

TRUTH AND RECONCILIATION COMMISSION

SECTION 29 INQUIRY

HELD IN CAMERA

DATE: 3.12.1996

NAME: CAPTAIN STANFORD MENE

CASE:

EAST LONDON

DAY 1

CHAIRPERSON: Good morning Ladies and Gentlemen. We would like to start. It is Tuesday the 3rd of December 1996 and
10 this is an inquiry in terms of section 29 of Act 34 of 1995. The person called upon to appear today is Captain Stanford Mene. The presiding panel is Revered Xundu, Mr Ntsiki Sandi and myself, Denzil Potgieter, presiding. Mr Mene is assisted by his attorney, Mr van der Merwe. The questioning will be led by the head of the regional investigative unit of the Commission in East London, Advocate Mpumlwana. The proceedings are in camera, and it is only authorised employees of the Commission who are present in addition to the parties who are placed on
20 record.

I am going to ask the interpreters to take the oath before we proceed. I will ask all three of them to come forward. Please get it on record.

THREE INTERPRETERS SWORN IN

The technician for recording is sworn in:

IAN DOUGLAS CAMERON WATTS: (sworn)

CHAIRPERSON: Thank you very much. Then Captain Mene can I ask you to please stand for the oath. Do you follow the proceedings in English or would you like to listen to the
30 translation because there is a translation device in front of you which will enable you to listen in on Xhosa if you wish to hear what I say in Xhosa.

CAPT MENE: I will speak in Xhosa.

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CHAIRPERSON: Are you happy with listening in English and replying in Xhosa. Good.

STANFORD MENE: (sworn states)

CHAIRPERSON: As I have indicated earlier the proceedings are in terms of Section 29 of the Promotion of National Unity and Reconciliation Act 34 of 1995.

10 The issues in respect of which the matter relates are contained in the notice to appear which has been served on Capt Mene on the 14th of November this year for which he has signed an acknowledgement of receipt.

The proceedings will continue for the morning session until we adjourn for lunch around one o'clock when we will have an adjournment for approximately one hour, whereafter we will continue with the afternoon session and hopefully conclude the proceedings in the course of the afternoon. As Chairperson, in any case, I have the discretion to call
20 for adjournments of the proceedings from time-to-time.

It should be emphasised that these proceedings are part of an on-going investigation which is being conducted by the Commission and that no decision, which may be to the detriment of Captain Mene, will be made at all at these proceedings today.

There are certain rights and duties which relate to you Captain Mene, as a witness. The first right you have already exercised, that's your right to legal representation. You are assisted today by Mr van der Merwe
30 your attorney, who would also, one assumes have explained to you what your rights and duties are in proceedings such as these.

However, just to sum them up. You've got a duty to be honest with the inquiry, and that should you commit perjury, SECTION 29 HEARING TRC/EAST LONDON

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or as it's put in the Act 34 of 1995, wilfully present false information to the Commission you could be convicted of a criminal offence. In terms of the provisions of section 31 of the Act you can be compelled to answer questions, even if those questions in your view may tend to
10 incriminate you in the Commission of an offence, that compulsion arises after a certain procedure has been followed by this panel, which I don't think it's necessary to deal with in any great detail at this stage. However, I should bring to your attention that any incriminating answer that you may give to questions or any incriminating evidence which is directly or indirectly derived from your answer to an incriminating question, cannot be used against you in a criminal prosecution except when you are
20 prosecuted for perjury in which case the particular piece of evidence could be used only for that purpose. But the point is that the testimony that you give, even if that is incriminating, can't be used to prosecute you, eventually.

I have been presented with the original of the subpoena or the notice that was served on you, and I am satisfied that you are properly before this inquiry today, and under those circumstances I am going to ask Advocate Mpumlwana to proceed with the questioning. It's over to you.

EXAMINATION BY ADV MPUMLWANA: Captain Mene I am first
30 going to ask you about Sipiwe Mtimkulu, you know him?

CAPT MENE: Yes I know him.

ADV MPUMLWANA: You know that he was arrested at some point, won't you please elaborate.

CAPT MENE: What I remember about his arrest is that he was arrested because of the state of emergency. As people were in the field we met him at Zekele. We were in a work SECTION 29 HEARING TRC/EAST LONDON

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combi. When he saw us he ran away because the others had been arrested already. He was shot by Constable Dunsta and I was shot on my arm. Or he was shot on the arm. We called our officers and he was sent to the hospital as he
10 was injured.

ADV MPUMLWANA: Excuse me Sir. You say he was shot while he was being chased.

CAPT MENE: Constable Dunsta was with us in that combi. When we saw him we stopped the combi and he ran and the people alighted from the combi, Constable Dunsta shot him on his arm, and then he stopped.

ADV MPUMLWANA: What happened thereafter?

CAPT MENE: We called an ambulance and we called the officers and he was taken to the hospital. From there he
20 was taken to our office and I never saw him again. I went on with the work that I was doing at the time.

ADV MPUMLWANA: You know that he was arrested, after he'd been shot he was arrested, you have no idea what happened about his arrest?

CAPT MENE: The last time I saw him is when he was taken from the hospital to the office. I am aware from the office he was arrested. I don't know what happened after that.

ADV MPUMLWANA: Do you know that he was poisoned in jail?

30 CAPT MENE: I heard about that.

ADV MPUMLWANA: You don't know anything about it, you just heard about it. Won't you please elaborate how did you get to hear about it?

CAPT MENE: I read it in the newspapers. Also around the township we heard that he was using a wheelchair when he got out of jail.

ADV MPUMLWANA: He was poisoned by the police during

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custody.

CAPT MENE: I was a policeman in Port Elizabeth at that time.

10 ADV MPUMLWANA: You were a policeman at Port Elizabeth. You are within the police that arrested this person and this person is in jail, is that so?

CAPT MENE: Yes that is correct.

ADV MPUMLWANA: You say you don't have any knowledge about who actually arrested this person?

CAPT MENE: He was shot. After that we went to him. We took him inside the combi and called our officers and we called the ambulance. After that he was taken to the hospital with the ambulance and our officers were following
20 to the hospital. We went on with our jobs as we were working.

ADV MPUMLWANA: What group is that, you are policemen you were going to arrest this person and then you arrested this person but you shot him also. You put him inside the combi and you took him to the hospital, and thereafter you say you don't even know who was with this person who was arresting him?

CAPT MENE: No I don't know. He saw the combi and he ran away and Mr Dunsta shot him and then he stood up and after
30 that I drove towards him and we took him inside the combi because he was feeling cold. I took the radio and called the officers and told them about the shooting incident. At the same time we called an ambulance. When the ambulance

came the officers were there already. They took him in to the ambulance and then we went on with our job and he was taken to the hospital with the other officers. I don't know what happened thereafter, because we were after the people

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who were to be arrested for the state of emergency.

10 ADV MPUMLWANA: Even Sipiwe Mtimkulu was in this list of the people who were to be arrested under the state of emergency?

CAPT MENE: Yes.

ADV MPUMLWANA: You were a security member at the time?

CAPT MENE: Yes.

ADV MPUMLWANA: Where was he arrested?

CAPT MENE: I am not sure.

ADV MPUMLWANA: You don't even know the policeman who was in charge at the time?

20 CAPT MENE: It was a lot of us at the time. I can't remember who was in charge.

ADV MPUMLWANA: Who was really in charge in your group at the time?

CAPT MENE: If I can remember well it was Colonel Erasmus.

ADV MPUMLWANA: As far as you know was this a common thing that people be poisoned in jail?

CAPT MENE: No I don't have any knowledge of such things.

ADV MPUMLWANA: But did you also confirm that he was poisoned in jail though you don't even know?

30 CAPT MENE: It's hearsay, I am not sure. I only saw him in the wheelchair.

ADV MPUMLWANA: Can you please go on and tell us what happened thereafter. After he was arrested he was released?

CAPT MENE: Yes, I saw him after his release. He was in a wheelchair. After that I heard that he disappeared.

ADV MPUMLWANA: You don't know anything about his disappearance?

CAPT MENE: No Sir.

ADV MPUMLWANA: What do you think is the role of the police SECTION 29 HEARING TRC/EAST LONDON

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as you know about the things that were happening at the
10 time, what can you tell us about the role of the police force?

CAPT MENE: I can't say anything concerning the role because I was not there.

ADV MPUMLWANA: What section were you because I thought you were security police, I thought Mtimkulu and the others were political activists that you were working with as you were working as a policeman?

CAPT MENE: Yes I was in the security branch but I was only concerned with the outside information. I was not in
20 the office. My job was to gather information outside and recruit people. That was my job, especially the COSAS organisation.

ADV MPUMLWANA: Meaning you were not involved at all in any activities except recruiting people, is that what you mean Sir?

CAPT MENE: In other cases I was involved.

ADV MPUMLWANA: You mean you were only gathering information?

CAPT MENE: Sometimes they would request me to go and
30 interpret for a person who wouldn't understand English.

ADV MPUMLWANA: In all you say your job as a security policeman you had three roles. The first one was to recruit people, the second one was to interpret whenever

there's a need, and the third one is to gather information?

CAPT MENE: Yes that's correct.

ADV MPUMLWANA: Is that all, you didn't do anything except those in the security branch?

CAPT MENE: As I've already told you that there were a lot of us in the security branch. We were divided into groups

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CAPT MENE

and we were specialising in our jobs.

10 ADV MPUMLWANA: I don't deny that but I wanted to be sure that your jobs, there's nothing else apart from what you have told us, there is nothing else that you did?

CAPT MENE: There is another job, there is another job.

ADV MPUMLWANA: Can you tell us about that Captain?

CAPT MENE: I was working with people who were coming from Robben Island. I used to visit their homes and check if they are available, what are they doing, they are working or what. And the people who left the country, I used to visit their families and see whether they have contact with
20 their families. That was my job.

ADV MPUMLWANA: You mean there is nothing else except that?

CAPT MENE: No Sir, there is nothing else.

ADV MPUMLWANA: You didn't do anything, even if it's not in your job description?

CAPT MENE: Not unless somebody requested that I must go somewhere else and help, otherwise there's nothing else.

ADV MPUMLWANA: Can you remember when did they ask you to do something that is out of your job description, can you
30 remember?

CAPT MENE: Yes I can remember.

ADV MPUMLWANA: Can you tell us about that?

CAPT MENE: In 1985 I was requested, there were people who were coming from Durban who were to work in Port Elizabeth.

I was asked to go and help there because I knew those people and the people who were wanted at the time in 1985.

So I had to go there and help. That is where the shooting, the school shooting took place.

ADV MPUMLWANA: Do you know Mr Muhati?

CAPT MENE: No Sir.

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ADV MPUMLWANA: Do you know Muwote?

CAPT MENE: Yes I know Muwote.

ADV MPUMLWANA: Were you working with him?

CAPT MENE: Yes.

ADV MPUMLWANA: Do you know Mr Tungata?

CAPT MENE: Yes I know him also.

ADV MPUMLWANA: Were you working - what job was he doing?

CAPT MENE: We were together, we were working together.

ADV MPUMLWANA: Was he also doing the same jobs as you?

20 CAPT MENE: Yes, exactly.

ADV MPUMLWANA: You said there were people who were coming from Durban, what kind of people were those?
...(intervention)

CHAIRPERSON: Sorry Advocate Mpumlwana, just before - you might be moving on to a different issue. I just want to clarify one or two things about the first, the Mtimkulu matter which I don't understand, before we move off from there. Captain Mene you said that the arrest that you speak about happened during the state of emergency, is that
30 correct?

CAPT MENE: Yes Sir, that's correct.

CHAIRPERSON: Which year was it?

CAPT MENE: I can't remember, I can't remember the year.

CHAIRPERSON: Because if my memory serves me the first state of emergency was declared in the second half of 1985 and there was - it continued on and off, does that perhaps assist you in any way in locating the year roughly that we are talking about?

CAPT MENE: No I can't remember.

CHAIRPERSON: But it was definitely during the state of emergency?

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CAPT MENE

CAPT MENE: If I can remember clearly I think the reason for their arrest was the state of emergency.

CHAIRPERSON: Now were you specifically asked to arrest Mr Mtimkulu?

CAPT MENE: We were given a list of people that were supposed to be arrested on that day.

CHAIRPERSON: And was Mr Mtimkulu's name on that list?

CAPT MENE: Yes that's correct.

20 CHAIRPERSON: And where did you get the instruction from to effect those arrests?

CAPT MENE: Of the highest authority told us to do so.

CHAIRPERSON: The highest authority, now who is that?

CAPT MENE: In our section it was Colonel du Plessis?

CHAIRPERSON: Is that Colonel H B du Plessis?

CAPT MENE: Yes Sir.

CHAIRPERSON: Of the Port Elizabeth Security Branch?

CAPT MENE: That's correct.

30 CHAIRPERSON: And you say that you were then stationed at the security branch in Port Elizabeth?

CAPT MENE: That's correct Sir.

CHAIRPERSON: After Mr Mtimkulu was shot and placed in the combi where was he taken to?

CAPT MENE: He was taken by ambulance to hospital.

CHAIRPERSON: Did you see him during his detention after that, after he was taken to the hospital?

CAPT MENE: No I didn't see him.

CHAIRPERSON: Did you have any idea where he was being detained?

CAPT MENE: I think it was in Algoa Park.

CHAIRPERSON: In Algoa Park police station?

CAPT MENE: Yes.

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CHAIRPERSON: Would Colonel du Plessis have been in charge of all those detainees, would he have been the policeman who was directly in charge of those people that were detained under the emergency at that stage?

CAPT MENE: Yes Sir.

CHAIRPERSON: Was there, to your knowledge you say you were given a list, but was there - and it was an emergency detention, but to your knowledge was there any information
20 that the police wanted to obtain from Mr Mtimkulu?

CAPT MENE: I don't know Sir.

CHAIRPERSON: Do you know whether he was ever interrogated by the security police during the detention period?

CAPT MENE: No Sir I don't know.

CHAIRPERSON: And was it after that period of detention, after he was released from that period of detention that you saw him in a wheelchair?

CAPT MENE: Yes Sir.

CHAIRPERSON: Now when he was shot upon arrest, on which
30 part of the body was he wounded?

CAPT MENE: On his upper arm.

CHAIRPERSON: So can one safely assume that that wouldn't have resulted in him being in a wheelchair, being shot in

the upper arm?

CAPT MENE: No.

CHAIRPERSON: So something else must have happened to have caused him to be using a wheelchair after his release from the detention?

CAPT MENE: Certainly it is so.

CHAIRPERSON: And so you have just heard the story, you don't have any direct knowledge but you've heard the story about poisoning?

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CAPT MENE

CAPT MENE: Yes that is so.

CHAIRPERSON: What was the story actually, what was the - what was being said about the poisoning?

CAPT MENE: It was just said that he had been poisoned by the police.

CHAIRPERSON: They didn't say which police?

CAPT MENE: Security police.

CHAIRPERSON: In other words your colleagues, so the
20 allegation was your colleagues were involved in poisoning him?

CAPT MENE: Certainly.

CHAIRPERSON: Did you discuss it with any one of your colleagues to hear whether there is any truth to that rumour, or to try and find out what actually went wrong?

CAPT MENE: No Sir.

CHAIRPERSON: Any questions from my colleagues? Mr Sandi.

MR SANDI: Thank you. Although the witness is Xhosa speaking and I am also Xhosa speaking I will ask my
30 questions in English and not in Xhosa for reasons which I do not believe I have to state. Mr Mene, did you know Sipiwe Mtimkulu?

CAPT MENE: Yes I knew him Sir.

MR SANDI: How much did you know him, did you know him personally, as a person you would talk to sometimes?

CAPT MENE: Sipuwe Mtimkulu was our friend as the Black security police when he was in Loyiso.

MR SANDI: Can you explain when this friendship started and what it was about?

CAPT MENE: As they were moving to go to school in the morning we would give them a lift to school. That's how
10 the friendship started. We would chat and give them a lift.

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CAPT MENE

That's how the friendship started, we would chat.

MR SANDI: When you say you were friends with Sipuwe Mtimkulu is that what you mean or is it so say that you had anything in common with him as a friend?

CAPT MENE: We would just meet when we would give them lifts and we would chat.

20 MR SANDI: When he was in detention did you speak with him as a friend? ..(tape ends)

CAPT MENE:

MR SANDI: Be detained from time to time, did you have any occasion to speak with him whilst he was in detention as a friend?

CAPT MENE: Sometimes I would get there and he would be in the office. I wouldn't know who brought him there. I would greet him and we would chat. Sometimes we would have coffee together, but I didn't have much to do with him.

30 MR SANDI: Is that to say that you did not have to say anything to him or to render any help to him as a friend? I want to get clarity about this friendship.

CAPT MENE: When he was arrested, and I'd get to the office and he'd be there as well, I would just ask him how he is, when he came, who brought him there, and he would answer those questions and that would be it.

MR SANDI: He's never asked you whilst he was in detention to give him any assistance?

CAPT MENE: I don't remember Sir.

MR SANDI: Did this friendship at any stage come to an end before Mtinkulu disappeared?

10 CAPT MENE: Yes it is so.

MR SANDI: When did it come to an end?

CAPT MENE: After he had been shot by Dunsta.

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MR SANDI: Can you tell us what happened? Is that to say that you were no longer on speaking terms with him as a friend up to the time he disappeared?

CAPT MENE: After ~~he had been shot~~ by Dunsta he got out from detention he didn't even want to chat to us. If we'd
20 greet him he would not greet back. He was cross because he had been shot.

MR SANDI: Now can I ask you about your involvement and activities as a member of the security police. When did you join the security police, is it in 1979?

CAPT MENE: Yes I joined the security police in 1979.

MR SANDI: Can you tell us briefly how you became a member of the security police? Were you recruited or did you apply to become a member of the security police?

CAPT MENE: I sent in a request in 1974, I then worked for
30 ...(intervention)

MR SANDI: Did anyone recommend you for this position?

CAPT MENE: Nobody recommended me. I went to the police myself. I put forward a request and I went to be trained

and I came back to work.

MR SANDI: I am talking about the time when you joined the security police, did anyone of the senior members of the security police recommend you or assist you in your application to become a member of the security police?

CAPT MENE: I never sent in a request to be a member of the security police.

MR SANDI: Now let us talk about the manner of working of the security police. What tactics and styles would you say
10 were used by the security police to deal with those who were seen to be causing trouble to the State?

CAPT MENE: I don't know what way or route they used.

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CAPT MENE

MR SANDI: You have said something about you belonging to a section of the security police which was working with or on COSAS and collecting information, I take it that that is one of the things the security police were doing. Are there any other things the security police were doing
20 whilst you were a member of the security police?

CAPT MENE: What I know is what I did as a security policeman and I have listed this already.

MR SANDI: You don't know of any activities that were done by the other members of the security police?

CAPT MENE: The other members, as I said, we were different groups, and we would be assigned to specific things. The others would be administering in the office. We would all be doing different jobs.

MR SANDI: That is exactly what I am asking you about.
30 Can you say what those different jobs were about, what did they entail? You say different members of the security police were doing different functions, what were those and what did they involve?

CAPT MENE: First of all the one group was working for trade unions. I have never worked there, I don't know what happens there. The others were in the office. I have never worked there so I don't know what happened. I was in the field. I would collect information in the field, I would recruit people, I'd visit people with families in exile, people coming back from Robben Island.

MR SANDI: What would happen to the information you have collected from the "field", as you have referred to it?

10 CAPT MENE: I would write the information down and I would give it to my authorities.

MR SANDI: And who were those people? Can you give the

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CAPT MENE

names of those people you were accountable to during the time you were a security police officer?

CAPT MENE: It's Colonel du Plessis.

MR SANDI: Is there ~~another one,~~ is he the only one?

CAPT MENE: And Colonel Roelofse.

20 MR SANDI: Is that all?

CAPT MENE: Those are the people that I was working for.

MR SANDI: Have you heard about the controversial Vlakplaas unit?

CAPT MENE: I have worked at Vlakplaas before.

MR SANDI: When was this?

CAPT MENE: In 1990.

MR SANDI: Is that after you had been convicted and sentenced for some incident which had taken place at Pakamisa High School?

30 CAPT MENE: Yes Sir.

MR SANDI: Can you tell us briefly why were you convicted and sentenced in court?

CAPT MENE: I was convicted for attempted murder.

MR SANDI: What was the charge?

CAPT MENE: I was sentenced to six years imprisonment.

MR SANDI: Okay, we may have to come back to these questions. I believe maybe Mr Mpumlwana wants to ask some more questions. I will refer you back to Mr Chairman.

CHAIRPERSON: Reverend Xundu?

REV XUNDU: I would just want to ask a question that would assist us in trying to build reconciliation so that if
10 there are discrepancies and there are people who still have things against you perhaps they can forgive if there is reason to, or perhaps their feelings would be reiterated if there's reason to, and also to clear the air. I want to ask this

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CAPT MENE

question. Was being a policeman in the special branch something that people enjoyed?

CAPT MENE: No.

20 REV XUNDU: If it was not liked why was it not liked?

CAPT MENE: As Black policemen in the security branch our houses were burnt, they'd throw stones at our houses and at our cars.

REV XUNDU: The aims of the security police what did they want to do, what was their goal? Was it to free people or to oppress people?

CAPT MENE: It was to oppress people.

REV XUNDU: So this resentment, even though you did not realise at the time, so you were people who were used for
30 the suppression?

CAPT MENE: Yes that is why people hated us. I realised even then that people resented us because we worked for the security police. They thought that we are the people who

were used for them not to gain their freedom.

REV XUNDU: That is why we are after this inquiry, people's anger and resentment you are helping us to come to the truth so that people can forgive you and be able to look you in the eye because information will be out, they will know exactly what was going on. That's what I wanted to emphasise. I want you not to think that we are fighting you. Our aim is to build up towards reconciliation. We are not fighting you.

10 CHAIRPERSON: Thank you very much Reverend Xundu. Mr Ntsiki Sandi you want to still deal with the Mtimkulu issue? Have you got some more questions about that?

MR SANDI: Yes.

CHAIRPERSON: Alright. I'll come to you in a minute

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Advocate Mpumlwana.

MR SANDI: Thank you. Mr Mene when did you hear about the disappearance of Sipiwe Mtimkulu for the first time?

20 CAPT MENE: I don't remember the year Sir.

MR SANDI: Where was it?

CAPT MENE: It was in Port Elizabeth.

MR SANDI: Yes, but my question is, where did you hear about the disappearance of Mtimkulu for the first time, where was it, where exactly in Port Elizabeth?

CAPT MENE: I heard that he'd gone to hospital with Topsy Madaga, he never returned.

MR SANDI: You heard this from who?

CAPT MENE: Generally people were talking about it, that
30 Sipiwe got lost, he had gone to hospital. We would just hear people talking in the township.

MR SANDI: Were they saying this to you?

CAPT MENE: Not to me specifically, it was just what people were talking about in the township.

MR SANDI: Do you mean to say that you read about it in the newspaper?

CAPT MENE: Yes it was in the newspaper too Sir.

MR SANDI: As far as I can recall the newspapers were saying he had disappeared and there were rumours that the security police were somehow involved in his disappearance, is that what you mean?

10 CAPT MENE: Yes Sir it was like that in the papers.

MR SANDI: In other words an allegation was being made against the police that they were responsible for the allegations of Sipwe Mtimkulu, for the disappearance of Sipwe Mtimkulu. To put it differently your colleagues were being accused.

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CAPT MENE

CAPT MENE: Yes that was the report.

MR SANDI: What was their response to that?

20 CAPT MENE: I don't know Sir.

MR SANDI: Did you at any stage hear them at work responding to this allegation which I am sure you will agree was a very serious allegation, was there any talk or some kind of statements or remarks that were being made by those who were being implicated?

CAPT MENE: As it was in the papers that people's names were not mentioned it was just said, "the police".

MR SANDI: Did you as the police talk about this at work, say during tea time or at any moment during work hours?

30 CAPT MENE: Yes we did talk about it.

MR SANDI: What did you say about it?

CAPT MENE: We were asking each other exactly what did happen.

MR SANDI: Who was asking who amongst the police?

CAPT MENE: As we were in the field we were asking each other as a group, because we saw this in the paper, and we didn't know what had happened, and the police were being accused. It was just a conversation.

MR SANDI: Did you personally ask anyone from the security police about the allegation that the security police were involved in the disappearance of Sipiwe Mtimkulu?

CAPT MENE: No Sir.

10 MR SANDI: I thought you were saying "we as members of the security police who were involved in collecting information from the field, we were asking what has happened about this", I thought that is what you were saying?

CAPT MENE: Yes it's a topic that came up spontaneously that did you read the paper, did you hear about what

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CAPT MENE

20 happened, it was just a conversation amongst us. I don't know who brought it up but somebody spontaneously asked if we had read the paper and we'd heard about what happened.

MR SANDI: What did you think about this allegation, what were your feelings? What were your thoughts about this allegation? It was a very serious allegation. Remember you were a member of the security police and the security police were being accused of having been involved in this disappearance of Sipiwe Mtimkulu, how did you feel about this?

CAPT MENE: I was innocent because I had not taken part in anything.

30 MR SANDI: Did you have any suspicions?

CAPT MENE: Certainly.

MR SANDI: What were those suspicions?

CAPT MENE: I was, I suspected the White people.

MR SANDI: Can you tell us more about that.

CAPT MENE: What made me suspect them is because they would go about and do their own things and we were a bit of distance from them ...(intervention)

MR SANDI: Before I make a follow-up on the ...(intervention)

MR VAN DER MERWE: Excuse me. It's just the problem that they are still busy translating the answer when the
10 Commissioner is asking the question, if he could just slow down a bit. Thank you.

MR SANDI: Can I go ahead?

CHAIRPERSON: Yes please.

MR SANDI: You say you suspected White people that you were working with in the security police, who were those people?

CAPT MENE: It's the White people that we worked with, all
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CAPT MENE

20 of them.

MR SANDI: Can I ask you to tell us more what you mean when you say you suspected that there was substance in this allegation or accusation and that some of the White members of the security police may have been involved, would you like to explain clearly, and more fully, to this panel what you mean by that?

CAPT MENE: I mean that when somebody is arrested they would not want us to be there. When the person was being interrogated we would be taken aside. They would only call
30 us if they needed an interpretation. If the person could understand English they would talk with those people alone in the office. They would do their own thing. If the person could speak English especially they would deal with

the person on their own and we would know nothing about this. We would not know what had happened. They would just close their doors and we wouldn't know what had happened or what is going to happen with the person. We would just see the person in the township again.

MR SANDI: So that is what you think may have happened with Mtimkulu as well and hence his disappearance?

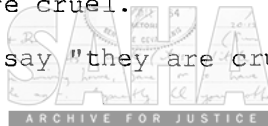
CAPT MENE: Yes. As he was shot by Dunsta and he was taken to the hospital and then to the office we never had
10 anything to do with him again. I just saw him in the township later. That's when he wouldn't greet us. I don't know what happened afterwards.

MR SANDI: Why do you think they could have been involved in the disappearance of Mtimkulu? Was that one of the functions of the police?

CAPT MENE: They are cruel.

MR SANDI: Did you say "they are cruel"?

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CAPT MENE

20 CAPT MENE: Yes I said they are cruel.

MR SANDI: Thank you Mr Mene, thank you Mr Chairman. I don't want to over-interact with Mr Mene. Thank you.

CHAIRPERSON: Thank you. Can I just, to round this off Captain Mene, you saw Mr Mtimkulu in the offices and you greeted him sometimes and you had coffee with him, in whose offices did you see him?

CAPT MENE: The security offices.

CHAIRPERSON: But which one, which office, which one of your colleagues, in whose office was it?

30 CAPT MENE: We had a big office like a tea room. After the tea room then there's an office where they would interrogate people. Sometimes we would see him like if we were in the tea room and they opened the door.

CHAIRPERSON: Now who were your colleagues that you saw with Mr Mtimkulu on those occasions?

CAPT MENE: The people that would question people were Colonel Nieuwoudt, Colonel Roelofse, Colonel du Plessis.

CHAIRPERSON: So those were the people in whose presence Mr Mtimkulu was when you saw him, Nieuwoudt, Roelofse and du Plessis?

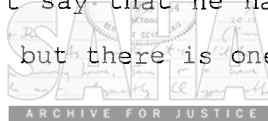
CAPT MENE: Yes Sir.

CHAIRPERSON: And then just finally, you refer to a person
10 Topsy Madaka, would you like to tell us more about that person?

CAPT MENE: Topsy was an insurance person in the township working for Old Mutual.

CHAIRPERSON: Did he have any contact with the security police?

CAPT MENE: I can't say that he had something to do with the security police, but there is one thing I noticed about
SECTION 29 HEARING



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CAPT MENE

20 him....

CHAIRPERSON: Yes, what is that?

CAPT MENE: We saw him twice going into Colonel Nieuwoudt's car.

CHAIRPERSON: Under what circumstances, was it under suspicious circumstances or what?

CAPT MENE: Yes that's what made me notice him. He would leave his car, then walk, then go in to the Colonel's car, they didn't see me. He would not drop him off where he had picked him up, he would drop him off elsewhere.

30 CHAIRPERSON: And what did you think what was going on?

CAPT MENE: I followed them once to find out what was going on.

CHAIRPERSON: And what happened?

CAPT MENE: At one stage he stopped his car at the Algoa Park parking lot, got into the cafe, I followed him and he got into the car, Colonel Nieuwoudt's car. As a person in the field I gathered that he was working with Colonel Nieuwoudt.

CHAIRPERSON: So it appeared that from what you saw, it appears as if Mr Madaka was an informer for Colonel Nieuwoudt, is that correct?

10 CAPT MENE: As I see it, and as a person who was in the field, that if I picked up a person from one place I would drop him off elsewhere and I would not use the same place, that's what I gathered that they were working together.

CHAIRPERSON: Ja, I mean that is the way in which you operate with your informers because you don't want it to be disclosed that this person is actually working with you.

CAPT MENE: Yes it is so, Sir.

CHAIRPERSON: Do you know Mr Madaka's mother?

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CAPT MENE

CAPT MENE: I don't know her well, I would just see her around.

CHAIRPERSON: Did she have any contact with the security police?

CAPT MENE: Colonel Nieuwoudt would go to the house frequently.

CHAIRPERSON: So did it appear as if she was also working with Colonel Nieuwoudt?

CAPT MENE: I can't really say so because the Colonel was
30 going to the home, the house, not a specific person as such.

CHAIRPERSON: Now it is this person, Topsy Madaka, who seemed to have been working with Colonel Nieuwoudt who was

with Mr Mtinkulu on the last occasion before he disappeared, is that correct?

CAPT MENE: Yes Sir.

CHAIRPERSON: What happened to Mr Madaka?

CAPT MENE: I don't know Sir.

CHAIRPERSON: Is he still alive?

CAPT MENE: He is not in Port Elizabeth anymore.

CHAIRPERSON: You have got no idea what happened to him?


CAPT MENE: No I have no idea.

10 CHAIRPERSON: Advocate Mpumlwana, sorry, we have canvassed the issue of Mtinkulu because it appeared as you were going to move onto something else, so I will hand back to you.

ADV MPUMLWANA: No before I move I think there are some follow-up questions I want to ask.

CHAIRPERSON: Very well then, go ahead.

ADV MPUMLWANA: Captain, you say that you were friends with this man?

CAPT MENE: Yes Sir. 

ADV MPUMLWANA: Before he was arrested?

20 SECTION 29 HEARING

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CAPT MENE

CAPT MENE: Yes Sir.

ADV MPUMLWANA: Which year did he disappear?

CAPT MENE: I don't remember the year.

ADV MPUMLWANA: But that was during the 1985 riots, state of emergency, was it during the state of emergency?

CAPT MENE: If I am not mistaken it was during that time.

ADV MPUMLWANA: It was your job to reveal people like Mtinkulu according to your job description as you said, you
30 looked for all these people that were political activists, then you would gather information and give it to your authorities?

CAPT MENE: Yes Sir.

ADV MPUMLWANA: You had been looking for him daily, you would follow him up and his whereabouts, when was the last time that you had gathered information about him?

CAPT MENE: I would not follow people up as such. The people that I would go to their houses are the people from Robben Island. I would chat with them, ask them how they are. These were the people I had files on. I would find out whether they were working or not and I would write
10 down, record the conversation.

ADV MPUMLWANA: You said that all the people that were political activists, especially COSAS, you would follow them up and give information on them.

CAPT MENE: I did not say so Sir.

ADV MPUMLWANA: Did you not say that you would follow people up, especially COSAS people?

CAPT MENE: I did not say so Sir.

ADV MPUMLWANA: You had said that when Mr Mtimkulu disappeared you suspected that the White police, all of
20 them, knew about his disappearance, do you remember?

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CAPT MENE

CAPT MENE: Yes I do.

ADV MPUMLWANA: Then you were asked if this was part of the police job that people would disappear in their own hands.

CAPT MENE: I would not say that people would disappear in their hands.

ADV MPUMLWANA: Why are you suspecting the police?

30 CAPT MENE: As I said that when somebody is arrested we would not have anything to do with the police, they would close the person up without us in the office and they would do whatever they pleased with the person. Therefore if you

want information you should ask them directly.

ADV MPUMLWANA: But he was already out of jail when he disappeared, is that so?

CAPT MENE: Yes, because I saw him in the township in a wheelchair.

ADV MPUMLWANA: But he disappeared and you are suspecting the White police that they are involved in his disappearance?

CAPT MENE: Yes it is so.

10 ADV MPUMLWANA: You did not receive any information from someone about his disappearance?

CAPT MENE: There is a lady that once came to me asking me about his disappearance.

ADV MPUMLWANA: Yes. But you had said that you had read this in the paper, you don't know anything about it, now please elaborate about this lady.

CAPT MENE: Just after he disappeared people would discuss the newspaper reports but after a while he had a girlfriend that had his child. I did not know about it.

20 But when this lady came to me is the time when she was already married to somebody else. She was at school at

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CAPT MENE

Kwesilompso. I was driving from town and I saw these schoolchildren by the road, they asked for a lift, I gave them a lift. As we drove down towards Maxlaqi the one she is getting off because she is going to Dinaga. That one got off and then the one was left in my car. The one that was left in the car said my name. That's how we started
30 talking. I asked how she knows me. She said she knows me and then she said how she knows me. She said at Sangotcha there's a house that she usually goes to, her aunt's house, she said that she was Sergeant Mahote's girlfriend. She

said that she was not his girlfriend because she loved him, but because she needed information on Sipiwe Mtimkulu. After I had gotten information from Mahote she told me that Tungata, Nieuwoudt - she wanted the difference between Manene and Tungata. She said that he took them to our houses in a white combi. He was driving and he was in the back seat. They got to Sergeant Tungata's house, he was fixing his car, she said that they got to my house and I was busy mowing my lawn. She wanted information on Sipiwe
10 Mtimkulu. Apparently I said that if I had any information I would divulge, but I didn't have information. This woman begged me until she cried. She wanted to know what happened. This did not happen on the day she was in my car. She wanted a special appointment, then we were to meet at 6:30 the next day. I thought that there was information that she wanted to give me. I went to fetch her where we'd met. She then told me everything that I have just narrated.

ADV MPUMLWANA: Which year was this?

20 CAPT MENE: If I remember well it was in 1987.

ADV MPUMLWANA: How much time had elapsed after his disappearance?

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CAPT MENE

CAPT MENE: If I am not mistaken he disappeared in 1985. But this definitely happened after his disappearance because it was in the newspapers. It was about two years after the incident. It is not over two years, it's around there.

30 ADV MPUMLWANA: Not over two years?

CAPT MENE: I can't be sure, I can't be sure when he disappeared but it was about two years.

ADV MPUMLWANA: Captain you said to me Mtimkulu disappeared around 1985. Then in 1987 you got this information from this woman who had been looking for him, therefore it is not more than three years after he had disappeared.

CAPT MENE: For sure.

ADV MPUMLWANA: Captain Sipuwe Mtimkulu disappeared in 1982, do you know that?

CAPT MENE: As I said I wasn't sure, I thought it was
10 around 1985. I wasn't sure.

ADV MPUMLWANA: But a lot of years had elapsed between 1982 and 1987, there is a big difference.

CAPT MENE: As this happened a long time ago I can't remember the specific time and the specific years. What I do remember is that I met this woman around 1987 because she was already married, she'd been his girlfriend when he was still around.

ADV MPUMLWANA: Do you remember the 14th of April 1982, do you remember where you were at that time?

20 CAPT MENE: No Sir I don't remember.

ADV MPUMLWANA: Should I remind you. You said to the investigators when they had gone to Mossel Bay about this disappearance ...(intervention)

CAPT MENE: What did I say Sir?

ADV MPUMLWANA: Do you remember what you related to them?

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CAPT MENE

CAPT MENE: Yes I do remember talking about this lady.

ADV MPUMLWANA: We will come back to this Mtimkulu issue.
30 I'd like to know, as a security policeman from 1979, is that so?

CAPT MENE: Yes.

CAPT MENE: Before you were security police, what did you do for a living and where?

CAPT MENE: As I said I joined the police in 1974, on the 5th of February. In June 1974 I went for training as a policeman. In December 1975 I worked at Despatch with uniforms until July 1977. I was asked there to go and help with the riots that were in Uitenhage. There was an investigation team from PE that was investigating about the riots. They needed someone, they then took me to go and help. I worked with them in 1977. In 1978 after the riots in Uitenhage we went to New Brighton. We had a problem with the officers, we then went to the Sanlam Building 5th floor. In 1979 the security police took me to join them.

ADV MPUMLWANA: What were you investigating?

CAPT MENE: All cases including houses being burnt and schools being burnt.

ADV MPUMLWANA: Who were you working with?

CAPT MENE: I was working under Major de Jong.

ADV MPUMLWANA: Who else?

20 CAPT MENE: Major de Jong, Captain Verkuil, W/O Scheepers, W/O Momberg, W/O Gerber, Sergeant Nel, those were the White people. Then there was Mr Lokwe, Busani, Keti, Kohlane and myself.

ADV MPUMLWANA: Which section were in you in?

CAPT MENE: We were in the investigation team investigating the riots.

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CAPT MENE

ADV MPUMLWANA: Was this a riot police section?

30 CAPT MENE: That was the investigatory branch of it.

ADV MPUMLWANA: Therefore from 1978 to 1979 you were in the riot police ...(intervention)

CAPT MENE: I was in the investigation team, riot investigation team.

ADV MPUMLWANA: What were your activities, what would you do when you were investigating?

CAPT MENE: We'd have a list of the people who were perpetrators. Then they would be charged.

ADV MPUMLWANA: There is no other job that you did except that?

CAPT MENE: That was my main job.

10 ADV MPUMLWANA: There is no other job, no other work?

CAPT MENE: Like what?

ADV MPUMLWANA: Except what you had said just now, you said exactly what it is that you were doing. Was there nothing else that you did?

CAPT MENE: As an investigation team we would investigate the circumstances around the riots.

ADV MPUMLWANA: Please tell us about your team in Durban that you were talking about, the one that came from Durban? Was this during the time you were with the security police
20 or before then?

CAPT MENE: I was with the security police already. I think it was in 1985.

ADV MPUMLWANA: 1985?

CAPT MENE: Yes.

ADV MPUMLWANA: In 1978 where were your offices, where were you stationed?

CAPT MENE: We had offices in New Brighton for a while,
but SECTION 29 HEARING TRC/EAST LONDON

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CAPT MENE

30 because the number increased there would be disturbances between us and the other investigators. Then we were given an office in Sanlam on the 5th floor.

ADV MPUMLWANA: When exactly, was it around January or February?

CAPT MENE: It was around October, September, October. It was not at the beginning of the year, it was towards the end of the year if I remember well.

ADV MPUMLWANA: Do you know Lungile Tabalaza?

CAPT MENE: Yes Sir.

ADV MPUMLWANA: What do you know about him?

CAPT MENE: Lungile Tabalaza, when Sergeant Nel called me
10 and we went to the police station in New Brighton, when we
got there there were two boys behind the counter, Sergeant
Nel told me that there are two boys who had robbed a
bakery. We took these boys in our car to the police
station. He then asked me to take the younger boy and get
his fingerprints. He was then left with the older boy. I
realised later that it was Lungile Tabalaza.

ADV MPUMLWANA: Carry on.

CAPT MENE: What happened is this. I took this boys'
20 fingerprints, there were other police in the office and we
were with this boy. Later on in the day Sergeant Nel came
to me with the other boy saying that he's going to take us
-this boy must go to the magistrate's office to make a
statement. He then took the younger one and left the older
one. We were then told to go to the magistrate. We were
at the back of the car and they were in front. I was told
which room to go to with the boy. They said that they are
going elsewhere with the other boy, I must wait for them at
the charge office. We went to the magistrate's office.

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CAPT MENE

They had got into the office and closed the door. It took
about ten to 15 minutes and then I got into the
magistrate's office with the other boy. I said that it is

Nel that said I must come with the boy here. The magistrate gave me a statement and we went back to the charge office. On the way I read the statement. The statement said that the boy didn't want to come, it was Sergeant Nel who asked him to come. I gave the statement to Major de Jong. Major de Jong read the statement and he turned quickly and put his two fingers in the boys eyes. I was shocked because he did this very quickly. He just looked at the statement and gave it back to him. We got to 10 the Sanlam Building. When we got there we got to the lift and we went upstairs. We went into Sergeant Nel's office and he was with the younger boy. The boy was on the floor and he was sitting on the chair. Major Nel read the statement. He then said that I must take the boy to my office. It was during lunch time, the other people were eating and the other boy was sitting on the floor. I washed my hands. I took my lunch box and put it on my desk next to Sergeant Tungata. I washed my hands. As I wiped my hands the Sergeant walked into the door saying to me 20 "where is that boy Mene?". I said "there he is sitting on the floor". He said "not that one". I said which one, I said the one that was in the office. I said Sergeant I left him in your office, why are you asking me? And then he said the boy had disappeared. I was left behind standing at the door guarding the other boy. Everybody left to look for the other boy. I handcuffed the one boy to the table and I went to see what was going on downstairs. This boy was lying on the street, and then I came back to the office.

30 ADV MPUMLWANA: Captain, when you would move around with

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people in your car don't you handcuff them?

CAPT MENE: We do.

ADV MPUMLWANA: Do you only handcuff them on their hands and not on their legs?

CAPT MENE: It's on their hands only.

ADV MPUMLWANA: When this boy was being interrogated was he handcuffed?

CAPT MENE: No he was not handcuffed. I had not handcuffed him from the magistrate's office.

10 ADV MPUMLWANA: Why did you not handcuff him?

CAPT MENE: I did not see the necessity.

ADV MPUMLWANA: You got to the office and you were with this boy and there was another one in Nel's office?

CAPT MENE: It is so.

ADV MPUMLWANA: Did you know the boy's name, the one that was arrested?

CAPT MENE: I don't remember.

ADV MPUMLWANA: Is this the one that you had handcuffed?

CAPT MENE: Yes.

20 ADV MPUMLWANA: But you don't know his name?

CAPT MENE: I don't remember.

ADV MPUMLWANA: When he went in he was injured?

CAPT MENE: No Sir.

ADV MPUMLWANA: He'd been handcuffed both on his wrists and his legs?

CAPT MENE: No.

ADV MPUMLWANA: His name is Lungile Tabalaza.

CAPT MENE: Which one?

ADV MPUMLWANA: The one that you'd walked into the office
30 with.

CAPT MENE: Which office?

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ADV MPUMLWANA: Colonel Nel's office.

CAPT MENE: I took Lungile Tabalaza from the magistrate's office to Mr Nel's office. He did not have any scars, he was not injured at all.

ADV MPUMLWANA: Could you see at the time?

CAPT MENE: Yes you could see from the magistrate's office. ADV MPUMLWANA: Did you not say that two fingers went into his eyes?

10 CAPT MENE: Yes.

ADV MPUMLWANA: But he could see?

CAPT MENE: Yes he just had tears in his eyes and he could see after that.

ADV MPUMLWANA: Do you think that Sergeant Nel has more information about his disappearance?

CAPT MENE: I don't know because I was not in the office.

ADV MPUMLWANA: Are there no bars there, in Sanlam?

CAPT MENE: On that day they were busy - there were no bars yet, they were busy putting on a gate. They were
20 drilling for the gate. The bars were on the 6th floor where the security police were. But the bars there were put in just because we started working there.

ADV MPUMLWANA: Therefore he was not handcuffed, he could have leapt and jumped out of the window. Why was he arrested?

CAPT MENE: Sergeant Nel told me that they had robbed a bakery.

ADV MPUMLWANA: Would he kill himself because of that?

CAPT MENE: I don't know Sir.

30 ADV MPUMLWANA: I want to know about your activities and the people in Durban. ...(intervention)

CHAIRPERSON: Sorry, Advocate Mpumlwana before you do that, SECTION 29 HEARING

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before you proceed, where did this incident happen concerning Lungile Tabalaza?

CAPT MENE: It was in 1979 in Sanlam on the 5th floor.

CHAIRPERSON: Well, didn't it happen, didn't Mr Tabalaza get killed on the 10th of July in 1978?

MR VAN DER MERWE: Excuse me, I have indicated to him that apparently there was an inquest in this and we have not been able to see the documentation. At this stage I
10 think it would be prudent for him, I am under the impression that he did make a statement in this matter, if he could maybe have a look at the statement to refresh his memory regarding the date of this occurrence and the evidence that was given at that stage.

CHAIRPERSON: Where did he make the statement, I haven't seen ... (intervention)

MR VAN DER MERWE: I don't know, I'm not sure. All I know is that there was an inquest and I mean.....

CHAIRPERSON: Well I am not in possession of any of that,
20 but according to the instructions at my disposal it was on the 10th of July in 1978.

MR VAN DER MERWE: I will leave it at that, thank you.

CHAIRPERSON: I must say I haven't seen any particular documentation apart from my instructions, or apart from the papers.

MR VAN DER MERWE: I can just place on record that my instructions are from Captain Mene, that he did make a statement in this docket that was investigated which ultimately led to the inquest. Just in order to assist.

30 CHAIRPERSON: Good. But in any event you are certain it happened at Sanlam, at the Sanlam building, on which floor?

CAPT MENE: The 5th floor.

CHAIRPERSON: The 5th floor. That is where the offices of the security police were, not so?

CAPT MENE: It is so.

CHAIRPERSON: Now Major de Jong and Sergeant Nel were they members of the, White members of the security police at that stage?

CAPT MENE: As I said they were from Uitenhage, from that
10 investigation team. I found them at Uitenhage, then we came to New Brighton and then we moved to the Sanlam Building.

CHAIRPERSON: Ja. Now you were not a member of the security police at that stage, not so?

CAPT MENE: Yes Sir.

CHAIRPERSON: Just explain how did it happen that you were at the Sanlam building at this time that you are talking about?

CAPT MENE: As I said we had a problem at New Brighton
20 with the detectives. We then had to be given offices at the 5th floor Sanlam building to work there, because the investigators and the detectives would clash. The 5th and the 6th floor were used by the security branch. These offices were empty before we moved in.

CHAIRPERSON: Were you not stationed at Uitenhage at that stage?

CAPT MENE: I was stationed at Despatch, then I went to Uitenhage, from Uitenhage to New Brighton, from New Brighton to the Sanlam building.

30 CHAIRPERSON: But now you said that the 5th floor was for members of the security police and you were not a member of the security police so how did it happen that you were on the 5th floor when this particular incident happened when

Mr Tabalaza apparently jumped out of the window and killed

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CAPT MENE

himself?

CAPT MENE: As I said the security police was on the 6th floor. The 5th floor was empty, there were two offices that were being used, the Black people's office and the Coloured people. Those were the only groups that had offices. The rest of the security police's offices were on
10 the 6th floor. The offices on the 5th floor were empty. There were no documents on the 5th floor. There were just offices for the Black people and the Coloured people, the rest were empty. Everything about the security police was done on the 6th floor. As the Black security police we would not go to the 6th floor, we were on the 5th floor.

CHAIRPERSON: No but you were not a member of the security police, and that is what I am trying to clarify. You said that the 5th floor and the 6th floor, now you've explained the particular circumstances, but those two floors belonged
20 to the security police. I understood you to tell us that all of this around Tabalaza was happening on the 5th floor in Sanlam building, so I was puzzled to try and understand what were you doing there not being a member of the security police on the 5th floor. That is the only difficulty I am trying to clarify. Your unit was not based on the 5th floor, not so?

CAPT MENE: As I said we had a problem at New Brighton, then we were given offices on the 5th floor Sanlam. They just lent these offices to us for a period of time because
30 they were empty, so we worked at those offices. We were not members of the security branch. There were only two offices that were being used on the 5th floor, the Black people and the Coloured people. Even they did not have

documents, there were just tables. Everything about the security

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CAPT MENE

police was done on the 6th floor.

CHAIRPERSON: Where was Nel's office, Sergeant Nel's office?

CAPT MENE: It was on the 5th floor.

CHAIRPERSON: Is that where you left Mr Tabalaza?

10 CAPT MENE: Yes.

CHAIRPERSON: And that's where you last saw him, in Sergeant Nel's office?

CAPT MENE: Yes Sir.

CHAIRPERSON: And the statement that he had apparently made to the magistrate was not confessing to any crimes, in fact, if I understood you correctly perhaps you can correct me, it seems as if Tabalaza was telling the magistrate that he didn't want to come to the magistrate at all, he didn't want to make a statement.

20 CAPT MENE: Yes.

CHAIRPERSON: And it appears as if Major de Jong was upset about that and that's why he assaulted Mr Tabalaza on the way that you've explained by pushing his two fingers into his eyes.

CAPT MENE: Yes.

CHAIRPERSON: And Sergeant Nel, what was his attitude when you brought Tabalaza there with this statement?

CAPT MENE: After Major de Jong had thrown the statement on the table he took it and read it and then he said I must
30 take this person and go with him.

CHAIRPERSON: Which person?

CAPT MENE: The one that had remained with him.

CHAIRPERSON: So he said you must take this person and leave with him?

CAPT MENE: Yes to our office.

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CAPT MENE

CHAIRPERSON: And did you take the person with you then?

CAPT MENE: Yes.

CHAIRPERSON: And this is Mr Tabalaza we are talking about?

10 CAPT MENE: No, I said there were two boys. After I took Tabalaza to the magistrate's office the Sergeant was left with the small boy. When I came back he was with - Sergeant Nel was with the small boy. After I had given Sergeant de Jong the statement he then said I must take the small boy to my office and he was left with Tabalaza.

CHAIRPERSON: And how long after that did Nel come to you and now look for Mr Tabalaza?

CAPT MENE: I said when we got to our office I said to this boy he must sit on the corner on the floor. I opened
20 my cabinet and took my lunch box and put it on my table. After that I went to the sink to wash my hands. After that I was wiping my hands with a towel and then Sergeant Nel entered.

CHAIRPERSON: So it was pretty soon after you left Sergeant Nel's office that he came walking into your office, and now he wants to hear from you where Tabalaza is?

CAPT MENE: He asked, he said "where is this boy?", that is what he asked me, "where is this boy?". I said, "there
30 he is on the floor". He then said, "not that one but the one I had left on the floor". I said how can you ask me I'd left this boy in your office. And then everybody got up to find out where he is and I was left behind because

there was this one that was on the floor. After Ketl said that somebody had fallen off the window I handcuffed the one boy to the table and I got out to see what was happening and people were looking from the window. I also went to peep and the boy was on the road, lying there.

CHAIRPERSON: What did you think - I mean moments earlier

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CAPT MENE

you left Tabalaza, what did you think about that?

10 CAPT MENE: I was also quite surprised because I had left this person in the office, why had he come to ask me, because this is the person I was looking after, why was he coming to ask me?

CHAIRPERSON: Did you ask Nel, but I left him there in your office, what happened to him?

CAPT MENE: What I asked Nel after he asked me, I said to him, "why are you asking me because I had left him with you in your office?".

CHAIRPERSON: And what was his response?

20 CAPT MENE: He didn't say anything. He just left with the others and walked off.

CHAIRPERSON: And I mean now Mr Tabalaza is dead, lying down on the ground, the ground floor or wherever, on the ground, did you then ask Nel what happened?

CAPT MENE: As I was staying in Despatch and Nel was staying in Uitenhage we would be in the same car to go home. He used to chat a lot but on that specific day he was just silent. I asked him what had happened with the boy.

30 CHAIRPERSON: And what did he say?

CAPT MENE: He said that he took the statement to Major de Jong's office, when he came back the boy was not there.

CHAIRPERSON: But Major de Jong has already read the statement, in fact Major de Jong assaulted Tabalaza because of that statement. Did you ask him why did you take it back to Major de Jong, who has already read the statement?

CAPT MENE: I did not ask him that question.

CHAIRPERSON: Did you find that whole situation strange?

CAPT MENE: It was funny, it was strange because I'd left the boy with him and then he came to me to ask for the boy,

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CAPT MENE

that's what was strange.

CHAIRPERSON: And what was the - was there any explanation subsequently that you heard for what happened?

CAPT MENE: Besides the court of law, when the case was on.

CHAIRPERSON: What explanation was given for how Tabalaza landed up from the 5th floor, outside, dead outside the building?



CAPT MENE: Sergeant Nel said in court that he had left him to go to Major de Jong's office and when he came back he was not there.

CHAIRPERSON: And nobody else saw what happened? None of the police saw what happened?

CAPT MENE: Nobody saw what happened.

CHAIRPERSON: Mr Sandi.

MR SANDI: Captain, you say you left Mr Tabalaza in the office of Sergeant Nel, would you describe his emotional state at the time? How did he appear to feel like when you left him there? Did he look like someone who could jump out of the window and commit suicide?

CAPT MENE: After the Major had put fingers in his eyes he was shocked.

MR SANDI: Would you say that he was so disturbed about what had been done to him by Sergeant Nel that he could even jump out of the window and commit suicide?

CAPT MENE: I wouldn't say so, but what I did notice is that when he had put - after he had put his fingers in his eyes, he was shocked.

MR SANDI: He was shocked. Yes, but naturally anyone would be shocked if another person simply jumps at you and assaults you in the manner you have described, but did he
10 appear to be so worried about what had happened to him that

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CAPT MENE

he would even jump out of the window and kill himself?

CAPT MENE: I wouldn't say so.

MR SANDI: Did you see a window in the office of Sergeant Nel before you left Mr Nel with Tabalaza?

CAPT MENE: Yes those offices had windows.

MR SANDI: Was any one of those windows open when you left Mr Nel with Tabalaza?

20 CAPT MENE: I did not notice anything, Sir.

MR SANDI: After Mr Nel had told you that Tabalaza had jumped out of the window, did you go back - you went back to Mr Nel's office, did you see the window out of which he was said to have jumped?

CAPT MENE: I was the last person to get to Mr Nel's office after Tabalaza had gotten out of the window. The office was open, everybody was there looking down on the street and the others were going down with the lift ... (intervention)

30 MR SANDI: The window was open when you came back?

CAPT MENE: Yes it was opened when I got there.

MR SANDI: During the time of the detention of Tabalaza were you on speaking terms with him, did he complain to you

about anything that was disturbing him during the course of his detention?

CAPT MENE: Tabalaza was not arrested.

MR SANDI: Was he not in the hands of Sergeant Nel?

CAPT MENE: Yes he was.

MR SANDI: Was he free to move?

CAPT MENE: No he was not.

MR SANDI: He was under arrest.

CAPT MENE: He was not detained, he'd been arrested,
10 there's a difference.

MR SANDI: But he could not just move on his own and leave

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CAPT MENE

Mr Nel in his office and go home, for example?

CAPT MENE: He was not detained he was arrested, there is a difference.

MR SANDI: Perhaps it will not help the present purpose to take that any further, but can I ask a question which does not really concern you, but I just want to understand the
20 structure of the security police. When the security police talk about "information gathering", what are they talking about?

CAPT MENE: When they talk about gathering information you recruit people, a person or people from a certain organisation and they tell you that this organisation is going to have a meeting in a specific place and this is the agenda, then that person - you make an appointment with that person after the meeting and then he would tell me exactly what happened in the meeting.

30 MR SANDI: Does that include monitoring the movements of people who are suspected, people who it is suspected that they could do some mischievous acts?

CAPT MENE: Certainly. If in the meeting they would conclude that they were going to burn so-and-so's house down, when they'd say that at a specific time this house is going to be burnt down, when you get that information you go to the office and you report and then they would detect these people's movements when they were going to burn the house down.

MR SANDI: In other words if we are working together as security police you would know the people whose movements I am monitoring and I would also know who are the people whose movements you are monitoring?

CAPT MENE: I don't understand your question well. The

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CAPT MENE

person that's working for me would tell me that at a specific time so-and-so's house is going to be burnt down, then I'd go back to the office to report and then people would go and detect the people's movements who are going to burn the house down, then just before they burn the house they'd be arrested.

MR SANDI: Clearly that means you are monitoring the movements of those people, because the moment they come closer to the building or structure which they are said to be intending to damage or destroy, you will have to do something?

CAPT MENE: Yes it is so.

MR SANDI: It is also means, by implication, that members of the security police, as a team, would know who is monitoring the movements of who.

30 CAPT MENE: I don't understand your question well.

MR SANDI: Did you have, as part of your duties, did you have to monitor the movements of any people?

CAPT MENE: Yes.

MR SANDI: I suppose that was the situation with other members of the security police as well, they would also have some people whose movements they were monitoring?

CAPT MENE: I don't understand your question.

MR SANDI: Do you know that other members of the security police were also monitoring the movements of certain political activists or people who were suspected to intend to commit politically motivated crimes, or just crimes in
10 general?

CAPT MENE: It was one of the things that the security police did.

MR SANDI: That was one of the functions of the police.

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CAPT MENE

Do you perhaps know who was monitoring the movements of Sipiwe Mtinkulu?

CAPT MENE: I have no clue.

MR SANDI: Have you ever been interested to know who was
20 monitoring the movements of such an important figure and important leader in the COSAS organisation which you have said was one of your functions to find out what was happening in COSAS?

CAPT MENE: No I do not know who was following him.

MR SANDI: Okay, thank you Captain.

CHAIRPERSON: Reverend Xundu.

REV XUNDU: Thank you Chairman. Firstly you said the main people who were so cruel were the White police, do you think that it's part of their cruelty because here is this
30 boy, just before he can open his mouth they put fingers in his eyes, do you think it's part of their cruelty that can have such results?

CAPT MENE: That's why I have said they were very cruel.

REV XUNDU: As you were looking at them, Nel and the other one, were they angry because this boy didn't make a statement to the magistrate?

CAPT MENE: De Jong was very angry.

REV XUNDU: Was it clear that he can even do something bad to a person?

CAPT MENE: Yes it was clear that he could do anything.

REV XUNDU: Do you realise that Tabalaza's death was very
10 -was well-known in the township and you were among the people who were being accused, how did you feel about that?

CAPT MENE: Yes the people were saying they were going to burn my house because I testified during the inquest.

REV XUNDU: Is this the reason why you were not interested

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CAPT MENE

in knowing how did this happen, how did he die, was that the reason?

CAPT MENE: That is why I asked Sergeant Nel about what
20 actually happened. He gave me a short answer that I left him in the office and then he jumped through the window.

REV XUNDU: You mean do you still see Sergeant Nel and De Jong and talk about this today?

CAPT MENE: After that incident Colonel Goosen, who was in
charge of the security branch was transferred to Pretoria. Major de Jong was sent to Gauteng and Sergeant Nel was sent to Murder and Robbery and then he took a transfer to Port Alfred and after that I heard that he died of a heart attack. I don't know anything about Major de Jong but
30 Colonel Goosen died later on.

CHAIRPERSON: Thank you Reverend. Just before we take the luncheon adjournment, you said that the people were, in the township, were upset with you because you testified at the

inquest, now at that inquest did you testify about this assault that Major de Jong was perpetrating on Mr Tabalaza by pushing his fingers into his eyes?

CAPT MENE: I did not talk about it in court.

CHAIRPERSON: Did you mention it in your statement?

CAPT MENE: I did not write it in my statement.

CHAIRPERSON: Was there any reason for that?

CAPT MENE: Major de Jong said I must not write it in my statement.

10 CHAIRPERSON: So did he speak to you before you did your statement?

CAPT MENE: Yes he talked to me before the statement, he said that I must not include what I did in the car in the statement.

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CAPT MENE

CHAIRPERSON: You mustn't include what who did in which car? I have heard you saying that... (intervention)

20 CAPT MENE: He said that the fact that I'd put my fingers in the boy's car must not be included in my statement or in court.

CHAIRPERSON: In the car or in the eyes?

CAPT MENE: I said that Major de Jong said that my putting my fingers in the boy's eyes I must not mention in the statement, or in court.

CHAIRPERSON: Oh okay, that makes more sense. I thought there was reference to a car here. Right I'll suggest that at this juncture we take the luncheon adjournment and we will come back at two o'clock. So we will adjourn.

30 HEARING ADJOURNS

ON RESUMPTION

CHAIRPERSON: We will restart after the luncheon adjournment. There is just one outstanding issue that

Reverend Xundu wants to deal with before we come back to you Advocate Mpumlwana.

REV XUNDU: There is just something I'd like to say, you said that when you were - you were told that you must not include in your statement that Tabalaza was poked in the ear by de Jong and then de Jong then said again that you must not refer to this at court and in your statement, if you had done so what would have happened?

CAPT MENE: First of all as an employee I could lose my
10 job. Secondly, I thought that perhaps I could have been killed.

REV XUNDU: The people who were not cooperating would they have assumed that they were left-wing?

CAPT MENE: If you were not working with them,

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CAPT MENE

collaborating together it would mean that you are a sell-out.

REV XUNDU: Mr Chairman I just wanted to clear that point.

20 CHAIRPERSON: Advocate Mpumlwana.

ADV MPUMLWANA: Captain, are you trying to say that in the inquest you were not telling the truth, you were talking about something that would prevent you from losing your job? Are you telling the truth now?

CAPT MENE: I am telling the truth.

ADV MPUMLWANA: Captain, the men that you had arrested, how are they linked to the riot police if they had been arrested for robbery?

CAPT MENE: At that time all the people that would be
30 arrested having perhaps robbed or burnt something, sometimes what would happen is that they would cast stones onto teachers for example and they would take their money, so this would go onto our investigation team.

ADV MPUMLWANA: Captain are you trying to say that you were handling all crimes of the area, I don't understand well Captain?

CAPT MENE: Not all crimes but something that was linked with riots would come to us.

ADV MPUMLWANA: Two people were arrested for robbery, their case was handled by the riot squad which was in charge of - I think that the riot squad is linked to political events, is that so?

10 CAPT MENE: It depends. They robbed a truck, a bakery truck. The thing is it falls under the investigation riot because what happened is they would loot and they would take the money or the bread.

ADV MPUMLWANA: Two people were arrested, Tabalaza and

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CAPT MENE

somebody else, who was the other one?

CAPT MENE: I don't remember his name.

ADV MPUMLWANA: Was it not Monde Kakaza?

20 CAPT MENE: I don't remember his name.

ADV MPUMLWANA: Is he the one you'd handcuffed? Who was in charge of the investigation of the case?

CAPT MENE: Of the two, it was Sergeant Nel.

ADV MPUMLWANA: You were helping him totally because you had handcuffed the one?

CAPT MENE: Yes I was.

ADV MPUMLWANA: Therefore when Tabalaza passed away he was under your hands, both you and Nel.

CAPT MENE: It is so.

30 ADV MPUMLWANA: Then Tabalaza disappeared. When you left him Nel was looking after him.

CAPT MENE: That is so.

ADV MPUMLWANA: How did he move, you were in the car, you went into the office, did you go into different offices?

CAPT MENE: As I said when we got out of the car it was the four of us, Major de Jong, Captain Verkuil, myself and Tabalaza. We got into the lift, when we got into the office, Major de Jong's office, between Major de Jong's office and Sergeant Nel's office there's a door, then it will be Captain Verkuil's office. He went to his office, Major de Jong went into Sergeant Nel's office, put the
10 statement on the desk and went into his office. I then went - Sergeant Nel read the statement, after he read it he said I must go with the other boy. So Tabalaza was left with Nel in the office.

ADV MPUMLWANA: Therefore you all - from the car you all went to the same office?

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CAPT MENE

CAPT MENE: It was Major de Jong, Capt Verkuil, myself and Tabalaza. When we got to Sergeant Nel's office Major de
20 Jong got in with the statement, I got in last. When Major de Jong got into Sergeant Nel's office he was sitting on the chair and the boy was sitting on the floor. Major de Jong then moved on to his office. Sergeant Nel read the statement, after he read it he said that I must take the boy on the floor to my office. I called him to my office then Tabalaza was left with Sergeant Nel in the office.

ADV MPUMLWANA: Was Sergeant Nel angry because of this statement?

CAPT MENE: Yes because the boy said on the statement that
30 he did not want to go to the magistrate, it is Sergeant Nel who forced him.

ADV MPUMLWANA: Therefore you cannot absolve Sergeant Nel totally. Can you say totally that he's suspect?

CAPT MENE: Yes because he was questioning the boy. He was the one who said he must go and make a confession.

ADV MPUMLWANA: So therefore in the death of the boy he cannot be absolved?

CAPT MENE: Yes certainly because he was left with the boy totally alone.

ADV MPUMLWANA: Is Sergeant Nel still alive?

CAPT MENE: He died.

ADV MPUMLWANA: Do you know Monde?

10 CAPT MENE: I don't remember him, I don't remember him Sir. ADV MPUMLWANA: Is he not the one who was working with you?

CAPT MENE: I don't know.

ADV MPUMLWANA: Monde Kakaza said that you got into the office with Tabalaza, Tabalaza had been injured, his feet were tied and his hands, they don't know where you had taken SECTION 29 HEARING

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CAPT MENE

20 him from, you got into the office and you left him there and you closed the door and left. He then said he was beaten up by the people that were with you.

CAPT MENE: I'd like to ask a question, exactly where did I come with him injured?

ADV MPUMLWANA: At the Sanlam building, in the offices. They were almost like cells because that's where you take people that you had arrested. It's in the offices.

CAPT MENE: There was no cell at the Sanlam building.

ADV MPUMLWANA: So you take the person into the office and close the door and leave the person like now, that had 30 left, then when he comes back, he's dead.

CAPT MENE: Mr Nel's office was opened, the door was opened.

ADV MPUMLWANA: So he left the boy and the door was opened?

CAPT MENE: Between Sergeant Nel's office and Major de Jong there was a door between the two that was opened, therefore if you are standing at Major de Jong's office you can see into Sergeant Nel's office. Major de Jong could go from his office to Mr Nel's office through this door that was between the two offices. Between the two offices is a wall and a door that you can go through.

10 ADV MPUMLWANA: What else was deceptive about your testimony in the inquest?

CAPT MENE: Nothing else except that Major de Jong said that I must not include the fact that I had poked the boy with two fingers in the eye.

ADV MPUMLWANA: Is Major de Jong still alive?

CAPT MENE: I don't know, he had gone to Johannesburg, I don't know what happened to him.

CHAIRPERSON: Just before - you've got a question Mr Sandi

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CAPT MENE

in this regard? Alright, but just before you do that, you said that there was an interleading door between the offices of Nel and de Jong?

CAPT MENE: Yes Sir.

CHAIRPERSON: And did Nel allege that he took the statement from the magistrate back to de Jong, and in that time Mr Tabalaza must have disappeared?

CAPT MENE: That's the report I'd received from Sergeant Nel.

30 CHAIRPERSON: Mr Sandi?

MR SANDI: Captain Mene I just want to talk to you or to get you to talk to me a little about the two finger assault by Sergeant Nel on - de Jong, thank you, I beg your pardon,

on Tabalaza, did you intend to mention this assault in court because it was important for the court to know?

CAPT MENE: Yes when one is making a statement under oath I had intended to tell the truth and say exactly what had happened.

MR SANDI: But he told you not to mention that. Did you tell, or firstly before we talk about that one, where did he tell you not to mention this in your statement, who was present? Where was it?

10 CAPT MENE: It was just the two of us in his office.

MR SANDI: Was he not committing an offence by telling you not to mention something which was very important for the court to know? How did you feel as a law enforcement officer?

CAPT MENE: It was painful, I even told myself that even during my police career ... (intervention)

MR SANDI: Did you tell anyone ... (intervention)

CAPT MENE:I asked myself if I am doing the right

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CAPT MENE

thing as a policeman, that's how painful it was.

MR SANDI: Did you tell anyone about what had happened because I am sure you will agree that something very serious had happened? You wanted to make a statement for the court to have a clear picture of what had happened so that the court could decide who was responsible for the death of Tabalaza, but someone was preventing you from doing so, did you tell anyone about that?

CAPT MENE: I did not tell anyone.

30 MR SANDI: Did you have any reasons for not doing so?

CAPT MENE: Yes I have reasons.

MR SANDI: Was it because you could lose your job or you feared that you could be killed?

CAPT MENE: As Major de Jong said that I must not tell anybody else I thought that I would lose my job or my life.

MR SANDI: Had that kind of thing happened before, was it a common thing to happen that a co-member of the security police to be told by another police officer not to reveal something which that person felt was important for the court to know in the investigations?

CAPT MENE: I was not a member of the security police at the time, I was young, I had just started my police career.

10 I don't know if that type of thing happened before. Because as somebody died like Tabalaza the impression is still strong in my mind, it's the first time I had seen in my life that somebody can just fall off from a window like that.

MR SANDI: Was your house ever attacked with petrol bombs whilst you were in Port Elizabeth working as a policeman?

CAPT MENE: It had been cast with stones many times.

MR SANDI: You would say about how many times?

CAPT MENE: Three times it was stoned, then they tried to

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CAPT MENE

burn my car and then they burnt my house down.

MR SANDI: Do you remember the case where Mr du Plessis gave evidence in court to persuade the court that you should not be sent to jail because your life would be endangered if you were sent to prison? That was after the Pakamisa Senior Secondary incident.

CAPT MENE: Yes I do remember.

MR SANDI: Just to cut matters short he said your house
30 was attacked 20 times with petrol bombs.

CAPT MENE: My house was not attacked 20 times. It was stoned three times, and they tried to burn my house and then the fifth time they burnt my house down.

MR SANDI: So he must have been lying to say that to the court?

CAPT MENE: Certainly.

MR SANDI: Thank you Captain, thank you Mr Chairman.

CHAIRPERSON: Advocate Mpumlwana do you want to move on. Thank you.

ADV MPUMLWANA: Captain Mene I still have interest about the people you said you worked with from Durban, who were they?

10 CAPT MENE: Sergeant Gumede, Constable Zwane and Constable Xayiso(?). They were together with Colonel van Wyk.

ADV MPUMLWANA: You have counted four people?

CAPT MENE: Yes.

ADV MPUMLWANA: They came from Durban the four of them?

CAPT MENE: We were told that they came from Durban, but as we worked with them we found out that Xayiso is from Johannesburg and the other from Durban, Colonel van Wyk, Sergeant Gumede and Zwane.

ADV MPUMLWANA: Who exactly were you working with?

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CAPT MENE

CAPT MENE: I was working with Sergeant Tungata.

ADV MPUMLWANA: The people from PE who were you working with?

CAPT MENE: I was working with Sergeant Tungata.

ADV MPUMLWANA: Is that all?

CAPT MENE: Yes.

ADV MPUMLWANA: In your unit that combined the Durban people and the people from Port Elizabeth who was the head?

30 CAPT MENE: Colonel van Wyk.

ADV MPUMLWANA: Is he still alive?

CAPT MENE: I don't know.

ADV MPUMLWANA: Is Mr Xayiso still alive?

CAPT MENE: Well the last time I saw him in Pretoria in 1991 he was still alive.

ADV MPUMLWANA: What year did they get there?

CAPT MENE: 1985.

ADV MPUMLWANA: When they were brought to you, when they were being introduced what did they say they'd come to do?

CAPT MENE: Sergeant Tungata and I were called by Colonel du Plessis to his office. He said that we must go to
10 Korsten to his brother, Captain du Plessis, he had men from Durban who had come to investigate about the riots. They had a problem because the people from Durban did not know the people on their list and therefore, as the people who knew the Port Elizabeth people we were supposed to help the Durbanites. When we got there Captain du Plessis was there and introduced us to Captain van Wyk as the head of the department. They said then we were supposed to get the people who had been rioting, who were burning houses down.

ADV MPUMLWANA: You say that these people came with a
20 list?

CAPT MENE: When we got to the office, Captain du Plessis'

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CAPT MENE

office together with Captain van Wyk they had a list from Murder and Robbery unit. They were looking for them for offences that had committed. So these people from Durban did not know the township well or the people. Sergeant Tungata and I knew the people, that is why they requested us to help. This list was from Captain du Plessis and not
30 from the people from Durban. Captain du Plessis was in the Murder and Robbery Unit. They were investigating these cases.

ADV MPUMLWANA: So Colonel du Plessis made this list?

CAPT MENE: Captain du Plessis.

ADV MPUMLWANA: He stays in Port Elizabeth.

CAPT MENE: He stays in Port Elizabeth.

ADV MPUMLWANA: He is investigating certain cases.

CAPT MENE: Yes, cases for burning people's houses down in 1985.

ADV MPUMLWANA: So he got people from Durban and Johannesburg to investigate these matters?

10 CAPT MENE: Yes.

ADV MPUMLWANA: These people did not know where the alleged perpetrators stayed.

CAPT MENE: Yes.

ADV MPUMLWANA: The people that were investigating stay in Port Elizabeth, they were in another department?

CAPT MENE: Yes they were in the Murder and Robbery Unit.

ADV MPUMLWANA: I don't understand. You say that people from Durban came to Port Elizabeth... (intervention)

CAPT MENE: No that's not what I am saying. What I am
20 saying is Captain du Plessis, with a Murder and Robbery Unit, they were investigating arson cases and robbery, therefore they asked people from Durban to come and help

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CAPT MENE

them. This is Colonel van Wyk, Zwane and Gumede and Xayiso. And then from Port Elizabeth W/O Lombard, Sergeant Dicker. The people from Durban did not know the people on the list, so that du Plessis from Murder and Robbery phoned his brother from the investigation unit to get us to go and
30 help to identify these people. Therefore Sergeant Tungata and I went to Captain du Plessis, when we got there Captain du Plessis introduced these people from Durban to us. They set up a team to identify and arrest the people on the

list. Therefore we went with the people from Durban to the township to get these alleged perpetrators.

ADV MPUMLWANA: Did Captain du Plessis not have Black people who worked with him, people from the township?

CAPT MENE: He did have.

ADV MPUMLWANA: Could they not help him to go to the township and identify these people?

CAPT MENE: There was a guy Besto that was wanted in New Brighton, it was difficult for them to arrest him, so the people from the Murder and Robbery Unit had a problem arresting people in the township, so we would be asked to go over and help them.

ADV MPUMLWANA: The people from the township were not scared of the people from the Murder and Robbery Unit?

CAPT MENE: If the Murder and Robbery Unit had a problem and could not arrest the people in the township they would ask us to come and help and arrest those people. We would even be given pictures of these people and go and identify them and arrest them. So the people in the township sometimes would totally deny everything but you'd take the person and take them to the Murder and Robbery Unit. So we were interlinked, the Murder and Robbery Unit and the

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CAPT MENE

Investigation Unit. They would then constantly ask the people from the security police to go and help with the Murder and Robbery cases.

ADV MPUMLWANA: So what did you do with this group from Durban Sir?

CAPT MENE: We got into the township, as we were looking for these people that stayed in the township, we got to Pakamisa at the school ...(intervention)

ADV MPUMLWANA: Were you going to look for robbers?

CAPT MENE: As we were patrolling in the township, the school was already out, some children were in the yard and some outside, when we were driving past the tap our car was stoned and I stopped the car. Then Sergeant Tungata and Zwane and Xayiso got off the car. The children then ran. I stopped the car in front of the gate, Zwane got out and went towards the bottom of the school, and the other two, together with Xayiso went up. When Xayiso got to the gate
10 the gate was locked. There was a teacher standing there. Tungata was running up the road. Xayiso called for the teacher to open the gate, and the teacher said that the keys are with the schoolchildren. I realised that Xayiso didn't know the way. There was a boy that we had arrested in the car. Xayiso then jumped over the gate and got inside the school yard, then he was arguing with the teacher. There were children next to the classroom, then Xayiso slapped the teacher on the face and then the children started stoning Xayiso. Then I realised Xayiso
20 was in danger because the gate was locked and there were children. I then went to help Xayiso and Xayiso shot into the air. And then when they saw me going in to help Xayiso they stoned us even more. We shot and then the children ran away. Zwane also

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CAPT MENE

shot from where he was. It is only Sergeant Tungata who did not shoot because he was too far off.

When he came back there were two boys who had died. I
30 then called Captain du Plessis to tell him what had happened. He called me after five minutes and said that he could not find the school, could I meet with him at the main road and go to the school. Then the school principal

was also coming. I asked the school principal to phone the ambulance because the children had been injured. We then went with the combi towards the Uitenhage road. Captain du Plessis then called saying that he's already at the school we don't have to go to him. I said that I have to be at the school because I am the perpetrator.

He then said I must go and wait for him at the New Brighton police station. I waited from one to three hours.

We then met at the office. He asked me what happened, him together with Captain van Wyk I then related the incident to him. He then took the car keys, he said that I must give them to Sergeant Dicker. There were three other people from the Murder and Robbery Unit who were in the office. He then said I must go and question those people.

We asked those people questions and then it was time to go home.

I went to get the car keys, I took the car keys and went out with Sergeant Tungata because the people that were with were going to go home with Captain van Wyk. When we got to the combi the cars were broken. I said to Sergeant Tungata that we must go back to the Captain. He then said we were covering up the incident at the school. The Sergeant that was insinuating that it was the children at the school that had damaged the windows. I said that is not so, they had only used one single stone to break the window. SECTION 29 HEARING TRC/EAST LONDON

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CAPT MENE

He said then I must use that car to go home. We got into the combi and we drove home.

The next day when we got there Captain du Plessis was there and the offices were closed. He then said we must go back to our offices we can't work there. When we got there we told Captain du Plessis what happened he said his

brother had already told him. He then said I must submit a report about the car, so I said I can't do that because that did not happen whilst I was driving the car. Captain du Plessis then called me after dinner saying that I must make a statement together with Captain van Wyk. They said they would tell me what kind of statement I would make. That petrol bombs had been thrown to the car at the school. I said that's not what happened. They said that they are the ones who are heading the whole incident and this is the type of statement I'm going to make. I walked out on them.

I made a statement after the third day because they were harassing me saying that I must make a statement. I made the statement. After I had written a statement they said that I am going to make a statement that correlates with theirs. I told them that this incident would lead us to jail. They said there would just be an inquest and nothing would happen because these children had passed away.

After about two or three weeks they fetched the people from Durban and they made statements that were not the same as those that we had made. That's when the trouble started. Sergeant Tungata and I were suspended. The inquest was turned around and it was now murder because the three people from Durban had made different statements from ours.

When I went back to them I told them I am being suspended from work because of you. They then avoided me.

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Captain van Wyk went to Johannesburg and Captain du Plessis was left behind. I told him that I had been suspended from

work because of him. I'd go to his house and his wife would say he was not there even though his car would be there. I went to his brother, his brother said he doesn't know what's going on. I had to get an attorney and I told the attorney exactly what happened. Now there were two contradictory statements. I was sentenced. That is why I was sentenced, because I made two different statements, but they would not believe me.

CHAIRPERSON: Captain Mene, just to cut it short, you were
10 convicted of murder, two counts, in that incident.

MR VAN DER MERWE: Attempted murder.

CAPT MENE: I was sentenced because of attempted murder. Xayiso and I were the ones who shot, therefore the courts could not establish between the two of us exactly who had shot the two boys.

CHAIRPERSON: You were convicted of defeating the ends of justice, not so?

CAPT MENE: Yes.

CHAIRPERSON: So your explanation was rejected by the
20 Supreme Court.

CAPT MENE: No they did not listen to me.

CHAIRPERSON: And they sentenced you to 21 years imprisonment, is that correct? It was an effective sentence of 11 years.

CAPT MENE: The first day when I was sentenced I was sentenced to 21 years. And then the next day it was 11 years.

CHAIRPERSON: Effectively having to serve 11 years in prison. You and Tungata were both convicted of defeating
30 SECTION 29 HEARING TRC/EAST LONDON

the ends of justice on the same basis, is that correct?

CAPT MENE: I was sentenced for two counts of murder and defeating the ends of justice. He was sentenced for assault and defeating the ends of justice.

CHAIRPERSON: Both of you were convicted of defeating the ends of justice.

CAPT MENE: Yes.

CHAIRPERSON: And then you spent some time in prison.

CAPT MENE: I made an appeal and then I won and it was six years for me and for him it was two years or 18 months.

10 The ballistics expert found out that he actually did not shoot from his gun. There was something wrong with his gun.

CHAIRPERSON: The conviction for defeating the ends of justice stood on appeal, is that correct?

CAPT MENE: Yes.

CHAIRPERSON: Were you suspended from the police service?

CAPT MENE: Yes I was suspended.

CHAIRPERSON: Tungata as well?

CAPT MENE: Ja he was suspended.

20 CHAIRPERSON: Now just to go a step back, because that's really what I'm interested in, it doesn't make any sense, to put it quite bluntly, this unit from either Durban or Gauteng that was imported into Port Elizabeth and I'm trying to understand it. Perhaps I've missed something along the line. Who imported these people? Was it Colonel or Captain du Plessis, which one of the two brothers?

CAPT MENE: What I found out was that Colonel du Plessis that I work with said I must go and help his brother,
30 Captain du Plessis, who worked with people from Durban. I don't know who gathered them or who started the whole thing.

CHAIRPERSON: And what you are saying is that the sole

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CAPT MENE

purpose of this Durban/Gauteng unit was to arrest people whom the Murder, the local Murder and Robbery Unit under Captain du Plessis couldn't do?

CAPT MENE: Yes it is so.

CHAIRPERSON: How were they supposed to have done what Captain du Plessis, a local policeman with Black members in
10 his unit, from the township, couldn't do themselves?

CAPT MENE: You will remember that the Murder and Robbery Unit at the time had a lot of work because there was looting, arson, therefore the Murder and Robbery Unit had to ask other departments to help them.

CHAIRPERSON: Yes that may be so, that may be so, the police are apparently still very much overworked, but if I understood you correctly, these people from elsewhere were supposed to have gone and arrested suspects whom the local people couldn't arrest now, I can't understand that, I mean
20 how does that work? What was so special about them that they could come from Durban and Gauteng, they don't even know the place, you've said so yourself, what's so special about them that they must now come and arrest the people that the local police can't arrest? That is a difficulty.

CAPT MENE: When they were planning that, to get people from Durban I was not there, but I think that there was a shortage of manpower, therefore they just needed help. But when they were planning the whole thing I was not there. If police have a problem they have got too much work they
30 can ask any other police from other departments to come and help them. Like it happened, the police from the Murder and Robbery Unit had a problem, they asked the people from the security police to come and help. Even now if Gauteng

has a problem with crime then they get police from other

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CAPT MENE

provinces in the country to come and - to go and help with them in Gauteng with the crime right now. It's a normal thing in the police. I can't understand that you, in this room can't understand that people get imported from other departments and other towns to go and help.

CHAIRPERSON: Thank you. No that might be so, that might
10 so, it might be that there are certain instances where police get people from elsewhere to help them, but those people didn't come to assist the members of the Murder and Robbery Unit it seems, they were not working with members of the Murder and Robbery Unit, they were taken and they were paired up with you and Tungata from the security police. They were not helping members of the Murder and Robbery Unit, how does that work? One would expect if members of the Murder and Robbery Unit are overworked and they need assistance from elsewhere then you would import
20 people from elsewhere to come and supplement, swell the numbers of your unit, so in other words they would work in your unit, they would work with your men. But now they are supposed to come and work with Murder and Robbery, but two security policemen, who have nothing to do with Murder and Robbery, they are called in to come and take these foreigners around. That is what I can't understand. Can you explain that?

CAPT MENE: I had nothing to do with the management of the police. I don't know why they chose me, but I thought the
30 reason behind the logic was that we knew the people that they wanted to arrest, but when they were planning the whole thing I was not there. When du Plessis said I must go and help his brother I went. Why did things that way as

the management or why they reached such conclusions as the management I don't know.

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CAPT MENE

CHAIRPERSON: And what is even more confounding is that this seems to have been a unit. They were operating under the supervision, under the charge of Colonel van Wyk who was also from elsewhere, not so?

CAPT MENE: Colonel van Wyk did not know Port Elizabeth.

10 I don't know how he was supposed to work without the people from Port Elizabeth. He had to get people from Port Elizabeth because he does not know Port Elizabeth.

CHAIRPERSON: That might very well be so. The point I am making is a different point. This was a unit under van Wyk, it was a unit from somewhere else under van Wyk, not so?

CAPT MENE: It is so.

CHAIRPERSON: And they were operating as a unit. You are under oath, I must remind you. At the start of these
20 proceedings I have referred to your rights and your duties.

Why, why, were these people in Port Elizabeth?

CAPT MENE: I said that I was not there. You should ask van Wyk and the management. When they took, when they made their own conclusions I was not there. When they had their meetings as a management I was not there. I did not ask why they chose me or why they asked me. I did not ask why I should be doing things this way or that way. You should go and ask them. I had nothing to do with the management.

CHAIRPERSON: I am asking you, you have had an interview
30 with the investigating unit of this Commission, is that correct?

CAPT MENE: Yes.

CHAIRPERSON: And you have given an explanation to the unit about this group of people, not so?

CAPT MENE: Besides the one I've given now?

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CAPT MENE

CHAIRPERSON: Well I am asking you. You have given an explanation, not so?

CAPT MENE: I don't remember. I don't remember if I gave
10 them a statement other than this one.

CHAIRPERSON: Your conversations were recorded, not so?

CAPT MENE: Yes it is so.

CHAIRPERSON: And one must assume that you are here to assist the Commission, not to mislead the Commission, is that correct?

CAPT MENE: Certainly it is so.

CHAIRPERSON: Were there so-called flash points in Port Elizabeth at that stage?
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CAPT MENE: I don't know anything about that.

20 CHAIRPERSON: Particular areas where there were great difficulties experienced by the police as a result of the resistance that the community was giving at that stage. Were there such places where there was this particular difficulty in Port Elizabeth at that time?

CAPT MENE: Yes it is so.

CHAIRPERSON: Did this group of people from Durban and Gauteng did they have anything to do with these flash-points?

CAPT MENE: According to the knowledge I have, no.

30 CHAIRPERSON: Think very carefully, don't be over-hasty because you are committing yourself under oath to a version. Are you sure that this group had nothing to do with this flash-point situation that was being experienced

in Port Elizabeth at the time?

CAPT MENE: What I remember well is that these people had come to arrest people in Port Elizabeth that could not be easily arrested. It is certain then that these people that

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CAPT MENE

were to be arrested were hiding in places that the police could not go to. This is why these people came.

CHAIRPERSON: What were you showing this group of people, 10 these three persons that were with you on the day of the Pakamisa incident, what were you showing them?

CAPT MENE: I was showing them an area that they were going to work in. The places where it would be difficult to go to.

CHAIRPERSON: Were you showing them flash-points?

CAPT MENE: I will not say that they were flash-points, they were just areas that were difficult to go to like Soweto, you would die if you would go to that area.

CHAIRPERSON: Were you showing them the houses of 20 activists?

CAPT MENE: No.

CHAIRPERSON: Have you got any knowledge of any people who had to be eliminated?

CAPT MENE: No.

CHAIRPERSON: Is that all you want to say about this aspect? You don't want to add anything to your testimony? You've thought carefully about it?

CAPT MENE: In connection with what, perhaps?

CHAIRPERSON: This, the purpose of this group of foreign 30 police, whatever they were, under Colonel van Wyk.

CAPT MENE: There is nothing except that Captain du Plessis gave us a list of people that were to be arrested and we got a car into the township and I showed them the

places where these people would be found. I just pointed the places out.

CHAIRPERSON: We'll leave it at that. Adv Mpumlwana?

ADV MPUMLWANA: Yes I - Captain, you are saying that you

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CAPT MENE

went and identified people that were to be arrested?

CAPT MENE: Yes it is so.

ADV MPUMLWANA: On the way you drove past a school and
10 this school you were just driving past, it's not that you
intended to go there, is that so?

CAPT MENE: Yes that is so.

ADV MPUMLWANA: And a stone was thrown at you by someone
who was not at the school?

CAPT MENE: Yes.

ADV MPUMLWANA: And then you went after this person?

CAPT MENE: We were not - the stones were thrown at us by
20 schoolchildren. You must remember that the gate was locked
therefore these people must have been outside the school
yard. Some of them were inside and some of them were
outside.

ADV MPUMLWANA: Captain, how many people did you kill that
day?

CAPT MENE: (...indistinct) kill anyone.

ADV MPUMLWANA: So you were just sentenced for nothing,
you were innocent?

CAPT MENE: As I said the court could not ascertain whose
gun had shot these people.

ADV MPUMLWANA: How long were you in jail?

30 CAPT MENE: One year eight months to two years.

ADV MPUMLWANA: So the most is two years?

CAPT MENE: Two years.

ADV MPUMLWANA: Why did you spend two years in jail?

CAPT MENE: I am out on parole.

ADV MPUMLWANA: Four year parole?

CAPT MENE: What happened is that when I was in jail I caught people who had dagga, therefore I was given parole.

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CAPT MENE

In prison I was in the shop, I was working there. The people that were building there said that they want to sell
10 dagga. I agreed that I would help them and then I informed the police and we set a trap for them and we caught them, that's how I got parole.

ADV MPUMLWANA: Major du Plessis said in court that when you were sentenced he was there to intervene so that you do not get a harsh sentence. He said that you people were very trustworthy especially in fighting terrorists. He said that in the unit you were the most trustworthy to fight terrorists, was it true?

CAPT MENE: I did not say it, he said it, therefore I
20 don't know whether he was telling the truth or he was lying.

ADV MPUMLWANA: So you know that he said that?

CAPT MENE: I heard him say it.

ADV MPUMLWANA: You got out of jail because they helped you, they intervened?

CAPT MENE: I can't say. I personally tried myself to get out of jail. I could get information and I would tell the police. If I tell the police this then I would get parole, that's what I did. What they did on the outside to
30 intervene on my behalf I don't know. I made my own endeavours to get out of jail.

CHAIRPERSON: I am sorry, just a minute, I don't follow your testimony Captain Mene. It was put to you now what

Colonel du Plessis was telling the court, what you were doing and you confirmed that, that that was what he said in court. Now was that true or not?

CAPT MENE: I can't say whether it was the truth or not, he said it, I didn't say it.

CHAIRPERSON: Yes, but you know what you were doing. He

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CAPT MENE

10 was trying to tell the court what duties you were performing. You will know what duties you were performing, now was it true or not?

CAPT MENE: It was not true.

MR VAN DER MERWE: Excuse me Mr Commissioner. It is quite evident that at this stage you are in possession of court proceedings and as I understand the Act we are entitled to see these proceedings, the documentation before the Commission.

CHAIRPERSON: No, you are only entitled to see documents which you produce pursuant to the notice to appear. You
20 haven't produced any documents, so at this stage you are not entitled to any documentation. The legal position is very clear on this. There is a full bench decision in the Western Cape to the effect that should this Commission, at a future date, decide to make a negative finding against your client your client should be given an opportunity to respond to whatever material that decision is to be based upon. And should there be any question of a possibility of a negative finding on anything against your client, then of course you will be given that full opportunity at that
30 stage. But as for now this is part of an investigation, it's part of a fact-finding situation and there is no question of any findings or nothing to be made at this stage.

MR VAN DER MERWE: Yes, the problem I'm just having with the situation is just that surely if this documentation is available, which is court proceedings, there is no harm to be done if this should be made available to my client.

Because I am of the opinion that in this evidence of, in this instance, I think it's Colonel du Plessis, he might have explained what exactly the roles were that the witness

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CAPT MENE

10 was performing and that this is being withheld and that a certain aspect is being pulled out of context here, which is to his detriment at this stage.

CHAIRPERSON: No, well your client confirms that was the testimony that was given. And he says that was not true.

MR VAN DER MERWE: I am referring to the other parts of the testimony of Colonel du Plessis which might show exactly - place this evidence in context.

CHAIRPERSON: No, well that's speculation. I mean we are dealing with the specific aspect of the testimony which
20 your client confirms but which your client says is untrue.

So that is the position at this stage in respect of that particular item. I don't see how that can be taken any further at this stage. We might get ... (intervention)

MR VAN DER MERWE: I will leave it at that, thank you.

CHAIRPERSON: Do you want to proceed.

ADV MPUMLWANA: So you were arrested - you spent a prison sentence from what time to what time here?

CAPT MENE: My appeal started in '88 and then I got out early '90, or late '89. I am not sure, but I went to jail
30 in 1988 and got out at the end of '89 or the beginning of '90.

ADV MPUMLWANA: You went to jail in 1988?

CAPT MENE: Yes.

ADV MPUMLWANA: When were you sentenced?

CAPT MENE: I was sentenced in 1987 and then the appeal went through in 1988 and I went to jail.

ADV MPUMLWANA: Were you not sentenced in May 1986?

CAPT MENE: I could be making a mistake, I am not sure. Staying in jail just affected the functioning of my work.

ADV MPUMLWANA: To such an extent that you don't know when
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CAPT MENE

you were sentenced, you don't know when you were jailed, making a difference of two years, sentenced in '86 and saying that you were sentenced in '88, is the functioning of your brain that bad?

CAPT MENE: I was suspended in 1985. I can't remember whether it was '86 or '87 when I was sentenced. What I know is that I went to jail in 1988. Between being, in the interim between being suspended and being sentenced I don't know, but I was suspended in 1985. But I went to jail in
20 1988. I can't remember the month, but it was in 1988.

CHAIRPERSON: Ja, that is in all probability correct because there was an appeal, after the initial trial there was an appeal and Captain Mene and his co-accused were released on bail and then of course eventually when the appeal was heard and they had to serve a sentence I suppose he then reported for starting his prison sentence. So it might very well be that there was that lapse of time as a result of the appeal.

ADV MPUMLWANA: So you were suspended in 1985 and you did
30 not work?

CAPT MENE: I was suspended since 1985. I was then sentenced and then made an appeal. I waited, I was outside not in jail, and then in 1988 I went to jail.

ADV MPUMLWANA: So you were not working as a policeman?

CAPT MENE: No I was at home, I was not working.

ADV MPUMLWANA: And then you joined the police force again?

CAPT MENE: Yes.

ADV MPUMLWANA: How, I mean you were sentenced and you had been in jail?

CAPT MENE: When I got out of jail I took my pension money and I went to Pretoria to Soshanguve, my aim - I had a

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CAPT MENE

cousin there, my aim was to start a taxi business. When I got there I stayed with my cousin in Soshanguve. I wanted to buy a combi so I applied for a permit and I had a problem with the permit because I was not working, I did not have an address with the shacks and the bank would not give me money to buy a car because I had applied for a loan to buy a car. I had no place of residence, therefore I thought that I must go to the head office, to Colonel
20 Goosen and tell him how I went to jail. I got to the head office, I looked for Colonel Goosen and I was told that he had died because of a heart ailment. I asked for Captain Naude who worked in East London and I was told that he's around but he's not there at the time. So I went to Brigadier Schoon, if I remember well. I think it was Brigadier Schoon. I told him what happened and why I was in Pretoria. He said that I must come the next day. I went the next day and the day after that, on the third day
30 they were sitting together, General Engelbrecht and Smit, they were all there, they asked exactly what happened with me. I told them what happened, what led me to jail. They said they would see what they can do for me. They said I must come in two weeks. When I came after two weeks they

said that there's a form that I must fill in and I went to the office I was supposed to go to fill in the forms, I went to the doctor to get a report and I took all these reports to them. They said I must come back after a few weeks. I came back. They said I must write a test. I wrote the test. They told me when to come back. When I got the result of the test they said I must go to the head office. They had accepted my request. I would get my status as a Warrant Officer. They said I cannot, however,
10 go back to Port Elizabeth. They asked if I would

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CAPT MENE

be prepared to work for Captain de Kock, I said yes I would work for him because I was desperate, I needed a job. They said that I must go to Colonel de Kock. Then Colonel de Kock took me to Vlakplaas. That's how I started working there.

CHAIRPERSON: I am sorry, sorry Adv Mpumlwana, you are talking about two Generals, Engelbrecht and Smit, now which
20 Engelbrecht is it?

CAPT MENE: It's Krappies Engelbrecht.

CHAIRPERSON: Okay and which Smit is it?

CAPT MENE: Basie Smit.

CHAIRPERSON: And you say that you eventually landed up with Eugene de Kock of Vlakplaas and you joined him?

CAPT MENE: That's right.

CHAIRPERSON: Thank you.

ADV MPUMLWANA: When did you join Vlakplaas?

CAPT MENE: In 1991 if I am not mistaken or late 1990.
30 Late 1990 or beginning of '91.

ADV MPUMLWANA: What did you do with de Kock or under his authority?

CAPT MENE: I was - the duty that I was given there for the first few months, there were combis, all sorts of vehicles that were used at the farm, so the first three to four months I would transport - I would take orders from the garage to Vlakplaas. They would fix the cars and then I was given people, six men, I was the seventh one. We worked in Hillbrow, Springs, East London, Cape Town, we would go to all those places.

ADV MPUMLWANA: Yes, I am listening.

10 CAPT MENE: Our work was to trace terrorists.

ADV MPUMLWANA: Elaborate.

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CAPT MENE

CHAIRPERSON: Perhaps just before you do that, people that you worked with were they askaris?

CAPT MENE: Yes Sir.

CHAIRPERSON: Thank you, you can respond to the question of Adv Mpumlwana to expand on what you said.

20 CAPT MENE: We were tracing terrorists who were working with drugs and guns, we wanted information. Most weapons were from Johannesburg. We wanted information on drugs and weapons.

CHAIRPERSON: Who are the terrorists?

CAPT MENE: It's the people who would go and be trained in the military from outside the country and then come back into the country.

CHAIRPERSON: But what structure do they belong to, these terrorists?

CAPT MENE: ANC members, PAC, such organisations.

30 CHAIRPERSON: Right, proceed.

CAPT MENE: It was our job to trace them, those that were in the country.

ADV MPUMLWANA: What I want to know, Sir, is exactly what did you do, tell us, and just be free, tell us exactly what happened?

CAPT MENE: We caught someone in Hillbrow, a terrorist. One of the people that I worked with came to tell me that they saw so-and-so around the street and he was chatting with someone. We went - (the witness is going too fast) ... (intervention)

CHAIRPERSON: Captain Mene just try and not go too fast
10 otherwise the interpretation can't keep up with you, the interpreters can't keep up, so try and make it not too fast so that they can at least keep up with you, okay. Thank

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CAPT MENE

you. You can proceed.

CAPT MENE: The first person that we got was in Hillbrow. One of the people I worked with said there is someone he's identified that he was with outside the country. He was chatting to somebody else. We went there, I arrested the
20 person, I had a pager with me, I paged W/O Britz, he got there with W/O Mentz. They took this man and we carried on with our work. But later, two or three days after that they said that he had already been arrested before, therefore they let him go.

CHAIRPERSON: Did you refer to W/O Mentz?

CAPT MENE: Yes.

CHAIRPERSON: What was his name?

CAPT MENE: Wouter Mentz.

CHAIRPERSON: Wouter. Thank you.

30 ADV MPUMLWANA: That is the first one, do you have others?

CAPT MENE: We arrested someone from Daveyton. He had weapons, guns. He said that - we did not tell him that we were police, we said we are Inkatha people, we want guns,

he agreed. He told us when we would meet and where. He had guns in the car. We then told him that we were the police and we arrested him.

ADV MPUMLWANA: Was he just someone who was illegally selling guns?

CAPT MENE: Yes.

ADV MPUMLWANA: Was that a terrorist?

CAPT MENE: No he was a man with a family in Daveyton. One of the guys that I was working with knew him or knew
10 about him and then we discussed as Inkatha people. He truly got the guns for us. Before we got them we'd phone the house and speak to his wife and his wife would say he's not back

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CAPT MENE

yet until such time that we arrested him.

ADV MPUMLWANA: What I would like to know, is that here in East London or even other towns what would you be doing?

CAPT MENE: Things that you as well would be clear in your
20 heart that is gross violations of human rights. The one time we came to East London I was with Lieutenant Ras, there were two groups, my group and Sergeant Mbelo's group. We stayed here in East London. What happened is that the next day the Colonel didn't tell us what we had come to do specifically here, he just said we are coming to East London. He said Colonel Duli had been killed in Transkei, so what we had come to do here is to help him and if he had succeeded then we would go into the Transkei and arrest ANC people, therefore that was aborted as Colonel Duli passed
30 away, he died.

ADV MPUMLWANA: So you got here and you didn't do anything?

CAPT MENE: We were at the borders searching people who were coming in and out of the borders, trying to identify people who were going to Transkei. We searched the cars and everything at the border. This is the week before Colonel Duli died. We stayed the whole week.

ADV MPUMLWANA: In the Duli Coup how much did you help, what did you do?

CAPT MENE: We didn't help, it's just that the day after we arrived he died. We were told to stay at the base and
10 the Captain came to the base telling us that Colonel Duli was killed, he was trying to take over the Transkei. The intention was that after Colonel Duli had taken over we would go into the Transkei and we would arrest ANC people.

We didn't know what we had come to do in East London, we were just told we were coming to work, but everything was

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CAPT MENE

aborted because Colonel Duli had died.

ADV MPUMLWANA: Captain Mene you had no plan, what I need
20 is activities, like for example like you were in such and such a town and perhaps killed so many people.

CAPT MENE: I want to tell you the truth.

ADV MPUMLWANA: Yes tell the truth.

CAPT MENE: If something happened and I was there, there is nothing that I will not say or talk about if I had been there. I was never there when somebody was being killed. I never witnessed any murder.

CHAIRPERSON: Where did you stay when you were in the Eastern Cape?

30 CAPT MENE: There is an old house towards Mdantsane, there is an old house there that we stayed in.

CHAIRPERSON: Was there a base similar to Vlakplaas in the Eastern Cape?

CAPT MENE: There were people who were working here in the Eastern Cape, specifically here in East London.

CHAIRPERSON: But was there a base in the Eastern Cape similar to Vlakplaas?

CAPT MENE: It was not the same because here it was just the one house. Vlakplaas was a farm with offices and houses. Here it was just an old house where the people would sleep, that's where we slept as well. That's the difference. Vlakplaas had offices, had cars, this was just
10 a house in the bush ...(intervention)

CHAIRPERSON: Well that's the point ...(intervention)

CAPT MENE: Even though there were people that would sleep there.

CHAIRPERSON: No, well that's the point, it's a house in the bush, it's not a house in the township, is that correct?

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CAPT MENE

CAPT MENE: It was not in the township. It must have been
20 some farmer's house previously.

CHAIRPERSON: So it is on a farm, this house?

CAPT MENE: It's in the bush.

CHAIRPERSON: Yes, but you said it must have been a farmer's house previously.

CAPT MENE: It looks like it, it looks like somebody had a farm. It was just in the bushes.

CHAIRPERSON: And you operated from there? The Vlakplaas units operated from that house in the bush, is that correct?

30 CAPT MENE: We would sleep there, we would go to the point of our working and then we would go back there to sleep.

CHAIRPERSON: Were you saying that Sergeant Mbelo from Vlakplaas was also with you down here in the Eastern Cape

at that stage, before the coup?

CAPT MENE: Yes, it is so.

CHAIRPERSON: Did he also have a group of askaris with him?

CAPT MENE: Yes.

CHAIRPERSON: All from Vlakplaas?

CAPT MENE: Yes.

CHAIRPERSON: What did you do in Cape Town, what operations did you do there?

10 CAPT MENE: The first time we went to Cape Town it is when a Umpongwana(?) man had died, if I am not mistaken. There was conflict and we had to be there to find out what was going on, so we went to Cape Town to investigate.

CHAIRPERSON: Any other occasion when you were in Cape Town?

CAPT MENE: We went to Cape Town again, there was nothing specific except that we were tracing ... (intervention)

CHAIRPERSON: Terrorists. Did you catch any in Cape Town?

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CAPT MENE

CAPT MENE: No we didn't get anyone.

CHAIRPERSON: What did you have to do around this thing of Umpongwana, that incident, when you went to Cape Town that time? What were you supposed to do there?

CAPT MENE: Apparently there was conflict between the men that had shot him and the other people. Terrorists were apparently going to attack the people that were going to go to court about this case, so we had to go and identify the terrorists.

30 CHAIRPERSON: So you were going to catch them if they showed their faces?

CAPT MENE: Yes.

CHAIRPERSON: Now were you, at that stage, on the regular payroll of the police?

CAPT MENE: The first three months I was not paid. After three months then I started being paid.

CHAIRPERSON: And how were you paid, were you paid a salary, were you paid bounty money for people arrested?

CAPT MENE: The first three months I didn't get my money, they said they would lend me money and then when I get my rightful money then they would take whatever money they
10 needed from my cheque.

CHAIRPERSON: After the three months who was paying you?

CAPT MENE: I was paid as a policeman.

CHAIRPERSON: Were you exactly at the same - in the same position that you were before you went to prison?

CAPT MENE: Yes, after the three months.

CHAIRPERSON: So you had been restored to your position before you were suspended, but now you were linked to Vlakplaas and you were working with Eugene de Kock?
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CAPT MENE: Yes.

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CAPT MENE

CHAIRPERSON: What was your relationship like with Eugene de Kock?

CAPT MENE: It was terrible.

CHAIRPERSON: What do you mean?

CAPT MENE: He used to say I was cheeky, because - he said he didn't trust me because I was cheeky.

CHAIRPERSON: I then thought you had such a good relationship with Eugene de Kock, is that wrong?

30 CAPT MENE: It's not true.

CHAIRPERSON: What did you do, what were you asked to do at the time when Brian Nqgulunga got killed?

CAPT MENE: When Brian died I was based in Sandton. I was called in the morning and told that Brian had died. Brian is Xhosa, therefore because he's Xhosa I must go with Captain Letsatsi to the family and just help the family to make preparations for the funeral.

CHAIRPERSON: Was Eugene de Kock involved in those arrangements being done, the funeral arrangements?

CAPT MENE: No it was Major Baker.

CHAIRPERSON: Did Eugene de Kock not ask you to make the
10 funeral arrangements for Brian Nggulunga?

CAPT MENE: Major Baker spoke to me. He probably got his instructions from de Kock, I don't know.

CHAIRPERSON: What was the relationship between de Kock and Chappies Klopper about finances?

CAPT MENE: All the White people who worked at Vlakplaas were in the gravy train.

CHAIRPERSON: What did Eugene de Kock think about Chappies Klopper in respect of finances?

CAPT MENE: I don't know what he thought because the one
20 time we went to Cape Town he had about R4 000. In that

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CAPT MENE

R4 000 he came back with R150,00. He then said that I must not tell the Colonel that he didn't give us any money. He was supposed to give us money for the people who were drinking, so he would give us R100,00, about a R100,00. He would use the money himself, he would move from hotel to hotel. The night before we'd go home he'd give us money for a braai. He then gave us R100,00 for a braai, and he
30 only had R150,00 to take back. He gave me about R100,00 to 150 so that I don't say that we weren't given any money.

CHAIRPERSON: Was this on a trip to the Western Cape that Chappies Klopper used up all that R4 000?

CAPT MENE: We were in Cape Town, yes.

CHAIRPERSON: Which operation was that?

CAPT MENE: It's the Mbongwana operation.

CHAIRPERSON: What was Eugene de Kock's attitude in view of the way in which Chappies Klopper was handling the finances?

CAPT MENE: The Colonel called me and asked me, he asked me how the money was used, what he did, how much he'd given us. I lied because I was told not to tell the truth.

10 CHAIRPERSON: And what was Colonel de Kock's attitude about this finance thing?

CAPT MENE: He didn't talk to me, he just nodded his head and left.

CHAIRPERSON: Didn't he trust you more with finances than he trusted Chappies Klopper?

CAPT MENE: I don't know because he never gave me any money.

CHAIRPERSON: Advocate Mpumlwana?

20 ADV MPUMLWANA: Captain, are you trying to say that you never did anything that violated people's human rights?

CAPT MENE: You know Vlakplaas, you just have to say

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CAPT MENE

Vlakplaas to people and people call out.

ADV MPUMLWANA: So you are saying then you were an angel in Vlakplaas, you don't know anything?

CAPT MENE: The units that I worked in, there is nothing that violated people's rights.

30 ADV MPUMLWANA: You don't remember what you were doing even if you didn't violate?

CAPT MENE: Yes I do remember. Our job was to trace down people.

ADV MPUMLWANA: How many did you get and who was it?

CAPT MENE: It is only one person that we got, the man in Hillbrow and we did not arrest anyone else except the man that we arrested because of his guns.

ADV MPUMLWANA: How many years did you work in Vlakplaas?

CAPT MENE: I worked for a year because I did not complete '91, I left in December.

ADV MPUMLWANA: Who were you working with?

CAPT MENE: There was Sergeant Matinkixa, Dhlomo, Maduna,
10 Radebe, Ntshangase, Dube.

ADV MPUMLWANA: Is it the first names, surnames, what?

CAPT MENE: These are surnames.

ADV MPUMLWANA: You don't know their names?

CAPT MENE: Sergeant Michael Matikinxa, Kayo Ntshangase, Sylvester Maduna, Ninja Dhlomo, he's from Mdantsane, we used to call him Ninja, I don't remember his name well, I don't remember Dube's name, but his surname is Dube and Gregory Radebe.

ADV MPUMLWANA: Where are they?

20 CAPT MENE: I left them in Vlakplaas.

ADV MPUMLWANA: Did you resign from Vlakplaas?

CAPT MENE: No I asked for a transfer to Mossel Bay.

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CAPT MENE

ADV MPUMLWANA: The whole year that you worked there you only got one person who was acquitted? Captain, elaborate.

I mean Captain just tell us more, I mean surely, go for it, elaborate. Surely there must be some activities that you were involved in, even if you are not directly or
30 indirectly involved?

CAPT MENE: As I said even if there was one incident that I was witness to I said to Mr Bolo that even if there is one incident there is nothing I am hiding. Before the

reporters came Colonel de Kock called us and we took everything, guns, boxes, and took them to a farm called Daisy. We transported everything, all sorts of boxes, took them to Daisy farm. That's the only thing that happened at Vlakplaas while I was there. The following day reporters came, there was nothing.

ADV MPUMLWANA: Who worked at East London at the farm that was here?

CAPT MENE: I don't know all of them but there is Sergeant
10 Mahliwa that I worked with, the others I don't know. I don't remember who they were.

ADV MPUMLWANA: Unfortunately all these people that you are naming they have died. The people that are still alive are very few.

CAPT MENE: There was also Thandi in this unit?

ADV MPUMLWANA: Thandi who?

CAPT MENE: I have forgotten the surname, Sotcha, Sotcha, Thandi Sotcha.

ADV MPUMLWANA: He has also passed away.

20 CAPT MENE: Then there's another woman, her name is Noma, I've forgotten her surname. There were two women. Then there's a third one Orthandi, Nandi, Thandi, Nandi and Noma. Nandi passed away, Thandi passed away, I don't know what

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CAPT MENE

happened to Noma. Sergeant Mahliwa was one of the men. There were two other men, I can't remember them. Apparently one of them was shot recently, dead.

30 ADV MPUMLWANA: Who killed him?

CAPT MENE: I don't know, I just heard that he'd been shot.

ADV MPUMLWANA: Is it true that almost all the people who worked in Vlakplaas is very scared to tell the truth because they are being killed? Is that true?

CAPT MENE: I can't say it's not true or it's true, I can't say.

ADV MPUMLWANA: The man that you buried, Nqgulunga, what happened with Nqgulunga?

CAPT MENE: As I heard he shot his wife, he'd been fighting with her, after that he - when he asked why he shot him, I just heard people saying that Nqgulunga had shot his wife. When Major Baker asked why he had shot his wife then he said he would talk about the Mxenge case. After that he was shot.

ADV MPUMLWANA: Do you think that is why he was killed?

CAPT MENE: Certainly.

ADV MPUMLWANA: By Vlakplaas people?

CAPT MENE: Certainly.

ADV MPUMLWANA: Do you know Xoliswa Sosha?

CAPT MENE: That's Thandi.

20 ADV MPUMLWANA: Was she also referred to as Matsidiso?

CAPT MENE: I know the Thandi reference.

ADV MPUMLWANA: She was also killed by Vlakplaas people?

CAPT MENE: I can't be sure because when she was killed I was already in Mossel Bay and according to my knowledge she was in Kimberley. We were in touch. I encouraged her to leave East London, because after Sergeant Mahliwa died I

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CAPT MENE

said she's the next one. Sergeant Mahliwa has died, you are the next one, leave East London. I am also moving from Vlakplaas to Mossel Bay. I said, you see what is happening to people. Brian has passed away, Sergeant Mahliwa has passed away, you are the next one. I said to her, it's the

Xhosa people that have died, because the Xhosa people are cheeky, they are answering back to the Whites. Therefore, us as Xhosas should move. We agreed with Thandi. I went to Mossel Bay. She went to Kimberley. She phoned me from Kimberley. She said at one point she wants to work in Mossel Bay.

ADV MPUMLWANA: When Thandi was killed she had resigned?

CAPT MENE: Yes. They were in the process of being retrenched and given their money. I told her not to go to
10 East London to Mdantsane. She'd bought a car. I said she mustn't go to Mdantsane, she will die.

ADV MPUMLWANA: But it's the Vlakplaas gang that killed her, de Kock, so wherever she'd be she would have died anyway.

CAPT MENE: Mdantsane was a big, busy place, I said we must go to small areas, like I went to Mossel Bay. When you work in a small town it's easy to see who was following who, but in big cities it's difficult. So I said she should choose a small town to work in. When somebody
20 is going to kill you they don't just kill you, they follow you before they kill you, they go after you.

ADV MPUMLWANA: Won't you elaborate on your dealings with Inkatha?

CAPT MENE: I had nothing to do with Inkhata.

ADV MPUMLWANA: Did you get work with Inkhata?

CAPT MENE: I did not, not my unit.

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CAPT MENE

ADV MPUMLWANA: Therefore Captain, as you were aware that
30 the group that you worked with they killed people, that makes it difficult to tell the truth.

CAPT MENE: It is so.

ADV MPUMLWANA: Therefore you might not be honest, you might not be telling us the whole truth because you are scared you are going to die.

CAPT MENE: If I knew something I would talk, there is nothing I am scared of. As I said I moved from Vlakplaas because I realised that in a big city you can be killed, but in Mossel Bay I would not be killed. There is nothing I am scared of in Mossel Bay, it's a small town. Nobody can kill me in Mossel Bay, it's a small town. If a
10 stranger would come to Mossel Bay the people would know that it's a stranger. This is why I said to Thandi we must move to small towns, because in small towns people know, they can see a stranger.

CHAIRPERSON: Why specifically Mossel Bay, there are much smaller places than Mossel Bay, why specifically Mossel Bay?

CAPT MENE: I like the Western Cape, that is why I chose it, I like to be in the Western Cape.

CHAIRPERSON: Are there any of your former colleagues, of
20 your network in Mossel Bay?

CAPT MENE: No, except Inspector Tungata who has just joined me. I had to recruit people because there was a shortage of manpower, I recruited people and then they came to help me.

CHAIRPERSON: Which people did you recruit?

CAPT MENE: Inspector Tungata who was at the security police in Port Elizabeth, Inspector Mkosi from Alice, Sergeant Mafakala, Alice ...(intervention)

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CAPT MENE

CHAIRPERSON: Sorry, no the one from Alice, what was he, a security policeman or what?

CAPT MENE: No, no, CID.

CHAIRPERSON: Who else?

CAPT MENE: Sergeant Mafakala, CID.

CHAIRPERSON: From where?

CAPT MENE: From Alice.

CHAIRPERSON: Who else?

CAPT MENE: Constable Maxinana from Uitenhage.

CHAIRPERSON: What's his background, where was he? Was he
also involved with you in that riot investigations unit or
10 was he involved in security police work or what?

CAPT MENE: No, he's just a policeman.

CHAIRPERSON: And who else did you recruit?

CAPT MENE: Constable Makila.

CHAIRPERSON: Where's he from?

CAPT MENE: From Cape Town.

CHAIRPERSON: How do you know him?

CAPT MENE: His home is in Mossel Bay.

CHAIRPERSON: But how do you know him?

CAPT MENE: Before I joined the police force he stayed in
20 Mossel Bay then he went to Khayaletsha in Cape Town and I
recruited him back to Mossel Bay.

CHAIRPERSON: But how did you know him?

CAPT MENE: When he joined the police force I was in
Mossel Bay. When he was joining the police force I was
there. Then he went to train in Khayaletsha, I recruited
him from Khayaletsha in Cape Town back to Mossel Bay.

CHAIRPERSON: What is his background?

CAPT MENE: It was just a girl who left school and wanted
to join the police force, there is no strange background.

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CHAIRPERSON: And who else did you recruit?

CAPT MENE: That's it.

CHAIRPERSON: Are you, this group, are you all together in Mossel Bay at that specific police station?

CAPT MENE: Inspector Tungata, Constable Makila are working with me. Inspector Mkosi is working with detectives in Daka's Kop(?). Inspector Dikala - (the original sounds like Constable Makinana and not Inspector Dikala - please check on this) has not got his transfer yet, it's not through yet.

10 CHAIRPERSON: One other thing that I want to ask you, with Mbelo here at this place near Mdantsane in the bush, that house, who were in Mbelo's unit?

CAPT MENE: I can't remember all of them.

CHAIRPERSON: Well those that you do remember, who were they?

CAPT MENE: Lucky Lips is one of the people who worked with Mbelo. I can't remember the others.

CHAIRPERSON: You only remember Lucky Lips, you don't remember his surname or nothing further than that?

20 CAPT MENE: Madigethla, that's the surname.

CHAIRPERSON: One other thing that I wanted to ask you was, how were these askaris paid that were with you in your unit?

CAPT MENE: They would get pay sheets like any other policeman at the end of the month, they were paid like any other policeman.

CHAIRPERSON: Were they given cheques, police cheques?

CAPT MENE: No, you would get your money in your bank account. If you joined the police force you would have to
30 open a bank account and that's how you would get your money. What you would get is just a pay slip.

CHAIRPERSON: And that applied to the askaris as well, is that correct?

CAPT MENE: Well an askari would start, initially they would get money, they would just be given money and then some would write tests and the others would not be able to write tests so they would be employed eventually as a normal policeman.

CHAIRPERSON: So what you are telling us is that askaris
10 were paid like the policemen on a regular, fixed salary?

CAPT MENE: Yes, like any other policeman.

CHAIRPERSON: Were you aware of any other monies that were paid to askaris, apart from these regular salaries?

CAPT MENE: Yes they'd get some money?

CHAIRPERSON: For what?

CAPT MENE: Like when we go to other towns you get money for not being at home.

CHAIRPERSON: Okay. If you - if a job is done, an
20 operation is completed does any money get paid for a successful operation?

CAPT MENE: What kind of operation, like what?

CAPT MENE: Any operation. If you go and chase terrorists, as you've put it, and you catch them, so you are successful you caught a terrorist, is there any payments made, particularly to askaris after an operation like that where you now had somebody pointed out and arrested?

CAPT MENE: Yes we got money. After catching the man with the guns in Daveyton we got some money. I understand that
30 if people would catch someone they would be given money as well.

CHAIRPERSON: How much per head?

CAPT MENE: Because it was a unit the money would be

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CAPT MENE

divided. If it was R2 000 it would be divided amongst the members of the unit. If you identified someone you would get more money than the rest.

CHAIRPERSON: Wasn't ... (tape ends)

CAPT MENE: When I got there they said previously it was R2 000 and then it went down to R1 000 and then if you
10 identified someone then you would get even more.

CHAIRPERSON: So you were there in the lean years, it came down. Thank you. Mr Sandi?

MR SANDI: I thank you. Captain Mene, I don't want to repeat what the Chairman of this hearing has already said, that is in regard to the question of a full disclosure. It is very important for you to try and answer all the questions we are asking you, as fully and frankly as possible. And can I say one thing, not because I want to
20 intimidate you, that is some of the questions we ask, we ask them not because we do not know what the situation is pertaining to those various matters we are asking you about, but we ask these questions to find out how far a person appearing before this Commission is prepared to cooperate, how far he is prepared to go and give information to this panel. Can I ask, before you went up to Johannesburg, that is before you joined Vlakplaas, had you heard anything about Vlakplaas before?

CAPT MENE: Yes I knew that Vlakplaas existed.

MR SANDI: What did you know, very briefly, what did you
30 know about Vlakplaas?

CAPT MENE: There is a man that worked in Port Elizabeth, his name was Charlie, he worked for Vlakplaas.

MR SANDI: Are you suggesting that that gentleman told you something about Vlakplaas?

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CAPT MENE

CAPT MENE: Yes.

MR SANDI: What did he tell you, very briefly?

CAPT MENE: He told me about the kind of work they do in Vlakplaas.

MR SANDI: You say when you went up to Johannesburg your
10 intention was to set up a taxi business, you wanted to be a taxi man, is that correct?

CAPT MENE: Yes it is so.

MR SANDI: Did you leave your family behind in Port Elizabeth?

CAPT MENE: Yes.

MR SANDI: You mean your wife as well as children?

CAPT MENE: Yes.

MR SANDI: Now let us talk about the time when you
20 actually joined Vlakplaas, what were the instructions to you? Because I think you have said this very vaguely, you say your task was to trace terrorists. Were there any other duties that you were supposed to carry out?

CAPT MENE: I can't remember.

MR SANDI: What were the main projects of Vlakplaas as far as you know besides tracing terrorists, what were the other things the Vlakplaas unit was supposed to be doing which you were now going to be part of?

CAPT MENE: They would work with guns, arrest people with
30 guns, drugs, especially in Hillbrow. We would work in the hotels there tracing people with drugs.

MR SANDI: Before you joined Vlakplaas here in Johannesburg, let's take it from the time when you were in Johannesburg. You apply for a taxi licence, you are

unsuccessful to get it, did anyone approach you and talk to you about the possibility of joining the Vlakplaas Unit?

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CAPT MENE

CAPT MENE: No there was no one.

MR SANDI: In the Eastern Cape, are you sure there are no activities at all, at all, your unit was involved in, in this area, are you sure?

CAPT MENE: Like what for example?

10 MR SANDI: Instances where for example some of the members of your unit were involved in incidents where some people were killed?

CAPT MENE: No I was never involved in such.

MR SANDI: Are there any members of your unit who were ever involved in killing people who they either suspected were terrorists or for some other reason they killed such people, are there any members of the unit who got involved in that?

CAPT MENE: According to my knowledge, no.

20 MR SANDI: If they had been so involved you would have known?

CAPT MENE: I would know and I would be talking about it now.

MR SANDI: If someone says to you so and so who was a member of your unit was involved in committing acts of gross human rights violations such as murder, abduction of people or torture of those who were suspected, what would you say?

CAPT MENE: I would not deny that, maybe it happened and I
30 wasn't there, but I was never there.

MR SANDI: You have mentioned something about the fact that those people who were part of the Vlakplaas project were not safe in places like Mdantsane, who do you think

would kill these people?

CAPT MENE: It's the White people.

MR SANDI: Why would they kill them?

CAPT MENE: It's the same as Brian Nqgulunga's murder.

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CAPT MENE

MR SANDI: You said something about the violent death of Mathliwa and you said it was rather suspicious, what did you mean about that? I understand it was not the only
10 example you have mentioned. You mentioned some other people who had died in very suspicious circumstances, can you say why you think the death of Mathliwa was rather suspicious?

CAPT MENE: First of all nobody was arrested. It's like Nqgulunga's case, nobody was arrested. What do you think as a person if somebody killed people, dying, and nobody is being arrested, what do you think as a person?

MR SANDI: Did Mathliwa have a clash with one of the very senior people at the Vlakplaas Unit before he was killed,
20 did he have a conflict with anyone there?

CAPT MENE: As I said before, that us, the Xhosas, were taken as cheeky people, because what happened in Transkei is that the people from Transvaal referred to the White man as "Baas", these are the things that the Xhosas would not do. Sergeant Mathliwa wanted to beat up W/O Britz the one time. I intervened there, he was going to beat him up.

MR SANDI: When people get recruited for Vlakplaas were they told to keep quiet about these things, not to say anything otherwise they would be killed?

30 CAPT MENE: I was never told such. I don't know about the other people.

MR SANDI: Let's go back to Mossel Bay, is there anyone of the du Plessis brothers living there?

CAPT MENE: According to my knowledge, no.

MR SANDI: The people you have recruited, where did you know them from, you have mentioned, for example, Makatala, where did you know these people from? Are these people you have known before you went to Mossel Bay?

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CAPT MENE

CAPT MENE: No I did not know them.

MR SANDI: Maybe, lastly, what credibility should one
10 attach to your evidence? You have mentioned a number of incidents where your arm was twisted not to say the truth, how much credibility should we give to what you have told us today?

CAPT MENE: Everything that I was told not to say, today I am saying. I told you about the first day when Mr Bolo came to me I said to him that the things that I never used to talk about, the time has come for me to talk about. I have said everything that I was told not to say.

MR SANDI: The people who were part of the Vlakplaas do
20 they know that you are here today and did they speak with you, did they threaten you not to spill the beans here otherwise you would get into trouble?

CAPT MENE: The last time I saw the Vlakplaas people was in 1991, I never interacted with them again.

MR SANDI: Maybe Mr Chairman one last, last question. At the Vlakplaas were there any people who would visit that place from the outside, people from the higher echelons of the police force, the defence force or cabinet ministers or whoever, who came from the outside, visiting the place?

CAPT MENE: On Fridays at Vlakplaas at 12 we would knock
30 off. Everybody would leave because there would be a braai every weekend that the Generals would go and have fun. Tables would be prepared because the Generals were going to

come for dinner. People would be given our beers and our meat and there'd be left behind. Every Friday that would happen, there would be braais at Vlakplaas on Fridays.

MR SANDI: Just a follow-up on that, did you personally see one of these Generals visiting Vlakplaas, as you have said?

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CAPT MENE

CAPT MENE: I used to stay in Vlakplaas in the yard. All
10 the Generals would come to the yard at Vlakplaas.

MR SANDI: Are you able to mention the names of such Generals?

CAPT MENE: Basie Smit, Engelbrecht, Brigadier Schoon, all of them, Colonel Naude, all the head office people would be there on a weekend. It was not something that happened on just a weekend, maybe it would be just weekend out of - one weekend out of a month that they would not come. There was a bar where they would hang their ties. They would get drunk and hang their ties up on the bar.

20 MR SANDI: Did you also interact or socialise with these people to the extent that maybe you even got to know them personally? Did you know these Generals you've mentioned personally and not just seeing them around?

CAPT MENE: As I worked at the head office I know most of the Generals.

MR SANDI: You are aware that such Generals have given testimony to this Commission, are there any things that you - any things they have said which you think are not really true that you would like to dispute?

30 CAPT MENE: I don't know about that, if they were dishonest.

MR SANDI: Maybe from reading in the newspapers what they are reported to have said, are there any things that you

think were not the correct reflection of what was happening at Vlakplaas?

CAPT MENE: I spent little time in Vlakplaas and the things that I've read in the newspapers were things that happened before I got to Vlakplaas. I spent a little time there. So things they were talking about were things that happened

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CAPT MENE

10 before I went there.

MR SANDI: Thank you Captain Mene, thank you Mr Chairman.

CHAIRPERSON: Thank you. Can I just pick up on one thing that you've said. Have you had contact with any of your former colleagues from the security police in Port Elizabeth in connection with this, the subpoena that you got and the proceedings here?

CAPT MENE: Yes.

CHAIRPERSON: Who were you in touch with?

CAPT MENE: Colonel Roelofse.

20 CHAIRPERSON: Where is he now?

CAPT MENE: He is in Port Elizabeth.

CHAIRPERSON: Did you discuss this matter with him?

CAPT MENE: Yes because I wanted an attorney, I asked for his advice because I was subpoenaed to come here so I wanted an attorney.

CHAIRPERSON: Did he help you, Roelofse?

CAPT MENE: Yes he helped me.

CHAIRPERSON: Do you know Nick van Rensburg?

CAPT MENE: Yes I know him.

30 CHAIRPERSON: He's living close to you now, not so?

CAPT MENE: Yes he is somewhere in Mossel Bay but I don't know where he stays.

CHAIRPERSON: In fact in Hartenbos if my memory serves me correctly, when last have you had contact with him?

CAPT MENE: I can't remember but I usually see him especially in town but I can't remember where, but I used to see him.

CHAIRPERSON: You have spoken to him on a few occasions when you see him there in town in Mossel Bay.

CAPT MENE: It's only once that I talked to him. It was

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CAPT MENE

last year. I was following his car, I flicked the lights and I greeted him.

CHAIRPERSON: Well in case you don't know you share an attorney with him as well. Now in Hartenbos apart from Nick van Rensburg are there any other of your colleagues, former colleagues that have moved into that area into retirement, particularly in Hartenbos?

CAPT MENE: I don't have any knowledge of such people.

CHAIRPERSON: Good. Reverend Xundu?

20 REV XUNDU: I want to ask this question, in that Pakamisa incident, Pakamisa High School incident, how many children were injured?

CAPT MENE: Two, two.

REV XUNDU: Because there was no proof whose bullet killed them they said you won't be accused with that case?

CAPT MENE: I was the only one. This other guy was found not guilty.

30 REV XUNDU: Do you think the parents of those children - what do you think can happen to the parents of those children? Was there any way that those parents can be compensated or reparated?

CAPT MENE: I didn't think about compensating them because even now, even today I don't know who killed those

children. I can't say because it was the two of us who were shooting at the time, so I can't say anything about compensation, because I don't know because if I was the one who killed those children it means that I have paid because I have served my jail sentence.

REV XUNDU: During the time at Vlakplaas there was a lot of violence, unrest in Gauteng, according to your knowledge do you think that those people were being used in such

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CAPT MENE

violence?

CAPT MENE: There were a lot of units there, each leader had its own subordinates and they were working in different areas. If I am talking about my people we were not there, we were not involved in such incidents.

MR SANDI: Thank you Mr Chairman. Captain Mene did you hear one of the questions that was put to you as to whether there are any of your former colleagues staying or living with you in Mossel Bay, you mentioned Tungata and maybe some other name, you did not mention the name you mentioned recently to Advocate Potgieter, that name was Colonel van Rensburg, did you have any reasons for not mentioning that name?

CAPT MENE: I am not sure if General van Rensburg stays in Mossel Bay. I think maybe he is Hartenbos, because Hartenbos is an area, a White area, a racist White area which is situated on the outskirts, just outside Mossel Bay. I just think that he's a visitor. Even the day I greeted him I just thought that maybe he was there on holiday because usually the people would go there for holidays, I am not sure if he stays there.

MR SANDI: When you flicked your lights, your vehicle lights to stop him to speak with you, what did you want to

10 speak with him about and when was this?

CAPT MENE: It was in 1993.

MR SANDI: Is he one of the very senior White people who were in the security police who you said this morning were cruel people?

CAPT MENE: Yes that's correct.

MR SANDI: Yet you are still prepared to stop him in the street and speak to him?

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CAPT MENE

CAPT MENE: Yes that's correct.

MR SANDI: Thank you, thank you Mr Chairman.

CHAIRPERSON: Did General van Rensburg not tell you that he's living just around the corner in Hartenbos when you stopped him?

CAPT MENE: He didn't tell me and the reason why I stopped him, when I moved from Pretoria to Mossel Bay he was in Cape Town. He's the person who helped me for my transfer to be processed. In Mossel Bay a party was made for him.

20 We were taken aside because they said Blacks cannot behave when they are drunk, but I was very hurt because de Kock didn't want to release me but General van Rensburg helped me. I just wanted to thank him on that particular day that he actually helped me, and I told him also that at his party we were not invited. So I just wanted to thank him that I finally got to Mossel Bay and worked there.

CHAIRPERSON: So General van Rensburg was also involved in getting you from Vlakplaas to Mossel Bay?

CAPT MENE: Since he was in Cape Town when I forwarded my
30 transfer to Mossel Bay he was the one who helped me.

CHAIRPERSON: Advocate Mpumlwana?

ADV MPUMLWANA: Sir you said people from Robben Island are the people that you are working with?

CAPT MENE: Yes that's correct.

ADV MPUMLWANA: There's a person called Skoqwana Malgas, Skoqwana Malgas, he was detained, do you know that?

CAPT MENE: Yes I heard about that.

ADV MPUMLWANA: You don't know him? What do you mean when you say you heard about that?

CAPT MENE: What I want to emphasise here the security police who are working in this manner, police are working in SECTION 29 HEARING TRC/EAST LONDON

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CAPT MENE

this manner, since Port Elizabeth is so big we are divided into areas. I was working for the Zekele area, I don't know what's happening in places like New Brighton. I only work with Zekele. I only know people like Mr Tchuche(?) and Mr Nonqdelala who were actually from KwaZikele, I don't know any other person or whatever that is happening in other place, because I would be confused if I was working with all the areas and I wouldn't be able to monitor their movements.

20 ADV MPUMLWANA: It is said that he was beaten up by you in jail, amongst the people who were beating him, is that true?

CAPT MENE: When was that, I want to know when was that?

ADV MPUMLWANA: It was in 1985.

CAPT MENE: When in 1985?

ADV MPUMLWANA: If you had the knowledge you would know that. You say you don't even know whether he was arrested or what?

CAPT MENE: I am saying that because I can't even identify
30 him. I can't even say that this is Mr Malgas
...(intervention)

ADV MPUMLWANA: Have you forgotten about him now?

CAPT MENE: I don't even know him because I was not dealing with him. I cannot identify him.

ADV MPUMLWANA: Was there any person that you interrogated and you tortured in jail as a member of the security police?

CAPT MENE: As I am telling you that I don't know Mr Malgas, I don't know anybody, I never tortured anybody.

ADV MPUMLWANA: You mean you never assaulted or tortured anybody?

10 CAPT MENE: I never tortured anybody.

ADV MPUMLWANA: Do you know Gunqile Banda?

CAPT MENE: No. What I want to call right here in the

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CAPT MENE

security force there were about there Mene's, three people who had Mene surname. Sometimes a person will talk about Mene whereas he is not actually referring to me because there were three Mene's. I am not expected to answer to everything that refers to Mene. It's my brother and W/O

20 Mene. A person must specify either KW or NA or the other way. A person must actually specify because right now everything that has got something to do with all the Mene's will be taken to me. Right now I don't even know Sinoqwana Malgas, I don't even know the person. That's why I am asking when was that because I left the security office in September 1985, it's only my brother and my brother's son who were also having this surname. And now seemingly I am going to answer about their actions. This will look like I'm misleading this Commission now and I am denying things

30 that I have done, whereas I don't have any knowledge about some of the things.

CHAIRPERSON: Were any of the other Mene's a member of the security police?

CAPT MENE: Both of them, there were three Mene's in the security police. One of them was from the Railway section and the other one was from the Uniform side which is KW from the Railway side also. He came to the security branch.

CHAIRPERSON: So all of you, all the Mene's were in the security police?

CAPT MENE: The three of us were working for the security police.

10 CHAIRPERSON: But did any one of them work with Tungata, the member of the security police, your colleague that you were working with?

CAPT MENE: Me and Sergeant Tungata were suspended in 1985. SECTION 29 HEARING TRC/EAST LONDON

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CAPT MENE

We left the office. The two Mene's arrived after we had left when the police from the Railway were taken into the police force and we had already left at the time. We were suspended. We didn't go back to the office. If they
20 worked at the office, I think they are working in Port Elizabeth, I don't know anything that happened thereafter.

CHAIRPERSON: So none of them could have worked with Sergeant Tungata, not so, none of the other Mene's? I am talking about the Tungata that worked with you, I know that he's got a brother too, but I am speaking about that one.

CAPT MENE: I won't say that because Tungata was released from jail he went back to the police force again. I was in jail at the time. When I was released I went to Pretoria and these two Mene's were left there with Tungata. I don't
30 know whether they were working together. The two Mene's were working with Tungata, I don't know whether they were working together or not, but they were in that same office.

CHAIRPERSON: Did Tungata go back to the security police after he was released from prison? ... (tape ends)

CAPT MENE: Yes he was working as a security policeman.

CHAIRPERSON: Sorry Advocate Mpumlwana.

ADV MPUMLWANA: You are saying Tungata was sentenced how many years?

CAPT MENE: He was sentenced seven years and the judge said that was a mistake, that was reduced to four years and he appealed and after that they said there is no case
10 against him, and then he was given 18 months because of defeating the ends of justice. He went to jail and he received parole because of the article that was released about - released by the Minister saying certain people qualify for the parole. He was released and I was left in jail. He didn't even

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CAPT MENE

spend a month in jail because he qualified for the parole.

ADV MPUMLWANA: You and Mr Tungata, it is said that you
20 are so honest and loyal in fighting terrorists, that was said just before you - the sentence was given to the two of you. The two of you, you went to jail for just a short period and you were released, and thereafter you were accepted so quickly in the police force and you go on with your duties. But in all this there is nothing that you have done or something that you know about assaulting, torturing people in jail, you don't know anything about that, is that the truth?

CAPT MENE: When I looked at this thing it seems as if me
30 going to jail and coming back to the police force it's the reason why I am subpoenaed here, because this Commission thinks that there is something that I know that made me to go back to the police force. I think that is the reason.

ADV MPUMLWANA: No Captain. What I think is it looks like you are not giving us the real thing.

CAPT MENE: If this Commission wants me to lie, I am not going to do that.

ADV MPUMLWANA: Listen to me, let me tell you. You say you were a policeman for 15 years or 20 years in your life. You are in the security branch for five to ten years. You are in Vlakplaas for a year. All this time people are being arrested, you are in the riot police, people are dying, are being killed by this riot police in Uitenhage. All this time you are innocent, you are just an angel. Please Captain, please don't play games.

CAPT MENE: If Sir you think that I am playing games I have told you about all the incidents that took place during my presence where people were injured. I have told you about

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CAPT MENE

those. How did Dabalaza died and I've told you what I've seen....(intervention)

CHAIRPERSON: Just a minute, just a minute, sorry Advocate Mpumlwana there is another thing Captain. You were a respondent in the Wendy Orr interdict application to stop the police from assaulting detainees, is that correct?

CAPT MENE: I don't know that.

CHAIRPERSON: Well that is an objective fact. You were one of the respondents and there was an interdict granted against you restraining you from, together with some of your colleagues, including Tungata, and some of your White colleagues, restraining you from assaulting etc, people in detention, people in your care. Don't you know anything about that? That was a major application, the whole world probably knows about it.

CAPT MENE: I know nothing. All I know is that being a security policeman there is a lot that I can tell this Commission. A Pepco Three Tungata was named three times. Somebody said he saw Tungata at the airport, but Joe Mamasela does not mention Tungata's name because Tungata was not there. As long as you are a security policeman everything becomes your burden and Tungata now appears in court because of that incident whereas he was not there because somebody said he actually saw him. But today there is no evidence that Tungata was there. That person swore in front of the court and said he saw this person, but Tungata named the Whites and the askaris, not Tungata. Now what are you going to do with that? This shows that a lot of things we are being blamed and accused of something that we don't even know. That is why I am saying that this Commission wants me to say something that I don't know because you have SECTION 29 HEARING TRC/EAST LONDON



CAPT MENE

the belief that we Black police are hiding some information, things that were being done. There is nothing that I have done. All the things that happened in front of my eyes I have told you, even those that it was said I must not talk about.

CHAIRPERSON: I am just trying to get clarity on a proposition or a question that was put to you by Advocate Mpumlwana dealing with the fact that you don't know of anything that was wrong. I am trying to deal with this interdict. In 1985 one of the district surgeons in Port Elizabeth, Dr Orr, brought an application against the Minister of Law and Order and a number of policemen. Do you know anything about that because your name was on the papers and there was an order granted against you, do you know anything about that?

CAPT MENE: I know nothing except what I am telling you. As long as you were a policeman, a security policeman you will be implicated even though you don't belong, and an example of that is this incident where Tungata was implicated.

CHAIRPERSON: Yes, well I have tried to clarify this issue with you. Advocate Mpumlwana?

ADV MPUMLWANA: So you say all the time you were a policeman the only thing that you remember or the only thing that happened where the human rights were violated it's when this young boy, it's when this policeman put his fingers in Tabalaza's eyes?

CAPT MENE: No.

ADV MPUMLWANA: What else, this is what we want to know?

CAPT MENE: Sir you must remember some of these things, when a person is slashed across it was something that was

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CAPT MENE

very common, even if you hear someone crying it was something that used to happen daily and you won't remember after 14 years, you won't remember that story. Just remember about Mr Tchuchu and Mr Nzou when Letonga was assaulted in Algoa Park, those things took place 14 years ago, I will never remember those things, I will never remember those details that so-and-so did this to so-and-so. I cannot remember because it was the daily exercise where people were being kicked and slashed across the face and a person cannot expect to remember that and force you to say that. It's really impossible. The Commission must understand it's impossible, I cannot recall each and every incident, I cannot.

ADV MPUMLWANA: All in all Captain there's a lot of common things and sometimes where there's men's testicles are

being pressed, so such things you mean they are common?

CAPT MENE: Yes that's a common exercise.

ADV MPUMLWANA: They are so common to such an extent that a person can even forget?

CAPT MENE: Yes, if somebody is doing that and you feel that you have nothing to do with that you just go out because that's not your job. If you happen to bring a person and you deliver him somewhere else and if that person is crying you have nothing to do, you must just
10 leave because you have done your job. All those things were happening where there were Whites, that's why I am saying they were cruel.

ADV MPUMLWANA: As you say these things were happening every day and even those that you were doing you were doing them just because it was something common.

CAPT MENE: What things are those, what are you talking

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CAPT MENE

about?

20 ADV MPUMLWANA: You are saying to me now we must not expect you to remember things that took place 14 years ago.

CAPT MENE: Yes that's correct.

ADV MPUMLWANA: Because you were doing this thing every day, it was a normal procedure that all the security police were doing those things.

CAPT MENE: As a security policeman I was in the field, I had nothing to do with people, mine was to arrest a person and take him to a person who wants him. People were
30 assaulted during interrogation. I was not there I was in the field. My job was to gather information and bring it to the office and tell them what was happening and update them about the things that were happening.

CHAIRPERSON: Just hold on. I want to assess the time. We did start late this morning, in fact we started at 11 o'clock which was two hours after the scheduled time. There were various reasons for that amongst other things Mr van der Merwe couldn't be here at 9 o'clock, he only got a flight from Port Elizabeth a bit late. So I want to get an idea, because if we can finish off the proceedings today it will be in the best interests, I think of everybody, to get it done. It's just after 16H30, as I say we've started two
10 hours late, we would normally have stopped at 16H00 or just after 16H00, but we did start quite late. Advocate Mpumlwana can you give me an idea is there a prospect of us finishing at a decent hour this afternoon? How much have you got left, or is it difficult for you to say?

ADV MPUMLWANA: Not much.

CHAIRPERSON: Okay. So we - alright, if that is the case I think we must try and finish off. It will be in the
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CAPT MENE

20 interests of everybody. We've got a schedule for the rest of the week as well. Adv Mpumlwana you say it's not much left?

ADV MPUMLWANA: Well on my side.

CHAIRPERSON: Okay. Because I must assess whether we should have a very brief break and then carry on and finish.

ADV MPUMLWANA: Yes we can have a break, maybe people are tired, yes.

CHAIRPERSON: Okay. Perhaps we should just stretch our
30 legs for five, ten minutes at most, and then we reconvene and we finish off the proceedings today.

HEARING ADJOURNS

HEARING RESUMES

CHAIRPERSON: Advocate Mpumlwana?

ADV MPUMLWANA: Captain, do I hear you clearly when you say at the time that you were in Port Elizabeth, working with Mr Xayiso Zwane and Tungata there is only one incident that took place where the human rights were violated, it's the incident of Pakamisa High School, because you are not telling us about any of your activities but you said to me you were working with these gentlemen for a long time?

10 CAPT MENE: I didn't say that. I worked only one day with those people. The following day we moved from the office that we were working in.

ADV MPUMLWANA: At the time you were in Vlakplaas you only arrested two people, the one who was in Gauteng, and in Cape Town, only?

CAPT MENE: Yes that's correct.

ADV MPUMLWANA: You didn't see anybody who was being assaulted or anything that you can remember, all the time you were a security policeman?

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CAPT MENE

CAPT MENE: If I was a computer I would have a memory disk where I would store my information therefore I would be accurate to retrieve all the information from 1974. Unfortunately I am not working as a computer I am a human being.

ADV MPUMLWANA: What puzzles me is you say there was nothing and you say you don't remember. There are two different things here. You can say I cannot remember, a
30 lot of things were happening, but I cannot remember, but now you can also say that you never tortured anybody. I just want you to clarify that point.

CAPT MENE: What I am saying, assaulting, torturing or suffocating people was something that used to happen every day. If I was a computer I would store that information then today I would be able to retrieve. I would be able to retrieve that information, but unfortunately I don't have those details because some of those things were not concerning me because I had nothing to do with them, and there was no reason for me to store that kind of information. If that person is being assaulted or tortured
10 I had nothing to do with such things because those were the police and they knew the law. Because if I also arrest a person and I'm also assaulting that person there is nobody else who has got the right to ask me not unless it's a senior, but unfortunately I was a junior policeman, I couldn't ask a senior policeman the reasons. I only asked about Dunsta who shot Sipiwe.

ADV MPUMLWANA: Let's talk about your own things, whatever you can remember, even if it's one or two, just tell us that I remember this and that and that, that's what I've
20 done.

CAPT MENE: What I can remember is that I was working in
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CAPT MENE

the field.

ADV MPUMLWANA: I am talking about the assault.

CAPT MENE: Why would I assault a person because my job was to gather information and recruit, instead of assaulting these people I had to impress them, I had to impress these people, so how am I going to win the people
30 if I assault them? If I assault them how am I going to be able to recruit them? Because you must sell yourself to people so that you can be able to recruit them thereafter.
You will never be able to recruit a person if you are not

able to sell yourself and the people should accept you.
Even today I am doing that, I am selling myself so that the
people should love me and get to them and get what I want,
even today I am doing that. So if I am assaulting those
people where am I going to get another person who will be
working with me.

ADV MPUMLWANA: Yes they loved you and the people have
forgiven you.

CAPT MENE: Even right now I live in peace in Mossel Bay.
10 Even the people at the police station I have more than 100
clients who are looking for me today.

ADV MPUMLWANA: I wanted to ask this Captain. You are
saying Sipiwe Mtimkulu ... (intervention)

CAPT MENE: No I didn't say that I recruited him.

ADV MPUMLWANA: You made an example what Sipiwe is that?

CAPT MENE: Sipiwe Mtimkulu was a friend of mine.

ADV MPUMLWANA: I mean a person that you recruited, you
said you are recruiting people, example it was Sipiwe one
of them.

20 CAPT MENE: I didn't say that, I didn't recruit Sipiwe.

CHAIRPERSON: Can I just ask you something. When you went
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CAPT MENE

to prison what were you, a Warrant Officer?

CAPT MENE: That's correct Sir.

CHAIRPERSON: And when did you become a Captain?

CAPT MENE: In 1994.

CHAIRPERSON: So within how many years coming out of
prison, you came out of prison in 1989 or beginning of
30 1990, is this correct?

CAPT MENE: That's correct Sir.

CHAIRPERSON: So within four years were a Captain?

CAPT MENE: That's so, that's correct.

CHAIRPERSON: How did you manage it, did you study or what did you do?

CAPT MENE: First of all I joined the police force in 1974. I was a constable for six years. In 1980 I was a sergeant for three years from 1980 to 1983. I became a warrant officer. Up to 1994 I was a warrant officer. I only got promotion now in 1994 to be a captain.

CHAIRPERSON: No but how can you, did you jump from a
10 warrant officer to a captain?

CAPT MENE: Yes, yes. This is a new structure of the police force, there is no more lieutenant. There is no more lieutenant between a warrant officer and captain. That structure is removed.

CHAIRPERSON: But how do you get promoted, you didn't study did you, after you came out of prison?

CAPT MENE: When I joined the police force I had only standard eight. I studied matric in prison and I completed my matric. When I was released I studied a diploma in
20 psychology and I completed that diploma.

CHAIRPERSON: So after you came out of prison you studied you got a diploma?

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CAPT MENE

CAPT MENE: Yes.

CHAIRPERSON: From where?

CAPT MENE: I got that diploma with Success College.

CHAIRPERSON: Has that got anything to do with police work, that diploma?

30 CAPT MENE: In this new police force it is playing a very big role because this is what we are doing when we are serving the community. It's all about community policing, because the people are bringing their own problems to you

and you have to solve them.

CHAIRPERSON: So are you an expert in community policing?

CAPT MENE: I can't say but what I know I help people.

CHAIRPERSON: Because I am just trying to work it out.
You see you were convicted of very, very serious offences.

You were convicted of attempted murder, two counts. You were convicted of probably the worst kind of offence that a policeman can commit, defeating the ends of justice, I mean a policeman is supposed to uphold the law, not to defeat
10 the application of the law. So that's probably one of the worst things that a policeman could be convicted of. You got convicted of that and two attempted murders you said to me earlier. You got 21 years, it was knocked down eventually to whatever it was, you spent that time in prison, so you came out with that criminal record and you got promoted from a warrant officer to a captain and you say that you are involved in the community. How does promotion work in the police? Don't they look at your criminal record? Don't they look at where you come from?

20 CAPT MENE: If you can go there and observe and see how many people who have criminal records you will find that I am not the only one.

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CAPT MENE

CHAIRPERSON: Amongst the police, you mean there are many criminal amongst the police?

CAPT MENE: There's a lot of them.

CHAIRPERSON: All getting promotions?

CAPT MENE: That's correct.

30 CHAIRPERSON: Well it's a sad day for us. Advocate Mpumlwana.

ADV MPUMLWANA: Sir let me go back again to when you were given an instruction by the court of law that you must stop

assaulting people. You said you don't remember that one also?

CAPT MENE: No I can't remember.

ADV MPUMLWANA: It was in 1985 when you were given - it is clear that you were given an instruction that you must stop assaulting the people.

CAPT MENE: That is what I said initially that if you were a security policeman and a person will just say that is Mene and it's Mene that is all.

10 ADV MPUMLWANA: That took place in 1985. Those Mene's were not in the police force.

CAPT MENE: An example of what I am saying is that they said that they have seen Tungata at Pepco Three at the airport, whereas Joe Mamasela didn't say that. So if a person cannot identify the perpetrator he can just name anybody.

ADV MPUMLWANA: Mamasela did not say that Tungata was there, he actually meant the people who were there. He did not say he was not there, he just mentioned some of the
20 people who were there. I am not sure whether we should trust you or not. I am not sure if you expect us to trust you because as I look at this thing it's like - it looks

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CAPT MENE

like your memory is blank. Maybe you can refresh your memory and we can request you in future when you think you feel that your memory is clear.

CAPT MENE: It depends on this Commission if what is it that they would like to do with me. There is nothing else
30 that I would say in front of this Commission, even if they can call me after how many years. There is nothing else that I can say. If I can't remember assaulting anybody, I can't remember, but what I said assault was a common

exercise. I was not involved in assaults because I was working in the field, I was not dealing with people who were arrested. I am saying that again. How would I recruit people if at the same time I was in a position to assault them. You can not be a salesman at the same time you insult the very same people that you expect them to buy, what kind of a salesman are you?

CHAIRPERSON: Okay, Mr Sandi?

MR SANDI: Mr Mene I think I should ask you to try and get
10 this idea out of your mind, the idea that you were not at all, at all involved in anything. Let us take, for example, the situation where you - you say your task mainly was to provide information, you were working in the field gathering information about people, things people were alleged, things people were believed by the security police to be involved in and when these people get arrested or detained they would be questioned, assaulted and beaten up about things which you had collected information about in
20 the field, you keep on talking about. Do you appreciate the fact that when a person is being questioned by those who are sitting in the office, they are being asked to answer questions on information which you have provided to your colleagues? So

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CAPT MENE

directly or indirectly when a detainee gets assaulted in detention you are somehow involved in that as someone who specialises in the art of information gathering.

CAPT MENE: That's correct. I am the one who used to
30 gather the information so that it could lead to that person being assaulted.

MR SANDI: Are there any specific factors that you would like to point out to this Commission, factors that are

preventing you from answering questions as frankly as you would like to do?

CAPT MENE: I am free here. I answer any question that comes my way.

MR SANDI: The people who have been implicated in the major human rights violations and atrocities that have been taking place in this part of the world, if they come to you after you have appeared before this Commission and ask you what did you say there, what would be your response?

10 CAPT MENE: I'll say I've said whatever I know. I'll say I've said everything that I know.

MR SANDI: Do you think there is any way they would know without you telling them what you have told them, what you have told this Commission?

CAPT MENE: No, as far as I know the answer is no.

MR SANDI: Yes that is correct, but would I be correct to give you my impression of you. The impression I have of you is someone who really wants to speak, to talk, but there are just some factors that are making it difficult or
20 impossible for him to do so?

CAPT MENE: That is your own opinion, not mine.

MR SANDI: Okay thank you. Thank you Chairperson.

CHAIRPERSON: Advocate Mpumlwana please proceed.

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CAPT MENE

ADV MPUMLWANA: Do you know Alex Ghale? I am talking about the people who were tortured. I want you to deny all of them. I am going to mention some of them.

CAPT MENE: No I don't know him.

30 ADV MPUMLWANA: You have never tortured that person?

CAPT MENE: I don't even know that Alex Ghale.

ADV MPUMLWANA: Do you know Mkusele Jake?

CAPT MENE: Yes I know him.

ADV MPUMLWANA: Did you meet him?

CAPT MENE: He is my best friend.

ADV MPUMLWANA: Outside or in jail, what do you mean?

CAPT MENE: What do you mean, what is that he's looking for in jail?

ADV MPUMLWANA: Was he not arrested? ... (tape ends)

CAPT MENE: You must be able to differentiate between things. If you are talking about arrest you are talking about a person that is arrested. And if a person is detained it means that person is locked up. So even if you are talking about prison you are not talking about, we are not talking about detention. If you are talking about jail you mean prison.

ADV MPUMLWANA: Let us, you mean Nkosele was not arrested?

CAPT MENE: He was arrested more than once.

ADV MPUMLWANA: Even if he was in jail or in police custody, but he was arrested. If you say he was your friend do you mean you knew him outside or in jail?

CAPT MENE: I know him in jail. I know him outside. He is a friend of mine.

ADV MPUMLWANA: You mean you never touched him?

CAPT MENE: No there was no reason for me to touch him.

ADV MPUMLWANA: Were you working together?

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CAPT MENE

CAPT MENE: No. But he was one of the people that I tried to recruit but he refused. So that was a joke that we used to share with him.

CHAIRPERSON: Are you through?

ADV MPUMLWANA: Mr Chairman I think it will be better, I thought that Captain Mene would assist in some or most of the cases that are involved. I am very disappointed.

CHAIRPERSON: You mean you thought that he will be able to assist, because we are simply conducting an inquiry, we are simply asking him questions, and he's given his responses to that and you've got to deal with those responses you know in due course. But insofar as these proceedings are concerned we had a few issues that we had identified that we want to talk to him about. Now if we've covered those things, if we have covered those, all those issues and if there are no more questions that you've got on any of those
10 issues then I think it is appropriate that we adjourn the proceedings at this stage. And whatever should happen in the light of the testimony that's something else, that's in the discretion of the Commission, it's part of an investigation in any case. So it's not - as I've said earlier there is no question of any findings being made or nothing. It's a question of putting questions and getting responses and that is it. So if you have covered the ground then.

ADV MPUMLWANA: Yes.

20 CHAIRPERSON: Then I think we can conclude the proceedings, unless there are any other questions - which there are not, okay. Alright. So I assume that for the moment we can excuse Captain Mene, we won't need him immediately? You always have the option of speaking to him again if you so wish in the near future. But for the moment we can excuse

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CAPT MENE

him from these proceedings. Can I do that?

30 ADV MPUMLWANA: Yes Mr Chairman.

CHAIRPERSON: Okay, alright. Captain Mene, we have come to the end of the proceedings today. There are no further questions that will be put to you immediately, so I am in a

position to adjourn these proceedings. There is always the prospect of you being interviewed at a later stage, but that is something that will be dealt with if and when it does arise.

I must, however, at this juncture warn you not to try and influence any other witnesses or in any way hinder the operation of the Commission. That is an offence and it should be brought to your attention at this stage.

As I have indicated this morning the proceedings are
10 in camera which means that the information that has been dealt with during these proceedings is confidential and is not to be disclosed until the Commission decides or orders otherwise or until the material is dealt with at a public hearing of the Commission. So I need to emphasise that and bring it to your attention that you are not at liberty to disclose the content of the proceedings today. That would also amount to an offence.

Can I just say in conclusion that these proceedings,
20 Section 29 inquiries, is part of the overall purpose of the Commission in trying to establish the truth. It is a process, it's not an event. So as I have said it might very well be necessary to deal with further issues should the need arise for that. But the ultimate aim is through establishing the truth to promote national unity and reconciliation which is the mandate which is given to this Commission, and as it has been pointed out in the course of
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CAPT MENE

the proceedings you are not on trial. There is no case
30 against you. You have been called upon to assist the Commission in its search for the truth.

So I would like to thank you for having come here and thank you for having participated in the proceedings, and I

wish that you would have a safe journey back to Mossel Bay.

I would like to thank your attorney Mr van der Merwe as well for assisting you and for the constructive role that he has played in these proceedings.

Thank you to the head of the local Investigating Unit, Advocate Mpumlwana and his members of the Unit that was assisting them, and our technical staff, interpreters and my colleagues on the panel with me today.

On that note I am going to conclude. So these
10 proceedings are concluded unless the need arises to deal with any further questions which might become necessary as time goes by. But for the moment you are excused from further attendance.

CAPT MENE EXCUSED

HEARING ADJOURNS

