

TRUTH AND RECONCILIATION COMMISSIONSECTION 29 INQUIRYIN CAMERA

DATE: 6 APRIL 1998

HELD AT: EAST LONDON

CHAIRPERSON: This is a section 29 inquiry, in other words an investigative inquiry in terms of Section 29 of the promotion of National Unity and Reconciliation Act. In terms of that section, information will be gathered in the course of this hearing and in other words, this is an investigation which seeks to gather information from the witness who has been invited. I believe that the invitation and or subpoena had been sent and subsequent to their response to that subpoena or invitation this date was arranged for a hearing in relation in the main to issues around the death of Luvuyo Mtanda. I have said in the main, those are the issues that are going to be dealt with.

In terms of the section under which we meet only members of the Commission and the witness and his or her legal defence team are entitled and permitted to be present so in the nature of things this is an in camera hearing whose contents or the evidence of which will remain confidential until the Commission decides to make it available if it therefore decides to make it available.

Therefore none of the evidence collected in the course of this

gathering of evidence gathering exercise will be made public.

Members of the media are not allowed except only where they would come in for a photo opportunity. I see that none of that has been arranged or none of it is available.

Before we start, I would like to introduce the members of the panel. To my left is Reverend Shingwe, who is the Commissioner and the co-ordinator of the Eastern Cape Region and therefore the person who is overall in charge of the Eastern Cape Region of the Truth and Reconciliation Commission.

My name is Ntsebeza, I am head of the Investigative Unit, I am mainly in Cape Town though I'm from the Eastern Cape.

To my right is Jogard Makwagesa who is one of the investigators in the Commission and who in that capacity is going to assist the process today in putting questions to the witness.

To his right is Mr Zuka Kamako who also is an investigator in the Commission and who also will function in that capacity.

I believe Mr Wana or Wanasi as he now prefers to be called is represented and I would like the members of his legal team to place themselves on record.

MR MALAN: Certainly, my name is Kobus Malan from the attorneys firm Kobus Malan Attorneys, residing at Northern in the Northern Province District of Thabamzimbi and I represent Mr Wanasi and some other people in this regard and I've instructed Advocate Muller here to assist us in the matter.

CHAIRPERSON: Thank you Mr Malan, Mr Muller?

MR MULLER: Thank you Mr Chairman, I'm an advocate from the Pretoria bar and I was instructed by Mr Malan to appear also on behalf of Mr Wanasi today.

CHAIRPERSON: Thank you Mr Muller. May I just indicate that Reverend Shingwe has got a commitment which he has to go and do for a while so he will be away for some time but then he will rejoin the proceedings. Mr Reverend Shingwe you are free to go.

I understand that there are preliminary submissions that you wanted to make and I think maybe this would be the opportune moment to do so otherwise we would then have to swear your witness in. Maybe let's do that because Mr Reverend Shingwe will have to administer the oath and whatever else happens, you know, that part of it will have been taken care of.

MR MULLER: Thank you Mr Chairman, I think that will be a good thing if he is sworn in at that stage then I can thereafter address you.

MR WANASI: (sworn states)

CHAIRPERSON: Thank you Mr Shingwe. Advocate Muller?

MR MULLER: Thank you Mr Chairman, there's only one point which I would like to raise at this particular time. My learned colleague will do likewise with matters that he wish to raise.

It came to our notice yesterday, we're not quite sure what the reason for that was, that Mr Jogard Makwagesa endeavoured

to contact our client. The message that we got is that he wanted to debrief him, I take it that was perhaps just a wrong choice of words. Mr Makwagesa today in any event handed to us inquest papers regarding the inquest that was conducted in Umtata during 1989. I take it, it was in connection with that. We don't have an explanation yet what the reason for that was. The only point that we wish to make is that if there's any contact to be made with our client it should perhaps go through us first.

CHAIRPERSON: I think the point has been taken, I suppose investigators not being lawyers sometimes do not understand that as soon as a particular witness is represented then all contact with that particular witness should be through their attorneys but we take your point.

MR MULLER: Thank you Mr Chairman, it's accepted.

Mr Chairman, sorry what I would like to raise with this Board is - concerns what's going to transpire here today. I would believe that this would help you to do a more thorough questioning of what is intended and I would from the ...[inaudible] try to reiterate it that our client indicated from day one that he intends to play open cards with this hearing to the fullest extent - that was reiterated as our instructions again this morning. Mr Wanasi posed some questions to us on my request for which I'm thankful but I think that we are or we might be in a position to furnish you with much more information regarding the

matters and it will link to other matters for which I also appear.

Unfortunately, we endeavoured to get hold of certain dockets which Mr Bernado here present succeeded in only arrange - to arrange it today but it will be at our disposal sooner or later and after that we will be in a better position to assist you.

The substance of what I'm saying or conveying to you, Mr Chairman, is that the information that we had is of such an importance, with respect we think so, that we had an opportunity to have a consultation with Mr Eugene De Kock in Maxi in Pretoria regarding this and other occurrences that took place and also with Mr Anton Nieuwoudt, D.C.C., that's apparently is going to be my client as well and regarding that it seems that there's going to be implications that the highest authority in the Transkei was involved in not only with the coup attempt but also on instructions to apparently assassinate my client here present and who was, I believe this is in camera and I would like to substantiate it later, I want to put it very clear, Mr Chairman, that that's the information that we have and we'd like to follow up on it but due to the lack of time I have not sufficient time to do it but in any event, will also relate to the death of the late Mr Craig Dooley that was also instructed from the highest authority of Transkei at that stage. So with this as background you are welcome to pose your questions to the client who indicated that he will give his full co-operation in this regard. Thanks.

CHAIRPERSON: Now what would be the ideal position for you Mr Malan because if your client is seeking to provide information to the Commission of that magnitude and if you say you have not been able to put together information which you would like to provide because you have only been able to get two dockets and other information bearing documents, it seems to me you need time to put that together.

MR MALAN: Mr Chairman, thank you for the opportunity, the purpose for addressing you on this point before the questions is to stress the fact that the questions that was posed in your fax to us - we will be able to answer them at full without any problem. That is all in the personal knowledge of the client and it was my instructions that we are able to deal with this to the fullest extent but to show the client's bona fides and his willingness to be transparent as far as possible. Consultations with him led to further consultations and further investigations by me and Mr Muller and only on a late state, we ended up and may I call Mr Eugene De Kock, with all due respect, a high profile person and well as Mr Anton Nieuwoudt and that lead to further information - we will definitely have to see these gentlemen on numerous occasions in the future because if they inform us of something, we go back and have a few more names and it only builds up and builds up and builds up which indicates to me, with respect Mr Chairman, that there is indeed something, if I can use the word



worthwhile - it's going to be worth the Commission's while to bear with us until we are in a position. But regarding this, we are more than prepared and to answer that but the intention, as I've said, was to indicate to you that we know more than what you wanted to hear from us and we are prepared to give our full co-operation wherever it needs be.

CHAIRPERSON: Now I understand you. Would it be possible maybe towards the end of these proceedings maybe after some adjournment to bullet or point form indicate the areas which you would like to provide us information with at a later stage relevant to what you are saying because I think maybe what we should do in terms of process, we should go on with what we had intended to asking around issues raised in this subpoena or invitation and take that to the end and to the extent that he is ready now to provide us with further information on the other issues, would possibly want to give us you know, just a brief moment of adjournment where you will consult and you know, just say for instance on this suspect, on this suspect, on this suspect, on this suspect, on this suspect - so that we also know and arrange to have him at a day to be arranged to - knowing that he will be dealing with issues which we have been made aware of.

MR MALAN: Mr Commissioner, my learned friend and I agreed on the same method and hoped that you would accept it on that basis. We argued that then might transpire something out of this

hearing and therefore we did not have the numerous classes of events that I can put forward to you but we will endeavour after questioning of our client to see if something else transpired and then we would endeavour to give you a list and the list might even be longer the more that we speak with Mr De Kock and Mr Nieuwoudt and the list is just going on and on and on and we would not like to limit us to the list but that would be a good idea.

CHAIRPERSON: Very well then. Mr Makwagesa?

MR MAKWAGESA: Thank you very much Mr Chairman. Mr Chairman I would like to put a few questions to Mr Wana, I understand that they are prepared to co-operate with the Commission fully in terms of the questions that were posed to him, to his lawyer and I'm also aware that they're also to go further in actually give some more information on some other issues that were not raised on those questions and - but that before we come to that I'll have to ask a few questions.

Mr Wana[intervention]

CHAIRPERSON: Sorry, before you start, may I just place on record that having looked at the inquest document, I see that this firstly a matter in relation to which I was a member of the instructing firm of attorneys. I was a partner in Sangoni Partnership at the time or in Sangoni Incorporated and we acted for these families and I just to place it on the record that I am not

unfamiliar with issues that - having just looked at the inquest document.

MR MAKWAGESA: Thank you Mr Chairman.

Mr Wana, you were once a policeman with the Transkei Security Police is that correct?

MR WANASI: Correct.

MR MAKWAGESA: Whilst you were still attached with the Transkei Security Police you were involved in a shooting where Mr Biso Matanda was killed and some other guys, is that correct?

MR WANASI: That is correct.

MR MAKWAGESA: In the incident you were with Mr - some white guys, can you tell us those guys?

MR WANASI: I was with black people, I was never with white people.

MR MAKWAGESA: Can you tell us the names of the people you were with in the kombi?

MR WANASI: Sergeant Matlewa, one askari, a lady called Tandi and yet another one called Nandi - those were the names that were used in reference to them at the time and a man whose name I don't remember at the moment.

MR MAKWAGESA: Are all the guys and the ladies you were with in the kombi still alive?

MR WANASI: They all passed away.

MR MAKWAGESA: Can you tell us Mr Wana what happened on that day starting from when you got to your work at half past seven, I would imagine that you normally got to your work at half past seven in the morning and then what happened thereafter until after the incident occurred, can you just brief us if you still remember?

MR WANASI: Yes, I can tell you. Sergeant Matlewa and an askari that he worked with arrived, they all worked together around East London. They were members of the Transkei Terrorism Unit - go with them to show them certain places where it was suspected that terrorists lived. They were suspected to be responsible for the chaos in Transkei at the time. They arrived in a kombi, they handed it over to me to drive as I knew the place very well. I drove the kombi - we drove around Umtata. I stopped at a butchery in Ntadu, we all alighted and went into the butchery. A moment after we went in, the male askari said to Sergeant Matlewa that he identified a terrorist called Gift. These askaris were being used because they could or would identify members of Umkhonto weSizwe that they'd been with previously. He then also told us to carefully look at Gift to see if he's not with other people that he worked with.

Whilst standing there we saw Gift leaving, he'd just braaied some meat, he was with three men. They got into a car that was parked outside, a Honda. After he had got into that Honda I was

given an order to drive to follow them to see where they were going. Shortly after that Sergeant Matlewa said that I must flicker the lights so that they could see us so that we could arrest this man who was identified as a terrorist. We tried to signal to them to stop but they didn't.

After a while we saw that the Honda was slowing down. The one Askari was directly behind the driver. He opened the door - it seemed like he was trying to get something. Sergeant Matlewa leapt with an AK47, he started shooting, he shot at Gift.

Subsequently, the two female Askaris and the male one got out - they shot the people in the car. Sergeant Matlewa quickly said - he ran towards a house very close to where we were - he said he was going to phone the office in Umtata looking for Colonel Boo. He did not find him, however, he found Major Umdwasa - I don't know if he's still a Major. He said that he must come to the scene.

I was then instructed to drive the kombi so that people do not identify the askaris. I was instructed to take the askaris away. I did so, in the kombi, we went into town.

He then told us later that Major Umdwasa did come to the scene of the incident. Three of the people died and the fourth person was critical. The one who was identified as a terrorist had a hand grenade around his waist and a makarov with two

magazines. He had these bandaged around his waist. That was the incident.

MR MAKWAGESA: Thank you Mr Wana. From the scene of the incident, where did you take the other askaris?

MR WANASI: I took them to town, Umtata.

MR MAKWAGESA: Where exactly in town in Umtata?

MR WANASI: We were just driving around town, we did not have a specific place that we were going to.

MR MAKWAGESA: You never went to any police station or to the security branch or ... [inaudible]

MR WANASI: No, it was only after the whole incident with Sergeant Matlewa that we went to ... [inaudible]

MR MAKWAGESA: Mr Wana you said that you were a member of the anti-terrorist unit in Umtata. Where was that unit based in Umtata?

MR WANASI: Our offices were in Botesdal.

MR MAKWAGESA: How many people composed of that unit?

MR WANASI: It was Nombanga, Sergeant Nombanga, Dandala, also in Umtata and a member in Butterworth called Gumengu.

MR MAKWAGESA: You remember only the three and you were the fourth one?

MR WANASI: Correct.

MR MAKWAGESA: Where is Mr Gumengu and Dandala at the present moment, do you know where they are?

MR WANASI: I know Gumengu is working in Johannesburg - I don't know where Dandala is stationed at the moment, but the last time I heard he was in Bizana.

MR MAKWAGESA: Mr Wana, when you were instructed by Colonel Booie who was heading this anti-terrorist unit, did he give you specific instructions like for example you are going to arrest those people or you are going to just kill those people? What were the instructions, Mr Wana?

MR WANASI: We were supposed to arrest them.

MR MAKWAGESA: Then when you got there after you flickered, three, two, four times, did you warn the victims that you are intending to arrest them at the time and that were members of the police force so they should get out of the car and hold their hands in the air?

MR WANASI: The person who was pointed out as a terrorist was moving around, there was some motion and then the Sergeant decided that he should shoot.

MR MAKWAGESA: Mr Wana, well I would imagine that you have been following these so-called terrorists around Umtata and some other areas where they were supposed to be hiding. Can you tell us, who were your informers who were actually following these guys throughout the whole period?

MR WANASI: We had no informers because we had askaris who could point out members of Umkhonto weSizwe. We used the askaris.

MR MAKWAGESA: Like who told you, Mr Wana, that at a particular time some terrorists would be driving a Honda Ballade and it would be going towards ...[inaudible] Umtata. Like who gave all those nitty grittys?

MR WANASI: We were not given any details, it was by our luck or maybe their misfortune that we saw them.

MR MAKWAGESA: Mr Wana, what happened to the other askaris after you actually drove them to the city of Umtata?

MR WANASI: Please repeat the question?

MR MAKWAGESA: The question is, Mr Wana, what happened to the other askaris that you were driving in the kombi after you drove them from the scene of the incident to the city of Umtata, what ultimately happened to them?

MR WANASI: After that, they went back to East London with Sergeant Matlewa where they were stationed.

MR MAKWAGESA: Were there no white policemen who were going with the askaris whilst you were at the scene or whilst you were driving them around Umtata, the City of Umtata?

MR WANASI: During this entire incident, there were no white policemen.

MR MAKWAGESA: Since you are a member of the anti-terrorist group in Umtata, you know no members of the security branch based in East London who would normally visit Umtata and share information with the Transkei Security Police members?

MR WANASI: I know the ones I worked with.

MR MAKWAGESA: Can you give us their names please?

MR WANASI: Sergeant Matlewa ... [intervention]

MR MAKWAGESA: No, the question is, Mr Wana, were there no white security members based in East London who would normally go to Umtata and share information on terrorist activities in the Eastern Cape area and if you know them, can you give us their names please?

MR WANASI: I've forgotten their names because they would come with Sergeant Matlewa, it would then be Sergeant Matlewa who would come to us and give us instruction in the information needed.

MR MAKWAGESA: Mr Chairman, I can give over to Mr Kamako.

CHAIRPERSON: Mr Kamako?

MR KAMAKO: Mr Wana, I assume when you said these askaris went back to East London, you know where they were based in East London? Can you help us with that information?

MR WANASI: I don't know where their base in East London was, however, I do have an idea that they were in Duncan Village.

MR KAMAKO: Do you know who was commanding that group that was with you?

MR WANASI: Except for Sergeant Matlewa, I know of no other person.

MR KAMAKO: Sergeant Matlewa was a member of the South African Police and you mentioned that he was - he used an AK47 during that shooting. Was it a normal thing to be issued with such weapons seeing that you are looking for terrorists who would normally be identified as carriers of AK47s?

MR WANASI: When our side, as the Transkei Police, nobody used an AK47, we did not have any knowledge of AK47s.

MR KAMAKO: Matlewa used an AK - perhaps I'm mistaken?

MR WANASI: That is correct, he used it, he'd come with the AK47 from South Africa but we never used AK47s.

MR KAMAKO: And Colonel Booi who was giving you instructions, are you sure that he saw that he had this AK and all the intention was to just arrest these fellows?

MR WANASI: I'm not sure whether Colonel Booi saw the AK47. We used the kombi that they came with from East London.

MR KAMAKO: We'll leave it for a while - what role did you play except driving around really, you don't seem to have done anything, am I getting the story right?

MR WANASI: I was just driving, I took no part otherwise.

MR KAMAKO: Okay, thanks.

CHAIRPERSON: Mr Makwagesa?

MR MAKWAGESA: Mr Wana, do I get you correct when you say that all you did that day was to drive the kombi, you never did anything else?

MR WANASI: Correct.

MR MAKWAGESA: Mr Wana, did you attend the inquest that was held in Umtata with regards to the death of these people?

MR WANASI: Correct.

MR MAKWAGESA: In the inquest didn't you admit that you were - that you did participate in the killing, in fact you fired towards the direction of the car that was parked in front of your kombi?

MR WANASI: The second day after the incident, Warrant Officer Viljoen met with me in Umtata, he worked in East London. He made a request that I must admit it was Sergeant Matlewa and I who shot at the people because that incident was in Transkei. He wanted to protect the South African Police. They were not allowed by law to go from South Africa to the Transkei and kill people. He then said that that kind of evidence

would only be part of the inquest, it won't be part of the case in court. He then said I must not mention any askaris either - just my name and Sergeant Matlewa's.

The next day I was called to Murder and Robbery Unit in Umtata. There was an investigator whose name I don't remember, a Captain. He had Sergeant Matlewa's statement saying that he's from East London. He was given this statement. I then was given this statement to copy from in preparation for the inquest. This is when I gave evidence according to Viljoen's request.

MR MAKWAGESA: Did Viljoen communicate the request to you through Colonel Booie who was your commander at the time?

MR WANASI: He came straight to me - I don't know whether he went to Colonel Booie but he spoke directly to me.

MR MAKWAGESA: And you simply admitted that you are going to co-operate?

MR WANASI: Yes, correct.

MR MAKWAGESA: Were there any promises that were given to you, like you'd be rewarded for actually putting your word like you did?

MR WANASI: No, there were no such promises.

MR MAKWAGESA: Thank you Chair, I have no further questions.

CHAIRPERSON: Mr Kamako?

MR KAMAKO: Mr Wana, I'm not sure if he should be having this copy of your application but I'm referring to Section 9a - we don't have a copy right now, but it's just one line there where you are applying for murders of three people in February 1988. I'm not sure if you have given names here - Gift only, Lasangoni and an unknown person. Is this the incident we are talking about right now?

MR WANASI: Correct.

MR MAKWAGESA: I mean you are applying for murder of people and right now you are driving around. Of course there's no explanation here, you have some are provisions TBC - we were guessing that you meant to be supplied to combined something like that and is this the story today, that you'd apply for murder and only to find you were driving them - maybe you witnessed this murder? Can you help us here? I would have thought you would say you witness murder of these people in a way. I need to be assisted.

MR WANASI: I made a request because I was present. I applied for amnesty because I was present. I also committed perjury as I was asked by Viljoen to protect Transkei at the time.

MR MAKWAGESA: Of course ...[intervention]

CHAIRPERSON: ...[inaudible] that is - you made here Mr Wana is that when you apply for amnesty, even though when you apply for amnesty, you're not applying for amnesty for the offence of

perjury, you specify in your Amnesty Application that you're applying for amnesty for murders and that's a different thing from applying for perjury and I think you should seek legal advice about this. Your lawyers have told us that you are prepared to cooperate and we have to be satisfied as an Investigative Team that you are not pulling wool over our eyes. I wouldn't like to be unfair to you and I think the question must be properly answered.

If you are applying for amnesty because you committed perjury by on the one hand saying to the Regional Court in Umtata you had shot at the car which resulted or may have resulted in the death of those people, when you fired your BXP machine gun, whatever it is called, then you should have specified in the application form that you are applying for perjury amnesty in relation to the offence of perjury and I think what he wants to understand is why if all that you're applying for amnesty for is perjury, you should say in your application form it is for murder of three people. I take the point that you're trying to say you may have been - it's murder to the extent that you possibly were in common purpose with the people who committed the murder and if you are saying so, say so. Don't say with one tongue you were just an innocent bystander there, driving around the car and that those who did kill these people were Matlewa and these three women - two women and the man, or two men and here say under oath, because you are under oath, say you were just - you

associated yourself with what happened, that's why you apply for the murder. We need to clarify that.

MR WANASI: I think that I clarified everything. I have said that I agreed with what Warrant Officer Viljoen asked me to do - he said that should I have an opportunity to apply for amnesty I will divulge all. There is nothing beyond the fact that I was given an instruction to say that it was just Matlewa and myself that were present at the scene, there's nothing beyond that.

MR MAKWAGESA: Was there any form of pressure - was there any pressure applied on you to do this - I mean were you willingly doing it? What were the circumstances, did he promise you something?

MR WANASI: I was not promised anything. However, he said that an inquest is not a legal case as such. He said that there would be no case against us, we would not be charged on anything, I would just end at the level of the inquest.

MR MULLER: Mr Chairman, sorry to interrupt at this particular point, may we ask for a short adjournment? I get the impression that the witness has not perhaps quite grasped the real issue here, what the question is all about, he still talks about what Mr Viljoen had apparently told him afterwards. What is important is what he knew at the time. With your indulgence I would ask for a very short adjournment.

CHAIRPERSON: We'll adjourn for a short while until you are ready.

CHAIRPERSON: Mr Malan?

MR MALAN: Yes Mr Chairman?

CHAIRPERSON: Advocate Muller had asked for our indulgence for - is your client now in a position to reply to the questions put to him?

MR MALAN: Thank you Mr Chairman. Indeed we had the discussion and thank you for the opportunity and I think both Mr Muller and myself is satisfied that the client will grasp the questions posed to him now. Thank you.

CHAIRPERSON: Mr Makwagesa?

MR MAKWAGESA: Thank you Mr Chair.

Mr Wana, I want to take you back a few steps. You're saying that after the incident occurred a certain Mr Viljoen came to ask you to admit that, in a court of law, that you were part of the shooting of the Honda Ballade. Is that correct?

MR WANASI: Correct.

MR MAKWAGESA: Can you tell us, what was Mr Viljoen's rank at the time?

MR WANASI: He was a Warrant Officer.

MR MAKWAGESA: Could it be possible, Mr Wana, then that Mr Viljoen would have come directly to you without meeting

some high ranking members of the security police like Mr Boo and others?

MR WANASI: Please repeat your question, I didn't hear you properly?

MR MAKWAGESA: In your mind, Mr Wana, would it be possible that Mr Viljoen will come all the way from East London which was the Republic of South Africa then and go to another country which was Transkei then and request you as a member of that country's security police to lie before a court of law without the knowledge of some high-ranking members of that security police?

MR WANASI: No, I did not ask him that. As a person who was a subordinate, I did not take it seriously.

MR MAKWAGESA: [inaudible] now that he was asking you something a bit difficult to do?

MR WANASI: No, I did not ask him that.

MR MAKWAGESA: Mr Wana, who was the investigating officer preparing the case before it went court, that is the inquest?

MR WANASI: I forget the Captain's name who was in Umtata, I'm sure if you look up in the dockets his name would be there.

MR MAKWAGESA: You are not aware that they perhaps might have met and discussed this matter?

MR WANASI: I suspect in the way that it happened that this Captain came and told me that he was in East London with

Sergeant Matlewa's statement. He then said that I must look at the statement and make a similar report.

MR MAKWAGESA: Can we go back a little bit again, I'm sorry to waste you time. You're saying that you're only the driver of the kombi. Did the kombi had any indication that it was driven by members of the police like a blue light or some police vehicle numbers?

MR WANASI: It had a private registration number.

MR MAKWAGESA: So would you agree with me that, if I say that it is highly likely that the people who were on the Honda Ballade could not have understood you to be members of the police?

MR WANASI: I couldn't be sure because those were not police numbers but we tried to flicker for a while.

MR MAKWAGESA: How were you yourself carrying your weapon, Matlewa and the rest of the guys who were inside the kombi, were you ready to shoot or were you just hiding them or what was the position?

MR WANASI: As we were following them, Sergeant Matlewa took out an AK47 and these two women took out their own pistols and also a male askari. They had their own weapons as we were following this Honda Ballade.

MR MAKWAGESA: Somebody outside your kombi could have seen that the people inside the kombi were carrying weapons?

MR WANASI: No, they were not showing, exposing them, they just had them.

MR MAKWAGESA: Thank you, Mr Wana. Mr Chairman, I would like to go to another issue, I do not want to spend much time probing questions on Mr Wana because his lawyer indicated before the start of this enquiry that they are prepared to cooperate with the Commission and we hoped that they were actually told willingly so, so I want to go to another matter Mr Chairman.

CHAIRPERSON: When you say another matter on the same subject?

MR MAKWAGESA: That's correct, Mr Chairman.

CHAIRPERSON: Mr Kamako are there any questions you want to put to the witness?

MR KAMAKO: No, Mr Chairman.

CHAIRPERSON: My players, I think you must put all the questions you want to put so that we in turn can put the final questions to the witness at the end.

MR MAKWAGESA: Thank you Mr Chair.

Mr Wana, were you ever arrested as a suspect in the matter, case of Temba Nosokwe?

MR WANASI: No, I was never arrested.

MR MAKWAGESA: Mr Wana, do you know the name of the guy Griebenauf?

MR WANASI: I don't remember such a name.

MR MAKWAGESA: Mr Wana, can you tell us how did you leave the Transkei, the police force in Transkei to become a member of the Military Intelligence?

MR WANASI: After this incident, I went on holiday for Easter in Johannesburg. I then asked for sick leave. My girl friend at the time in Umtata, who was also a policewoman, told me that the head of Transkei said that I must be arrested in accordance with the inquest. She then said I must not come back. I then said I was going to go back and get my stuff but I would not go back to the office if the Murder and Robbery unit had given the instruction that I should be arrested. I got my clothes and went back to Soweto to my brother's place. I then phoned Sergeant Matlewa telling him that there is such a problem. He then said that he also got the same extradition that he should be arrested as soon as he got to Transkei. Sergeant Matlewa then said I must remain in South Africa because as it was two separate countries then, nobody could arrest me in South Africa. He then said he would try to get me a job in the Ciskei. Sergeant Matlewa was originally from Mdantsane which was part of Ciskei then.

We then went to the Ciskei and he put me together with Anton Nieuwoudt.

MR MAKWAGESA: Who was the second person?

INTERPRETER: The interpreter didn't hear the second name.

MR WANASI: Clive Brand is the second name. I was then told that I was going to work with the Ciskeian Intelligence Service referred to at the time as I.R. I was given a task to establish sources in Transkei to see how the ANC and APLA activities were. The Ciskeian Intelligence Services was disbanded in 1990, I was then transferred to the Ciskei Military Intelligence. I worked there collecting information. In 1994 I was then integrated into the South African National Defence Force Intelligence Section. I did field work under the intelligence in Port Elizabeth. I was then transferred from Port Elizabeth to Umtata.

MR MAKWAGESA: Sorry, December last year or January this year?

MR WANASI: Last year.

MR MAKWAGESA: 1997?

MR WANASI: I was transferred in December 1997 to Umtata.

When I got to Umtata I realised or noticed that I was not welcome. My colleagues just did not welcome me for reasons that I'm not going to divulge.

MR MAKWAGESA: What were the reasons?

MR WANASI: The problem was that people from the military intelligence went and tried to kidnap me in King William's Town. They killed three teachers who stayed at my house.

MR MAKWAGESA: Is that the incident that links Holomisa with attempts to assassinate you?

MR WANASI: Holomisa and Temba Matanzima.

MR MAKWAGESA: That's the incident you would expand more if you have been able to get more details, that's the incident your lawyers were talking about in relation to which they need to get more information, have consultations with a number of other people?

MR WANASI: That is correct.

MR MAKWAGESA: Well you needn't expand on that particular aspect.

MR WANASI: I then phoned Colonel Le Roux in Port Elizabeth and told him that I was just not welcome there. He then said I must not buy a house in Umtata, they would find a place for me. Whilst I was waiting, they phoned me from Port Elizabeth saying that they have information that I was going to be killed in Umtata, I must be alert. I then said that they could transfer me to any place considering that the circumstances were getting desperate. I would hide and come out and hide and come out.

I left the South African National Defence Force because there was someone who was after me at the time. I then parted with them.

MR MAKWAGESA: Are you still a member of the Military Intelligence?

MR WANASI: No.

MR MAKWAGESA: When did you resign.

MR WANASI: I resigned on the 16th February.

MR MAKWAGESA: 1998?

MR WANASI: 1998.

MR MAKWAGESA: You resigned because you feared that there were some people who were out to kill you?

MR WANASI: That is correct. I also noticed that my safety was not taken seriously.

MR MAKWAGESA: I would like to take you back a little bit and then so that I want to tie this up. I want to have a clear picture of this. When you left Transkei Police did you resign or you absconded?

MR WANASI: I absconded.

MR MAKWAGESA: Were you paid any monies thereafter?

MR WANASI: I did not get a single penny.

MR MAKWAGESA: Can you tell us, Mr Wana, how did you - what reasons, what was the objective of you changing your name from being Bongane Wana to Charles Wanasi and when did this happen?

MR WANASI: It happened in 1991 as part of the Military Intelligence as we realised that the members of the Transkei Military Intelligence were trying to abduct me. I then changed

my name so that if they have information it would take them time to locate me.

MR MAKWAGESA: When you joined the Ciskei - what is now known as International Researchers in Ciskei under Anton Nieuwoudt and Clive Brink, were you taken as a source informer or as a registered member of the military intelligence?

MR WANASI: I was just a source when I started with them in the Ciskei.

MR MAKWAGESA: Then you graduated to becoming an M.I. guy?

MR WANASI: Correct.

MR MAKWAGESA: Would I be correct to say that Anton Nieuwoudt and Clive Brink are the guys who graduated you to becoming a military guy or you graduated after integration?

MR WANASI: Please clarify your question?

MR MAKWAGESA: To become a person working for the Military Intelligence not a data collector or a source ..[inaudible]?

MR WANASI: Yes it is they.

MR MAKWAGESA: Were you trained before becoming a fully fledged member of the Military Intelligence?

MR WANASI: No I just did a few courses.

MR MAKWAGESA: I don't know whether I'm right or wrong but I think that for one to become of member of the Military

Intelligence, a fully fledged member of the Military Intelligence, one needs to be trained as a soldier. Am I wrong or right, Mr Wana?

MR WANASI: You are not mistaken but I have noticed that what is more important is the courses that you are made to attend.

MR MAKWAGESA: But you were never trained, you never undergone any basic training in the military?

MR WANASI: No, I was never trained as a soldier, I was only trained as a policeman.

MR MAKWAGESA: Thank you Mr Chair, I don't know whether my colleague has got some more questions to ask?

CHAIRPERSON: Mr Kamako?

MR KAMAKO: Were you ever in custody between 1988 and 1989?

MR WANASI: No, I was never in custody in my entire life.

MR KAMAKO: In that same period did you go to Pretoria when you mentioned you went to join the Gauteng or something - when you wanted to join SADF did you go to Pretoria for any reason?

MR WANASI: I did not go to Pretoria at the time, I only went to Pretoria for three months when I was attending courses.

MR KAMAKO: Do you know anything about a man of Zonkwe?

MR WANASI: Which Zonkwe? The one we are talking about?

Yes.

MR KAMAKO: What happened there?

MR WANASI: We followed him from Ntadu Butchery.

MR KAMAKO: No, that's not Zonkwe, we are talking about Stemela Zonkwe, he was killed in 1988 about two weeks before you killed Zonabile Sangone Mahape.

MR WANASI: I have no knowledge of this person.

CHAIRPERSON: Now let me just ask a few questions around this incident. Now you said that Colonel Booie was in charge of the anti-terrorist unit, I would assume in Transkei, is that correct?

MR WANASI: Correct.

CHAIRPERSON: And you mentioned yourself, Nombanga, Dandala and Kumengo as having the members of that unit?

MR WANASI: Correct.

CHAIRPERSON: What were the criteria that were looked for, for people to be in this anti-terrorist unit? What was it that you had to have in order for you to qualify?

MR WANASI: They would just choose people who were security members, members of the security force.

CHAIRPERSON: People who were members of the security police?

MR WANASI: Correct.

CHAIRPERSON: Now, were you aware of a similar unit in East London?

MR WANASI: Yes.

CHAIRPERSON: Did you know who was heading that unit in East London?

MR WANASI: No, I had no knowledge.

CHAIRPERSON: Are you sure about that?

MR WANASI: Yes I'm sure.

CHAIRPERSON: Did Matlewa come from that unit?

MR WANASI: Correct.

CHAIRPERSON: And your evidence would be that you never established from him who was the head of his unit?

MR WANASI: In the manner in which we worked nobody was allowed to investigate anybody else. These names Nandi, Tandi, those were the names we knew, you were not allowed to know these peoples' names.

CHAIRPERSON: So things were dealt with on a so called need to know basis?

MR WANASI: Correct.

CHAIRPERSON: Did you know whether Viljoen was a member of this anti terrorist unit? The Warrant Officer Viljoen you mentioned in your evidence?

MR WANASI: He introduced himself to me as being an explosives expert.

CHAIRPERSON: Now this event took place on a Friday. Do you remember? In the afternoon on a Friday the 5th February 1988?

The shooting and killing Matanda, Songwone and Mahape - it was on a Friday afternoon.

MR WANASI: If I remember well, it is so.

CHAIRPERSON: And after you testified that you then drove around town were you with these people all the time until they left, that is Matlewa, the two women and the other male askari? Were you with them until they eventually left Umtata?

MR WANASI: I was with them in the kombi. I was the one who was driving for them.

CHAIRPERSON: Were you with them on the following morning, on the Saturday morning?

MR WANASI: What I'm sure of is that the next day they went back to East London.

CHAIRPERSON: No I'm asking specifically, if you were with them on the Saturday morning, when the kombi was spotted at Umbuke Park?

MR WANASI: Yes, I was driving at the time as well.

CHAIRPERSON: Was it a brown Husky Kombi, was it?

MR WANASI: I think it was white.

CHAIRPERSON: False registration numbers from Aliwal North?

MR WANASI: Yes correct.

CHAIRPERSON: Can you tell of the incident when you were spotted at Umbuke Park? Do you still recall that incident?

When you were spotted and you realised you were being followed by a Volkswagen, VW 16 Valve with the number plate YBA?

MR WANASI: Yes I do remember that incident. Whilst we were driving around Umbuke Park we noticed that there was a Volkswagen that was following us. We then went back onto the Main Road. We noticed that these people were really following us. There was a truck with Transkeian soldiers that was coming towards us, we did not know whether they were following us as well. We then realised that we were in trouble but then drove off, running away in the kombi. We went to Madeira Street in Umtata and left it outside the police station and went inside the police station. We then reported that we were being followed.

CHAIRPERSON: Now who was the white man who was carrying a heavy firearm when you got to the police station, was that Warrant Officer Viljoen?

MR WANASI: There was no white person in the kombi.

CHAIRPERSON: No, no not in the kombi, but when you got to the police station and you indicated that you were being followed.

Behind the police station there was a white gentleman who was armed with a heavy calibre firearm.

MR WANASI: I did not see such a person, perhaps it was when we were inside already but I did not notice any white person.

CHAIRPERSON: Now there was a white Nissan 4x4 vehicle which was driven by a white gentleman, do you still recall that white 4x4 vehicle? Both on the Friday and on the Saturday.

MR WANASI: There were white men that were with Sergeant Matlewa, I don't know if they used such a 4x4.

CHAIRPERSON: Are you saying that again because you did not want to ask questions? You never knew, nor did you ever ask how Matlewa had come to be in Umtata and with whom he had been going?

MR WANASI: He came in a kombi, that's all I knew. I did not want to ask any further questions.

CHAIRPERSON: I gather that you are aware that he had come with certain white colleagues of his, am I getting the correct impression?

MR WANASI: Please repeat your question?

CHAIRPERSON: From what you have just said, you became aware that Matlewa had come to Umtata from East London with white colleagues of his, in other words, with white police persons?

MR WANASI: That is so but they did not introduce us to them, we just knew that they were from East London.

CHAIRPERSON: You were aware that they were white police officers who had come to Umtata as part and parcel of this

mission to track down what you called terrorists but you never got to know who they were?

MR WANASI: That is correct, we were never told who they were.

CHAIRPERSON: After that incident in Umtata, which was the second killing by security forces in two weeks, the first one having been the killing of Stembili Zongwe? Did the Transkei Military authorities address the security forces about this incident or about these two incidents?

MR WANASI: I have no such knowledge, I don't know what was going on.

CHAIRPERSON: Now I gathered that you do not know anything about Griebenauw who retired as an police General but who at the time was a Brigadier in East London? Are you sure you did not know General Brigadier Griebenauw at the time? G-r-i-e-b-e-n-a-u-w?

MR WANASI: No I don't know him, never knew him.

CHAIRPERSON: I believe that he has made an application for amnesty and he mentions you in his application for amnesty.

MR WANASI: I don't know him.

CHAIRPERSON: Brigadier Griebenauw was in charge by all accounts including Eugene De Kock's accounts of this terrorist squad, hit squad which was placed and stationed in East London and it is believed that it was after this incident in which you are

involved and at the intervention of Holomisa that he was transferred subsequently to Cape Town. You do not know anything about that?

MR WANASI: No, I have no such knowledge at all.

CHAIRPERSON: Now who facilitated your acquisition of a new identity from Bongana Wana to Charles Wanasi? Who in the security forces facilitated that?

MR WANASI: Chris Nel who was in the military intelligence, he was not a member of the police force.

CHAIRPERSON: Clive Brink, Anton Nieuwoudt, have they anything to do with it? Did they have anything to do with it facilitating your change of identity?

MR WANASI: They all worked together.

CHAIRPERSON: Eugene De Kock?

MR WANASI: No.

CHAIRPERSON: Do you know Eugene De Kock?

MR WANASI: Yes I do know Eugene De Kock.

CHAIRPERSON: Have you ever met him?

MR WANASI: No, I've never seen him.

CHAIRPERSON: You've never worked with him?

MR WANASI: I have never worked with him.

CHAIRPERSON: Kumengu and Tyani - you are aware that they were the people responsible for the killing of September Lesoku?

Tyani is spelt T-y-a-n-i.

MR WANASI: Yes I am aware that they were the people involved in his killing.

CHAIRPERSON: Now you did mentioned Kumengu in your evidence - did you meet after both of you had left Transkei because it appeared you might be charged?

MR WANASI: We met only after they were arrested after the attempted coup.

CHAIRPERSON: Now you - this Brigadier, then General Griebenauf - do you know if he could have been involved in facilitating a change of identity?

MR WANASI: I don't know about him.

CHAIRPERSON: Now in your evidence in that regard, simply that Nel, Nieuwoudt, Brink told you that you would undergo some identity change and when it was done they simply told you this is your new identity?

MR WANASI: Yes, correct. They told me that my name would be changed from Bongane Wana to Charles Wanasi.

CHAIRPERSON: Now, coming back to the incident, on the Saturday when you ran to or you drove into this police station, do you recall Colonel Booie or was he called after he had been there? Do you recall his presence at the scene?

Colonel Booie who was your head in the anti-terrorist unit?

MR WANASI: As I had already said, we did not find him telephonically.

INTERPRETER: The interpreter did not hear the second name referred to.

CHAIRPERSON: Now how - what happened to the three askaris?

MR WANASI: After the incident or generally?

CHAIRPERSON: You are now in the police station behind the police station in Madeira Street. The car is not in pursuit, it also gets to the police station - you report that you believe your lives are in danger because this car you cannot identify which is chasing you. Now what happened to you as the driver and the three people with whom you had been driving?

MR WANASI: We ran into the police station, all of us.

CHAIRPERSON: Do you know a security policeman called Goniwe?

He was a security policeman in Umtata at that time.

MR WANASI: I do remember him, he was stationed in Norwood.

CHAIRPERSON: Do you remember if he was there when you got there that day?

MR WANASI: I don't remember because there were a whole lot of police who were in shock and were standing there.

CHAIRPERSON: Did you know a person called Ndiging?

MR WANASI: Yes I do.

CHAIRPERSON: Did you see him that day.

MR WANASI: It seemed as if he was in the Volkswagen that I spoke of.

CHAIRPERSON: Do you know a person called Kaiser? Mbetse?

MR WANASI: I know him.

CHAIRPERSON: You've never heard of him?

MR WANASI: I've just heard of him but I never saw him.

CHAIRPERSON: Did you know a person called Loysolunge Silestofel called Bralu?

MR WANASI: I hear of him but I've never met him.

CHAIRPERSON: Did you see him that day?

MR WANASI: As I said, I don't know him personally. I just heard of his name.

CHAIRPERSON: Now he was the owner and driver of the car that was in hot pursuit of your car. Now did you see him on that day - both on the Friday and the Saturday?

MR WANASI: I don't remember.

CHAIRPERSON: What happened then after you had gone into the police station? When did you leave the police station?

MR WANASI: After we had run into the police station the whole lot of police they tried to find this car, they did not find it.

After that we had to go back to our original places, those who were stationed in East London had to go back to East London and I remained in Umtata.

CHAIRPERSON: How long did that take - between the time when you arrived at the police station and when you eventually - when the people from East London eventually left for East London and you went your own separate ways?

MR WANASI: It did not take too long a time perhaps half an hour to an hour.

CHAIRPERSON: Do you remember taken and being arrested and detained at that police station and taken to Norwood?

MR WANASI: I have no knowledge of that.

CHAIRPERSON: Do you know what happened to Warrant Officer Viljoen eventually, do you know where he is now?

MR WANASI: I don't know, I don't where he is either.

CHAIRPERSON: Now you said all these askaris are dead. How do you know that if you don't know who their names were except that one was Tandi and the other one was Nandi. Now how do you know for instance that Tandi is dead?

MR WANASI: I heard that Tandi had been shot in Duncan Village.

CHAIRPERSON: And Nandi?

MR WANASI: I heard that Nandi died of Aids.

CHAIRPERSON: And the male askari?

MR WANASI: Well I heard that he shot himself.

CHAIRPERSON: You see I'm asking because there is evidence and I think you are the best example of that evidence - where

people are reported to be dead and then they emerge alive under another name. For instance for all practical purposes, Bongani Wana is dead, isn't it? He doesn't exist. The person who now exists is Charles Wanasi. Do you understand what I'm saying to you?

MR WANASI: I understand.

CHAIRPERSON: I've no further questions.

MR MAKWAGESA: I have no further questions Mr Chair.

CHAIRPERSON: Advocate Muller?

MR MULLER: Thank you Mr Chairman, I have no questions.

CHAIRPERSON: Well subject to the arrangement which he indicated earlier on, I think this witness will be excused and I think the process should be that we will then arrange a suitable date on which we can take down the sort of evidence which he thinks might assist us. I think also in view of that it might well be necessary for your client to come with a prepared affidavit with relevant annexures. I've found that in the evidence is, that we have taken, both at Sections 29's and at public hearings that that assists because you know the parameters are drawn, the issues are quite clear, drawn out very clearly, you know one following the other, you know with headings and now I'm to try and address this aspect and then the person goes on and on and so that what then remains is for us to be able to put questions. But

that is something that Mr Makwagesa will get into contact with you Mr Malan and then you can work out an arrangement.

Mr Wana, well I've known you to be Wana all my life, this Wanasi doesn't really - okay - Mr Wanasi - you are excused.

MR WANASI: Thank you very much.

WITNESS EXCUSED

CHAIRPERSON: Mr Makwagesa?

MR MAKWAGESA: In fact, Mr Chair, I'm going to refer to Mr Malan.

Mr Malan, I'm wondering if it is not proper for us to arrange the meeting, the next meeting, now before you leave so that we know that everything is going to be on order?

MR MALAN: Sorry, I've got no problem to do so but you bear in mind, Mr Chairman, that we can make such arrangement but I cannot guarantee that by that time, if you bear that in mind, it's fine with us. I would prefer that we have a goal to say that we have to get all the evidence before this on that day - that would be easy but I cannot give you a guarantee that everybody will be available that we intend to get to and if you accept it in that manner, it's fine with us. It's better to co-ordinate a date when everybody is present than to do it on a date then when nobody is available.

CHAIRPERSON: Maybe in that event, the prudent thing to do would be to simply adjourn these proceedings to a date to be

arranged and that you should communicate by way of correspondence. I must just indicate that we are endeavouring to write a final report and efforts should be made that all information that might inform the Commission especially for purposes of giving a broad picture because the Human Rights Violations Committee on which both Reverend Shingwe and I sit are charged amongst other things to present as complete a picture as possible of violations of human rights that took place in the mandated period and since we, unlike the Amnesty Committee, will have to finish our work by the statutory period which is the 31st July, which is when we should hand the report to the President, we would like to put as much work which we have gathered information about into the final report as possible and we have determined that the middle of May should be the outermost limit by which we should have gathered whatever information we want to use for purposes of a final report. So as long as we bear in mind that by the 15th May, we must have been able to again reassemble for purposes of gathering that information.

MR MALAN: Yes, Mr Chairman, I agree that we pledge to give our full support in this and we will endeavour to do it as quickly as possible. If it's possible to do it at an earlier stage - as I said two of the big key players in this event will be Mr Anton Nieuwoudt and Mr Eugene De Kock and he wittingly indicated to

me he will be around at Maxi whenever we were looking for him so he will not be away - tongue in the cheek - but he will - being the key players - I think we will get most of the information from them and that will enable us. I just know that Mr Nieuwoudt is, for this week, on leave but we can do some other work and I really think that we will manage in that time span.

CHAIRPERSON: In that event then, these proceedings are adjourned to a date to be arranged and preferably the sooner the better. We are adjourned.

COMMITTEE ADJOURNS