

TRUTH AND RECONCILIATION COMMISSION

SECTION 29 HEARING

"IN CAMERA"

DATE: 9 MARCH 1998

NAME: M Q MKHWANAZI

HELD AT: DURBAN

CHAIRPERSON: Thank you. If both of you could please come forward just to take the prescribed oath. I know you have probably taken it elsewhere, if you can just come forward and read it for me. All you need to read is paragraphs A & D. If you will just do it separately.

RECORDING MACHINE OPERATORS TAKE OATH,
AFFIRMATION AND INTERPRETERS TAKE OATH.

Good morning everybody, welcome, thank you for coming.

This is an inquiry in terms of section 29 of the Promotion of National Unity and Reconciliation Act. We have checked the recording devices and all the transcribing, recording and translating officials have been sworn in.

We will break for tea at 11H00 and will take a short lunch adjournment at 13H00, just so that everybody knows what the time ahead looks like. Then if we haven't finished we may continue after lunch, we'll just take it from there.

The purpose of this inquiry is an information-gathering exercise conducted under the investigation procedures of our Act.

Mr Mkhwanazi are you hearing the proceedings in Zulu?

INSP MKHWANAZI: Yes I can hear Zulu.

CHAIRPERSON: Thank you. Mrs van der Walt, you are Afrikaans-speaking but we haven't provided an Afrikaans interpreter, I must apologise for that. Are you okay to continue in English?

MS VAN DER WALT: Yes that is fine.

CHAIRPERSON: Mr Prinsloo, you are okay?

MR PRINSLOO: Mr Chairman inasfar as the issues are concerned.

CHAIRPERSON: Yes.



MR PRINSLOO: As you have indicated prior to the commencement of the proceedings that it will mainly concentrate on issues that pertains to Pongola which is within the jurisdiction of this particular committee, and the issues pertaining to Piet Retief which falls outside the jurisdiction of this committee, is that correct? That is what I explained to Mr Mkhwanazi.

CHAIRPERSON: Sorry I don't get you on the second point. Will we?

MR PRINSLOO: The second point is the issues pertaining to Piet Retief ...(intervention)

CHAIRPERSON: Right.

MR PRINSLOO: Will not be investigated today, here, is that correct?

CHAIRPERSON: Not directly. There may be some questions relating to that just insofar that he may have some knowledge of that.

MR PRINSLOO: Yes.

CHAIRPERSON: But they do not form the direct focus of our investigation today.

MR PRINSLOO: So it's the mainly the matter of Pongola, that is Mcetywa and the other one is Cyprian Maseko, which is the Pongola matter.

CHAIRPERSON: That is correct. As I said there may be other ancillary matters of a more general nature which relate to his experience as a policeman wherever he may have found himself and obviously those would fall within the purview of our discussion, but the direct focus is primarily what you have mentioned so far.

MR PRINSLOO: Fine, thank you.

CHAIRPERSON: Just before we continue with the hearing it is my duty to notify you of some of your rights and obligations. You have exercised your right to legal representation and you are represented before us and just for the record, by Mr Harry

Prinsloo, or Advocate Harry Prinsloo. Also, sorry are you Advocate or - also an Advocate, Advocate van der Walt.

Please just bear with me today I have a touch of flu and may be slower than usual.

The fundamental issue that I need to draw your attention to are the provisions of section 31 of the Act in terms of which a witness can be compelled to answer questions even if you are of the view that the answer may be privileged or may incriminate you.

If we get to that point we may only compel you to answer such questions if we have consulted with the Attorney General for the region and if we are satisfied that the request made to obtain information or ~~other articles, whatever~~ that may be, are necessary and justifiable in an open and democratic society based on freedom and equality.

I am sure that your legal representatives will fully explain to you what your rights are in that regard, but if you have any doubts please feel free to ask me. Obviously you must have refused to have answered the question before we invoke those provisions. No incriminating answer obtained from you in this way can be used against you in court proceedings.

Other than that it is my duty to draw to your attention the offences under the Act that you may make yourself subject to.

The first is refusing to take the oath or an affirmation;

The second is refusing to testify;

The third is having been sworn in giving false evidence under oath, what is commonly known as perjury;

Then lastly two offences under section 39, the first is hindering any member of the Commission or staff of the Commission in carrying out of their duties; and the second is wilfully furnishing the Commission with any information which is false or misleading.

Having concluded with those preliminary remarks I think it would be wise to now swear you in. If you could just switch on your microphone please. Do you have any objection to taking the oath?

INSP MKHWANAZI: I have no objection.

M Q MKHWANAZI: (sworn states)

CHAIRPERSON: You may be seated. Mr Prinsloo before we proceed with the questioning are there any opening remarks you may wish to make besides what you have already mentioned before us?

MR PRINSLOO: There is nothing to add.

CHAIRPERSON: Thank you. I have checked the subpoena, and in fact I did check it originally before the proceedings that were adjourned to today. I am quite satisfied that Mr Mkhwanazi has

been properly subpoenaed before the Commission, and clearly you do not wish to raise any objections?

MR PRINSLOO: No, no objections apart from already indicated Mr Chairman.

CHAIRPERSON: Thank you. Before us, just for the record are three staff members of the Commission; Gail Wannenburg; S Mngomezulu; both of whom are investigators in the Investigative Unit of the Commission, and Deborah Quinn who is a researcher in the Research Department of the Commission.

This is an in camera hearing. We normally start with some questions relating to the personal background of the person subpoenaed and Gail will commence with those questions Mr Mkhwanazi.

MS WANNENBURG: Mr Mkhwanazi what is your current rank in the South African Police?

INSP MKHWANAZI: I am an inspector.

MS WANNENBURG: Can you give us some details of your service history in the Police?

CHAIRPERSON: If I could just come in there, it may be helpful - the English is on channel 2 and the Zulu is on channel 3. We have obtained some information from the Police personnel records department and it may be helpful just to take him through that, and put it to him and then if there's anything he disagrees

with he can correct it and set the record straight. This will save us a bit of time rather than trying to let him tell us about it when in fact we know it already. Thanks.

MS WANNENBURG: Can you give me your full names first, please.

INSP MKHWANAZI: Mosowenkosi Qlina Mkhwanazi.

MS WANNENBURG: And is your ID number [REDACTED]

INSP MKHWANAZI: [REDACTED] - I think I have forgotten the rest.

MS WANNENBURG: That is all right. Were you appointed on the 24th of June 1986 and stationed at Richard's Bay South African Police?

INSP MKHWANAZI: That is correct.

MS WANNENBURG: On the 10th of July 1986 did you go to Hammanskraal training?

INSP MKHWANAZI: That is correct.

MS WANNENBURG: On the 4th of December 1986 were you at Morgenson South African Police, Transvaal?

INSP MKHWANAZI: That is correct.

MS WANNENBURG: On the 31st of July 1987 were you at Pongola South African Police?

INSP MKHWANAZI: Yes.

MS WANNENBURG: On the 16th of September 1989 were you stationed at the Security Branch, Piet Retief?

INSP MKHWANAZI: Which year?

MS WANNENBURG: 1989.

INSP MKHWANAZI: That is correct.

MS WANNENBURG: And are you currently, as from the 31st of May 1994, in Internal Security Empangeni?

INSP MKHWANAZI: Yes that is correct, but I am not very sure with regard to the dates. I don't know about the years as well as the months.

MS WANNENBURG: When did you become an inspector?

INSP MKHWANAZI: I think during 1996 on the 1st of May, but I think I was told at the beginning of this year.

MS WANNENBURG: Can you please give us some details on the Security Branch in Piet Retief, for example what sections you had in the Security Branch in Piet Retief. For example did you have a C Section, MK Section etc? And who your commanding officers were.

INSP MKHWANAZI: Chairperson with regard to the sections A, B, C and MK members I cannot shed any light, but what I can tell you is I was at the office in Piet Retief, which we call the Internal Security.

MS WANNENBURG: What were your main functions in the Security Branch?

INSP MKHWANAZI: My main function was to collect information.

MS WANNENBURG: Were you required to collection information on a particular grouping of people?

INSP MKHWANAZI: There were seven different ways of collecting the information. For instance we used to get the information with regard to certain matters or certain cases and as to who committed the acts or the deeds, and perhaps how to get the person who has committed such a deed so that he can appear before the court.

MS WANNENBURG: Were these criminal cases or political cases?

INSP MKHWANAZI: It was different cases, some were criminal matters and others were faction fight cases, mainly.

MS WANNENBURG: Did you work at all on the MK during your time in the Security Branch?

INSP MKHWANAZI: No I have never been involved in any of those.

MS WANNENBURG: Did you have to collect information on the ANC/IFP conflict in the area?

INSP MKHWANAZI: Not specifically Inkatha and ANC fights but mainly any individual who was found to be possessing any

illegal weapons, we would follow that up from either of the groups, even if it was private individuals.

MS WANNENBURG: Earlier you said that you were involved in investigating faction fighting on some occasions, how would you compare faction fighting to political conflicts? I mean would you separate those two or would you see them as the same?

INSP MKHWANAZI: As I have already pointed out that collecting information was part of my duties or my main objective. For example if there is a certain place where I am working or in that particular area that I have been assigned some people are found dead or dead bodies are discovered, as a policeman I would go out to that place to collect information from the people who are living in surrounding areas and go to the families of the deceased to try and find out more about the killings or the deaths, as well as from other people who were my contacts, and try to find out as to why these people were killed. Was it witchcraft or was it just pure hatred and vengeance on the part of the people who were living there. You could gather some of the information but you couldn't find any of the information you would sift from the information that you get, at times these were purely criminal matters that I was investigating. So I had a mixture of different types of cases that I was dealing with, and I

would submit this information to the office, they would decide which information to use and which information to discard.

MS WANNENBURG: Did you investigate any political matters?

INSP MKHWANAZI: Yes I once did, because it so happened that at times some of the investigations involved some faction fights or fights between different political organisations or groups.

MS WANNENBURG: Can you tell us broadly about those political matters that you investigated?

CHAIRPERSON: Sorry before you do, Mr Mkhwanazi really, we are going to waste a lot of time here today and I don't want to waste time, so let's cut to the chase. You were in the Security Branch, correct?

INSP MKHWANAZI: Yes.

CHAIRPERSON: What does the Security Branch do? What do they work with? Political cases - so stop messing us around - okay? Let's be straight about this. You are making out like you did a whole lot of other things that had nothing to do with politics and "once or twice", that's how you put it, "once" you dealt with politics! - come off it. Don't waste my time and don't waste anyone else's time. Okay!

MS WANNENBURG: Can you give us the background to the political cases that you investigated and what areas you investigated these cases in.

MR PRINSLOO: Mr Chairman with respect it is a very wide question. Does it mean - as a case, a political case? Was a case ...(indistinct) which he had to investigate or a general political follow-up?

CHAIRPERSON: Maybe I can help here. When did you join the Security Branch?

INSP MKHWANAZI: During 1989.

CHAIRPERSON: And you were based in Piet Retief, is that correct?

INSP MKHWANAZI: Yes that is true.

CHAIRPERSON: The Security Branch is divided up into different sections, wherever you work it's pretty much the same, correct?

INSP MKHWANAZI: Could you please repeat your question.

CHAIRPERSON: The work of the Security Branch is divided up into different sections, C Section, A Section, B Section, sometimes they don't call them by those names, but the work is divided up according to different political organisations and different jurisdictions, correct?

INSP MKHWANAZI: Yes that is correct, but could I please just correct you on one aspect?

CHAIRPERSON: Please do.

INSP MKHWANAZI: I have no knowledge, as I have already told you, about the A, Bs and the Cs. In our office we did not operate in that manner. We never had any of the sections. I am telling the truth when I say that. I don't mean to waste your time. But what I know is you would be assigned a certain duty and an area so there was a demarcation according to areas but not groups.

CHAIRPERSON: Were you what was called a field-worker?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: What was your area that you were given to work in?

INSP MKHWANAZI: From Piet Retief I would go towards the south, I think Tombani and the rural areas where mainly black people were living, up to Golela.

CHAIRPERSON: So you worked south along the Swaziland border to the border with KwaZulu Natal?

INSP MKHWANAZI: Yes that is correct. I used to go to the border posts.

CHAIRPERSON: How far west did you work?

INSP MKHWANAZI: Then from Golela I would go further up to Mahamba, that is quite close to Piet Retief.

CHAIRPERSON: And not much further west than that?

INSP MKHWANAZI: Yes I would at times, for instance, I would - if it so happens that whoever is working further west would ask you to accompany him to try and get some information then I would go a bit further up.

CHAIRPERSON: Okay. While you were a field-worker who did you report to?

INSP MKHWANAZI: We had different people that we reported to. At first there was W/O Pienaar, W/O Botha ... (intervention)

CHAIRPERSON: Just stop for a second. When you say W/O Pienaar, is that Freek Pienaar, Freek Pienaar?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: And Botha, which Botha is that?

INSP MKHWANAZI: I think I've forgotten his name?

CHAIRPERSON: What were his initials?

INSP MKHWANAZI: I don't remember.

CHAIRPERSON: Well during the course of the day if you will throw your mind back and try and remember for us that will be helpful. Mr Mngomezulu.

MR MNGOMEZULU: My understanding of the question to say, who did Inspector Mkhwanazi report to, my understanding is that

in the Branch we will have immediate commanders and the Branch commander, can we get clarity on that. Because I believe that as far as he has defined his area of jurisdiction there must have been a section head.

MR PRINSLOO: Mr Chairman one must bear in mind Piet Retief was a very small station. Now with a commander like, for instance, you have mentioned already Freek Pienaar, then you are not going to have section heads and all the rest of it like you have in the Security Branch. It's not the same like for instance in Durban or other places like Pietersburg or large places, it's very different from that.

CHAIRPERSON: Just for everyone's information, we have spoken to other people who worked at Piet Retief and - or who worked at Josini and who had knowledge of Piet Retief as well, we are familiar that up until a certain point it was a very small office, but at a later stage it became a much bigger office because it assumed a slightly bigger jurisdiction. That's the evidence we've heard so far.

MR PRINSLOO: Mr Chairman that might be the problem because as you know he joined the Security Branch in 1989, September, and in 1990 the ANC was unbanned, so from then the whole structure changed as well. So I think it's prior to that

what you may be referring to. That's the evidence we've heard in other matters as well.

CHAIRPERSON: Look, be it as it may we really want to try and get his understanding of what it was like when he was there. You've said you reported to a W/O Botha and to W/O Pienaar, who else did you report to?

INSP MKHWANAZI: Can I just correct you on one aspect Chairperson.

CHAIRPERSON: Go ahead.

INSP MKHWANAZI: I said it was W/O Pienaar and at a later stage it was Botha, W/O Botha, these were the people who were in charge of our office and these are the other people that I reported to when I was in Piet Retief.

CHAIRPERSON: So you didn't report to anyone else?

INSP MKHWANAZI: I am still trying to recollect as to who I left when I came to Empangeni. I don't remember quite well but I think it was still Pienaar, if I am not mistaken, but I can't recall quite well. But when I arrived it was Mr Pienaar who was in charge.

CHAIRPERSON: And who did you work with there?

INSP MKHWANAZI: All the members of the office?

CHAIRPERSON: Ja, as many as you can remember, just tell us briefly.

INSP MKHWANAZI: It was Pienaar, Botha, W/O Theron, Sgt Mavuso; Sgt Nxumalo; Sgt Chirwa - these are the people who were already working there when I started working. Constable Mota; Sgt van Staden; I think these are the people that I remember, the people that I worked with.

MS WANNENBURG: Inspector it is known that Freek Pienaar worked on MK related matters, you said that you were reporting to him, how is it that you didn't work on MK matters?

MR PRINSLOO: Mr Chairman is that really a fair question, because it is obvious if they work in different section. If Pienaar

is a branch commander and he deals with MK matters why would he be dealing with MK matters, he's already testified. And in particular at that stage, '89, we were already at the end of the MK matters. 1990 we started with a new life in the country.

CHAIRPERSON: Well there was hardly a new life yet, there was still a lot of death before that, with all due respect Mr Prinsloo. I think let the witness answer the question. If he is not happy with it or he wants it to be rephrased or he doesn't quite understand it that's okay, he could have given exactly the same answer you gave, with all due respect.

MR PRINSLOO: I just thought we would save time that way Mr Chairman. Maybe the investigator doesn't know it functioned there, how it worked in that time.

CHAIRPERSON: Well you see ...(intervention)

MR PRINSLOO: Maybe we can put this on paper and save a lot of time this way, say who was working on this and working on that, and we'll know where we are going to.

CHAIRPERSON: I think at this stage we are in a general questioning mode where we are trying to get some background from his perspective. You must understand this is always his perspective and we acknowledge that. It is not our perspective or your perspective or other people who have come before us' perspective. One of our jobs is to get a sense of how people saw their role and how they saw themselves fitting into the bigger machine, whatever that may have been, on whichever side. So if I could just ask you to ~~bear with us from that~~ point of view.

The question really is this, Pienaar worked on MK matters and the evidence we have had so far is that he worked quite a lot on MK matters. You were reporting to him, yet if we understand your evidence correctly so far you didn't work on MK matters. She is asking for an explanation.

INSP MKHWANAZI: Can I just explain this. When I arrived in Piet. Retief Pienaar never told me that I should deal with MK matters, but what I was told at the office was how the work was conducted, that is the procedure, the area as well as information-gathering practice mainly with regard to people with illegal

weapons or found to be in possession of illegal weapons. And that was my main job. And I would like to point out that I was reporting to Pienaar because he was the person in charge or in authority within our office. But I wasn't reporting with regard to MK matters but with regard to any other matters, even matters falling beyond political matters, where weapons were found.

MS WANNENBURG: You said earlier that you worked at Golela border post, what was your role at the border post?

INSP MKHWANAZI: I said the area was from Piet Retief stretching out to the rural areas and outside Piet Retief up to or

next to Golela, but I never specifically worked in the Golela area.

MS WANNENBURG: Were you aware of any safe-houses that were used by the Piet Retief Security Branch?

INSP MKHWANAZI: No I know nothing.

MS WANNENBURG: You never went to any of these safe-houses?

INSP MKHWANAZI: What do you mean by safe-houses?

MS WANNENBURG: I mean a house used by the Security Branch as a covert office where they would interrogate people. It may be a farm, it may be a piece of land etc ...(intervention)

CHAIRPERSON: It could also - just so you understand carefully, it could also be a place where you keep people in

detention for periods of time that is not an official police station.

It could be an office in an office building for example - quite often. Anywhere informal, not official, where suspects, witnesses, detainees are kept either for interrogation or pending interrogation.

INSP MKHWANAZI: Chairperson I am telling you the truth I have never, ever been to such a place and I've never been involved in any of these practices. If I had arrested people with regard to illegal possession of weapons I would take them to the police station and I have absolutely no knowledge of these safe-houses.

MS WANNENBURG: Did you ever go to a farm called Leeuspoor(?) ?



INSP MKHWANAZI: No.

MS WANNENBURG: Did you ever go to the police camp at Kosi Bay?

INSP MKHWANAZI: No.

MS WANNENBURG: Did you ever ...(intervention)

CHAIRPERSON: Sorry before you move on, you might want to describe Leeuspoor in a bit more detail, explain where it is, he may not know it by that name.

MS WANNENBURG: I am not sure if my pronunciation is correct but as far as I know it's near Ngotcha.

CHAIRPERSON: Did you hear that, it's a farm near Ngotcha, that the Security Branch from Piet Retief and the Security Branch from Pongola often used, particularly when they were involved in roadblocks and involved in bringing people in from Swaziland.

INSP MKHWANAZI: I don't even know the Ngotcha area, I have never been there.

MS WANNENBURG: Did you ever work in Swaziland?

INSP MKHWANAZI: No.

MS WANNENBURG: You never arrested any suspects in Swaziland?

INSP MKHWANAZI: Not even a single person. I was not permitted to work inside Swaziland.

CHAIRPERSON: Sorry if you are going to just consult, that's fine, switch the mike off, that's helpful. We are just taking a short break for the record while the questioners are consulting about an issue.

MS WANNENBURG: Did you ever handle informers?

INSP MKHWANAZI: Yes I worked with contacts, not necessarily informers. Let me just explain. Ever since I have working in Piet Retief I had some contacts that I used to go to, to get information with regard to certain matters that I was dealing with. These were the contact that I worked with. I could say a person who gives you information is an informer. I think it's

basically the same thing, an informer and a contact are the same thing because you do send them to look for certain things and report back to you. Yes I could say that.

CHAIRPERSON: Sorry, what would you regard as the difference then? Why do you differentiate?

INSP MKHWANAZI: I believe it's one and the same thing, but at times you find that that contact is your relative then you just say to them whatever happens here please just report to me, so that person is not necessarily an informer. He's just telling you, he's your contact.

CHAIRPERSON: So did you regard any source of information as a contact?

INSP MKHWANAZI:



CHAIRPERSON: What about those people that you might pay for information, were they also contacts?

INSP MKHWANAZI: Can I just explain this. Within the police force any person who submits or gives information gets paid, even if you see him for the very first time, if he gives you information and you find that the information is true it could lead to an arrest as well as conviction you can also claim on behalf of that person, claim in monetary form.

CHAIRPERSON: You see there's a difference as we understand it, and as the police work, as I have always understood it,

between people who are paid on a regular basis for information, who are regarded as informers and people who on a casual basis are contacts for someone like you who was a field-worker. Your contacts could have been a whole range of people, indunas, chiefs, your relatives, other policemen, people you bumped into from place-to-place, none of whom would have even expected money from you for giving you information; none of whom might even have realised they were giving you useful information. Those are what normally are called contacts, as I understand it, and as many other policemen have explained it to me.

And the difference between then and informers are that informers are people who formally through police admin are designated to receive money on a regular basis for providing information. That's the difference as we understand it, and as every other policeman I have ever spoken to understands it. You are the first person I have ever come across who worked in the Security Branch, who gives us this totally different picture. I am just very interested.

INSP MKHWANAZI: Chairperson can I just clarify this, maybe I didn't explain myself well at first.

I am talking about people that I worked with or whom I was in direct contact with. I do not disagree with your idea or your explanation of an informer and a contact. I do not disagree but

that's how I understood it at that time. And the people that I worked with or directly with were the contacts, not informers, I could say.

MR MNGOMEZULU: Therefore in other words, Inspector Mkhwanazi, your answer in a question which said, did you ever work with informers, it means you are saying "no"?

INSP MKHWANAZI: Yes that is correct.

MR MNGOMEZULU: In your context did you have special constables as your contacts?

INSP MKHWANAZI: No.

MR MNGOMEZULU: Then in the execution of your duties did you find yourself paying your contacts?

INSP MKHWANAZI: Yes there's quite a number of weapons that I discovered, illegal weapons, and whenever I handed in an illegal weapon especially if that was a result of the information that I gathered I would ask from the office or submit a claim on behalf of the person from whom I received information, if there's been an arrest as well as a conviction, then I would claim.

MR MNGOMEZULU: Under which name was the claim made, or under whose name? I want to make a distinction that as soon as the claim is submitted you say you didn't have an informer, under which name or whose name or what name was the claim made?

MR PRINSLOO: Is that general question, or is it a particular instance the question is directed at? As I understand what the question is, it's a particular one, not a general one.

CHAIRPERSON: The question follows logically on from the last answer, which was - "in those cases where I found a firearm, and there was a conviction of the person in whose possession it was found, I would make a claim."

Now he's asking the question, well in whose name did you make the claim, in the name of the source, the contact person who provided that information or in your own name, or whoever's name? So I think it's quite specific to the last answer, it's a logical corollary.

MR PRINSLOO: Mr Chairman, as I understand it it was to a particular instance where a certain case this happened, or was it just in general, whenever it happens? Whether it was in the context as you put it across.

CHAIRPERSON: Well at this stage it is of general application because he has answered in the general. Can we have your answer Mr Mkhwanazi? Did you understand the question?

INSP MKHWANAZI: Yes I did.

CHAIRPERSON: Okay.

INSP MKHWANAZI: Chairperson as the person who asked me I claim it under the name of the particular person who submitted the information.

MS WANNENBURG: If you concentrated mainly on firearms, finding illegal firearms, can you tell us the roles of the different people that you've mentioned to us that worked with you? Did they have a different role from you?

INSP MKHWANAZI: I don't think there was any difference. But with regard to the people who were left in the office I wouldn't say much, but the ones who were doing field work I think we used to do basically the same type of work.

MS WANNENBURG: Who wasn't doing field work?

INSP MKHWANAZI: ~~For instance there~~ is another person who was staying at the office and another female, a typist, as well as a cleaner, they used to remain within the office.

CHAIRPERSON: Ja, give us their names please Mr Mkhwanazi, because you see when you differentiate now between, you say well not everybody went out to do field work, some stayed in the office, you haven't told us about cleaners and secretaries and typists so far. You must understand we are talking about the people you have mentioned so far. Let's go through the list it's an easier way to deal with this thing.

What did W/O Pienaar do besides being commander?

INSP MKHWANAZI: Ever since I started working there he was always in the office, I think he was doing some office work.

CHAIRPERSON: So did he never go out of the office on business or on work?

INSP MKHWANAZI: When I get to the office I am always told to go out of the office, and when I leave him at the office I wouldn't know what he does because I usually come back in the afternoon and I just go back home. Probably he used to go out of the office whenever I had gone out as well but I wouldn't be able to answer that question directly because I don't know what used to happen within the office whilst I wasn't there.

CHAIRPERSON: This Botha who came later, what did he do?

INSP MKHWANAZI: He was also there when I arrived and I think he was doing basically the same type of work as Pienaar.

CHAIRPERSON: So you didn't actually work with him?

INSP MKHWANAZI: Yes I worked with him because he worked within the same office.

CHAIRPERSON: Well did you go out on information-gathering expeditions together? Did you go out on investigations together? Did you conduct interrogations together?

INSP MKHWANAZI: No, not in that respect.

CHAIRPERSON: So you didn't work together apart from being in the same office together?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: Now W/O Theron, what did he do?

INSP MKHWANAZI: He was working within the same area in Pongola. We once went out on information-gathering expeditions.

CHAIRPERSON: Only once?

INSP MKHWANAZI: No we used to go out quite a number of times because when I got there he was a field-worker as well. We went out several times.

CHAIRPERSON: Sgt Mavuso.

INSP MKHWANAZI: Yes we used to go out together.

CHAIRPERSON: And Nxumalo?

INSP MKHWANAZI: Yes the same with him as well.

CHAIRPERSON: Was he also a field-worker?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: And Mavuso was also a field worker?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: You mentioned a Chirwa, I didn't make a note of his rank.

INSP MKHWANAZI: He was a constable.

CHAIRPERSON: Yes, what did he do?

INSP MKHWANAZI: He was also a field-worker.

CHAIRPERSON: And did you work with him?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: Constable Mota?

INSP MKHWANAZI: Yes he was also a field-worker.

CHAIRPERSON: And you worked with him?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: Sgt van Staden?

INSP MKHWANAZI: Yes I worked with him.

CHAIRPERSON: And was he a field-worker?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: So these are all the people you've mentioned as people who worked with you and who were in the office with you when you first started your evidence?

INSP MKHWANAZI: Yes, that is correct.

CHAIRPERSON: And the question was put to you about the activities of the other members of your Branch and you said, "well some of them stayed in the office, some of them didn't. I don't really know". Now you've quite comfortably told us about everybody. Do you see the problem? Please just help us.

MR PRINSLOO: Mr Chairman with respect it's the way the question was put. That's why I had difficulties as well, I would have answered the same as he did. It's the way the question is put. If they would say look, did you work at that time - it's

understandable that you won't be working with somebody all the time, as he has told the Commission now.

CHAIRPERSON: Maybe we don't understand each other, maybe we all talk different languages here, but I certainly understood the question without any difficulty, as meaning basically did you work with any of these other people you've mentioned? Can you tell us what they were doing? And his answer was well I can't because some of them weren't out of the office a lot and so on. But of all the people that he mentioned specifically who were working it seemed that he worked with all of them except Pienaar and Botha.

MR PRINSLOO: Mr Chairman with respect the question was not put as to whether he ~~occasionally worked~~ with them, but on a general basis. That's the way I understood it, and it's obvious on what he answered, it's not on the every day basis he worked with Mr X, Y and Z. That's apparent from what he said.

CHAIRPERSON: Ja, let's not get bogged down. This is turning into a silly argument really and there's no need for it to be like that. The bottom line is if you could try and help us, and we will try and give you the questions in a much more direct way.

MS WANNENBURG: Inspector did you ever work with turned ANC guerrillas or as we call them "askaris"?

INSP MKHWANAZI: No.

MS WANNENBURG: Were you ever present at the Branch when members from Vlakplaas came to Piet Retief?

INSP MKHWANAZI: Could you please repeat the question.

MS WANNENBURG: Were you ever at the Security Branch in Piet Retief when members from Vlakplaas, C Section, came to Piet Retief to work in the area?

INSP MKHWANAZI: No there isn't a member of Vlakplaas or from Vlakplaas that I came into contact with.

MS WANNENBURG: I think unless somebody else wants to ask others questions we could move on to incidents.

MR MNGOMEZULU: Mr Chairperson I still have a difficulty in believing that the method of operation in Piet Retief was quite different from our knowledge of police units, as we all know it. I have heard from Inspector Mkhwanazi that at one stage he would go out with W/O Theron at that time. And I still maintain that no matter how small the office in Piet Retief would have been, but there will be persons in charge of various jurisdictions as members are being posted which of course will elevate the problem in us getting to know exactly what was happening within the structure. If I could refer to the question. Did you ever see any member from Vlakplaas coming to work within your area? Obviously not, if he was not coming to work in your specific area. That is the problem I have about the structure in Piet

Retief. I would recommend that in a way let the structure be put very clear in Piet Retief, because I don't want to believe that all the members would be posted on a daily basis, that so-and-so you go this direction, so-and-so go this direction, at the end of the day we are going to have a problem where Inspector Mkhwanazi will say he does not know anything. Not because he really doesn't, but it may have been happening in other areas where he was not working.

So let me just get clarity about the command structure of Piet Retief, so that when we ask questions on specific incidents

then we know exactly what we are talking about in terms of the office structure.

CHAIRPERSON: Mr. Mkhwanazi do you understand Mr Mngomezulu's difficulty with your answers so far?

INSP MKHWANAZI: Yes I do hear him but I do not understand him. I think he may rephrase the question or just ask it briefly so that I can get to grips with it.

CHAIRPERSON: Okay. He's not really asking a question, he's making a comment first. So he's trying to make you understand the problem, based on that understanding of the problem he will probably now ask you some questions to solve the problem. So as long as you understand the problem we can now move on. You have indicated you do.

INSP MKHWANAZI: What I meant to say was, what Mr Mngomezulu knows is not what I know, and whatever I know he doesn't know. Maybe if he is talking about certain structures, when I arrived in Piet Retief I did not get any such structures. I do not disagree with him when he says there were structures, but when I got there these structures were not yet in operation.

CHAIRPERSON: Okay. Well let's find a way of dealing with this thing. You arrived there in 1989, is that right?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: And you reported to W/O Pienaar?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: And he was head of the office at that time?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: Did he introduce you to your colleagues?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: So he said to you, for example, this is W/O Theron. He would have said to you he works in this place or that place or the next place, correct?

INSP MKHWANAZI: No that is not true.

CHAIRPERSON: So he just said this is W/O Theron?

INSP MKHWANAZI: No, when we met he just introduced me to the respective people but he never mentioned where they worked. Even if he did I wouldn't remember it by now.

CHAIRPERSON: Did you not have daily briefings or weekly briefings where you get together at seven in the morning and you sit down and you review the work of the office as a group?

INSP MKHWANAZI: Yes we did have those briefings early in the morning.

CHAIRPERSON: Everybody reports for duty and you go and you sit and you have a meeting and you say right, these are the priorities; this is the main focus; these are our plans for the next couple of days or the next week or the next month, that's how people work, correct?

INSP MKHWANAZI: Yes that is true, but at time we would choose our own destinations and say I will work at a certain place and finish off the job that I started last week or yesterday.

CHAIRPERSON: Ja of course, but your job you started last week or yesterday was within a broader plan. You just didn't have total carte blanche to go and do as you wanted.

INSP MKHWANAZI: Your personal duty as a policeman you don't need to plan. You know according to your diary as to where you are supposed to go unless there is a specific instruction for you to go to a certain place.

CHAIRPERSON: So are you saying that you never planned your time? You made up your mind what you wanted to do and you didn't have to report to anybody to say well this is where I am

going, and this is how long it's going to take me and these are the dockets I'm working on, never?

INSP MKHWANAZI: Chairperson please understand me well. I did agree with you that we would gather in the morning at the office and your commander would tell you as to what specific jobs are to be done for that particular day or week. For example when you arrive early in the office and there had been an incident the previous night, a person had been shot or killed, then the commander would brief you and tell you as to what happened the previous night and you should go and investigate.

And we also would have our own places where you report at the office and said I heard of such-and-such an incident and today I want to go to a certain place to go and investigate with regard to that incident. So it was not mainly according to their instructions. We also came with our own information, so we did not wait for our commanders to specifically instruct us.

CHAIRPERSON: That's precisely my point Mr Mkhwanazi, that's precisely my point. But you still reported at the meeting that this is what you were going to do; this is the new information; you all fed it in together, that's how Security Branches all over the world work. That's how information-gathering works. It's no good if the information stays in your

head and it never gets reported to your commander or your other members, and that's precisely the point.

So you would have heard what your other members reported at the meeting and you reported to the meeting and you would say to, for example, Pienaar, this looks like an important thing to be done, and he might say, "yes, go for it", or he might say, "hang on I've got something more important that I want you to do". Not so?

INSP MKHWANAZI: Your question is quite long, I don't know whether I got it quite well, because the Chairperson if I tell you something maybe you might tell me that you know that, now I do not know what specific information you want because at times they would ask me as to what I knew then I would tell them what I knew. Now I do not understand as to what question you want me to answer or what information you need because at times if I tell you the information you said that is obvious, that's the information that you know.

CHAIRPERSON: Listen, we are talking about how you reported and how you got instructions. That's what we are talking about at the moment. Is that not obvious to you?

INSP MKHWANAZI: I don't understand you.

CHAIRPERSON: At this point in time we are talking about the command structure in your office and how people reported and

what you know about what other people did or didn't do, are you there? Are you with us at least at that point?

INSP MKHWANAZI: Yes I do understand.

CHAIRPERSON: And then the next thing we moved on to from there was, well there must have been a briefing session as we know happens in every police force every morning, seven o'clock, that's the way they do it. And then we spoke about the content of those briefings. Are you with me?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: That is where we are. Not very far, not very confusing, plain and simple.

Now did you have a one-on-one briefing with Pienaar or did all of you sit together and do the briefing?

INSP MKHWANAZI: We would do that in a group session, all of us.

CHAIRPERSON: Precisely. So you would have heard the work that your different colleagues were doing?

INSP MKHWANAZI: Yes that is correct.

CHAIRPERSON: And you would have known what areas they were working in and what their particular focus was.

INSP MKHWANAZI: Yes it's true I would know where somebody works.

CHAIRPERSON: The second part of the question you haven't answered - and what their particular focus was.

INSP MKHWANAZI: The others were field-workers, they were working with me and I basically know what they used to do.

CHAIRPERSON: Did each person have a specific focus or did they not?

INSP MKHWANAZI: The main focus is that was to solve murders and the collection of arms or illegal weapons. That was the main focus. And other criminal matters.

CHAIRPERSON: All with a political connotation, not so? You didn't work on ordinary crime, you worked on political crime.

INSP MKHWANAZI: Chairperson I would like you to understand me very well in this aspect. I do not disagree with whatever information you may have with regard to political cases or political matters, but I am talking about my specific instance or the time during which I was working. There is no instance where I was told that I should deal specifically or mainly with regard to political matters. As I have already explained that I was told that I was going to work mainly with people in possession of illegal weapons as well as people who were inciting riots regardless of what political affiliation they had, even section 5 with regard to chiefs' places.

CHAIRPERSON: You have told us that you had a specific geographical focus.

INSP MKHWANAZI: That is correct.

CHAIRPERSON: What was W/O Theron's geographical focus?

INSP MKHWANAZI: As I have already explained that he's the first one that I worked with. He also worked within the same area with me, that is during the time I was working with him. I don't know before that.

CHAIRPERSON: When did you stop working with him?

INSP MKHWANAZI: I do not remember.

CHAIRPERSON: Was it when you left the Piet Retief office?

INSP MKHWANAZI: I think he took a transfer before me. I think he left me at the office. I think so, I am not very sure.

CHAIRPERSON: Because you were at Piet Retief for a relatively short period of time - hang on, no you were there for five years, just under five years.

INSP MKHWANAZI: I think from September '89 to early '94, it can be four years.

CHAIRPERSON: You left there in May '94?

INSP MKHWANAZI: No I think it was in April. I think the elections occurred when I was at Empangeni.

CHAIRPERSON: Okay. Even so four years is quite a long time in an average policeman's service at a particular place.

INSP MKHWANAZI: Yes that is true.

CHAIRPERSON: During that time you kept the same geographical focus?

INSP MKHWANAZI: Do you mean a house?

CHAIRPERSON: You told us and described in quite detail the geographical area that you worked when you were based at Piet Retief. You also told us that was the area you worked in. That's what I referred to as a geographical focus. What's it got to do with your house and where you live?

INSP MKHWANAZI: It looks like the interpretation from English to Zulu is not correct. I don't mean to disagree with you or mislead you, but the interpretation from English to Zulu may mislead. I would have answered it differently had it been put differently.

CHAIRPERSON: Well did you continue to work in precisely the same area or did the area change during the time that you were in the office?

INSP MKHWANAZI: I always worked in the same area.

CHAIRPERSON: That's what I understood you to say right in the very beginning. So what is misleading here? I don't understand what's happening. Did the interpreter mislead you? Let him answer the question. He's not having any difficulty here.

MS VAN DER WALT: Nee ek is baie jammer maar ons is hier om sy regte to beskerm ...(intervention)

MR PRINSLOO: Mr Chairman, I listened to the Zulu being spoken, I understand Zulu and it was misleading, with respect ...(intervention)

CHAIRPERSON: That's fine, he can say that. I am just trying to understand it.

MR PRINSLOO: That's what he said Mr Chairman and now you are getting annoyed about it.

CHAIRPERSON: I am not getting annoyed at all. I am not annoyed in the slightest. I am just trying to get on with this inquiry.

Please Mr Mkhwanazi did - are you saying that you were misled by the interpreter?

INSP MKHWANAZI: No I am not saying she misled me, I said when she said stay I thought of a house.

CHAIRPERSON: Okay. Well that means you were misled, but be that as it may, we are talking about the place you worked. Did Theron work with you in the same area as you worked continuously while you were in Piet Retief?

INSP MKHWANAZI: That is true.

CHAIRPERSON: One tooth out. Let's try the next one.

Sgt Mavuso, what area did he work?

INSP MKHWANAZI: I want to remember correctly. He worked in the Pongola area, in the south, I want to remember clearly whether he worked there only but I am not sure.

CHAIRPERSON: So worked Pongola area?

INSP MKHWANAZI: Yes that is true.

CHAIRPERSON: And you don't recall him working anywhere else?

INSP MKHWANAZI: I don't remember whichever area he worked in.

CHAIRPERSON: Nxumalo ...(intervention)

MS WANNENBURG: Sorry, just before we move on, can you tell us the first names of Sergeant Mavuso?

INSP MKHWANAZI: I don't remember them. We usually call each other Constable so-and-so in the police force. We don't really use first names. Sometimes there may be nicknames. I don't really know his first names. I don't know anything about that.

MS WANNENBURG: Can you tell me, did you actually divide the Pongola area up and different people worked in different sections of Pongola?

INSP MKHWANAZI: As I explained before in the office we didn't have sections, we just divided it up amongst areas. We didn't divide it into sections.

CHAIRPERSON: That's precisely the question she asked you. She didn't say sections, she said area.

MS WANNENBURG: Maybe I can clarify. What I am asking is, you said that Sgt Mavuso worked in Pongola south. What I am wanting to know from that answer is, did you divide Pongola into different areas and people worked in different areas of Pongola ... (intervention)

MR PRINSLOO: With respect, I think towards the south, from Pongola south, in a southerly direction. Not dividing the southern part of Pongola, Mr Chairman. I think the questioner misunderstood that ... (intervention)

CHAIRPERSON: Well maybe he can clarify this. What do you mean - you said people worked in different areas, correct?

INSP MKHWANAZI: Yes that's true.

CHAIRPERSON: Now we spoke about Mavuso, you said he worked from Pongola and particularly the southern area from Pongola south, correct or not correct?

INSP MKHWANAZI: I am talking about when I moved from Piet Retief, let me explain clearly.

CHAIRPERSON: You see we are trying to ask about the people, just so you understand here, we are trying to ask about the people you were working with when you were working at Piet Retief, and what areas they were working. Do you understand? From

the time you were based at Piet Retief, not the time you were based at Pongola. Are you with me?

INSP MKHWANAZI: Yes.

CHAIRPERSON: So when you were at Piet Retief and you worked with Sgt Mayuso what area did he work?

INSP MKHWANAZI: From Piet Retief towards, a south direction towards Pongola, till Pongola, he was working in the area which I have mentioned. When I say south I mean from the office in which I worked. If I say north I don't mean north of Pongola but north of Piet Retief.

CHAIRPERSON: No I understood you perfectly well. The Pongola office had its own jurisdiction and that boundary stopped at a particular point, and the Piet Retief office had a jurisdiction that moved south towards Pongola, and wherever that crossing line was that's how far south you would have worked. We understand, I mean that's logical.

The next guy is Nxumalo, where did he work to?

INSP MKHWANAZI: I think he worked towards Amsterdam, I think it was Amsterdam north. It was north from Piet Retief.

CHAIRPERSON: Yes. And then Chirwa?

INSP MKHWANAZI: I think he worked with Nxumalo, it was Amsterdam.

CHAIRPERSON: And Mota?

INSP MKHWANAZI: If I remember correctly he worked in a place towards Driefontein from Piet Retief which is about west. I don't know whether I am correct in saying it's west but it's from Piet Retief towards Driefontein.

CHAIRPERSON: Driefontein is an agricultural area, is that right? Lots of farm workers there.

INSP MKHWANAZI: I don't have information really about that.

CHAIRPERSON: Okay. And van Staden?

INSP MKHWANAZI: I don't remember clearly whether he worked towards Mahamba. There's another border gate in that

area around Mahamba. I am not sure about other people's areas of work but I think that was towards that area.

What I would also like Chairperson to know it doesn't mean that a person concentrated in that area only. It would happen that maybe I ask one of my colleagues to go with me to a particular area, or maybe there is a crisis in another area we could go together and work together in that area.

CHAIRPERSON: No we would obviously understand that, and thank you, I mean that's quite normal, but thanks.

Is there anyone else you have forgotten about that might have come to you in the meantime?

INSP MKHWANAZI: Well at the moment, no, no-one.

CHAIRPERSON: Okay. Who was the cleaner, the typist and the other person you mentioned?

INSP MKHWANAZI: The typist was Mrs van Staden, I think the wife of Sgt van Staden.

CHAIRPERSON: You don't remember the cleaner?

INSP MKHWANAZI: It was a Mokoena woman.

CHAIRPERSON: And you mentioned one other person, who was that other person who stayed in the office a lot?

INSP MKHWANAZI: I don't remember saying that earlier.

CHAIRPERSON: Okay it doesn't really matter, you don't remember who the person is anyway.

I think this is a good time to take the tea break. Deborah can you just check that the tea is ready. Let's make it a quick one - quarter past. Sorry the tea is not ready yet.

MS WANNENBURG: Can I suggest that we do break now because I think if we go from this point we will move on to specific incidents and I'd rather do it all at one time so we have following evidence.

CHAIRPERSON: Does that suit you chaps - okay, let's all take a break anyway and as soon as the tea is ready we'll drink it.

HEARING ADJOURNS

ON RESUMPTION

M Q MKHWANAZI: (s.u.o.)


CHAIRPERSON: Okay we are now going to turn to the various incidents that we wrote about so the questioning should become a little bit more focused. Please continue.

MS WANNENBURG: The first incident we'd like to deal with is the murder of Mike Nketchwa in Pongola on the 22nd of November 1993. He was murdered outside Protea Furnishers.

The first question is, we'd like to know what your knowledge or your involvement was in that murder.

INSP MKHWANAZI: I wasn't involved in any killings.

MS WANNENBURG: Do you know about the case?

INSP MKHWANAZI: Yes. 

MS WANNENBURG: Can you tell us how you came to know about the case?

INSP MKHWANAZI: What I remember was that I was in Piet Retief at the time. It was early in the morning. I was heading towards the office from my residential area. I think one of my colleagues at that time, I don't remember which one, I think it was a white colleague, I was driving towards work and he was also driving. We met in the centre of town in Piet Retief. He stopped me and he advised me to follow him towards the Pongola

area. There has been an incident, there is a person who had been shot.

That very same day I had just arrived, I was with my wife in the car, I was going to drop her off at the taxi rank because she was going back to the college, she was attending college at that time, and I rushed off to the taxi rank. I left my wife there.

I remember now I was with another black colleague I think in the car, but I've forgotten his name. I will remember it as time goes on. He was driving the car, I wasn't.

I left my wife and we rushed off to Pongola. And when we got to Pongola we went to the scene. There was a crowd gathered there, but the body had already been taken from the area. We proceeded to the police station. We went into the CID offices within the police station itself.

There was a certain man who was arrested at that time. The warrant officer in charge in Pongola at that time was a white person, but I've forgotten his surname. He told us that there is a suspect and there is a person who has been killed or shot and he wanted us to interrogate. He told us that Mike Mcetywa had been killed, he had been shot in the centre of town and he wanted us to investigate the suspect with regard to the killing.

He pointed us towards a certain direction where there was an office and told us that the suspect was in that office and that

was Warrant Officer Piza's office. Warrant Officer Piza was also present in this office and the suspect was in there as well. That's when we started asking him questions, investigating with regard to the matter. I think that's where I'll stop for a moment. That's when I got to know about the case or the incident.

MS WANNENBURG: What time do you normally start work, Inspector? - at that time.

INSP MKHWANAZI: ...(no English interpretation)

MS WANNENBURG: Yes.

INSP MKHWANAZI: We used to start at half past seven.

MS WANNENBURG: Do you remember what time this white colleague of yours stopped you and told you that someone had been shot?



INSP MKHWANAZI: I don't remember the time quite well, but I think it was a bit late, late in the afternoon. It could have been a bit before 12. It was not late afternoon, but I think it was just mid-morning because what I remember specifically was that on that particular day I was just coming back from sick leave, I was on sick leave for about three months, and I had arrived the previous night in Piet Retief, coming from Matubatuba. I had arrived with my wife and she was heading towards Nelspruit College of Education.

If I remember well I went to the office in the morning first and I asked for permission, after reporting that I had come back to work after sick leave, and I requested Gert - I've remembered the person's name, it's Gert Erasmus, I asked Gert Erasmus to take me to my house because he had a car that he was driving at that time, it was a State car. He drove me to my place, because I had left my wife preparing for her journey. So it was a bit late I think, I had reported to the office. It should have been after 10.

MS WANNENBURG: What time do you think you took your wife - when you left your house to take your wife to the college, what time do you think that was?

INSP MKHWANAZI: I think it should have been after 10, if I'm not mistaken. I don't remember the time quite well.

MR MNGOMEZULU: Inspector Mkhwanazi, you said you were at Pongola proceeding to your office when you met a white colleague, which told you about the murder that had occurred and requested you to accompany him to the police station. If I hear you clear now you're saying you've been off sick for three months, so you had first decided to start in the office where you requested Gert Erasmus to drive you to your house to fetch your wife so that you could take her to a taxi rank where she will take a taxi to the college. Can you clarify this to me?

INSP MKHWANAZI: I'll explain it, I'll clarify myself. I arrived the previous evening, I was coming from Matubatuba. That is my place of birth. I do have a house in Piet Retief, in which I was staying at Thandubukanya. It's a location. I arrived round about nine in the evening together with my wife. We got into the house. We slept that evening.

Then the following morning I was going to start work on the 22nd, because I had not been working the previous three months, I was in Matubatuba at my place of birth. I woke up the following morning to report for duty. As soon as I had reported at the office I asked Gert Erasmus, after reporting that I was back on duty, that we should go back to Thandubukanya in Piet Retief, not Pongola.

Then we got to Thandubukanya, I picked my wife up and drove back to the centre of town, that is Piet Retief, from Thandubukanya location. That is the time where we came across this white colleague. His name is van Staden. And van Staden was driving a blue Mazda 626 and we were driving a Nissan bakkie, driven by van Staden.

He flashed his lights and indicated us to stop and told us about the incident that had just taken place. That is when we rushed off to the taxi rank. We dropped my wife off at the taxi rank and van Staden went towards the direction of Pongola. We

followed him from the taxi rank towards Pongola. I hope you've understood me well.

MR MNGOMEZULU: On your arrival at Pongola, you ... (intervention)

CHAIRPERSON: Sorry, Mr Mngomezulu, before you go on and leave this point, there's still something that's not clear to me. Your earlier evidence, before you've given this explanation, was that you heard about the death of Mike Mcetywa early in the morning when you were on your way to work. Now you said "early in the morning" - I wrote that down very distinctly, and yet you are now saying that it's not early in the morning, but it's close to 10 o'clock. I want you to explain why you told us it was early in the morning, in the beginning.

INSP MKHWANAZI: When I say "in the morning", in Zulu when you say "in the morning" you either mean midday or in the morning or early in the morning, it's not like English where you differentiate between dawn morning, early morning, mid-morning. So there's only one word that encompasses that time, unless you expatiate and explain that. So I was saying to you I was going to work. That is, from my place I went to report in the morning, then I went back home. It was round about seven, very early in the morning when I went to report. That is before I picked my wife up.

CHAIRPERSON: The point is that your earlier evidence said that you heard about this early in the morning, on your way to work, with your wife in the car. That was your earlier evidence.

INSP MKHWANAZI: Yes, Chairperson. As I've already given you the explanation - it's not like in English, when you say "in the morning", it's a general term "in the morning".

CHAIRPERSON: That's fine. Let's proceed.

MS WANNENBURG: When you were on your way to Pongola, was Gert Erasmus with you?

INSP MKHWANAZI: That is correct.

MS WANNENBURG: More-or-less what time do you think you arrived at Pongola?

INSP MKHWANAZI: Chairperson, I do not want to confine myself to time factors because I realise that this could give me a problem at a later stage. I'm not sure.

MS WANNENBURG: Can you tell us what happened when you arrived at the scene of the murder?

INSP MKHWANAZI: Where he was shot or the scene of the crime we got a crowd, because it was next to the taxi rank as well as the shopping centre, so there was a large crowd of people who were gathered there. We did not see the body of the dead person, so we proceeded to the police station where we came across a suspect who had already been arrested with regard to the matter.

MS WANNENBURG: When did you hear that a suspect had been arrested, at the scene of the crime or at the police station?

INSP MKHWANAZI: No, we got to know about that at the police station when we went to the chief CID's office.

MR MNGOMEZULU: According to what you have said you were shown the office where the suspect was being kept and you said on entering the office you started to interrogate him. Was this the normal procedure in that area, that when a suspect has been arrested he will be handed over to the Security Police for questioning at the police station?

INSP MKHWANAZI: As I've already explained, if a person had been shot or a firearm was used we would be called to come and investigate the matter, working in consultation with the other CIDs of the particular area.

MR MNGOMEZULU: So the motive was - the motive, was it considered or not considered when such a suspect is handed over to the members of the Security Police, or the concentration on the use of a firearm?

INSP MKHWANAZI: Yes, it was mainly that a firearm or a weapon was used in the killing.

MR MNGOMEZULU: Would you elaborate on what transpired on the interrogation of this suspect?

INSP MKHWANAZI: As we asked him questions - each and everyone of us asked him questions, but he kept on denying his involvement and we wanted to know as to what he was doing in Pongola, because he said he was coming from the area of KwaNongoma.

He said his child was ill, so he had come to bring his child for medical attention. When we further asked him questions as to why and how is he connected to the death of Mike Mcetywa, he said he didn't know anything, he just saw policemen arresting him. He was hiking towards a certain place, he was not involved

or directly involved with the killing. He kept on denying his involvement.

MR MNGOMEZULU: ~~For the purpose of~~ the record, would you recall the name and surname that he gave to you on approaching him at the station?

INSP MKHWANAZI: Yes, I do.

MR MNGOMEZULU: I did not get the answer.

INSP MKHWANAZI: He said he's Nkosinathi Mavuso.

MR MNGOMEZULU: Did he tell you where he stayed, besides telling you that he was coming from Nongoma. What I mean to say is, did he tell you he was from Nongoma to where?

INSP MKHWANAZI: Yes, he said he was coming from KwaNongoma, heading towards Piet Retief, where he's working or he was working at that time.

MR MNGOMEZULU: So you are saying he kept on denying the allegation of having been involved in the murder?

INSP MKHWANAZI: That is correct.

MR MNGOMEZULU: Would you further say what you, up until the end of your role on that particular day with this, dealing with this man.

INSP MKHWANAZI: We never gave up, that is my office and I, we kept on trying to find out as to what his involvement was and the CIDs in Pongola - I've forgotten his surname, but I think I'll remember it as time goes on. He was taken and he was put in custody. It was now late in the afternoon.

MR MNGOMEZULU: Was it the first time for you to see that suspect?

INSP MKHWANAZI: No, it wasn't the first time.

MR MNGOMEZULU: When and where had you seen him before?

INSP MKHWANAZI: I don't remember the first time I saw him and where, but what I do remember is I used to see him at his place of employment. He was working at Bison Board, a certain factory.

MR MNGOMEZULU: Had you ever talked to him before?

INSP MKHWANAZI: I don't remember. We used to go to Bison Board whenever we were looking for suspects or if we wanted to see someone. He was also one of the security people who was at Bison Board. Probably I saw him at that time, but I don't remember quite well as to the circumstances surrounding my seeing him.

MS WANNENBURG: Can you explain to us where Bison Board is?

INSP MKHWANAZI: When you're coming from the south, that is south of Piet Retief city centre, heading towards Ermelo, if you're cutting through Piet Retief, heading towards Ermelo. If I'm making the right estimate, it's about five kilometres from the Piet Retief town towards Ermelo and it's on your left-hand side along the route, or M2 route.

MS WANNENBURG: Did you know anything about the suspect's political affiliation?

INSP MKHWANAZI: No, not at the time.

MS WANNENBURG: He was not an active member of any political organisation?

INSP MKHWANAZI: As I've already said, I didn't know anything about him.

MS WANNENBURG: So you only spoke to him in his capacity as a security officer at Bison Board?

INSP MKHWANAZI: That is correct.

MS WANNENBURG: Can you perhaps go through the interrogation that you conducted, step by step, telling us who interrogated the suspect first, who was present when you interrogated the suspect, throughout that entire day.

INSP MKHWANAZI: I would like to request the Chairperson to take note of what I'm going to say. I'm not going to be able to say word for word the questions that I posed, but what I can say

is that in general terms he kept on saying one and the same thing.

I can't say when I was asking this question he would answer in this manner and when I was asking a particular question he would give me a specific answer. As I've already explained, that we asked him quite a string of questions: "where do you come from, why were you arrested, why did you kill the person, how did you find yourself in this area, which direction were you heading to?".

He just kept on denying his involvement and the allegations that we were having against him.

MS WANNENBURG: Sorry Inspector, I think you're misunderstanding my question. What I'm actually asking you is, which police officers interrogated the suspect. Could you start

from when you arrived at the police station until you left the police station, which police officers interrogated that suspect?

INSP MKHWANAZI: It was the Pongola Police Station. It was Warrant Officer Piza who was interrogating him at that time when we arrived.

MS WANNENBURG: Does he speak Zulu, Warrant Officer Piza?

INSP MKHWANAZI: Yes, he does, but I don't know his knowledge of the language, but he did speak Zulu at that time.

MS WANNENBURG: And then, who interrogated - what

happened when you arrived, did Warrant Officer Piza leave or did he stay with you and interrogate the suspect?

INSP MKHWANAZI: Let me just clarify this. There are doors opposite each other. We used to come in and go, leave others, go. We were being in and out of the office. Each and every one of us was just coming into the office, going out, you go out, do some other things, come back. So it was just everybody coming in and going out all the time. So I wouldn't say Piza went out at a specific time or he stayed there throughout the period.

MS WANNENBURG: Okay. Can you tell us ...(intervention)

CHAIRPERSON: Just before you go, let me just clarify something here, I'm a bit puzzled. You arrive at Pongola, you go to the scene, there's no body there, you decide you'll go to the

police station. Who told you to go there and who told you to go to the police station?

INSP MKHWANAZI: ...(no English interpretation)

CHAIRPERSON: Who told you, who gave you the order to go to Pongola and who then, when you got to the scene and saw there was no body there, who made you change direction and go to the police station? Where did that instruction come from?

INSP MKHWANAZI: There wasn't a specific instruction from any person, but what I can say is if you are from one police station to investigate with regard to a matter that happened at another jurisdictional area, it was common knowledge and common practice that we would go to Pongola Police Station. It was apparent that the Pongola Police Station had phoned Piet Retief. So if we didn't get any knowledge with regard to that, it was common knowledge that we would proceed towards the police station of that particular area.

CHAIRPERSON: What I'm trying to understand is, you didn't normally - when you were based at Piet Retief, you didn't work in Pongola, you worked up until their area of jurisdiction, correct?

INSP MKHWANAZI: I don't understand your question, can you please repeat it.

CHAIRPERSON: You told us earlier in your evidence that you worked up until their, Pongola's - when you were in Piet Retief you worked up until Pongola's area of jurisdiction, you didn't cross the boundaries. We made that quite distinctly clear and you agreed with that at the time. You're looking puzzled now.

INSP MKHWANAZI: Yes, I am puzzled. What border are you referring to?

CHAIRPERSON: The difference in jurisdiction between Piet Retief and Pongola.

MR PRINSLOO: Mr Chairman, maybe there's some confusion here. As I understood his evidence, Pongola was also in their area of jurisdiction, the whole of Pongola. Not up to Pongola, but Pongola included. Pongola only shifted afterwards to Natal's side.

INSP MKHWANAZI: Yes, that is true. As far as Pongola was concerned, Pongola was within my area. As I've already said that I was working from Piet Retief up to the area that I've mentioned. Pongola is within the same jurisdictional area.

CHAIRPERSON: I'm still trying to understand, what made you and your other two colleagues be called in on this murder and who did that?

INSP MKHWANAZI: It was the area that we used to work. As I've already explained that we worked from Piet Retief towards

Pongola, so it fell within our area. So if you want to know the person who called us, according to my own perception I think it was the Pongola Police Station that called the Piet Retief Police Station, that is the Internal Security at Empangeni, that an incident has occurred. And probably the white colleague that I met was the one who received the message earlier on.

CHAIRPERSON: That was van Staden? That was van Staden?

INSP MKHWANAZI: Do you mean who received the message? I was outside the office, but the person who gave me the report was van Staden.

CHAIRPERSON: Correct. And van Staden was the one who told you to go to Pongola and to follow him there. That's your evidence so far.

INSP MKHWANAZI: That is correct.

CHAIRPERSON: So what's the problem, why couldn't you give me a straight answer right in the beginning? When I asked you who instructed you to go to Pongola, the answer is van Staden, it's simple.

INSP MKHWANAZI: No, your question was: "Now you are from this crime scene, who instructed you to go to the police station?". That is the question you asked, and I said to you nobody told us from the scene of the crime to go to the police

station. That is the question that you asked me, and I had already explained that it was van Staden that we came across.

CHAIRPERSON: That was the second part of the question, but be it as it may. Did van Staden take the decision to go to the police station, from the scene?

INSP MKHWANAZI: When we got to the police station, van Staden was already there. It was myself and Gert who arrived at the scene of the crime where we saw the crowd, who told us that a person had been shot. Van Staden was driving his own car and he was ahead of us, he was not with us at the time that we arrived at the scene of the crime.

CHAIRPERSON: Alright. The reason we are puzzled about this and the reason the confusion has arisen is, you said you followed him to Pongola, so obviously you didn't follow him, he must have gone on his own.

INSP MKHWANAZI: No, that doesn't mean that we were following exactly behind him, we were following him in the sense that he went ahead of us and we followed towards the area, because I had to go and drop my wife off at the taxi rank and thereafter we followed. We were driving a bakkie, he was driving a private car. We followed towards the same area, not at the same time or immediately at the same time.

CHAIRPERSON: So you met him at the police station?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: You told us earlier that when you got to the police station, somebody instructed you to go and start interrogating that witness, the suspect, who instructed you to do that?

INSP MKHWANAZI: I've forgotten his name, he was a Warrant Officer. He was a chief CID at that time. I think I'll recall his name as we continue. We arrived at his office, van Staden was there already.

MS WANNENBURG: Can I ask you, was the person's name Vermeulen, the CID officer?

MS WANNENBURG: Yes.

MS WANNENBURG: Can you tell me, I asked you earlier which police officers interrogated the suspect in your knowledge ... (intervention)

CHAIRPERSON: Sorry, if you can do this more systematically because you ask in a very general way. We know that when he got to the office, Piza was there, right? Who else was with Piza in the room when you got there?

INSP MKHWANAZI: Do you mean in the office where the suspect was?

CHAIRPERSON: Correct.

INSP MKHWANAZI: I don't remember, but there is a black policeman from Pongola who was there with Piza.

CHAIRPERSON: So it was Piza plus one other black person who was a policeman from Pongola, plus the suspect?

INSP MKHWANAZI: I'm not positive as to whether there was only one policeman, but I'm sure about Piza, because this was Piza's office. I'm absolutely positive that Piza was there and this other black policeman, but I can't say there was only one.

CHAIRPERSON: So you walk into the office and then who is it, it's yourself, who else?

INSP MKHWANAZI: Gert Erasmus, who was with me.

CHAIRPERSON: Yes, and?

INSP MKHWANAZI: I think Mavuso arrived at a later stage together with Nxumalo, and they were driving in a different car as well. I remember that Botha was also around, I don't know whether he arrived before or after us.

CHAIRPERSON: So, without confusing the issue, yourself and Erasmus walked into Piza's office and nobody at that stage went with you, besides the two of you, is that correct?

INSP MKHWANAZI: Yes, that is correct, we arrived, the two of us.

CHAIRPERSON: Didn't van Staden go with you?

INSP MKHWANAZI: No, he was there already when we arrived
...(intervention)

CHAIRPERSON: Was he in the office with the suspect or was
he ...(intervention)

INSP MKHWANAZI: He was with Warrant Officer Vermeulen.
But I don't know whether he went earlier on to see the suspect or
interrogate him or he went after me.

CHAIRPERSON: So Piza, one other black policeman, whose
name you can't remember, and the suspect are in Piza's office.
You and Erasmus walk in. What did you do?

INSP MKHWANAZI: Can I please correct a certain aspect here?

CHAIRPERSON: Please do.

INSP MKHWANAZI: I don't want to confuse issues or to get
you confused, let me just clarify. Warrant Officer Piza and one
black policeman. I've already explained that there were other
policemen in there. Sir, I don't want to say there was one black
policeman because at a later stage it will be said that I was lying,
I said only one.

CHAIRPERSON: Were there more than one other black
policemen in the room with the suspect at the time you walked
into it?

INSP MKHWANAZI: There were a lot of policemen. I can say
a lot of policemen from Pongola were there, but I cannot say

positively that I saw so-and-so, so-and-so. There were a lot of policemen coming in and out of the room, though I cannot positively identify them. There were many. So I don't want to say there was only one policeman.

CHAIRPERSON: Now you were asked by Vermeulen to go and interrogate this person, is that right?

INSP MKHWANAZI: That is correct.

CHAIRPERSON: So how did you conduct the interrogation? You were instructed to go and interrogate the man, what did you do, did you go to Piza and say: "Listen Vermeulen says we must conduct this interrogation, what have you got so far, what has he told you, what hasn't he told you?" Did you ask other people to leave the room, what did you do?

INSP MKHWANAZI: No, I did not ask permission from Piza. I think he knew that we were going to arrive because other policemen who were working with me were already there when I arrived. So the suspect was not specifically waiting for me to come and interrogate him. So when I got there I asked him question like the other policeman had done before. As you are asking me questions, each and every one of you is asking me questions, that's the procedure that we followed.

CHAIRPERSON: Yes, but you see the big difference is, you didn't know what he'd already been asked, you didn't know what

he had told them, you just came in there blind and started questioning him. We at least know what we're going to ask you.

Surely that's the first thing you do when you start an interrogation, you say to the man who is there already and you say: "Well what do you know so far, what has this man told you, has he admitted anything, what does he say?", so you don't have to waste your time asking him questions he's already answered.

INSP MKHWANAZI: Yes, that is true, but I've already explained to you that we were told by the chief CID, he told us that the man had denied his involvement, but the suspect was not coming forth so we must also try our turn in asking questions.

I was from Piza's commander and he had already briefed me because he was also apparently involved in the questioning and he told us that the suspect was denying the involvement.

CHAIRPERSON: I see. When did he brief you?

INSP MKHWANAZI: As I've already said, the very first office we got into was the commander's office, then the second one was Piza's office. We first went into the other office and we went to Piza's office, that is where the suspect was. We were told to go there.

CHAIRPERSON: So Vermeulen brief you and Erasmus?

INSP MKHWANAZI: That is correct. Other policemen were present as well at that time.

CHAIRPERSON: Who else was present?

INSP MKHWANAZI: As I've already explained, there were a lot of policemen who were there, some were policemen that I was working with ...(intervention)

CHAIRPERSON: Oh I see. Just stop for one second, just stop for one second. We're talking about Vermeulen's office, we're not talking about Piza's office. Be clear. Who was in Vermeulen's office with you when he briefed you and Erasmus?

INSP MKHWANAZI: I explained it before that ...(intervention)

CHAIRPERSON: You haven't explained it, you haven't told us a word about it before. Explain now.

INSP MKHWANAZI: When we got there, van Staden was in Vermeulen's office.



CHAIRPERSON: Right, that's the first time you mentioned van Staden being in his office. When I asked you where van Staden was, you said he was in his office.

MR PRINSLOO: With respect, Mr Chairman, he did say van Staden was in Vermeulen's office.

CHAIRPERSON: But he said nothing about a briefing at that stage at all. Now I'm wanting to hear about the briefing. Who were all these other policemen in Vermeulen's office when you, Erasmus were briefed?

INSP MKHWANAZI: We got van Staden there.

CHAIRPERSON: Just van Staden?

INSP MKHWANAZI: I don't know the others who were there.

CHAIRPERSON: Well how many were there, five, ten, fifteen, a hundred?

INSP MKHWANAZI: I did not count them.

CHAIRPERSON: Well you see if you had a briefing, you would have had a structured briefing from the man. This is a murder investigation.

INSP MKHWANAZI: Maybe the method of operation is not the same. Even the word that you are using "briefing", to me is foreign, because according to our method of operation it was that if you get where an incident of murder has happened, each and every policeman has got his own way of investigating. Now I couldn't get an instruction as to how to conduct the search or the investigation. I used my discretion in some other instances.

CHAIRPERSON: Let me remind you that it was your evidence that said that Vermeulen briefed you about it, that's how you knew that this witness wasn't co-operating. I didn't put those words in your mouth, you told them to me.

INSP MKHWANAZI: Maybe it's the use of the word "briefing" that creates so much confusion. As I've already said, Vermeulen told us that there was a suspect and the suspect was denying his

involvement, and he further said that we should also go, but we were not told as to the specific things that he had already said.

CHAIRPERSON: Thank you, you've just helped me a great deal, because that explains why the next thing he would have done would have been to speak to Piza and say to him: "Well we understand this man's just denying things, what have you asked him so far, what has he told you so far, what is the story he's told you, so that you can understand what contradictions there are and what he's in fact denying and how to maybe solve the problem".

You don't just start blindly from scratch all over again.

And that's - in reply to a question like that you said: "Well, Vermeulen explained to us".

So if Vermeulen didn't explain to you anything other than that the man was denying it, how did you find out the rest?

INSP MKHWANAZI: The rest we got from the suspect himself.

CHAIRPERSON: Now did you not sit down and try and structure how you were going to interrogate him?

INSP MKHWANAZI: No, I never used to do that. As a policeman I know how to interrogate or to ask questions.

CHAIRPERSON: But there were more than one of you asking, it was Piza, it was another black guy, it was yourself, it was Erasmus, at a later stage you said other came into the room,

Mavuso, Nxumalo, Botha, van Staden. Surely you must have needed some co-ordination of all those questions.

INSP MKHWANAZI: If a person is arrested immediately on the scene there is not a specific way of asking him questions, each and everyone who wants to ask a question would ask a question. This thing only becomes structured when a specific person is assigned to the case. At that time it was too early for us to start planning and structuring as to how to ask him questions, we just asked him questions at random. Any one of us who wanted to ask a question would ask a question at that particular time. It was only later that a person could plan, that is a person assigned to deal with the matter.

CHAIRPERSON: You were told that this man was arrested on the scene, is that correct?

INSP MKHWANAZI: I did not say that.

CHAIRPERSON: You've just said now that he was arrested on the scene, how did you know that? Who told you that he was arrested on the scene?

INSP MKHWANAZI: I did not say that.

CHAIRPERSON: Your evidence two seconds ago was that the man was arrested on the scene:

"When a man is arrested on the scene ..."

...(intervention)

MS VAN DER WALT: If a man is arrested ...

CHAIRPERSON: Yes, if the man is arrested on the scene that's how we do it. The implication is that he was arrested on the scene.

MR PRINSLOO: Mr Chairman, with respect, that's not what he said, he said - it's merely by a comparison, if a man was arrested there. It wasn't what he - he never said this man was arrested at the scene, at no stage. He said this man was denying it - at an earlier stage he was denying, he said he was on his way hitchhiking somewhere.

CHAIRPERSON: Was the man arrested on the scene?

INSP MKHWANAZI: At the time that I asked him questions he said he was arrested whilst hiking towards a certain area, in the street. That is what he told me.

CHAIRPERSON: What were told by Vermeulen, before you started questioning him as to where he'd been arrested?

INSP MKHWANAZI: He said there is a man who had been arrested with regard to the death of Mr Mcetywa who had been shot earlier on.

CHAIRPERSON: Did you not ask him where he was arrested?

INSP MKHWANAZI: No, I didn't. I don't remember, maybe I did, but I don't remember at this junction.

CHAIRPERSON: Well how would you have known how to evaluate the witness' answers if you didn't where they arrested him? You wouldn't know whether he was lying or not.

INSP MKHWANAZI: No, there was no need for me to be told by another policeman, I was a policeman myself in my own respect and I was going to investigate that on my own.

CHAIRPERSON: Well it's not surprising you wouldn't have had much success because you didn't know where he was arrested, so you wouldn't know that he was lying to you.

INSP MKHWANAZI: I knew that we would be asking different questions and we would be getting different answers. So that is something that I was expecting. And it was easy for me to go from one office into another, tell another policeman that this guy says he was arrested at such and such a place, how far true is that?

CHAIRPERSON: Well you must admit, it would have been much more helpful to know that at the beginning.

INSP MKHWANAZI: That's not how I thought of it.

MS WANNENBURG: Did you record the interrogation of the suspect? Did you tape record the interrogation?

INSP MKHWANAZI: No, we don't usually do that, it's only when the warning statement had been taken from the person, that

you record everything, but when the questioning is just at random, not formalised, we don't.

MS WANNENBURG: No-one made notes during that questioning?

INSP MKHWANAZI: If there is a person who feels that there are some important aspects to be noted down, each and every one of us would do it, but there isn't a specific person who was taking notes at that time.

MS WANNENBURG: Can I just go back to an earlier question. I want to know who interrogated the suspect, which policeman

interrogated the suspect? And I'm not talking about people now who walked in the door and walked out, I'm talking about - if you can just tell me, while you were there who interrogated the suspect.

INSP MKHWANAZI: It's the other policemen who were present.

MS WANNENBURG: Can you tell me which policemen interrogated the suspect, what are their names?

INSP MKHWANAZI: I've counted Mavuso, Nxumalo, van Staden. We would interpret for them when they were asking questions. Vermeulen at some stage came to pose his own questions to the suspect.

MS WANNENBURG: Is that all?

INSP MKHWANAZI: Yes. I wouldn't say they were the only ones who interrogated the suspect, but offhand I think these are the ones I remember.

MS WANNENBURG: Can we just get back to a question that you were asked earlier on about normal procedure, whether the Security Branch normally interviewed suspects. Now Vermeulen was the investigating officer in the case, why was it that Security Branch members interrogated the suspect and during that interrogation, Vermeulen wasn't there so he wouldn't be hearing the answers, so it wouldn't assist him in his investigation. So

I'm basically asking you two questions to simplify, why would Security Branch members be involved in the interrogation, firstly and secondly, why was Vermeulen not present if he was the investigating officer?

INSP MKHWANAZI: Vermeulen was present. Can I just explain this. I never said Vermeulen was not present, I've just said now that Vermeulen was one of the people who were coming in and out of the office, interrogating the suspect. The Internal Security was there as well. There are some others who came from Ermelo, also to investigate. At no stage did I say Vermeulen wasn't there.

When a person is killed or shot a lot of branches or many branches of the police stations do come to investigate with regard

to the killing. Even if there's a person assigned to the case, he will be left with the docket and the case, but during the investigation stage we are all involved. I deny that I said Vermeulen wasn't present.

At some stage I remember Vermeulen coming in, telling us that they had discovered some clothes, a jacket as well as a hat that was found. There were also other policemen from outside who were coming in with bits and pieces of information. Even the Dog Unit was there. So it wasn't only the Special Branch that was there.

MS WANNENBURG: Were you ever alone with the suspect?

INSP MKHWANAZI: I don't remember.

MS WANNENBURG: Since you interrogated the suspect, the docket has no statement from you - there is no statement from you in the docket, as to the interrogation, is this normal procedure or is it unusual not to have a statement in the docket?

INSP MKHWANAZI: The investigating officer organises the docket and he know which statements he needs, who he's going to take the statement from. If he decided not to take my statement I could not challenge his decision not to.

For instance he would decide that he would take the statement of the policeman who discovered the gun or who got hold of the gun that was used, but I think it would be foolish of

that investigating officer to collect all the statement of the people who submitted statements to him or who investigated the matter or talked to the suspect. That docket would be full of statements from different people.

MR MNGOMEZULU: According to your knowledge, did any member of the Security Police in your office submit a statement to the investigating officer regarding the interrogation that was carried on with the suspect?

INSP MKHWANAZI: No, I have no knowledge thereof. It's possible there is, but I'm not sure, I don't know.

MR MNGOMEZULU: Did you attend the trial of the suspect in Court?

INSP MKHWANAZI: ~~I don't remember.~~ Do you mean Court appearances or the trial itself? Let me just get this clearly so that there's no misunderstanding at a later stage.

MR MNGOMEZULU: Mr Chairperson, may I ask this question in Zulu? Did you go to Court when the trial was being conducted? That is from the inception or the beginning of the trial up to the end, is there an instance where you appeared or where you were needed to appear? Did you give evidence?

INSP MKHWANAZI: Yes.

MR MNGOMEZULU: Would you elaborate ...(intervention)

CHAIRPERSON: What is the "yes" to? Did he go to the trial? Let's answer that question first. Did he give evidence? That's the second question.

MR MNGOMEZULU: He did attend Court.

INSP MKHWANAZI: Yes, what I said is I attended the trial, I also was a witness at some stage.

CHAIRPERSON: And you gave evidence?

INSP MKHWANAZI: Yes, I did give evidence.

CHAIRPERSON: Thanks.

MR MNGOMEZULU: Now would you tell us, the content of the evidence that you gave in Court in regard to the matter.

INSP MKHWANAZI: Could I just explain? I need to give you a background of the whole thing. When there was an investigation within the office in Pongola, Warrant Officer van Staden came into the office. He had a jacket with him as well as a Balaclava. He said to the suspect: "You must if these clothes". He gave him the jacket and the jacket fitted the suspect. Van Staden said: "There are witnesses who saw you wearing these particular garments and they do fit you, how come do they fit you if you say you are not connected to the matter?". And apparently those clothes were discovered in a forest or some bushes.

And when the case was heard, the suspect said we were trying to plant him because there was a stage where he had

earlier been told that even if he can deny it, the evidence that will be tendered in Court would be to the effect that the balaclava, according to forensic and ballistic tests, some strands of hair which were found in the balaclava belonged to the suspect. Then he made a statement that we were trying to plant him and connect him to the murder.

That is when he told his attorney that van Staden and myself are the ones who made him wear the balaclava, so that some strands of hair would be left. That is what led me to give evidence in Court, that we did not mean to plant him, but whatever we were doing was part and parcel of the investigation.

That is the evidence that I was going to tender before Court, that we wanted him to fit the garments and see whether they fitted him.

MR MNGOMEZULU: May I make a follow-up. When van Staden came in the office where you were with the suspect, he had a jacket with him. Was the balaclava part of the articles that he had?

INSP MKHWANAZI: It's not van Staden, Vermeulen.

MR MNGOMEZULU: Well if I heard you very well, you said van Staden.

CHAIRPERSON: Ja, you did say van Staden, but anyway.

MR MNGOMEZULU: So Vermeulen had a jacket, he had a balaclava, did he have any article in his hand other than a jacket and a balaclava?

INSP MKHWANAZI: I only saw the balaclava as well as the jacket. He could have had something with him in his hands, but what I saw was the jacket and the balaclava.

MR MNGOMEZULU: I find it very strange that he would fit the jacket on the body of the suspect, did he do the same with the balaclava, according to what you saw?

INSP MKHWANAZI: Yes, he did.

MR MNGOMEZULU: He put the balaclava on his head.

INSP MKHWANAZI: Yes, plus the jacket.

MR MNGOMEZULU: Did you take part in that process?

INSP MKHWANAZI: I was there interpreting for him. He was saying: "These things fit you, how come they fit you if they're not yours?" And the suspect was denying and saying that ... (intervention)

MR MNGOMEZULU: So if I hear you very well you say you did not physically take part in the dressing of the suspect with these articles, you were only doing the interpretation for Vermeulen, am I right?

INSP MKHWANAZI: Yes, that is correct.

MR MNGOMEZULU: Then why would the suspect single you out, out of all other African policemen, who I believe were in and out of the office during that process, to say you took part in the process of dressing him with the balaclava and the jacket?

INSP MKHWANAZI: As I've already explained, he did not say that I took part, he said I was present. I was present because I was interpreting and I was always there throughout because if I investigate a person, I sit still and I investigate the person properly, I don't go in and out. Especially because I was interpreting, and it was common for them to call me because they used to say: "Mkhwanazi, please come do this, Mkhwanazi, please come do that".

MR MNGOMEZULU: Did the Court accept your evidence?

INSP MKHWANAZI: I have no knowledge thereof.

MR MNGOMEZULU: Thank you.

MS WANNENBURG: Was there anyone else in the room when you and Vermeulen were in the room and the jacket and the balaclava were allegedly put onto the suspect?

INSP MKHWANAZI: I don't remember.

MR MNGOMEZULU: So this means you were testifying in support of the suspect, to the effect that of course Vermeulen did put a balaclava and a jacket on him, am I understanding this right?

INSP MKHWANAZI: Can I just straighten that out. I think I was not supporting the suspect's statement, but I was saying what I knew and what I saw or witnessed, because at the end of the day it was said that we were trying to plant him.

MR MNGOMEZULU: So your coming to the Court, were you subpoenaed by, I mean on behalf of the prosecution or the defence in this matter?

INSP MKHWANAZI: I wouldn't know what the prosecutor and the defence attorneys discussed, but I was called in by the defence. But according to my perception I think it transpired that there were allegations that we were planting him, that is myself together with the white person that I was working with. So there was a need for me to be called in order to straighten out the confusion.

MR MNGOMEZULU: You were specifically requested by the lawyers of the suspect, is that what you said?

INSP MKHWANAZI: Yes, I did. When I discovered - I arrived in Court, they spoke to me, that is the defence attorneys.

MR MNGOMEZULU: Will I be wrong if I say you were testifying in favour of the suspect in order to strengthen his allegation to the effect that police did of course plant a balaclava on his head?

INSP MKHWANAZI: No, that is not true. Even in Court I put it clearly and unequivocally that the police did not try to plant the suspect, but it was part and parcel of the investigation. I even went on further to explain that according to my own perceptions, Vermeulen himself did not know at this stage that people in higher authority would send their forensic experts to come and take the clothes in order to conduct some investigations. And I didn't even think that would happen myself.

So I cannot say that he was being planted. I don't think there was anyone who had any ideas about planting him. Maybe Vermeulen had knowledge that he concealed from me, but I did not have any idea about planting anyone.

MR MNGOMEZULU: Don't you see any discrepancy on the part of the police during this process, which might have affected the whole criminal proceedings?

INSP MKHWANAZI: That is a very common thing. It is possible. During the execution of your duties you commit or do some mistakes, that is fairly common.

MR MNGOMEZULU: Therefore, if somebody would put to you that Inspector Mkhwanazi assisted the suspect in putting up this allegation against the police, which of course would amount to a

discrepancy if in case it did happen, how would you convince this Commission that this person is in any way wrong?

INSP MKHWANAZI: I can prove it to the Commission if that is the case. I do not see any need for me to tell lies and say we did not put the balaclava and we did not make him wear the jacket. That is what actually happened and I was only relating what happened.

And if the Commission didn't want to hear this evidence, it means you are not interested in the truth, because what I'm saying is the truth and it's what happened. It may happen that I was supporting somebody, but it was not my intention. I was just saying or relating to you what happened and what I witnessed as I was there. So as to who I was supporting is really up to anyone who is listening.

CHAIRPERSON: I think we must move on, this is not really getting us anywhere. Can we just take a quick five minute adjournment.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: Right, we've got a recording. Sorry, you're still under oath.

M Q MKHWANAZI: (s.u.o.)

CHAIRPERSON: If we could just move on a little bit. His perception about whether he was helping the accused or not, it's neither here nor there at the end of the day.

MS WANNENBURG: Can I ask you, when did they find the hair in the balaclava?

INSP MKHWANAZI: I don't know.

MS WANNENBURG: Are you aware when the forensic tests were done?

INSP MKHWANAZI: Could you repeat the question please?

MS WANNENBURG: Do you know when the forensic tests were done on the hair?

INSP MKHWANAZI: No, I don't.

MS WANNENBURG: Have you been charged with any offence in relation to this case?

INSP MKHWANAZI: You mean with regard to Mr Mcetywa's murder?

MS WANNENBURG: Yes.

INSP MKHWANAZI: Yes.

MS WANNENBURG: What have you been charged with?

INSP MKHWANAZI: I think I received summonses. They said I had killed Mcetywa. What I was told was that I was being put under arrest or accused of having killed Mcetywa.

MS WANNENBURG: Can you tell us what date you were charged?

INSP MKHWANAZI: I don't remember. I think after quite a long time. As Mcetywa was killed during 1993, I think it was during 1994. I don't remember the date and the month, but I think during 1994.

MS WANNENBURG: Do you have the charge sheet with you?

MS VAN DER WALT: I've got the charge sheet.

MS WANNENBURG: Would you mind reading it into the record.

MS VAN DER WALT: "Die eerste aanklag was moord - dis Afrikaans, dit is vyf klagtes van moord - nee wag 'n bietjie". No, I'm sorry, it's not the right one. "Laat ek net kyk of ek hom het". No, I haven't got the right one.

MR PRINSLOO: Right, I just want to sort it out in the correct sequence here. The indictment here in the Supreme Court ... (intervention)

CHAIRPERSON: Your microphone.

MR PRINSLOO: I beg your pardon. The indictment was the present witness, accused 1. The second one an Alfeus Dumisane Msibi and then a Lagamandla was the third accused. There was then a charge of murder and alternatively a conspiracy and a

second alternative to inciting to commit murder. And then the essence of the charge sheet was:

"On the 22nd of November 1993, at or near Pongola in the district of Piet Retief, the accused wrongfully and unlawfully killed one, Michael Mcetywa".

And then in the alternative it was a conspiracy, or that he was helping or assisting in the execution of the murder itself. That's just very briefly. And the second alternative for that was inciting to commit murder.

Okay and then there is the summary of facts. It was that:

"On the 22nd of November 1993, the accused allegedly attended a meeting where it was agreed to kill the deceased. The execution of the murder was taken by them in Piet Retief and the murder was committed in Pongola on the 22nd of November near Protea Furnishers."

But this charge was then subsequently withdrawn by the Attorney-General. The charges were withdrawn by the Attorney-General against the accused. So there was no plea whatsoever.

MS WANNENBURG: Can you tell me who put the charges to - which investigating team was involved in the investigation?

MR PRINSLOO: If I just have a look on the list of the witnesses, maybe I'll be able to infer from there. ...(indistinct).

It's difficult to say from this here, but I see on the list of witnesses, it was Warrant Officer Vermeulen, who was one of the people on the list and a lot of other policemen as well, so I don't know who actually put it to him, but it must have been police from up there that investigated the case. It was sent to the Attorney-General at the time of the Transvaal. And I see the Deputy-Attorney General Fick, signed the indictment in Pretoria.

MS WANNENBURG: So he didn't appear in Court after the charges?

MR PRINSLOO: No, he appeared in Court and after the appearance the case was withdrawn by the Attorney-General, because of insufficient evidence and conflicting statements, was the reason why the Attorney-General withdrew the charges.

MS WANNENBURG: Could you perhaps just elaborate on the, if you can, on the conflicting statements?

MR PRINSLOO: Well if my memory serves me correctly, there were conflicting statements, in particular there was a witness one, Keshwa and there was another witness by the name of Msibi. In essence those were the people who implicated this witness.

MS WANNENBURG: Perhaps just to save time as well, can you tell us if he's been charged with any of the other incidents that appear on the subpoena?

MR PRINSLOO: Well he was charged with only one, together with other people. It was also withdrawn. You'll be talking about Piet Retief matters?

MS WANNENBURG: I'm talking about both Pongola and Piet Retief matters.

MR PRINSLOO: There was one other matter. One second please. There's one other matter in Piet Retief, it was also withdrawn. There was a number of accused. I think Pienaar was one accused as well. Again there the Attorney-General withdrew the charges because of conflict of the witness' statements and also total insufficient evidence. In that case there was Pienaar and there was one Gumbi and then Mkhwanazi, on various charges.

MS WANNENBURG: Can I just clarify, is that in relation to the Mcetywa matter and the Magudilela matter?

MR PRINSLOO: Yes, that's correct, yes.

MS WANNENBURG: Has he been charged in relation ...

MR PRINSLOO: I beg your pardon.

MS WANNENBURG: Has he been charged in relation to any other Pongola matters?

MR PRINSLOO: No, no other Pongola matter.

MS WANNENBURG: So it's just - just to confirm, only the Mike Mcetywa ... (intervention)

MR PRINSLOO: The only Pongola matter was the one of the Mcetywa matter, that's Pongola and the others were Piet Retief matters.

MS WANNENBURG: Okay. He has not been charged with anything in relation to the attack on the night vigil of Mike Mcetywa?

MR PRINSLOO: No, there's no such allegation, no.

MR MNGOMEZULU: Maybe Inspector Mkhwanazi can assist us here. What would be the reason for any person to implicate him insofar as him ending up getting charged, although the charges were later withdrawn? But what could be the reason, was there any hostility between him and any particular individual, which must have given rise to this. ~~Maybe he can~~ assist us here, if ever he is able to do so.

INSP MKHWANAZI: I'm really not clear. I wouldn't know what that person thought when he did this, but I think I can explain it in this manner. I could say - I think according to my own perception, though I do not know what they were thinking at that time or maybe they had been promised some money or pecuniary gain, I do not know.

But now looking at it retrospectively I think that maybe some of them were scared of me, or because they were criminals they felt that they wanted to somehow get rid of me. They knew

that I was quite a hard working person. Whenever I wanted information I got information and I had the luck of being able to arrest and get convictions on my cases.

Then I would say maybe it was a purely criminal thing that they should get me to taste my own medicine, because I used to make sure that they get arrested and convicted. Somehow I was an impediment to the criminals because they knew that whenever they had arms in their possession or weapons, I was very lucky to find them, arrest them and secure convictions.

Probably they wanted to get rid of me. I was a threat to them and I was impeding their progress in their criminal activities. That's the only way I can think of it. Probably there were other people who were supporting them, maybe even from the branch within because there's a lot of corruption within the Police Force itself.

Probably they just wanted to remove me so that they could go on with their corruption. That's the only way I can think of it, or can explain it. I just have no other way. And I take myself to be a very truthful person, who did his job very well. That could possibly be one of the reasons why they wanted me out of the way. I do not say it's like that, but that's the only way or the only conclusion I can reach with regard to this matter.

MR MNGOMEZULU: Mike Mcetywa was a known political activist in the area. Did you have anything to do with him prior to his death, in terms of your police work?

INSP MKHWANAZI: Yes, I once worked in Pongola as a policeman, an uniformed police. I was at the Charge Office. I knew Mike Mcetywa, but even though I knew him, I never at any stage knew that he was involved in any political activities or was a member of a political organisation.

And at times we would mix socially with him, but there's never been a discussion with regard to politics or a conflict between me and him that could have resulted in me believing that he was a politician or something of that sort. I had absolutely no knowledge that he was a politician or a member of any political organisation. Maybe it's because at that time you could not just blurt out your political affiliation, because it wasn't a safe thing to do at that time.

MR MNGOMEZULU: So what would you say was the motive for the killing of Michael Mcetywa? Your own opinion about his killing, what would you say?

INSP MKHWANAZI: Because of the suspect, or what I could glean from the suspect when I was investigating him, one, he did not admit that he killed Mike Mcetywa, but if he did agree or did admit to killing Mike Mcetywa, probably I could have gotten the

reason as to why he did. Now I cannot stand firm and say Mike Mcetywa was killed for this or that reason. ...(intervention)

CHAIRPERSON: Sorry, you don't have any suspicions about that yourself?

INSP MKHWANAZI: As a policeman I would say I do have a right to suspect or have a reasonable suspicion, but as I've already said that I knew nothing bad or negative about Mcetywa. That's what makes me to be really confused as to why he was killed. I can offer no explanation whatsoever. And I do not want to vouch and volunteer information that would put me in trouble at a later stage. I think if the person who killed him can appear, probably he would furnish an understandable or acceptable reason.



CHAIRPERSON: So what do you say to these charges that you were involved in a conspiracy to kill this guy, that you met with certain people?

INSP MKHWANAZI: I deny that, that incident never took place, I was never ever involved in any such conspiracy. I wonder whether the person who said that is normal because that never took place.

I do not mean to insult your intelligence or that person, but for him to just suck this story out of his thumb is really unthinkable. That is why I say maybe he's not normal because

that never ever took place and I'm stunned as to why he should lie. That's why I would request the Chairperson, maybe whoever made these allegations needs his mind checked because this is the Truth Commission and that person has come to make those allegations which have absolutely no basis. I don't know how else I can explain it.

MS WANNENBURG: What was your relationship with Ellie Msibe?

INSP MKHWANAZI: I'm not related with her, or I don't have any relationship, but I do know her.

MS WANNENBURG: Did you ever visit his bottle-store in Piet Retief?

INSP MKHWANAZI: Yes, I went there several times. At times when I knock off from work I used to go there to grab a can of beer. I used to go there quite a number of times.

MS WANNENBURG: Would you say that Ellie Msibi was one of your contacts, or informers, whichever word you want to use?

INSP MKHWANAZI: I wouldn't say he was an informer or a contact, but what I can say is that he was a Mayor and I knew him quite well because I was working with people. To me he as like an Induna or a Chief of that place and I was quite used to him. I would go and just pass by, greet him, ask him how things were in his area, ask him how were the people treating him or

how were the people conducting themselves within the community. Because he had a position of authority, so I used to ask him these types of questions and he was like a station commander. I would go to the police station, ask him as to how he was conducting his matters or how were the people conducting themselves. That was the type of relationship. I can explain it in that manner. I cannot say it was purely professional, but I can say I knew him that much.

MS WANNENBURG: You said that he was a leader of some sort, what kind of leader are you talking about?

INSP MKHWANAZI: Where do you get the name or the phrase "leader"? I said he was a Mayor, not a leader.

MS WANNENBURG: You're saying he as a Mayor?

INSP MKHWANAZI: Yes.

MS WANNENBURG: Okay, do you know what political party he belonged to?

INSP MKHWANAZI: No, I don't.

MS WANNENBURG: Do you know Sanda Langamandla?

INSP MKHWANAZI: Yes, I do.

MS WANNENBURG: What kind of relationship did you have with him?

INSP MKHWANAZI: I had no relationship with him, but I do know him.

MS WANNENBURG: When you say you had no relationship, you didn't use him as a contact?

INSP MKHWANAZI: Let me just say, I said I know Sanda, but if you ask me specifically whether he's my contact or what, probably I would have answered you in that manner. Could you please be specific.

CHAIRPERSON: Well was he your contact or wasn't he? Really, that's what she's asking you. Did you use him as a contact, that's what she said, did you or didn't you?

INSP MKHWANAZI: No.

MS WANNENBURG: Do you know Mdu Msibi?

INSP MKHWANAZI: Yes, I do.

MS WANNENBURG: How did you know him?

INSP MKHWANAZI: I knew him when I was working or doing field work dealing with weapons or illegal weapons. There was a time when he was my contact when I was looking for weapons in the area of Dumbe.

MS WANNENBURG: Can you explain, why would you be looking for weapons in the area of Dumbe, was that in your area of operation?

INSP MKHWANAZI: Yes I would work and stretch out to Dumbe at times but at times you would stretch even beyond your area due to certain reasons, maybe I can explain one of them.

For instance let me just give you an example; if there is a trail of a gun that I was following, I would even get to Durban in order to get that gun, and I got to know him through some faction fights when Chief Mavuso as well as Chief Sibiya. The person who was investigating there was me, I was involved with regard to the recovery of illegal firearms where people had been murdered.

I arrested quite a number of people and a lot of people got convicted, I was the investigating officer there. That is what made me to stretch even far beyond, that is to the area of Dumbe because in that area there was a chief by the name of Dlamini who was in charge of the chiefs in that particular area and the people from Mavuso's ~~area had come to an~~ agreement with Chief Dlamini and they were trying to effect some reconciliation between themselves in order to attack Mavuso. So they kept on fetching guns from Dumbe; that forced me to have contacts in Dumbe because that is where they were fetching the guns from.

MS WANNENBURG: In which place did you first meet Mdu Msibi?

INSP MKHWANAZI: No I have no clear recollection but I believe it was in a certain place called The Stands.

MS WANNENBURG: Did you ever meet them at Piet Retief in Ali Msibe's shop, bottle store?

INSP MKHWANAZI: No I don't have any recollection of that. I don't want to say he wasn't there but I don't remember meeting him there.

MS WANNENBURG: Do you know whether he had a friendship with Ali Msibe, or a relationship with Ali Msibi?

INSP MKHWANAZI: Not that I know of.

MS WANNENBURG: What I would like to understand is that as far as I'm aware the Dumbe area would not fall in the Piet Retief area of jurisdiction. How is that you would be able to work amongst the chiefs in that area if that was not your area of jurisdiction, besides the firearms issue?

INSP MKHWANAZI: That's what I've already explained that if there is a firearm, I would trail it to that particular area. I even made an example that I would go as far as Durban if required to. That is what makes your area stretch even beyond your area of jurisdiction if you're following the trail of a gun, that is what happens.

MS WANNENBURG: Was there some kind of pattern of guns moving from that area into your area, or was it just a single incident?

INSP MKHWANAZI: I would explain this. I've already said it but I'll repeat it nevertheless. I said to you, Chief Mavuso and Chief Dhlamini came together, or brought their people together,

so the guns were coming from Dumbe to Chief Mavuso's place so that they could fight Chief Sibiya.

MR MNGOMEZULU: Chairperson here we are talking of Inspector Mkhwanazi as a member of the Security police and of course it's a known fact that within the functions of the security police they also concentrated very well on the political issues and Inspector Mkhwanazi has said he knew Ali Msibi as a leader.

CHAIRPERSON: Sorry, just to correct you, he knew him as the mayor, he didn't say he knew him as a leader but I can't possibly, just to make a comment here, I can't possibly see how a mayor can't be regarded as a leader. The mayor's the head of a town, he must be a leader, it just doesn't make any sense.

MR MNGOMEZULU: ~~Ali Msibi came from~~ - I still believe he still is a member of the IFP in the area. Therefore I don't want to agree that Inspector Mkhwanazi, a member of the Security Police in Piet Retief will say that he did not know that Ali Msibi was a member of the IFP.

CHAIRPERSON: Sorry are you putting the question to him?

MR MNGOMEZULU: Yes.

CHAIRPERSON: Let me rephrase the question slightly. How was it that you as a member of the Security Branch did not know that Ali Msibi, who was mayor of Piet Retief at that time, was a member of the IFP?

INSP MKHWANAZI: I'll explain this. It's common knowledge, and you know it as well that when you are a mayor for a certain area or within certain areas, it's possible that you are within an ANC, IFP, AZAPO stronghold. Now it is not easy for you as a mayor to go around telling people that you are affiliated to a certain political group because the people under you belong to different political groupings, then you cannot just blurt it out and say you are a member of the ANC because there are IFP members of the community or AZAPO members of the community. So he has never told me specifically that he belongs to a certain political organisation.

So my own perception is probably that he was hiding it because there were a lot of people under him who belonged to different political groups.

MR MNGOMEZULU: Has there been ever a personal confrontation between you and Mdu Msibi?

INSP MKHWANAZI: No.

MR MNGOMEZULU: Have you ever been charged with one of the cases in which Mdu Msibi is also charged?

CHAIRPERSON: Sorry that is already known, we've got the answer to that. Ah no maybe not Mdu Msibe, sorry, because the name that you gave was a different name. I beg your pardon, beg your pardon.

Please answer that question, have you ever been charged in a case in which Mdu Msibi was an accused?

INSP MKHWANAZI: The cases or the matters in which I was charged, I'm not aware as to whether Mdu was a co-accused but I think at some stage they said he was a witness. So I don't know whether they were charged and turned state witnesses or they were witnesses initially, I'm not clear. It's possible that they had initially been ...(intervention)

MR MNGOMEZULU: You said Mdu Msibi was once your contact, did you know anything about his family?

INSP MKHWANAZI: Even though I didn't know his whole family, I can say that there is a certain boy or male ...(intervention)

MR MNGOMEZULU: Is that brother of his still alive?

INSP MKHWANAZI: The one I know I think he's since been deceased, I think he's late.

MR MNGOMEZULU: Do you know the circumstances under which he was killed?

INSP MKHWANAZI: No I know absolutely nothing about that. I'll be lying if I said I know something.

MR MNGOMEZULU: Did you visit Mdu Msibi at any stage when he was in custody in Piet Retief Police Station?

INSP MKHWANAZI: No I never visited him.

MR MNGOMEZULU: When he was in Piet Retief Prison?

INSP MKHWANAZI: No.

CHAIRPERSON: Just to clarify. You used the word "stoksile" which can mean prison or police station, depending on what you mean. He asked you did you ever visit him in the police station when he was in custody. Your answer to that is "no"?

INSP MKHWANAZI: Not at any stage, whether in jail or in the police cells.

CHAIRPERSON: Just to be clear on that, thank you.

MR MNGOMEZULU: After Mike Mcetywa's death, his house was later burned down in a police operation and it would appear that Mike Mcetywa was involved in unlawful possession of firearms prior to his death, did you ever know about that?

INSP MKHWANAZI: No I know nothing. I think you asked a lot of questions, could you please ask them one by one so that I can answer them effectively. You said Mcetywa died, his house was burned down, he had guns which were illegal, at what date did he have gun?. Could you just please rephrase them, I would like to answer each and every question.

MR MNGOMEZULU: Yes I made a statement and said - after Mike Mcetywa's death, his house was later burned down during the police operation and it's on record that the reason why police had to go and conduct that operation was that they suspected

unlawful possession of firearms which had started some time ago during the time when Mike was still alive. Now my question is, as I have heard that you concentrated much on the unlawful possession of firearms. Did you know that prior to Mike Mcetywa's death?

INSP MKHWANAZI: No I had no knowledge, I hadn't yet been told about that.

CHAIRPERSON: So Mike Mcetywa was never a suspect in any case or any firearm case that you were looking at?

INSP MKHWANAZI: No at no stage did I ever suspect that he had any unlawful guns, even with regard to contacts, they never came to me to report that he had illegal guns in his possession.

CHAIRPERSON: And ~~you would have had~~ contacts in Pongola I take it? You did have contacts in Pongola?

INSP MKHWANAZI: Yes.

CHAIRPERSON: Carry on.

MR MNGOMEZULU: So you wouldn't agree with any information that Mike was ever involved in unlawful possession or of trafficking of unlawful firearms?

INSP MKHWANAZI: You have just told me, you've given me that information, which means as you've just said, that it's on record, I don't know who wrote the records, maybe he investigated, he found it to be true and the person who got this

information evaluated it. Now I wouldn't gainsay that or come and deny or admit that there is anything to that effect or there isn't.

MR MNGOMEZULU: During your course of duty in the area, when you were translating to any white member engaging in conversation with a black person, which language did you use most of the time, English or Afrikaans?

INSP MKHWANAZI: Whichever language, either English or Afrikaans.

MS WANNENBURG: Can we just confer for one minute?

CHAIRPERSON: Sure. I'd like to stop quite soon and take the lunch break, so let's try and finish off this particular incident so that we can start from ~~fresh on the next one.~~

MR MNGOMEZULU: I think Mr Chairperson I can inform Inspector Mkhwanazi that as he has said that he might not have known Mike Mcetywa to be involved in any political activities, but the truth of the matter is the death of Mike Mcetywa brought about an anarchy situation in Pongola area which I believe must have been in the best interests of the Security to investigate.

CHAIRPERSON: What is your point, that they couldn't possibly not have known the political motive behind it?

MR MNGOMEZULU: If they had not known, but after his death many political activities did take place in the area which I

believe deserved attention and investigation of the Security police.

CHAIRPERSON: Sorry, are you saying they didn't investigate it? Go ahead.

MR MNGOMEZULU: Immediately after Mike Mcetywa's death, Cyprian Maseko, a known member of the African National Congress in Pongola area was murdered. Did you investigate that murder? Or shall I say, did the office of the Security police in Piet Retief investigate that murder in Pongola?

INSP MKHWANAZI: I don't even remember Cyprian Maseko. Maybe he really died or you're referring to a matter that never took place. I have no recollection so I cannot say whether our office went there, I don't even remember the name, it doesn't ring a bell.

MR MNGOMEZULU: As I said, after the death of Mike Mcetywa, some political activity took place in the area, children looted shops, there was toyi-toyiing around the streets and at one stage Cyprian Maseko was arrested for one of those cases and thereafter he was shot and killed. An AK 47 was used. Then I am saying your office never had that information?

CHAIRPERSON: Maybe you can just put the question fairly, did he have that information? I don't know whether he knows

what his office may or may not have had but did he have that information, do you understand?

INSP MKHWANAZI: No I didn't have that information. I know nothing about this.

CHAIRPERSON: So you never heard about the wholesale anarchy that descended upon Pongola and it's surrounds after Mcetywa's death?

INSP MKHWANAZI: Do you mean the wholesalers?

CHAIRPERSON: No, sorry it's been translated quite badly, widespread unrest, let's call it that.

INSP MKHWANAZI: Yes I did hear about that which was taking place in Pongola but I never followed it up because I had no information with regard to that and that was quite a usual occurrence, it used to appear even in the surrounding areas. I wouldn't say it was there or it wasn't, or it happened or it didn't.

As even with the Cyprian Maseko incident ...(intervention)

MR MNGOMEZULU: Cyprian Maseko, known as Nghlo.

INSP MKHWANAZI: I do know Nghlo. As now you are talking about Nghlo, I do know Nghlo but I was not close or used to him.

MR MNGOMEZULU: So did you know that he got killed?

INSP MKHWANAZI: No I don't, I don't remember, it might have happened but I don't remember hearing that.

MR MNGOMEZULU: But you heard that he was killed.

INSP MKHWANAZI: I don't remember hearing that.

MR MNGOMEZULU: Did you know his father, Custat Mbata?

INSP MKHWANAZI: No I don't.

MR MNGOMEZULU: He's one of the shop owners which was looted after Mike Mcetywa's death.

INSP MKHWANAZI: I knew a number of owners but the shop that you're referring to, I have no recollection of. Maybe you are using another name.

MR MNGOMEZULU: Is it possible that a handgrenade would be used to kill a person in the area of the jurisdiction of the Piet Retief Security police office which is of course Pongola, and such information not reach the office in Piet Retief? Did you ever get that knowledge?

INSP MKHWANAZI: I think that knowledge was supposed to have been conveyed.

MR MNGOMEZULU: Did you ever get that knowledge?

INSP MKHWANAZI: About the handgrenade?

MR MNGOMEZULU: Particularly Custat Mbata.

INSP MKHWANAZI: Maybe it was after I had left, but I don't remember that incident. I don't say it didn't happen.

MR MNGOMEZULU: Okay. Do you know Special Constable Masondo, ...(indistinct)?

INSP MKHWANAZI: Was he working in Pongola or Piet Retief?

MR MNGOMEZULU: No he was in Vosloorus, but he would visit Piet Retief area, Pongola quite often?

INSP MKHWANAZI: No I don't. Maybe I have seen him before but I didn't know his name. What was he, was he a special constable?

MR MNGOMEZULU: I think he's the current Mayor of Pongola.

INSP MKHWANAZI: His name was Rasta. Yes, I do know him.

MR MNGOMEZULU: What is your relationship?

INSP MKHWANAZI: We are having a conflict here of names. I'm not related to him, I've got ... (intervention)

MR MNGOMEZULU: Do you know him very well?

INSP MKHWANAZI: I do know him very well.

MR MNGOMEZULU: He knows you as well.

INSP MKHWANAZI: He does know me as well.

MR MNGOMEZULU: Did you perhaps meet on a social basis?

INSP MKHWANAZI: I used to see him, but I didn't have a close relationship with him. I even haven't shared any social ... (intervention)

MR MNGOMEZULU: ... (no English interpretation)

INSP MKHWANAZI: I know him.

MR MNGOMEZULU: What's your relationship between you and him?

INSP MKHWANAZI: I did say that I'm not related to him, I just know him.

MR MNGOMEZULU: Okay, but you just know him?

INSP MKHWANAZI: I once arrested him.

MR MNGOMEZULU: You even arrested him?

INSP MKHWANAZI: ...(no English interpretation)

MR MNGOMEZULU: For what?

INSP MKHWANAZI: He was suspected - he was a suspect in some taxi fights and he was a suspect that he possessed an illegal firearm, but we discovered a toy gun, that he had a toy gun because the informers ~~thought that it was~~ a real gun. So we released him. The first time I saw him was at that time, then thereafter I knew him ...(intervention)

MR MNGOMEZULU: After the murder of Michael Mcetywa - although it might have been a secret, but after his death it became a known secret that he was a Chairperson of the African National Congress in the area. Did that information reach your office? If it did, what did the authorities do about it?

INSP MKHWANAZI: That Mike Mcetywa is ...(intervention)

MR MNGOMEZULU: ANC. Michael Mcetywa. I do admit it might have been a secret prior to his death, but after his death it

became a known fact that he was a Chairperson of the ANC in the area. Did that information reach your office? If it did, what did you do about it?

INSP MKHWANAZI: What I did was investigate, go on investigating because that was a much publicised matter that the Chairperson of the ANC was killed, but the matter wasn't reported directly to our office, it was common knowledge. And there was nothing that I did specifically. We went on to investigate because there was a suspect who had been arrested. As to what the authorities did, I do not know. I can talk only on my own behalf.

MR MNGOMEZULU: So your office, the staff in your office was never briefed about this new revelation, that we've been sitting with Mike, a prominent member, a Chairperson of the ANC in Pongola? So it was never discussed in the office?

INSP MKHWANAZI: As I've already said we did hear about that, it was common knowledge, everybody knew about it.

MR MNGOMEZULU: Okay, but it was never discussed in the office?

INSP MKHWANAZI: No, I don't remember such a discussion.

MR MNGOMEZULU: It's common knowledge that when an ANC Chairperson has been killed in Pongola area, every responsible police official would have known that this was going to bring

about a conflict in Pongola area because obviously they will suspect another political organisation. It was just common knowledge. So did you hear that the night, at the night vigil at Mike Mcetywa's house, there was some shootings that took place?

INSP MKHWANAZI: Chairperson, if you ask a question, could you please be brief because right now you were just asking me about what happened within the office during Mike Mcetywa's death, did we discuss the matter or not. Now within the same question you're talking about a night vigil and what happened at the night vigil. I don't know which question to answer. Your question is two-pronged and I'll rush into answering it and you'll say at a later stage that I was lying.

MR MNGOMEZULU: Ja, your answer was that it was never discussed in the office, although it was common knowledge that it was going to bring about conflict in Pongola area, which it eventually did. So I was just making a follow-up. Thereafter, your office, did they get the knowledge that, I mean information that in Mike Mcetywa's house during the night vigil shooting took place?

INSP MKHWANAZI: The fact that there was a night vigil or not, I did not have any information, but I do remember Mr Mcetywa's house being burnt. I went there and I saw that the

house had been burnt down. So it is clear that our office knew about this because early one morning I received a telephone call just before I went to work, if I remember well I think it was Warrant Officer Botha, telling me that there was a fight that had broken out in Pongola, we should rush to the office, collect other members and we should proceed to Pongola. We did that, we went to Pongola. There wasn't a type of policeman who wasn't there, all types of policemen, Stability Unit, police from Pongola, as well as soldiers who were milling around and Mr Mcetywa's house had been burnt down. That is what I know. I hope I have answered you. I think our office got to know it because Botha himself knew, he phoned me. Probably they phoned him at his house or at the office, but our office knew about it.

MR MNGOMEZULU: What is your perception about the follow-up activities that were performed by your office, meaning the office of the Security Police in Piet Retief, regarding the murder of Mike Mcetywa, the public violence that followed, leading up to a final stage where Mike Mcetywa's house was burn down?

INSP MKHWANAZI: What do you mean, do you mean to ask as to what my office did or what caused it?

MR MNGOMEZULU: What's your opinion as a policeman who was working within the Security Branch? Now looking

retrospectively at this, starting from Mike's death and the aftermath of Mike's death up to the point where Mike's house was burnt down, as a policeman could you give us your view or your opinion as you had a duty to work within that area, counting Golela as well as Pongola?

INSP MKHWANAZI: You want my opinion as to what caused it?

MR MNGOMEZULU: No, not what caused it, but your view or your opinion when you look at what happened now. I know that you were not in a position of authority, but you had a duty to work within that area as a policeman.

INSP MKHWANAZI: What view or perception do you want?

MR MNGOMEZULU: That is - the perception that I want is how do you view the response of your office with regard to the matter.

INSP MKHWANAZI: I think my branch did not have anything or any powers to do anything. There wasn't much that they could do. I think the person who had all the powers and the authority is a person to whom the case has been assigned. He can do anything, investigate the matter in any manner and give his opinion as to what can and cannot be done. So I cannot cast judgement and say they did not do their job properly or they did it properly or they fell short in whatever respect.

Now I think the question you are posing you should be posing it to the investigating officer or the person in authority within that office, as to what perception he has with regard to these matters. But if you ask me I am in no position of authority, I wasn't handling the case. You and I are just basically the same, we are lay when it comes to such matters. I cannot say I can answer that in any other manner besides the explanation that I've just given you.

MR MNGOMEZULU: Thank you.

CHAIRPERSON: So just to finish this off, you're a Security Branch policeman and you have no opinion as to why Mike Mcetywa died? We asked you earlier, what do you think the motive for his killing was? I just want to hear again from you. You don't know what the motive for his killing was, you can't even begin to speculate?

INSP MKHWANAZI: Chairperson, I said I cannot answer that question, but since you're stressing it, one of the Panellists asked me and pointed out that at that time there were faction fights and they were toyi-toyiing and boycotting. I could not specifically concentrate on Mike Mcetywa's singly. At the time there were lots of fights, boycotts and there was a lot of unrest and at that time even criminal elements were involved because they just now

started killing at random and they used to do a lot of criminal activities.

Now I'd be lying to be specific and say he was killed because of this and that. I think the person who can answer that question is the person who killed Mcetywa. Maybe he had been sent to kill him or he had his own motive to kill him.

CHAIRPERSON: Thanks. We'll stop now, we'll take a lunch adjournment.

MS WANNENBURG: ... after lunch. I mean I don't know if you'd like to ask more, but ...

CHAIRPERSON: If we can finish now, let's press on and then we can free up Mr Mkhwanazi and his legal representatives and they can head on their way, catch an earlier flight. Can I just ask for a quick adjournment, I just need to do something. I made some arrangements previously and I just want to make one or two phone calls. I'll be literally three minutes.

COMMITTEE ADJOURNS

ON RESUMPTION

M Q MKHWANAZI: (s.u.o.)

CHAIRPERSON: If we can proceed. Right, let's continue please.

MS WANNENBURG: Just for your information, we believe that we can finish this before the lunch break, thank you. We just

have a few more questions. The first one is, were you involved in any way in the murder of Star Magudilela and the Keshwa family?

INSP MKHWANAZI: I was not involved.

MS WANNENBURG: Were you involved in any way in the conspiracy to murder of Sepri or Ngodla Maseko?

INSP MKHWANAZI: I wasn't involved.

MS WANNENBURG: Were you involved in any way in the attack on the night vigil at Mike Mcetywa's house?

INSP MKHWANAZI: I wasn't involved.

MS WANNENBURG: Were you involved in the police operation in which the house of Mike Mcetwya was burnt down? - in any way.



INSP MKHWANAZI: I wasn't there.

MS WANNENBURG: I think that's the only questions we wanted to ask, unless people here want to ask anything more.

CHAIRPERSON: Are there any other incidents that you may or may not know about, that involve the killing, abduction, torture or severe ill-treatment of any person, that you might want to tell us about?

INSP MKHWANAZI: No, there isn't.

CHAIRPERSON: Okay. If there are any other issues that occur to us, could we put them in writing, through your legal representatives and would you be willing to answer them?

INSP MKHWANAZI: I don't think I would have the powers to refuse. In any case what I know I would tell to the Commission, what I do not know I do not know.

CHAIRPERSON: Thank you very much. I will then adjourn this matter for now sine die. Thank you. Sorry, let me just add one thing. If for any reason we need to reconvene it, we will obviously contact you through your lawyers and make the necessary arrangements to do that. Once again, thank you to both of you for coming and thank you to you, Mr Mkhwanazi.

INSP MKHWANAZI: Thank you. JUSTICE

CHAIRPERSON: Thanks also to the mechanical staff and the interpreters.

HEARING ADJOURNS