact because he was arrested not even knowing them.

MR GOVENDER: He was arrested before he knew them, is that what you are saying?

MR MYEZA: They were arrested, Stanley Moni before he knew them.

MR GOVENDER: Is it possible that he would have been used to infiltrate the MK unit operating in Umhlazi?

MR MYEZA: I don't know. As I explained before that only the leaders would be aware of such information.

MR GOVENDER: Let's pose the question this way to you. If anybody was used to infiltrate the Umhlazi, or the unit operating in Umhlazi, the MK unit, would [REDACTED] be the best choice or the most logical choice?

MR MYEZA: I don't know his expertise and his intelligence as well.

MR GOVENDER: It's amazing for a man who has been in the Security Police for such a long time there's very little you know about anything that happened in that unit. I find that very strange you know.

MR MYEZA: I would like to explain to the Chairperson. You couldn't know everything. You couldn't know as to who is infiltrating which area because they will not come out openly and know them so that will lead to a situation where you don't know who is doing what and where.



MR GOVENDER: I don't expect you to know everything, but of the ten questions I just asked you now you knew the answer to none of them. On an average it's a bit strange isn't it?

MR MYEZA: I will be very pleased if you may repeat the questions that I did not perfectly answer because I will tell you what I know and what I don't know I will not tell you.

MR GOVENDER: ....do that Mr Myeza. Do you know of an attack in 1987 or a shootout in Umhlazi at a house where there were allegedly MK cadres?

MR MYEZA: I heard about that.

MR GOVENDER: You heard about that. What did you hear about, what happened there?

MR MYEZA: I heard that the police went there to arrest and they were attacked and they also fired back.

MS GCABASHE: (mike not on)

MR MYEZA: I don't know because I was not there in person, but I had heard, I don't know as to who was there but I know from the riot unit and other white policemen from Security Branch, but I don't know exactly who they were.

MR GOVENDER: ...killed who were they, or what did you hear about that, the people who were killed in this house?

MR MYEZA: I didn't hear anything and I don't know who those people were.

MR GOVENDER: The submission is that they were MK cadres, what do you say about that?

MR MYEZA: Yes that's what was said, because the houses that were attacked were two from R and N. All that we heard that some of the police were also attacked and were shot at and got injured.

MR GOVENDER: I understand all the people in those houses were killed, is that right?

MR MYEZA: Yes I also heard the same thing.

MR GOVENDER: And they were identified as being MK cadres?

MR MYEZA: That much I don't know because I never was a part of the people who were there in person.

MR GOVENDER: Now if they were MK cadres who would investigate that matter?

MR MYEZA: There is no one. I don't think there is any black policemen or any black man who was aware of that, or who knew that.

MR GOVENDER: Did the Security Branch in fact investigate that shootings?

MR MYEZA: As I had explained earlier on Mr Chairperson I was not there. I don't know what happened and what transpired but I had heard that there was that kind of an incident.

MR GOVENDER: The allegation is, Mr Myeza, that you were the person who pointed those houses out to the police just prior

to the shootout. That you had taken them and shown them where the houses were. What do you say to that?

MR MYEZA: That's a lie. How could I point out some houses, being a policeman, point out houses to other policemen. I was not part of the investigating team.

MR GOVENDER: Did you point the houses out to the [REDACTED], [REDACTED], at any stage?

MR MYEZA: I have never worked with [REDACTED].

MR GOVENDER: Did you know the houses that were used by MKs in Umhlazi?

MR MYEZA: No I didn't, because if we knew those houses we would have effected some arrests.

MR GOVENDER: ...(indistinct) and watched them and find out whose involved and try to get a fuller picture before you arrest anybody, isn't that so? The nature of your work at that time.

MR MYEZA: What I am explaining is I don't know the particular incident that you are referring to. ...(tape ends)

MR GOVENDER: As a security policeman, houses or premises in Umhlazi that were used by MK either for meetings of whatever, did you know that?

MR MYEZA: I would like to exp... on that so you get an insight. There isn't a place where the MK was based. They only came on those special occasions when they come to kill people or

plant bombs, then they would go out, they didn't have time to stay there and hold meetings there.

MR GOVENDER: I'm aware, I'm sure, the question is not, I didn't ask you whether these permanent bases, I asked you premises that were used by MK, whether they came in and that the meetings, discussed, left things, whatever, houses that were under surveillance by the security police, do you know of any of those houses? You don't?

MR MYEZA: No this isn't a house that was kept under surveillance for that particular purpose, because we as the security branch knew that they would come to a particular place and leave before they were discovered.

MR GOVENDER: ...wouldn't you?

MR MYEZA: No you wouldn't know as to where they would get to but you would get information that so-and-so is at a certain place.

MR GOVENDER: Information that so-and-so is at a certain house or has been at a certain house, and that person is known to be an MK person, wouldn't the security branch then keep surveillance at that house?

MR MYEZA: No we never used to do that but we would go spontaneously when upon receiving information that they were at a particular house we would go there but thereafter we would look at other places.

MR GOVENDER: Mr Myeza I find that very strange, your answer. We have had information before in this Commission, before hearings like this where security policemen have come and said that they carried out extensive surveillance of houses and premises, bugging and so forth, and much of that was used to gather information because their network in relation to information gathering was wide, included having houses and families and individuals and halls and other places be bugged and surveyed and so forth and so on you tell me you paint a picture.

MR MYEZA: I would like to repeat that once more, what I'm saying to you is, if a person comes, he would tell the police or inform the police that the MK people had arrived at a certain place, then we would go to a particular place that we had been tipped off that the MK is there and they never used the same venue twice because each time they use a venue we would discover that venue.

MR GOVENDER: Do you know a ...(indistinct) by the name of Trifina Jakweni?

MR MYEZA: I don't.

MR GOVENDER: You never heard of that name?

MR MYEZA: No.

MR GOVENDER: In relation with MK activities, that name has been associated MK activities in the Umhlazi area?

MR MYEZA: No I don't know, as far as I know there isn't any Trifina Jakweni.

MR MYEZA: Do you if he's discussed in - if Jakweni was ever questioned about.

MR VAN SCHALKWYK: (speakers mike is not on) Jakweni, I don't see how he could know whether she had been questioned in relation to the death of Festa Lemeze, I think...(intervention)

MR GOVENDER: Okay we leave it at that.

MR MYEZA: I would like to, if you are speaking with regard to Lemeze's death, at this time I was in hospital, so whatever happened thereafter, I wouldn't know, because if you refer to this period during which Lemeze died I was admitted that day, and what happened or transpired thereafter, I wouldn't know.

MR GOVENDER: Mr Myeza do you know Joe Pillay?

MR MYEZA: No. What ever affected the Indian people, there was a certain unit that dealt specifically with the Indian people and they never dealt with black affairs or black matters and I wouldn't know anything that pertains to an Indian person because they have their specific unit.

MR GOVENDER: This incident that I'm going to relate to you now, pertains to a much earlier period, between 1980 and 1981, he was kidnapped by an [REDACTED], [REDACTED] and [REDACTED].

MR MYEZA: No I do not know but what I can tell you is we never dealt with Indian affairs or Indian matters, we never knew them, they never knew us.

MR GOVENDER: Well have you ever spent any of your time in Pretoria during 1980/1981?

MR MYEZA: At that time I didn't go to Pretoria during 1980 and '81.

MR GOVENDER: Did [REDACTED] go to Pretoria in that period, do you remember?

MR MYEZA: I wouldn't remember because at that time I was not reporting or working with him directly, I was working with W/O Mduzi who's since been deceased. He was there but I wasn't working with him directly.

MR GOVENDER: Joe Pillay was kidnapped and brought to Pretoria where he was interrogated by and assaulted by [REDACTED] who was a captain at the time and [REDACTED], do you know anything about that?

MR MYEZA: I know nothing of that sort.

MR GOVENDER: ...that you one of a group of people including Taylor, Fourie and other people who took Pillay to a place belonging to military intelligence in Pretoria.

MR MYEZA: No, I wasn't with [REDACTED] at that time and the intelligence officers never used, we never used to go to the intelligence office, only the white people used to go there.

MR GOVENDER: But you were used Mr Myeza to guard Mr Pillay while he was in the bunker, do you remember that?

MR MYEZA: I deny that. As I explained to you that we never handled any Indian matters, they investigated their matters on their own and we were not involved.

MR GOVENDER: But do you know of any other person who was given the name Spyker besides yourself in the security branch here or in Pietermaritzburg or Pretoria?

MR MYEZA: Yes there is another guy called [REDACTED] who was in Pretoria, he was an [REDACTED]

MR GOVENDER: ...(indistinct)

MR MYEZA: [REDACTED]

MR GOVENDER: ...(indistinct)

MR MYEZA: No, the last time I saw him on TV appearing with Dirk Coetzee.

MR GOVENDER: ... [REDACTED] from the -

MR MYEZA: Yes [REDACTED].

CHAIRPERSON: Mr Myeza, the next incidents and there are 10 or so, there's no allegation made that you any way were involved in these matters and the purpose of us putting them to you is as part of our investigations into these various matters, we would like to know from you whether you can in any way assist us with these investigations, that's part of our job and that's part of these investigative inquiries is to try and solve unresolved crimes and



things like that and because you were part of C - Section and it is alleged that these incidents involved some security branch C - Section members we just want to put certain incidents to you to see whether you can perhaps throw some light on what happened and who was involved.

MR MYEZA: I will gladly do that.

MR GOVENDER: Okay Mr Myeza do you know about the abduction and killing of Killer Porwa and Ndoze, alias MK Izandile?

MR MYEZA: Yes I was advised by my attorneys that there are certain people we have applied for amnesty with regard to those incidents.

MR GOVENDER: Is there about that abduction and killing that you'd like to tell us apart from what you heard from your attorney?

MR MYEZA: I have no knowledge, I do not know as to how they were killed and what happened, but I did they were killed and they were dug up or exhumed at some stage.

MR GOVENDER: ..or anything or abduction of ...(indistinct)

MR MYEZA: No.

MR GOVENDER: Do you know anything about the killing of Mbeki Nkwonazi alias, MK Tekere?

MR MYEZA: Yes I do know about Tekere. Tekere was arrested at the sugar terminal and he was in possession of some AK47's as

well as hand grenades, and he was taken to CR Swart Square. That is where he was investigated and thereafter explosive experts were sent to go and look for other explosives as well as bombs and we were not explosives experts, so that case was outside our spectrum.

MR GOVENDER: ...(indistinct)

MR MYEZA: Yes.

MR GOVENDER: Who was involved in it apart from you?

MR MYEZA: There was Sisiso Ndhlovu. I'm not sure about Lorry, I think it was Lorry Wassermann and du Preez. It's quite a long time ago. I think that's how it happened and I'm not really positive on that aspect.

MR GOVENDER: ..to arrest him?

MR MYEZA: We received some information that he was coming and he was in possession of some AK47's, that's how he was arrested.

MR GOVENDER: ...(indistinct)

MR MYEZA: ...(indistinct)

MR GOVENDER: Anything else on Tekere?

MR MYEZA: That is the last time that I was involved in the case, that is after the arrest and the investigating officer went further and I wasn't there at that juncture.

MR GOVENDER: Were you not present at his interrogation or hearing?

MR MYEZA: No I wasn't.

MR GOVENDER: Had you known at that time what had happened to him? Because he was arrested, he was taken to custody and you didn't see him again, did you ever find out what happened to him?

MR MYEZA: There were two things that could have happened to him. Maybe after he was interrogated he could have relented, maybe to be an informer because the person who was interrogating him or was involved, I don't think I know where he is at this juncture.

MR GOVENDER: Do you know of the arrest and killing of Charles Ndaba and Boso Shabalala?

CHAIRPERSON: Mr Myeza, you say that man was arrested, was he arrested, did you take him by surprise, did you catch him in possession of unlawful weapons or hand grenades, or did you simply walk up to him and advise him that he was under arrest, was he trying to run away when you arrested him, or what was happening?

MR MYEZA: When we got to him we produced our ID's, and when he became aware that we were going to arrest him he became wary and we suspected that he wanted to run away; that's when we pounced on him because he was also armed. So it was not easy for us to relax and read him his rights and talk all - it

was going to be very difficult because at that time he put his hand inside his pocket....(intervention)

CHAIRPERSON: I'm not questioning you about whether you read him the judges rules or anything like that, but was he armed?

MR MYEZA: Yes he was armed. Yes we got some hand grenades and some AK47's, that is two AK47's and if I remember quite well, he had a Makarov or Tokorov, something of that sort.

CHAIRPERSON: Two AK's, a Tokorov, hand grenades.

MR MYEZA: Yes that is true. The grenade was inside his pocket and he had a hand bag or some sort of a bag that had these two guns.

CHAIRPERSON: So he was placed under arrest. In a formal sense he was arrested and he was handed over to who?

MR MYEZA: He was arrested, we went with [REDACTED] and [REDACTED] we took him to the CR Swart Police Station and the investigators continued to investigate or interrogate him.

CHAIRPERSON: One would have expected that he would have then been charged with a whole range of offences, unlawful possession of explosives and weapons, all sorts of things, terrorism.

MR MYEZA: Yes that is true but it could happen that if another person didn't want to go back to ANC he would work hand in hand with the police and be an informer, and he probably could

have been interrogated to such a point that he decided to work with them or he might have gone back outside the country.

CHAIRPERSON: Back outside the country if he was under arrest for very serious crimes. How could that happen?

MR MYEZA: That was easy because at the time that he came in, he came in quite easily and it was easy for them to go out of the country. I would like to explain that it is possible that he was recruited and turned into an informer and he would be released to go back and inform on his colleagues and his co-workers with the MK or within the MK structures.

CHAIRPERSON: In theory, but in fact, what happened to him is that he wasn't charged and attempts were made to persuade him to become an informer, to become an askari and he refused to do that thing and so he was also killed and he was buried by members of your unit, did you know that?

MR MYEZA: I didn't know before that that happened, but when the reports appeared in the newspapers and my attorneys advised me, it's only then that I came to know; I think that was a secret as what happened to him until it was divulged at some stage.

CHAIRPERSON: You said earlier on that it may be or it could be that when they were being interrogated, they might relent and agreed to become an informer, that's the word you used, they might relent and become an informer. What would make them do that? Why would they decide to become an informer?

MR MYEZA: According to my knowledge, I think if they want to recruit a person, they would talk to him aside so that another person doesn't know that he's been recruited and then they would release the person out, they would be the only ones who knew or who know that that person has been successfully recruited.

CHAIRPERSON: What means did they use to persuade people to become informers.

MR MYEZA: That's what I'm explaining, whatever they were doing, they were doing it in camera, they never used to tell people but they would talk to the person aside, so you wouldn't know whether they were torturing the person or they were convincing him. So at times you would just see people being released regaining their freedom without you knowing that they are now informers. They never used to tell the black people because they said we would carry the news to our fellow blacks in the locations or in the residential areas.

MR GOVENDER: Yes what do you know Mr Myeza about the arrest and killing of Charles Ndaba and Mbuso Shabalala?

MR MYEZA: I do not know anything about but what I heard was that Charles Ndaba was arrested by the [REDACTED]  
[REDACTED] They tried to phone us in order to enlist help, they paged us but they were unable to get us, and at a later stage they phoned the uniform branch who helped them to affect an arrest but we were not present at that stage.

MR GOVENDER: ...(indistinct)

MR MYEZA: ██████████ is the one who told us that that they were helped by the uniform branch to arrest him.

MR GOVENDER: ... that they, he and, was it Ninela who arrested these two people, how did that come about?

MR MYEZA: He said he knew him from outside the country. Skakane said it that he knew Charles Ndaba, he was his commander outside the country.

MR GOVENDER: And do you know where this arrest took place?

MR MYEZA: He said he arrested them at the chemist where they were picked up by the police at a later stage. City centre but I don't know which one in particular.

MR GOVENDER: Anything else about these people you know? Do you know what happened to them?

MR MYEZA: Yes it appeared in the newspapers and my attorneys also advised me that the security branch police admitted that they were the ones who were involved in the killings.

MR GOVENDER: They didn't say how they were killed?

MR MYEZA: No.

MS GCABASHE: You said the uniform branch assisted them to certain arrests because they couldn't get you, was that a usual occurrence that the askaris work all on their own?

MR MYEZA: Yes it did happen, they would work all by themselves at times.

MS GCABASHE: Why was it that they couldn't get hold of you or part of your group?

MR MYEZA: It was on a weekend and we were not working, some were not working.

MR GOVENDER: Do you know anything about the arrest and killing of Sibiso Ndhlovu, Manzi Muligazi and Vuze Gift Muchali.

MR MYEZA: I don't know anything.

MR GOVENDER: ...people?

MR MYEZA: No not anyone of them.

MR GOVENDER: .. of Nxele of 1987?

MR MYEZA: I don't know him.

MR GOVENDER: You don't know him? The arrest and abduction of Chief Nofumulo and attempted murder on Falo Zuma?

MR MYEZA: I don't remember Nofumulo being abducted, what I know was that Nofumulo was arrested by the uniform branch because he was in possession of some firearms at the beach front and he was chased by the police until they arrested him at South Cross Road along the freeway. That is all that happened that I know of, not the abduction part of it.

MR GOVENDER: And do you know anything about Falo Zuma, the chief's brother?



MR MYEZA: No I do not know anything about him.

MR GOVENDER: Do you know anything about the abduction of Fonono Mcunu and David Chezi in 1990?

MR MYEZA: [REDACTED] was not abducted, he was arrested.

There were quite a number of matters against him, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And after quite some time [REDACTED] wanted to [REDACTED]

[REDACTED] continue with his criminal activities and he started robbing

people of their money and arms; he was involved in armed

robbery. They robbed the Fidelity guards and killed the security

guards there. They continued with their armed robberies; they

were working with Baba at the time and after he had been

arrested he skipped, he ran away from court, he also ran away

from Brighton Beach and when he was arrested for the second

time he was found in possession of some AK47's after having

ambushed some police in Lamontville, that is himself and Sibu

Nkize who is now late.

As I'm talking he's wanted, there are quite a number of

warrants of arrest against him, that is more than three and he

ended up going to Transkei, they were not able to locate him in

Transkei to affect an arrest.

MR GOVENDER: Do you know David Shezi?

MR MYEZA: I don't know David Shezi but what I remember is that at the time [REDACTED] was arrested, that person was also arrested but taken back to Lamontville.

MR GOVENDER: Who arrested these people?

MR MYEZA: [REDACTED], I was also present when Fonono was arrested for the first time, he was arrested by myself together with other policemen and there is an informer who positively identified him with regard to the robbery cases [REDACTED]  
[REDACTED]  
[REDACTED]

MR GOVENDER: Do you know anything of [REDACTED] known as [REDACTED] on the 27th of August 1992.

MR MYEZA: Maybe the name is Baba, not [REDACTED], [REDACTED].

They were working together with [REDACTED]. After conducting quite a spate of armed robberies, it was heard that they were at Port Shepstone where the Murder and Robbery Squad tried to close in on them. He had quite a number of murder charges against him as well as armed robbery cases. That is Baba.

MR GOVENDER: Do you know who killed Baba?

MR MYEZA: He was not killed, there was some exchange of gunfire and he was consequently killed during that exchange, and there was an inquest held as well as an officer who attended to

that and when they looked at the inquest docket it was discovered as to what happened.

MR GOVENDER: Do you know anything of Kenneth Ngwenegwene, 18 August 1992 in Pietermaritzburg?

MR MYEZA: No I do not know Kenneth.

MR GOVENDER: Do you know anything of Utto Ndwaba August 1985?

MR MYEZA: I do know Toto David about his killing because he was an activist and he used to work as an arms courier fetching arms from Swaziland and bring them into South Africa using Avis cars and during that time there were certain attorneys, Maqobela and Nxuba, but if you're speaking with reference to August, at that time I was not here, I was in Queenstown, August 1985. That is at the time they had killed Sam Mkinikini, had been necklaced together with his child. That was the very first time that a person had been necklaced and I wouldn't know anything with regard to that matter.

MR GOVENDER: Do you know anything with regard to the death of Mtabi from Richardsville, 24 August 1984?

MR MYEZA: No I do not know that one. I do not know him, it's the first time I hear of him.

MR GOVENDER: Mr Myeza you've appeared in a number of inquests where certain rulings were made regarding killing of people in the course of action and so forth. Is that right?

MR MYEZA: I would request you to expatiate on that, which inquests are you referring to particularly?

MR GOVENDER: Well maybe I should go through them, each one of them, you can tell me what was the story behind those. On 28 May 1982 at KwaMashu, Kumbulo shot by Myeza at Limbeda Shopping Centre, do you remember that inquest?

MR MYEZA: Yes I do.

MR GOVENDER: And the outcome of that was?

MR MYEZA: I think it's Kumbulo but he was known by another name at that time. His ID never reflected Kumbulo, he was wanted with regard to armed robbery that occurred at Chabula Shopping Centre in Vema, S J Smith just outside Vema together with Mzimela. When they exchanged gunfire, Mzimela could not use the firearm because it was an automatic, he just pressed it and it continued firing. He put the gun down and ran away, even before he could rob the shopping centre and a certain person came to report the square, I don't know who he told but he reported that there was a certain person who had a lot of guns in his possession and at that time the Murder and Robbery were looking for the people who were possessing those guns. They went into this man's shack, that is in Nanda, Newtown and when they got there this person did not arrive that was the Murder and Robbery Squad as well as the security police. The following day they continued the search for him and apparently they had made

and appointment that they were going to go to the shopping centre and the police were put at different places around the shopping centre and the informer pointed him out, Limbede went to him and produced his appointment certificate and said he was arresting him and this person had a hand bag with him, and when Limbede tried to arrest him this person pulled out a hand grenade and as he was doing that Limbede retreated and I went forth to try and help him but I could see that he wanted to detonate the hand grenade and he detonated it, it explode. That's how he died, but he did not die because the police were killing him or killed him, he was a wanted. That's where Limbede got injured. I don't know whether he was shot or was hit by the shrapnel of the hand grenade.

MR GOVENDER: Was Kumbulo an MK member?

MR MYEZA: As I've already said he was an MK member but Nkumbulo or Kambule is not the name that was reflected in his ID, he had another name.

MR GOVENDER: The M K name, do you know?

MR MYEZA: It has slipped my mind but he was a member of the MK because as he was conducting these armed robberies he had already recruited a number of people who were later arrested and convicted.

MR GOVENDER: .. Mbeni Shanami?

MR MYEZA: As I've already explained we did not know him at that time, we were only told by the informer. If the informer wasn't there we probably wouldn't have been able to arrest him.

MR GOVENDER: Okay, did he recruit anybody, this Mkunbulo, did he recruit anybody that you know of, into the MK structures?

MR MYEZA: Yes there were quite a few people but they were later arrested. I don't remember their names offhand but they were his recruits because he had already recruited the informer and he had given the informer a gun and the informer told us that he had left this gun.

MR GOVENDER: Okay, at the incident, Ndwedwe on the 8th of June 1984 where two ANC guerillas were killed in a shoot-out with police, do you know anything about that?

MR MYEZA: Yes I do remember that, I think it was in the end when the Police as well as the community members gathered some information that there were people who were sitting by the river, they had guns and the police Ndwedwe together with the security branch as well as [REDACTED] and [REDACTED] and the [REDACTED] police, they went to the place and they got the people sitting by the river with the guns. I don't know what happened at a later stage but there was some exchange of gunfire and the police were able to shoot them first.

MR GOVENDER: ...(indistinct)

MR MYEZA: No I wasn't, the inquest was attended by Ndule and Lembede, it was held at the Ndwedwe Court.

MR GOVENDER: ....or 8th of August '84, and ANC suspect died a grenade attack in Inanda Durban, a police complex. Do you know anything about that?

MR MYEZA: I don't remember any person who was attacked at the complex, maybe you're referring to Msane who was shot at Ndwedwe, he was not shot but he was pointed out by a person known to him and we tried to accost them but he ran and he ran into the river and stood on the other side of the river and tried to shoot at us and we chased him and he had this hand grenade in his hand and when he went around the toilet, that is within the residential area, I think the grenade exploded at that time and he was killed.

MR GOVENDER: Motsamai, do you know Motsamai?

MR MYEZA: Maybe I can help the Commission but I'm not sure. There is a person who was injured at Inanda and brought to the police station, he tried to attack the police station with a hand grenade and the hand grenade hit the windowpane and bounced back to him and exploded, that's how he died, he died inside the police station, if that is the person you are referring to. There is another one who died on that day.

MR GOVENDER: Which policemen were present when this happened?

MR MYEZA: It was an attack that was being launched at the police station and the police were there.

MR GOVENDER: Were you there?

MR MYEZA: No I wasn't. The person was attacking the police station and when he threw the hand grenade it didn't go through the window, it just hit the window pane and bounce back to him and it exploded before he could run away.

MR GOVENDER: Any of your detainees, did you ever tell them that you in fact killed this man Motsamai?

MR MYEZA: No ...( tape turned over) a person who's got any faith in him wouldn't say such a thing probably.

MR GOVENDER: Mr Chair I think that puts an end to our questions for the day.

CHAIRPERSON: Thank you Mr Govender, I think subject to what we discussed briefly before lunch, if Mr Myeza can communicate through his attorney to Mr Govender or Swannenburg concerning the issue of the person in Swaziland, we'd like to try and clear that up if possible, otherwise there are no further issues which we need to cover here.

MR VAN SCHALKWYK: Mr Chairman those instructing me will as soon as we have made contact with the actual handler revert to Mr Govender about that. We have not received, we tried again lunch time we couldn't find ...(indistinct)



CHAIRPERSON: Okay well thank you very much, you are excused Myeza.

HEARING ADJOURNS

