

TRUTH AND RECONCILIATION COMMISSION

HUMAN RIGHTS VIOLATIONS

QUESTIONS AND REPLIES

SECTION 29 INQUIRY

DATE: 12 OF 9.12.1996

NAME: ARTHUR VAN DE GRYP

CASE:

JOHANNESBURG

DAY 1

10

CHAIRPERSON: Mr Van De Gryp, firstly, we are very pleased that you are actually with us today. You have in fact in terms of the subpoena document given to you, you understand the implications of this. This is an **in camera** hearing. You are entitled to have your legal representative present with you and at any time in the proceedings, if you feel that the necessity would arise that you should want to exercise that right, I would ask that you please give me notice of that. We do intend swearing you in so that 20 the testimony you will give, will be under oath. You are allowed to speak in the language of your choice. The questions will mainly be led by the three people on my right-hand side, who are members of our investigative unit.

The purpose of this inquiry is to through this investigate inquiry, establish some facts relating to the matters which we have placed in your subpoena. Before we begin I am going to ask Piet to swear you in and then you may begin with whatever you want to talk to us, through the 30 statement or if you have any queries or questions which you wish to place before me, you can do that then.

ARTHUR VAN DE GRYP: (Duly sworn, states).

CHAIRPERSON: Mr Van de Gryp, is there anything you would

SECTION 29 HEARING

TRC/GAUTENG

2

A VAN DE GRYP

like to say as an opening address?

MR VAN DE GRYP: I don't think I have got anything to say, but I am happy that I am able to speak in Afrikaans. I have no objection to speaking in English, but it is difficult since my home language happens to be Afrikaans. You are welcome to ask questions in English, I am able to
10 understand it. I am well bilingual, but I am not able to express myself well in English because I am Afrikaans-speaking.

What I have to say is entirely or virtually entirely contained in the statement, but I must mention beforehand that I have been in a very serious car accident in April month, which has caused problems for me with regard to my memory, with regard to several aspects. If there are aspects which I am not able to mention, it is not because I wish to keep any information from you, but I would have
20 forgotten it or I would be unable to remember. That is all I want to say beforehand, and bring it under your attention.

Would like me to - I believe Adv Steenkamp has made my statement available to you, which was taken down, I believe, although I cannot remember, during February of this year. I just want to check the date. It is indeed February of this year, when I already had made the statement.

Aspects, as mentioned in the statement, would all be
30 the truth. I don't know if you want me to read the statement to you?

CHAIRPERSON: We do have the statement in front of us and what I would suggest you do, is you focus in the statement

on the aspects which are particularly pertinent to the nature of the inquiry today.

Before you begin, however, can you just explain to me, what is your status? Are you a witness in terms of Section
SECTION 29 HEARING TRC/GAUTENG

3

A VAN DE GRYP

204, with the Attorney-General's office? And if so, have you informed them that this is taking place? Because I notice that your statement seems to have been taken by the
10 investigative unit of the Attorney-General.

MR VAN DE GRYP: I am not sure under which section I am a witness. I have been approached by the investigative team, with regards to aspects concerning the 1990 events. I made a voluntary statement to them. This statement before me is also a statement which they made available to me. Since I did not keep a copy the investigative team has a copy of the statement. They know that I am here. I am sure that they are well-informed of my presence here, since I asked them for a copy of my statement. I would not know whether
20 they have any objections to my presence here.

CHAIRPERSON: You have informed them that you were being subpoenaed.

MR VAN DE GRYP: Yes, they have been informed thus.

MR VAN DE GRYP: I am not sure where to start. I think it would be appropriate to begin with regard to the aspects surrounding the 1990 incident, as mentioned in my statement.

At that time I was involved in the riot and violence investigative unit in Sebokeng as a warrant-officer in the
30 police. On the particular day I was picked up at home and was supposed to move to our offices, from where I was supposed to move to the security branch. I had just been transferred to the security branch.

When I was picked up at home by a Const Ferreira who was working with me at that time, on the radio I heard that there had been a shooting incident in Sebokeng, and at that time, which was during the morning, additional problems continued at that time.

SECTION 29 HEARING

TRC/GAUTENG

4

A VAN DE GRYP

I asked him to take me there so that we would be able to see what was happening. There were several police officials in the area, as well as a large number of other persons. At the hostel complex a number of police officers were also present with a group of people which were police reporters, although that was not known to me at that time.

Const Ferreira and myself moved in. There was no objection by the surrounding people to our entering the hostel complex. The problem was that once you had entered the hostel complex you were not allowed to leave it. If you were inside the hostel complex you had to stay there, and you were not allowed to leave.

In the hostel complex, as I have already mentioned, there was a large contingent, probably 30 to 40 people, Zulus, in the middle of the complex, as well as a large, well, a certain number of police officials, who were at the edges of the hostel complex, where they were taking in positions.

Several police officers were stationed in the Vaal Triangle at that time, as mentioned in my statement. At that time Col Fourie, Maj Conradie, Col Steyn. I believe Col Van Niekerk, the district commanding officer, a number of fairly senior officials who were present there at that time.

The group of persons in the middle of the hostel complex were huddled together. They were standing closely

to each other. These were the Zulu people. They were not moving around, they were all standing very closely to each other, for safety purposes and possibly other purposes, although I do not know what that would be. At that time we were being stoned and the people surrounding were attempting to enter the hostel in an aggressive manner.

SECTION 29 HEARING

TRC/GAUTENG

5

A VAN DE GRYP

The Zulu people had a single leader. We could see from his behaviour that he was the leader. When he spoke people listened to him and everything happened through him. That would have been Themba Khosa, who would have been the leader of this group. I only discovered this name subsequent to the incident.

Being inside the hostel complex, the surrounding people were shouting that they wanted the Zulu people because of the killing of people the previous night. I could see a number of corpses in the complex where we were standing. We were told by the people surrounding that these persons were armed. At that time the situation was very volatile and it was impossible therefore to do anything about it.

A warrant-officer, of course, could not take any leadership in a situation, because of the presence of senior police officials.

There was a shooting incident with members of the South African Defence Force and the situation stabilised. We were then supposed to leave.

Military vehicles came to remove the Zulu people from the hostel complex to the Sebokeng police station. Just prior to our leaving, I noticed a blue Nissan Sentra in the middle of the complex. Mr Themba Khosa was next to this vehicle. I asked him to unlock the vehicle to allow me to

search it, since the surrounding people told us that the attackers were armed. He asked me to unlock - or I asked him to unlock the baggage compartment. There was an AK-47 rifle which I found in the boot.

I called some of the other police officials present closer. They approached. I asked him to unlock the rest of the vehicle. The vehicle was not standing open, it was

SECTION 29 HEARING

TRC/GAUTENG

6

A VAN DE GRYP

10 locked. On the back seat, under a blanket, there were a number of other firearms, AK-47s, R4 rifles, pistols, a revolver.

As I have mentioned in my statement, there were also the registration plates of the vehicle, which were on the back seat. These were not fixed on the outside of the vehicle while parked in the hostel complex. On the seat, on the back on the ground there was a plastic bag with a 5-litre can. Inside the plastic bag. I did not check what was inside the can.

20 The situation, although stable, was very tense. I was then requested to accompany Mr Themba Khosa to the Sebokeng police station. I asked a member of the ABS, the Stabilisation Unit, to accompany me, since I did not want to drive off with him on my own. There was no provision for anyone to accompany me to the Sebokeng police station, so I asked someone to accompany me. I was not comfortable with being in the motor vehicle on my own with this person.

On my way to the Sebokeng police station, Themba Khosa asked me to release him. He asked me not to be stupid. His
30 exact words, if I can remember, were - I cannot, however, remember our entire discussion or conversation. It is very long ago.

At the police station, since we were on our way to the police station, Mr Themba Khosa, myself and Const Coetzee of the Stabilisation Unit, were standing in the back of the vehicle, came with me. We stopped at our offices. We all left the vehicle. The other senior police officials were also on their way to the police station, as well as the group of Zulu people who were being transported from the hostels.

SECTION 29 HEARING

TRC/GAUTENG

10

7

A VAN DE GRYP

When we left the vehicle, a P8 pistol was taken out by Mr Themba Khosa, who had kept it in his trousers under his shirt. I was standing at the vehicle when he took this out and handed it to Const Coetzee, who removed the firearms from the vehicle and put it on the floor of the vehicle. No one touched the vehicle. I was the only person who touched the vehicle when the firearms were removed from the vehicle.

Warrant-Officer Marius de Jager, took the plastic bag behind the driver's seat and said that it contained a bomb. This tin can or can was then removed by members of the Bomb Squad of the SA Police Force and it was defused.

We removed the firearms to our offices, without anyone else handling the firearms. The local fingerprint staff were then asked to check the vehicles and to photograph the firearms and to remove the firearms to the forensic labs.

On that same day I began to write a statement in my own handwriting. There was a Capt Jacobs who was going to be the investigative officer on this case. I gave the statement to him.

Later that afternoon, just before going home, I was called in. I cannot remember by whom. It might have been Capt Jacobs, who asked me to rewrite my statement, since my

statement was wrong. I rewrote my statement and then went home.

The next day, immediately the next day, I was called in by Maj Conradie. At that time I was then not transferred to the security branch. I was told to remain on at my present position for an additional two weeks to help the riot squad with the investigation. So I was not transferred to the security branch, although I was supposed to, in terms of the head office fax, to immediately start
10 work at the security

SECTION 29 HEARING

TRC/GAUTENG

8

A VAN DE GRYP

branch.

The next day I was called in by Maj Conradie. I went to the security branch offices in Vereeniging. It was only myself and Maj Conradie. Maj Conradie then told me that my statement was wrong. It was then retyped. My original handwritten statement was removed, it was given to me and it was torn in pieces and thrown in the dust-bin and I was
20 given the new statement, which was supposed to have read exactly the same as my original statement, my handwritten statement, although certain aspects were then left out or deleted out of the statement.

I signed this typed statement and Maj Conradie and myself began talking. From the conversation he said to me that Themba Khosa was working for the police. He did not say exactly what work he did for the police, but I accepted that he might have been an informer. We were sitting down and talking. I left his offices.

30 A month subsequently I started working with the intelligence unit of the security police. We never discussed the incident again.

The court case happened. I was subpoenaed as a witness. I presented my statement. Only in terms of what was mentioned in the statement. My testimony in court was only that which was contained in my written statement. Although several aspects were left out, I did not add anything and I was not asked anything in that regard, in the court case.

I did not include any of my testimony on these aspects in the court case.

10 While at the intelligence unit of the security branch, Maj Conradie contacted me. He was supposed to be transferred SECTION 29 HEARING TRC/GAUTENG

9

A VAN DE GRYP

at that time from the security branch to somewhere in Johannesburg. He then told me that he had AK-rounds with him and asked me whether we would be able to use them in intelligence. I collected these from him. I never used these. I had them at home for an extended period of time, and then at a particular time I decided that I did not want
20 this in my possession, particularly if it was to be found in my possession, I would have to explain where I had received it from. These AK rounds as well as a magazine with these rounds, I then threw in the river. Some of these rounds were attached and some of it is still sealed in packets.

I cannot remember the exact number of rounds, but it would have been a very large number of rounds. I went and threw this into the river and never told anyone that I had these in my possession, until I gave my statement.

30 As mentioned in the statement, some of these rounds appeared to me very similar to those which were found in the hostels, and at various shooting scenes, as well as some of those that were found in the possession of Themba

Khosa.

Briefly, this is what happened.

CHAIRPERSON: Captain, the testimony which you delivered in court, was the consequence of this that Themba Khosa was found not guilty?

MR VAN DE GRYP: I wouldn't say it was just on the basis of my testimony, but I believe and I know that because of my testimony, this formed part of the reason why he was found not guilty of possession of the firearms.

10 CHAIRPERSON: What was the difference between your first testimony and the second testimony written by Conradie?

MR VAN DE GRYP: In my first statement, I know for a fact that I stated the aspects of the vehicle which had been

SECTION 29 HEARING

TRC/GAUTENG

10

A VAN DE GRYP

locked all the time, that at no stage it was open. I also mentioned the fact that I saw Themba Khosa physically removing the P38 from his possession and handing it over to the captain. There were aspects regarding the plastic bag which I mentioned in my first statement. I had seen it in
20 the car. In the second statement it was not stated that I had seen the plastic bag with the bomb. In my first statement I also said that I had seen the registration plates under the blanket with the firearms. In the second statement these number plates were not referred to.

I think those are the main points that I can remember.

He didn't materially change the statement, it didn't differ materially from my first statement. The circumstances surrounding the incident, the aspects were
30 the same, but just the critical issues that were necessary to find a person guilty in court, were removed.

CHAIRPERSON: In your statement you said that Themba had driven with you in the vehicle and then he told you that

you had to let him go. At what stage and to whom did you in fact finally hand him over?

MR VAN DE GRYP: Themba Khosa drove the vehicle from the scene to the police station. I sat next to him. We arrived at the offices. In the premises of the Sebokeng police station I got out first. I was armed all the time. I kept him covered with my firearm, because he had been found in possession of a number of firearms. He got out after I had got out, so I saw him getting out. That was at the
10 offices. At that stage Const Coetzee also got out and then Thema Khosa gave him the firearm that had been in his possession.

As far as the aspects which he had stated to me, while we were driving to the police station, the Sebokeng police

SECTION 29 HEARING

TRC/GAUTENG

11

A VAN DE GRYP

station and the hostels are probably between one and a half to two kilometres apart. So it is a relatively short distance over which we travelled to reach the police
20 station.

CHAIRPERSON: Captain, you were the investigating officer.

Can you tell us why Themba was never charged with possession of the firearm that was on his person?

MR VAN DE GRYP: Because it was never contained in any of the statements, it also did not come out in court, that he had the firearm in his possession, that it had been found there. If my memory doesn't fail me, it was mentioned in the court that a P38 had been present, but no testimony was put forward that it had actually been handed over from his
30 possession to the SAP Services.

CHAIRPERSON: Captain, you mentioned previously that it was not just on the strength of your testimony that Themba Khosa was found not guilty. Do you know of any other

testimony that had been tampered with in this case, except for that which concerned yourself?

MR VAN DE GRYP: No, I cannot comment on any of that.

CHAIRPERSON: Captain, as far as I understand, the reason why Themba Khosa was set free, was because the possibility existed that his vehicle had not been locked and that some - that any other person could have put the firearms in his car and that there was no reason to find him guilty. Is that so?

10 MR VAN DE GRYP: Yes, that is correct. The testimony that was offered and for which I was cross-examined, stated that: could there be a possibility that someone else could have placed these firearms in the car. I had replied that it had been the case, but it was not really so, it couldn't have

SECTION 29 HEARING

TRC/GAUTENG

12

A VAN DE GRYP

been possible, the car had been locked. Mr Khosa would have had to explain at what stage the arms had been put in
20 his car, but when I arrived at the car, the car was locked.

That was before we departed. While I was in the hostel complex there was no other person near the car, except Mr Khosa himself. So my testimony was of such a nature and my presence had been such that no person would have been able to place the firearms in the car. I cannot unfortunately testify whether it could have happened beforehand.

CHAIRPERSON: Another question. Did you ever see the file on the basis on which he was charged?

MR VAN DE GRYP: No, I never saw it. Except on the day
30 when I made my statement and then I also pointed out certain aspects to the team, after I had seen the docket, but I never saw it between the incident and September, this year.

CHAIRPERSON: Did you ever see in the docket that weapons found in his possession were not the same weapons which had been sent to the forensic laboratories?

MR VAN DE GRYP: I will have to state again, I know for a fact that some of the arms that had been pointed out on the photographs in the docket, were not contained in the documentation that had been sent to the forensic laboratories. For example, the Beretta pistols and the revolver were not mentioned in the document, accompanying
10 the weapons.

CHAIRPERSON: So if I understand correctly, other arms were sent to the forensic lab than those which had actually been found on the scene?

MR VAN DE GRYP: No, I cannot really state that, I just know that in my statement there were a number of serial numbers which I had written down, which were contained in part of

SECTION 29 HEARING

TRC/GAUTENG

13

A VAN DE GRYP

20 the docket as such. It was just a piece of paper, it wasn't part of my statement, on which I had written down some of the serial numbers which differed from those which had been sent through to the forensic laboratories. I pointed that out to the investigating officer.

CHAIRPERSON: Captain, who was the officer or person in control or who had to see to it that these arms be sent to the forensic laboratory?

MR VAN DE GRYP: Well, that would have been the investigating officer of the particular docket.

30 CHAIRPERSON: Who was that person?

MR VAN DE GRYP: I speak under correction, but I think it was Capt Jacobs, although he was not the investigating officer during the court case. I never saw Capt Jacobs at

the court case. There was a Warrant-Officer Pitt who was the investigating officer during the court case. He took the docket to court, saw that the witnesses were present there, those kinds of aspects.

CHAIRPERSON: Yours was the critical evidence at the court case, which really was able to establish whether somebody else was able to tamper with his motor vehicle and the placing of the arms there. Although there might have been other statements as well, but you are the only one who can
10 actually quite unequivocally state that the vehicle was locked and that nobody else had access to it.

MR VAN DE GRYP: That is correct, yes. From my testimony itself, if I had been telling everything that had happened, Themba Khosa would have had to be found guilty in court. I can't see how he could have been set free, because I would have known beforehand, before the court case, that he would have been acquitted, and that was my own deduction from the

SECTION 29 HEARING

TRC/GAUTENG

14

A VAN DE GRYP

20 fact that it had been stated that he would not be found guilty. On that basis I presented my testimony.

CHAIRPERSON: Captain, are you aware that some of these arms had been sent to Capt Basil Young at forensic laboratory who had to see to it then that they would not be connected to shooting incidents in the area?

MR VAN DE GRYP: No, I didn't know who the investigating officer at the forensic laboratories would be.

CHAIRPERSON: It is quite clear then that you really acted under the instructions of Capt Conradie, but if I heard you
30 correctly, before Capt Conradie changed your statement, the other guy Jacobs also asked you to change your statement. Is that correct? Because it is not in your written statement.

MR VAN DE GRYP: Yes, the second time my statement was changed on that particular day, unfortunately I cannot remember whether it was at the request of Capt Jacobs, who had been appointed the investigating officer, or Maj Conradie. Unfortunately I will have to lie if I were to say who the person had been. The second time my statement was changed, it was at the request of Maj Conradie at his office.

CHAIRPERSON: Do you know where Conradie and Jacobs find themselves at present? Are they still in the police force?

MR VAN DE GRYP: I don't know where Maj Conradie is, whether he is still in the police force. Capt Jacobs is still in the police, he is stationed in the Vaal Triangle, he has another rank today, but he is still in the Vaal Triangle.

CHAIRPERSON: Captain, is it so that there was reference to the fact that you would have been placed under the witness protection programme of the Attorney-General of Pretoria?

MR VAN DE GRYP: I never wanted to make a statement and

20 SECTION 29 HEARING

TRC/GAUTENG

15

A VAN DE GRYP

after this incident, I, as a matter of fact, tried to forget about this whole thing. When I was approached after a number of sessions, I decided to come out with the truth and to clear my conscience regarding the incident. I mentioned that I had enquired regarding the safeguarding of my house, because I had been in the police force ... (END OF TAPE 1 - SIDE A).

CHAIRPERSON: Is it correct that you also requested from
30 Capt Rosendal to return your testimony?

MR VAN DE GRYP: Yes, that was the case.

CHAIRPERSON: Why was that?

MR VAN DE GRYP: On the day that I was asked whether I would make a statement, I mentioned that I would have liked my house to be safeguarded. I wanted them to erect high walls. I was and am not in the financial position to do this myself and they mentioned that it wouldn't be a problem. But to the present day it has not been done yet.

I felt that the trust that I had in them and they had in me, had been - owing to the fact that I had known what I had known - that I had told them what I had known, but they possibly felt that my testimony was not good enough to safeguard me to such an extent.

CHAIRPERSON: Did they ever state to you that you did not tell the whole truth?

MR VAN DE GRYP: Yes, it had been mentioned to me, that my house would be safeguarded if I told everything. I told them that I didn't know what else they wanted me to say. I cannot tell them what they would like to hear, because I don't know what they would like to hear. But it was said to me that I had not lied to them, but that I wasn't telling them the whole truth. This was not so because I was telling

SECTION 29 HEARING

TRC/GAUTENG

16

A VAN DE GRYP

them what I knew.

CHAIRPERSON: Was it said to you at any stage that you could be a co-accused in the case?

MR VAN DE GRYP: No, no. They did state that - if I remember correctly, I could possibly be incriminated in the incidents, but I had made the statement voluntarily and I said to them that if they had to prosecute me, then that would have to be the case.

CHAIRPERSON: You were also the investigating officer appointed to that particular matter. We have a number of

statements and certainly from the inquest proceedings, there is clear evidence from the statements that there were white men involved in the massacre that night. Now you don't mention that fact in your statement here. Certainly Judge Stafford never made anything much of that. I am wondering, in the course of your own investigations, what did you establish about the role of these white men in that massacre?

10 MR VAN DE GRYP: With regard to the mass murders during the night of the incident, I don't remember that I was the investigating officer in this case. I was an investigating officer in a number of other mass murders which had been committed in the hostels during the preceding number of months. I also cannot remember that on the day of the incident it was mentioned to me that whites had been involved. It was difficult to discuss with the bystanders, because they were very aggressive, also concerning the incident which took place.

20 Also, the incidents which I had attended to in the past, there had been bystanders who had said that some of the suspects had been ferried in with Casspir vehicles and

SECTION 29 HEARING

TRC/GAUTENG

17

A VAN DE GRYP

that they had been assisted by the police. Nobody really paid attention to it, because in the past it had been generally the attitude of the victims to say that policemen had been involved or that suspects had been accompanied by policemen, where such actions had taken place. Unfortunately I don't have any knowledge and I cannot say
30 whether this was the case or not.

CHAIRPERSON: Concerning your own conduct on that particular day, the falsification of your own statement, and the subsequent act dealing with the ammunition that

went with those particular weapons, the role of the police was that of assisting the people who had been responsible for the attack that night.

MR VAN DE GRYP: That is also a deduction which I can make now, which I also made afterwards, regarding the fact why my statement had to be changed, why Themba Khosa would not be found guilty in court. These were patterns which were similar. This regards the ammunition which was found in the possession of the police, which had been similar. This
10 was a consequence of the fact that Mr Khosa probably worked with the police. It is a deduction which I still maintain.

MEMBER OF HEARING: Captain, did you at any stage, during these mass murders, hear any evidence or testimony that whites had been involved?

MR VAN DE GRYP: No, I never received any such information.

MEMBER OF HEARING: Because I am in possession of a statement of the independent board of inquiry which states that the original statement had been handed to you on 11 September 1990 at 14:30. Is it so? How do you explain
20 this?

MR VAN DE GRYP: I don't understand the question fully.

SECTION 29 HEARING

TRC/GAUTENG

18

A VAN DE GRYP

MEMBER OF HEARING: It is a statement from a person, Stanford Nkubulanga, which I could possibly show to you and then you can tell me whether you recognise it.

MR VAN DE GRYP: No, this is not my handwriting, that is the first statement that I can make. It is not my handwriting. If I wrote a statement it was always in my
30 handwriting, which is fairly recognisable because I have such an ugly handwriting. It is possible that such a statement could have been given to me, because I was the investigating officer at that stage. I didn't read through

the statement, I don't know exactly what it contains.

MEMBER OF HEARING: Is it not strange to you that you haven't read the statement?

MR VAN DE GRYP: No, I am talking about now. I haven't read through it now so I don't know what the statement contains.

MEMBER OF HEARING: You will see that a person mentions that the white man with a balaclava had been present armed with a rifle on the scene.

10 MR VAN DE GRYP: This statement, I don't know where the statement comes from.

MEMBER OF HEARING: This apparently comes from the independent board of inquiry. It is an independent body which collected statements. You will see in the top right-hand corner, it is said that the statement had been handed to you. The date is also entered there.

MR VAN DE GRYP: Well, as I say it is possible that the statement had been made, that where I had been an investigating officer at several of the mass murders, that
20 the statement could have been handed to me. To tell you in actual fact where the statement comes from, I will have to compare it with the dockets.

SECTION 29 HEARING

TRC/GAUTENG

19

A VAN DE GRYP

CHAIRPERSON: ... (indistinct - microphone not switched on) ... you say you went on duty on this particular morning and you picked up Const Ferreira. Then you said that you heard that there was a shooting incident the night before at the hostel. You decided to go with Ferreira to the
30 hostel. Now was this customary, was this part of your duties? Who in fact instructed you that you should in fact go that particular morning to the hostels? Or was that the normal way these particular things were managed?

MR VAN DE GRYP: Const Ferreira picked me up. I didn't go to pick him up. He came to fetch me that morning. It was about half past seven, 25 minutes to eight, which is fairly late. I am someone who goes to work fairly early, but I didn't have a vehicle at that time anymore, since it was my last day at that unit. So they had to come and pick me up at home.

The particular person, Const Ferreira at that time, was someone who came late to work quite often. He came to pick me up and when I got into the vehicle I heard of the shooting incident and he said to me that he was monitoring the conversations on the radio, the police radio and that there had been a shooting incident.

Why I told him to go the hostel, was since we were engaged in the investigative unit of the riot and violence squad, there were about 15 staff who had to handle all of these cases and investigate them. So it was a matter that when such an incident occurred, we all went to the scene to do the investigation. One person assisted another and so forth. I happen to be a kind of person who is very inquisitive by nature, so I wouldn't stay away from such an incident or such a scene. I would want to go and see for

SECTION 29 HEARING

TRC/GAUTENG

20

A VAN DE GRYP

myself what had happened.

CHAIRPERSON: The fact that there were police officers already at the scene, and you in fact, named them. You have Col Fourie, Col Van Niekerk, Maj Conradie and if I was not mistaken, there was another colonel that you mentioned.

30 MR VAN DE GRYP: Yes.

CHAIRPERSON: At what time do you think they arrived at the scene? Was it your impression that they were there during the night or that they had arrived that morning?

MR VAN DE GRYP: No, I wouldn't be able to say. My personal feeling was simply that they must have been there very early already and they must have spent quite some considerable time there prior to my arrival. We arrived on the scene at about quarter to eight, roughly speaking, and they would have been inside already by that time. I think they must have been on the scene quite a substantial time before seven o'clock or thereabouts, on the particular scene. I can't say for sure that they were there during the
10 night time. I wouldn't know why they were on the scene before we were there. They must have been called in and informed. They were there quite a considerable time before the investigative team. They were not the only persons on the scene. There were several police officers on the scene. It looked to me as if the entire Vaal Triangle's police force was there. There were a lot of police officers there, not all of them inside the hostels. The majority were outside the hostels, with a buffer, forming a buffer between the people surrounding and the people inside the
20 hostel. I can't say whether they were there the whole night or at what time they arrived.

CHAIRPERSON: Throughout your statement you talk about

SECTION 29 HEARING

TRC/GAUTENG

21

A VAN DE GRYP

Zulus. Now I just want to get the distinction clear. Are we talking about members of Inkatha or are we talking about Zulus **per se**, and how do you arrive at that impression?

MR VAN DE GRYP: Why I say that these were Zulus, is because the people surrounding told us that these were
30 Zulus. It was also said that these were IFP people. The people surrounding were shouting and screaming they wanted the Zulus, they wanted the IFP. So it is a deduction that I made that all of the people inside would have been Zulus

and that all of them would have been members of the IFP. That is just a deduction on my own part. I can't assert that this is in fact the truth, that all of them were Zulus and all of them were IFP. That would be unfair on my part, because this is a deduction that I made myself.

MEMBER OF HEARING: Captain, you have just said that once you were inside the hostel you were not able to leave. What do you mean by that exactly?

MR VAN DE GRYP: The people surrounding allowed us to come
10 through into the hostel, armed. It must have been a distance of about 30 metres that we had to move through the mob surrounding the hostels. Once we arrived on the scene, my commanding officer at that time, Lieut Coetzer, was already inside the hostel complex. He was the only person of the investigative unit who was inside. I asked why and I was told that he was inside, and without thinking, I told Const Ferreira who was accompanying me, to watch my back and that I wanted to go and see what was going on inside. There was no problem with moving through the people
20 surrounding the hostel. They made a sort of a pathway - they were shouting obviously, but there was no effort to break off one's arms. I entered with Const Ferreira, with my firearm and a

SECTION 29 HEARING

TRC/GAUTENG

22

A VAN DE GRYP

machine-gun, without any difficulty. But once we were inside, they closed the gap and it was impossible to leave.

MEMBER OF HEARING: If you look at your statement at paragraph 17, there is reference to the firearms which you
30 took possession of. You then describe the firearms, but in your last sentence you say that there were two 9mm Beretta pistols as well as a revolver. What do you mean by this? Was this a homemade revolver or what was the calibre? Was

this known to you?

MR VAN DE GRYP: The list in this statement, since I cannot remember the serial numbers or the amounts, this list was contained in the docket. Except that the 9mm Beretta pistols and the revolver. I do not remember why or cannot or do not know why these arms are included on this list, and I do not remember whether the list was torn, had some pieces of it torn off. I would have to check physically on the list what the state of affairs was.

10 Why I said that I can remember these Beretta pistols is that we thought they were police pistols at that time. The serial numbers were where one could see the normal or this was filed off. The normal Beretta style serial number was filed off and 9mm pistols and then the revolver was 3mm revolver. I cannot remember the manufacturer, but it was the only revolver amongst the firearms. That final sentence of mine I included because the photos in the docket clearly indicated or rather the photographs that I saw in the docket, one could clearly see that the serial
20 numbers were filed off. I only remembered the pistols and the revolver when I made this statement and saw the list.

MEMBER OF HEARING: Was this list drawn up by yourself, with the serial numbers?

SECTION 29 HEARING

TRC/GAUTENG

23

A VAN DE GRYP

MR VAN DE GRYP: Yes, in my own handwriting.

MEMBER OF HEARING: Was this drafted immediately after you packed the firearms out of the vehicle?

MR VAN DE GRYP: No, unfortunately once we stopped at the
30 police officers, all the police officers who handled the arms, I knew that there had to be fingerprints on the firearms. Any investigative officer will be able to tell you that you have to find fingerprints on firearms one way

or another, and because of that I attempted strenuously to keep anyone from handling the firearms, to prevent any additional fingerprints being made on the firearms or any of the existing fingerprints being obscured, to allow me to make a case. I wanted to claim, to prove the case. No one at all handled the firearms before the officers. We put them on the back of the boot and we carried them on a sort of piece of material, a piece of carpeting and packed them off into my office, and then I wrote the serial numbers on
10 the list. The magazines were not removed. They were only removed subsequently. As I packed the firearms out onto the or in the office, I made this list on a piece of paper and included the serial numbers, with a view to my investigation, as well as my own enquiry.

MEMBER OF HEARING: There is an additional somewhat confusing paragraph, paragraph 18. You say that the fingerprint staff arrived to take photographs and that you then handed the weapons or firearms over to them.

MR. VAN DE GRYP: If I remember correctly, firearms would
20 not normally be handed over to the fingerprint unit. It was custom at the investigative unit that when we found firearms on a scene of a crime, we hand these to the fingerprint unit who then in the absence of serial numbers would try to

SECTION 29 HEARING

TRC/GAUTENG

24

A VAN DE GRYP

obtain the serial numbers or fingerprints and would then pass it on to the labs where they could be checked for involvement in other cases. I was physically in the
30 office with the firearms until the fingerprint unit arrived. When they arrived and started taking photographs and took the firearms from me for further fingerprint investigation, I made a note that I had handed these over

to them physically. I did not take the firearms physically and give it to them. I left my office. I closed the door behind me. There were people in the office with them. They were for instance, Coetzer, a certain Coetzer, but the firearms were from that moment no longer my responsibility.

MEMBER OF HEARING: Once they had taken the photographs and fingerprints, what happened to the firearms then?

MR VAN DE GRYP: I don't know.

MEMBER OF HEARING: At that time were you still responsible
10 for the firearms?

MR VAN DE GRYP: Yes, I was responsible for the firearms, until the fingerprint unit arrived on the scene, as well as the other officer present. I then said to them here are the firearms. I was asked to leave the office so that the people could continue with their work. It is a very small office. The entire office was filled with people. I didn't find it at all strange that they asked me to leave the office, and since it was no longer my responsibility I had
20 no problem with it, since it was no longer my responsibility to prevent any additional fingerprints on the firearms or any contamination of the firearms. This was just not my responsibility anymore.

MEMBER OF HEARING: The firearms in the official docket, who signed there, who wrote these into the official docket?

SECTION 29 HEARING

TRC/GAUTENG

25

A VAN DE GRYP

MR VAN DE GRYP: I don't know. I would have to check on the actual docket.

MEMBER OF HEARING: So the last you saw of these firearms
30 is when you left your office?

MR VAN DE GRYP: Yes, that is the last I saw the weapons or firearms.

CHAIRPERSON: The report on the fingerprinting of these weapons, and whether or not they had been involved in other incidents of violence?

MR VAN DE GRYP: I was not the investigating officer in the case. I was never informed of the outcome. I did hear at a later stage but this is only hearsay, that no fingerprints were found on the firearms. If I remember correctly, this also came out in the court case, that there was no fingerprints found on the firearms or on the magazines. So
10 this is impossible.

CHAIRPERSON: Is it conceivable that just in the same way that you have been asked to change your statement, that it seems quite unrealistic that fingerprints were not lifted, and even if those officers made that kind of statement, in the same way that you were asked to change your statement, they could have been asked to do the same. Would you agree?

MR VAN DE GRYP: This is entirely possible, but I would not be able to say whether they were told not to take the
20 fingerprints or told to say that there weren't any fingerprints. This is possible, I believe it is possible.

The court case could not have rested only on my testimony. If there were fingerprints on the firearms, then my testimony in the court case, whatever I presented, would not have been the main evidence. Someone would have to explain why his fingerprints were on the firearms. So it is

SECTION 29 HEARING

TRC/GAUTENG

26

A VAN DE GRYP

30 entirely possible.

CHAIRPERSON: The ballistics report, was that ever done?

MR VAN DE GRYP: I do know or rather let me say, if I say I know, I am saying that from the docket I saw that the

firearms were taken to ballistics. But the arms were, the firearms were negative, if I remember correctly. They never compared positively on any murders or any mass murders taking place in the hostels, and the firearms used in the incident during the night, did not compare to these firearms.

CHAIRPERSON: You did note that some of the firearms sent to ballistics for this particular investigation, were not the same firearms that you found.

10 MR VAN DE GRYP: I did note this the day I saw the docket at D'Oliviera's offices, and I indicated it to them also, what the aspects were that were strange to me. For instance, that the numbers were not included, although they were mentioned on my piece of paper or listed on my piece of paper, and some of the numbers even differed.

CHAIRPERSON: An additional question is, when you confiscate any particular exhibit, the person who signs for the exhibit, is that practice that they sign for these exhibits, although this did not take place in this case?

20 MR VAN DE GRYP: In fact, all of the actions around the finding of the firearms on that particular day from my point of view was unprofessional. This is a deduction I am making today. It appeared as if people didn't care what was the actual state of affairs. As it has been correctly stated, I had to receive some sort of recognition with regard to the receipt of the firearms. I had to be present when the firearms were photographed, but I wasn't. I can add that I

SECTION 29 HEARING

TRC/GAUTENG

30

27

A VAN DE GRYP

was asked when the PKS member arrived, I asked him whether they were taking colour photographs of the firearms, and this was never done. Subsequently there was a problem with

firearms were taken to ballistics. But the arms were, the firearms were negative, if I remember correctly. They never compared positively on any murders or any mass murders taking place in the hostels, and the firearms used in the incident during the night, did not compare to these firearms.

CHAIRPERSON: You did note that some of the firearms sent to ballistics for this particular investigation, were not the same firearms that you found.

10 MR VAN DE GRYP: I did note this the day I saw the docket at D'Oliviera's offices, and I indicated it to them also, what the aspects were that were strange to me. For instance, that the numbers were not included, although they were mentioned on my piece of paper or listed on my piece of paper, and some of the numbers even differed.

CHAIRPERSON: An additional question is, when you confiscate any particular exhibit, the person who signs for the exhibit, is that practice that they sign for these exhibits, although this did not take place in this case?

20 MR VAN DE GRYP: In fact, all of the actions around the finding of the firearms on that particular day from my point of view was unprofessional. This is a deduction I am making today. It appeared as if people didn't care what was the actual state of affairs. As it has been correctly stated, I had to receive some sort of recognition with regard to the receipt of the firearms. I had to be present when the firearms were photographed, but I wasn't. I can add that I

SECTION 29 HEARING

TRC/GAUTENG

30

27

A VAN DE GRYP

was asked when the PKS member arrived, I asked him whether they were taking colour photographs of the firearms, and this was never done. Subsequently there was a problem with

regard to the fact that I told the person that when he takes the photographs, it must be in colour. His commanding officer came into contact with me and told me that I must not give instructions to his staff. I did request that these photographs were to be taken in colour, since it would then indicate more clearly what manner of firearms these were. But all of these photographs were taken in black and white and some of these photographs were unclear.

CHAIRPERSON: Surely it must have been important to you
10 that the explosive device was photographed in colour.

MR VAN DE GRYP: Since it was an explosive device, it was removed from the car by the members of the bomb disposal squad. Sgt Scholtz, I believe, took the bomb apart. He told me exactly how this took place. If I was the investigating officer I would have insisted on a video of the disposal of the bomb, with additional photographs that would have been clear. With regard to the bomb, this was in the property there that it was taken apart, or disposed. No one was present because we were not members of the bomb
20 disposal squad. I doubt whether any other police officers were present, I can't say.

CHAIRPERSON: You mention a bag, containing the explosive device?

MR VAN DE GRYP: This was a shopping bag. I am speaking under correction, but I think it was a yellow bag, like a Checkers shopping bag, that contained the bomb.

CHAIRPERSON: Might this have been half an oil can?

MR VAN DE GRYP: No, the bag wasn't knotted at the top, the

SECTION 29 HEARING

TRC/GAUTENG

30

28

A VAN DE GRYP

shopping bag. I could see that it was a can, a tin of some kind. I saw this both at the office as well as at the actual scene, but I didn't see what sort of can this was.

I only heard that it was a bomb when Marius de Jager shouted "take care, this is a bomb here". He must have seen that this was a bomb. He must have seen some indication that it was. I cannot say for sure that it was a bomb. I did see the tin in the plastic bag, that was clearly visible.

CHAIRPERSON: A final question then. During this time, was it not custom for photographs to be taken in colour?

10 MR VAN DE GRYP: This is difficult. This depended on the particular photographer. Of the scenes which I did, the photographs were taken in colour. On other occasions they were in black and white, but I can't say that it was customary to take all of them in colour. As investigating officer I believed that it was my prerogative to say in what medium I wanted the photographs.

CHAIRPERSON: During your training as an officer, was it mentioned to you that when you take photographs of a scene, how the photographer should take the photographs?

20 MR VAN DE GRYP: This is an aspect that creates a considerable amount of dispute, whether an investigating officer can tell a PKS member whether he should take photographs in colour or black and white, but the PKS members then - now still take the decision, because the claim was that colour photographs were too expensive, because they had to be sent away for development and so forth. If I was the investigating officer in the case, since this was such a relatively large discovery of arms, something which did not happen regularly in the Vaal Triangle, I would have felt that the photographs should

30 have SECTION 29 HEARING

TRC/GAUTENG

29

A VAN DE GRYP

been taken in colour and that the investigation should have been done professionally. I don't want to say that it

wasn't done professionally, but there were aspects which I find strange in this regard.

CHAIRPERSON: Who was your commanding officer during this stage?

MR VAN DE GRYP: Lieut Dries Coetzer, the person who was also in the hostel complex.

CHAIRPERSON: Were there any other aspects of the way this investigation was being handled, that were unprofessional?

MR VAN DE GRYP: Yes, there were times during which I
10 discussed it - I wanted to discuss it with the lieutenant, but he was a very difficult person to enter into a conversation with. He is unfortunately deceased, he committed suicide a number of years ago, a year or two after the incident. He was also a person who drank heavily. It was difficult to have a conversation with him, you know.

He would just attack you if you talked too much nonsense with him. That was just his nature. But I did say to him, asked him why I wasn't the investigating officer. But I don't think it would have been his decision who was going
20 to be the investigating officer or not. Colonel Van Niekerk was the district detective officer and the decision would have been his as to who would be the investigative officer.

CHAIRPERSON: ... (indistinct - microphone not switched on) ... the way this thing was being handled.

MR VAN DE GRYP: No, not with a person. After the incident only, weeks afterwards, we members of the investigating team discussed matters among each other. It is not something that one forgets easily, if one catches somebody
30 with so many firearms, it is something one remembers. I did discuss

with people the fact that I had been scolded because I requested colour photographs. But one forgets, because there is too much work to concern oneself forever about this little incident, and we had too much work. The situation at that stage was difficult for a policeman.

CHAIRPERSON: Also from these discussions, did you gain the impression that any other person ... (END OF TAPE 1 - SIDE B).

10 MR VAN DE GRYP: ... was a warrant-officer and he was quite cross with me and he cursed me and said why I had presented my testimony in such a way that he had been set free. I think it was a shock to him as well that the person had not been found guilty. I think that he had expected somebody to be found guilty in court. But as far as his personal feelings are concerned, that is something he has to be asked about personally, but I think he was rather cross with me.

CHAIRPERSON: What effect did this have on you, because the
20 impression I get is that up until that particular time, you were a normal police officer doing your work and that you had not been involved in any of this kind of activity. But surely it must have struck you once you had changed your statement, that you were now part of a group of officers who were in fact not upholding the law and in fact were beginning to be part of an obstruction of justice.

MR VAN DE GRYP: Yes, that did bother me, and I can't say
30 that it is no longer bothering me. The fact that my statement had been changed would bother anybody, particularly if one switches on the TV and sees Mr Khosa still speaking on the television and incidents are still taking place. So yes, it is a difficult matter, it is something that one has to resolve for oneself. It doesn't

help to really discuss it with anybody else. But I can say that as a young man I felt quite important, because so much trust had been placed in me, to be asked to change my statement, my testimony. I could at any stage have turned around and offered my testimony in court in such a manner that the man be found guilty, but that is something one makes mistakes in one's life.

10 CHAIRPERSON: ... (Microphone not switched on - indistinct)

...

MR VAN DE GRYP: It is difficult, it is something I have been considering for quite some time, thinking about it, and I believe that when Adv Steenkamp approached me because we were old friends, and we started talking about things, it would have been easier to just get something like this off one's neck. It bothered me in the past. I discussed it with my wife. She knew about it. But you know, one discusses various things with one's wife, but there is
20 nothing that she can do about a thing like that. I just felt it was time to tell in a statement what happened on the days, that the truth can come out.

CHAIRPERSON: I think God gave the final decision in my case, was that Adv Steenkamp mentioned to me that the mass murders' docket had been withdrawn by me, and that it could be found nowhere now. This made me very cross, because I felt I had been stabbed in the back, because the docket had been drawn under my name and that these dockets have now disappeared. So that at the end of the day I would have to
30 explain why it had been withdrawn in my name.

CHAIRPERSON: ... (Microphone not switched on - indistinct)
... the effect of this, did this squarely place you in the arms of those who are now marking you as the man?

MR VAN DE GRYP: I cannot say, really cannot tell that or say that persons are marking me. No threats have been made against my life. So I really cannot say that I am a marked person and that attacks will occur on me. So I can't really say that.

CHAIRPERSON: Yes, you are misunderstanding. What I am trying to get a sense of, is that once this incident had
10 taken place, it was quite easy then for you to be used again by the security branch, by those who would want to cover up other incidents, and I would like to know that since then, what have you been involved in? Normal police work?

MR VAN DE GRYP: Yes, normal police work. I was never approached again by Maj Conradie, although I was in the security branch intelligence unit. We had very little contact. We never really had any contact afterwards. We never discussed this incident again. I was never approached
20 again for other things. I just became a normal policeman again.

CHAIRPERSON: While you are stating this, I have been sitting here looking at your paragraph 24, where Maj Conradie did indeed ask you - that he gave you the AK-47 rounds to go and keep it at home. He said that you could possibly use it at your work at your security branch. What could you possibly have done with those rounds?

MR VAN DE GRYP: I don't know. On that particular day I was
30 at the security unit. I was the only person present there when he phoned. He asked to speak, if I remember correctly, with the commanding officer who wasn't present, and then he asked to speak to Warrant-Officer Nolte, who was also not present. Then he asked me to come over to

arrived there. He took me to a safe. He gave me the rounds
and told me to take them. He said we could possibly use it
at the intelligence branch, not I myself. I took the rounds
with me and I kept it at home. I didn't take them to the
office. I know that I mentioned to Thys Nolte that I had
10 some magazines with rounds at my home, AK-47 rounds. He
said it was nothing. So I think he also probably had a
number of items at his house.

CHAIRPERSON: So was the idea that it probably would not be
used for the normal kind of work but for all kinds of other
projects?

MR VAN DE GRYP: Well, that was the conclusion which I drew
from this. The security police in the past, particularly
the intelligence unit, we did undercover work where we
printed pamphlets and distributed these for example. That
20 kind of activity. So I took it that we could probably use
it for so-called STRATCOM project, of this nature. But I
could not say that it would be for a specific project or
action.

CHAIRPERSON: You said that some of the rounds looked quite
a bit like those which you had found in the Nissan?

MR VAN DE GRYP: Well, when I saw the rounds it looked like
an AK-47 round to me. It is not as if I could really
distinguish between these. I had undergone a course in
testifying regarding firearms, as the chief in charge of
30 the firearms unit, and also with regard to the various
kinds of ammunition which we analysed. I can't say exactly
how it looked, but at the back of a bullet like that, a
cartridge, there was some engraving, which indicated

origin, et cetera. I remember that some of the cartridges which I found in possession of Themba Khosa looked the same, had the same

SECTION 29 HEARING

TRC/GAUTENG

35

A VAN DE GRYP

kind of colouring, et cetera, but I didn't look at the engraving in particular. But it looked to me as if it could have been some of the same ammunition. But as policemen, one makes certain deductions, et cetera.

10 MEMBER OF HEARING: Captain, I should possibly have to deviate slightly from the point. Did you at this stage work with Mr Peens, at any stage? What was your relationship with him?

MR VAN DE GRYP: No, at that stage I never worked with Sgt Peens. He worked with the firearms unit. Well, I have known him since 1987, I investigated various cases against him. He was a member of murder and robbery, and I investigated dockets against policemen as a young sergeant. I met him at that stage. But at the violence section we
20 never had much contact with him. They were at murder and robbery. We started getting intensive contact when he started working under me at the firearms unit.

MEMBER OF HEARING: You know of an incident of weapons, arms being moved, two AK-47s, in a recent case where he was involved in? Can you tell the Committee more about this.

MR VAN DE GRYP: Yes, that is correct. Two AK-47s were moved by Sgt Peens and Mongoose Joncini. I was with him and during the incident some of the aspects surrounding this incident. I had made statements in this regard. I have
30 made my statement but I can't say that I really knew about the AK-47s. I also didn't know that AK-47s had been used in the Boipetong incident.

MEMBER OF HEARING: That is the incident regarding the AK47s?

MR VAN DE GRYP: With regard to Sgt Peens, and this I also pointed out to the investigating team. On that particular SECTION 29 HEARING TRC/GAUTENG

36

A VAN DE GRYP

day he had taken the arms to Pretoria. So he had been instructed to take the firearms to the ballistics unit and it was at that stage quite strange to me, after knowing 10 what had happened, why he had taken it specifically to Pretoria. But as far as Themba Khosa's firearms were concerned, I don't know that he had anything to do with that. Regarding arms being swapped, et cetera, I don't know anything regarding that.

MEMBER OF HEARING: Peens did contact you again after the incident. Is that so?

MR VAN DE GRYP: Yes, he contacted me at some stage afterwards, but I can't say definitely that it was him. My wife had answered the telephone. He had asked whether I had 20 been present. I was in bed, and when my wife asked who had been speaking, the telephone was put down in her ear. After five minutes when it ran again, I picked up and then there was a person who was speaking on the telephone, but it wasn't Peens. I heard voices in the background, but I couldn't tell who it was. That was the first and the last time that there had been any kind of threat against me. It was said that my minutes were ticking past. When I cursed the person over the telephone, he put down the receiver.

That night, after I had spoken to the person, I asked 30 my wife what exactly the conversation had been with the person who had phoned the first time. She told me that she was virtually certain that it had been Pedro - that is now Peens - because he had been at our house on numerous

occasions, and my wife had spoken to him, when he had phoned me. She had said that she would put her head on a block that it had been him.

MEMBER OF HEARING: Did he ever discuss the matter regarding SECTION 29 HEARING

TRC/GAUTENG

37

A VAN DE GRYP

the firearms with you, that you shouldn't or that you should make a statement?

10 MR VAN DE GRYP: No, with regard to the incident, regarding Peens and the AK-47s moved to Northern Natal, I know he contacted me a week before the first Press announcements of the issue. He said to me captain, I am going to speak about the AK-47s. I may be speaking under correction, but he said, I think he said to me that it was the Boipetong mass murder firearms that were involved. But I never believed him because there is an Afrikaans word - well, he spoke nonsense on numerous occasions, and I didn't trust him as a person.

20 I never really paid much attention to the information which he brought in, for example. I never had him at the firearms unit, but on that particular occasion, a week before the Press release, he said that he was being threatened and that the Truth Commission was on his neck and that he was going to talk about all these things.

I told him that the choice was his, whether he was going to speak to the Truth Commission or not, but I said to him that if he speaks to the Truth Commission he had to speak the truth and nothing but the truth. Then he said to
30 me captain, I am going to say I hadn't accompanied you. I said no, it doesn't help if you say that, because if I am approached I will give my version which I believe is the truth.

Later on when the investigating team visited me, they mentioned to me that Peens at no stage had stated to them that I had accompanied him, that he had been alone. But that wasn't so, I was with him.

SECTION 29 HEARING

TRC/GAUTENG

38

A VAN DE GRYP

CHAIRPERSON: One question: you talked about the fact that Themba Khosa drove this car, and you were in fact sitting next to him. Now later on in your statement you also say
10 from your discussion with Major Conradie, you understood that in fact the vehicle belonged to the security branch. But who had the keys to this vehicle, because there is an assumption by you that the vehicle is in fact that of Themba Khosa's. Now can you tell why you make that assumption, and later on, when you are told that it is a security branch vehicle. Are you told also that Themba Khosa was working for the security branch? Can you just give me a little bit on that?

MR VAN DE GRYP: Themba Khosa, on that particular day, had
20 the keys in his physical possession. He took them out of his pocket to unlock the boot of the vehicle. The second time when my statement was changed, and after I had the discussion with Maj Conradie in his office, I asked him what about the vehicle. This is after my original statement was torn up and I had signed a new statement. We were discussing the matter and talking about the future court case. I cannot remember everything we said, but I am trying to remember what was in my view the most important.

I do remember asking him what about the registration
30 numbers, because these were no longer mentioned in my statement. I cannot say that he said to me that it was a security branch vehicle. I cannot remember that. But when I left his office, I clearly knew that it was a vehicle

belonging to the security branch.

What was the latter part of your question?

CHAIRPERSON: Were you in fact told that Themba Khosa was working for the security branch?

SECTION 29 HEARING

TRC/GAUTENG

39

A VAN DE GRYP

MR VAN DE GRYP: No, Maj Conradie never said so to me. He never said Themba Khosa works for the police in so many words. But as one spoke, as we discussed, he mentioned
10 little facts. With regards to the way they went about their work. He was saying that he knew people.

I must add that my deduction, my personal conclusion was that Themba Khosa must either have been a member of the security branch or an informant for the security branch. I would not have doubted for a moment, when I left that office, I knew exactly who Themba Khosa in fact was. No necessarily his political background, but that he worked for them.

MEMBER OF HEARING: Captain, was that the reason why the
20 vehicle was not confiscated at his arrest?

MR VAN DE GRYP: The vehicle should have been handed in under SAP.13 as an exhibit for the eventual court case, but I can't remember whether it was handed in to the SAP.13. I just cannot remember what happened. I do know for a fact that someone said to me, that the registration number was registered in the security branch's name, but I cannot remember who said that to me.

There were aspects surrounding the vehicle. Subsequently we asked whether we could see the vehicle, and
30 that is when I was at Sebokeng and it wasn't included in the SAP.13. When one goes into the office one should have been able to see the vehicle, since one had to walk past the SAP.13 vehicle encampment, and I never saw the car

parked there. That was not the most important point. You don't worry about the vehicle. One would have been far more concerned about the firearms. People were concerned about the firearms to a far greater extent than about the vehicle.

SECTION 29 HEARING

TRC/GAUTENG

40

A VAN DE GRYP

MEMBER OF HEARING: We deduced that Themba Khosa could have been a member of the security branch. Were there other
10 subsequent occasions where you saw him with Conradie or other people you were working with?

MR VAN DE GRYP: No. I did not at any point see him with them. Except on the date of the actual event, I did not at any other time see him with the police or in the company of any police. In fact, I only saw him subsequent to the actual event at the day of the court case, but that was not the firearms court case, it was the related court case.

I do know that he accompanied a group of Zulus. At that time I was on my way down from the court or down to
20 the court cells. I remember him saying hello, Arthur, how are you. He still recognised me. Of course, I still recognised him. It is not a person, he is a person of such stature and so regularly appeared on television that one cannot forget him. But he did recognise me and asked me how I am. He also remembered my name. On that particular day when he was taken into custody, I did not tell him what my name was. I only told him my rank and my surname, but not my first name.

CHAIRPERSON: It stands to reason that obviously you, if
30 one really looks at your evidence, and studies the implication of the evidence that is changed in your second statement, that you really were the crux to the acquittal and so he would have to remember your name because if it

was not for your evidence, he probably would have been convicted.

MR VAN DE GRYP: I agree with you, that is my belief also.

On the day of the court case Mr Khosa did not appear in the least concerned. He smiled when I entered the court. He was not scared in any way. Again, my personal opinion is that he knew that he would not be found guilty. He also smiled

SECTION 29 HEARING

TRC/GAUTENG

10

41

A VAN DE GRYP

at me while I gave my testimony in court, as if I knew something which he also knew. This was a difficult situation.

CHAIRPERSON: Did he in fact know? I mean there was something that you were sharing. The fact that your statement was changed.

MR VAN DE GRYP: That is so.

CHAIRPERSON: In fact, that it is a conspiracy really against the person conducting the matter, who is sitting to hear and is in fact an obstruction of justice. So there was something that you were sharing in this interchange, the fact that you were concealing evidence.

MR VAN DE GRYP: Also, when he looked at me, I went to court. Indirectly, even directly, I committed an offence. It is as if he knew that. His entire demeanour and attitude was such. I have given a lot of testimonies in court and when you give testimony against the accused, the accused tries to avoid you, as if he knows that your testimony will send him to jail, him or her to jail, or worse, but he was not in the last concerned. At least he did not appear concerned.

MEMBER OF HEARING: Const Coetzee who received the firearm from Themba Khosa, did he give testimony?

MR VAN DE GRYP: Yes, he did give testimony.

MEMBER OF HEARING: Did he give testimony that he had received the firearm?

MR VAN DE GRYP: You are not allowed to sit in court when you are giving testimony if you are a witness. So you wouldn't know what the testimony of others would be. You only give your own testimony. I would not know what evidence Const Coetzee would have given testimony of.

SECTION 29 HEARING

TRC/GAUTENG

10

42

A VAN DE GRYP

MEMBER OF HEARING: Do you know whether De Kock visited Themba in the cells while awaiting trial, Eugene de Kock?

MR VAN DE GRYP: No, I am not aware of that.

MEMBER OF HEARING: Generally when a person is found in possession of a firearm and if there had been a shooting incident, would you consider it important to do tests on the person's hands?

MR VAN DE GRYP: Yes, everyone in the hostel I would have tested in this way.

20 MEMBER OF HEARING: Was it ever done on Themba's hands?

MR VAN DE GRYP: No, I don't know.

MEMBER OF HEARING: A final question in this regard. If one does enquiries on registration numbers with regard to vehicles belonging to the security branch via the computer systems, what would the procedure have been?

MR VAN DE GRYP: As far as I understand they would not give you the correct information, they would give you a clandestine name and address and so on, which would have been placed in the computer programme.

30 MEMBER OF HEARING: Yes, but as a member of the intelligence unit of the security branch?

MR VAN DE GRYP: Also our vehicles were registered under the names of other persons. Fictitious names, false names,

but I would not believe that there was actual clear ownership. I did not do an ownership test on the vehicle. I concluded that it belonged to the security branch, after my discussion with Maj Conradie.

MEMBER OF HEARING: If I did such an enquiry on the computer system, would there be an understanding at the computer system that security branch would have to be informed that I did such an enquiry?

SECTION 29 HEARING

TRC/GAUTENG

10

43

A VAN DE GRYP

MR VAN DE GRYP: I don't know whether that was the case. If you do an ownership test on a vehicle, it would either be indicated that this was registered in the name of the security branch. It wouldn't say security branch. I think it is registered under the district commissioner's name, but it would indicate that it was a police vehicle or alternatively, it would mention the name of a particular person and it would then tell you whether it was a stolen or a legal vehicle.

20 MEMBER OF HEARING: Whoever did an enquiry on the day of the actual incident, would have seen that this was a police vehicle or would have seen that it was registered in the name of some or other person.

MR VAN DE GRYP: I am speaking under correction, but I would say that the vehicle was not registered in the name of the security branch. I think it was registered under a fictitious name.

MEMBER OF HEARING: Does the surname Bellingham remind you of anything?

30 MR VAN DE GRYP: Balletjies Bellingham.

MEMBER OF HEARING: Yes, this was the person who did the security branch registration of vehicles in Pretoria.

MEMBER OF HEARING: In paragraph 12 you mention that a member of the security branch took video recordings of the vehicle. Do you remember who this was?

MR VAN DE GRYP: No, I can't remember the name of the person. Although before I joined the police we were friends. We had met previously. This person is currently in Welkom or Bloemfontein, where he is a captain in the police. But I cannot remember his particular name. On the day of the incident I remember that he was taking the video

10 SECTION 29 HEARING

TRC/GAUTENG

44

A VAN DE GRYP

and I gave my 9mm firearm to him, because he didn't have any arms with him. There were two other persons who took video recordings, a Const Van Zyl and a Const Marcus van Huyssteen from Krugersdorp.

MEMBER OF HEARING: Why did you use people from Krugersdorp to take the videos?

MR VAN DE GRYP: I don't know, I don't have information in this regard. I can't remember seeing the other two persons
20 there.

MEMBER OF HEARING: You say that you were involved with intelligence in the Vaal Triangle? We have a document in our possession indicating - or received. It says, it refers to Trevitts, and it is from a certain Col Victor. It includes intelligence concerning persons in the Witwatersrand area as members of the ANC or MK, and under the Vaal Triangle it is stated that there appeared to have been, since January 1990, 15 persons recruited for military training in the Transkei. It appears that all of these
30 persons in Sebokeng would have been living in Sebokeng hostels. Were you ever involved in collecting this kind of intelligence?

MR VAN DE GRYP: No, as a member of intelligence, certain persons worked on MKs, others worked with other institutions and you had to identify your targets personally. You had to recruit informants personally and collect information.

MEMBER OF HEARING: Did you know at all about 15 persons who were identified for military training in the Sebokeng hostels?

MR VAN DE GRYP: I couldn't say that I had information in
10 this regard or knew about it. I knew for certain that out
of the security branch young members were recruited who
were SECTION 29 HEARING

TRC/GAUTENG

45

A VAN DE GRYP

sent abroad for MK recruitment, to say what was going on in the MK camps and to return, while remaining informants and remaining under payment of the security police, but I wouldn't have any information with regards to those particular persons.

MEMBER OF HEARING: Shortly before the attack on the hostel
20 it was indicated that there was an Operation Panga, a disarming project in the hostel. People claimed that it was done by the police to leave the people in the hostels defenceless. What would you say in this regard?

MR VAN DE GRYP: There were several such operations by the police in the Sebokeng hostels, in KwaMasiswa, where the entire area was cordoned off and arms were taken into custody. I wouldn't say that this was aimed at the prevention or in an attempt to weaken people, but it rater was aimed at prevention of crime. We simply worked at this
30 particular project because we thought it was crime preventative, because the hostels were such a point of conflict in the Vaal Triangle. Weekly or daily people were killed in the hostels.

CHAIRPERSON: The one question which concerns me, is why was there such a lengthy period between the time you actually disposed of the ammunition in the Vaal River and the time when the incident took place? Why was it held for such a long time?

MR VAN DE GRYP: On the day that I received the ammunition, I put it in a safe in my house. I have two safes, the one is in my garage, that's where I put it, because I hardly ever use the safe. I just about forgot about it, because I
10 wasn't at intelligence for long when I asked for a transfer. You know, the things were just lying around there in the

SECTION 29 HEARING

TRC/GAUTENG

46

A VAN DE GRYP

safe. Then on a day, I think I was just tidying up my garage and I saw the ammunition and magazine, and I knew that if I were going to hand in the ammunition and the magazine, and I was then found physically in possession of these things, I didn't know what would happen to me. So
20 that's why I took the ammunition and the magazine and threw them in where I thought was the deepest part of the river, so that I could just get rid of it so that it would not be found in my possession. But I really just about forgot about the ammunition which was in my garage. That is unfortunately how it was.

MEMBER OF HEARING: ... (Microphone not switched on - indistinct) ...

MR VAN DE GRYP: ... how I disposed of these things. So it is difficult to tell whether one will be able to find the
30 ammunition now. I can point out the scene.

CHAIRPERSON: Do you have photographs of the ammunition?

MR VAN DE GRYP: No, there was no reason for me to have taken photographs. No, I just physically put the

ammunition in my safe. It is a safe that locked up with two normal padlocks and the ammunition was lying there for a period of time. No, I didn't take photographs. Why would I have taken photographs? No, I never did that.

CHAIRPERSON: Do you intend applying for amnesty? Are you aware of the fact that the amnesty provisions don't only relate to the commission of gross human rights violations, but in fact to any act, offence, omission associated with a political motive?

10 MR VAN DE GRYP: No, I wouldn't say that I am aware of this fact. I did believe, after reading a newspaper article which Commissioner Fivaz said that policemen had to apply

SECTION 29 HEARING

TRC/GAUTENG

47

A VAN DE GRYP

for amnesty, I would believe that I had to because of my obstruction of justice, apply for amnesty. But it wasn't done with a political motive. I think it was pure stupidity more than anything else. I had no motive for committing an obstruction of justice. I was a young person, I was easily
20 influenced. It was difficult. I know that I committed an obstruction of justice.

CHAIRPERSON: Are there any acts which you have been involved in which you think you need to relate to us at this stage?

MR VAN DE GRYP: No, I - how could one say? I haven't committed any offences. I am just an average policeman who did his work. Except for incidents, so I can't say that there is anything that I would like the Commission to know about. Everything that I know or that I believe should
30 come out into the open, I have made a statement about, when I was approached about the incident. I have nothing to hide.

CHAIRPERSON: Are there any other questions?

MEMBER OF HEARING: These two AK-47s in possession of Pedro Peens, did you ever have a view of them?

MR VAN DE GRYP: No, except on the particular day. You see the circumstances surrounding these AKs, I will have to explain exactly what happened. I saw them on the day that he handed in the AKs. On the morning when I woke up he told me that he had found the two firearms the previous day.

10 MEMBER OF HEARING: Were you aware that one of them had a blood stain on it?

MR VAN DE GRYP: No, I think they were wrapped up, they were in a bag, I can't remember exactly. As a member of the firearm unit, you often received back AK47s, that was nothing strange. That happened just about on a weekly

SECTION 29 HEARING

TRC/GAUTENG

48

A VAN DE GRYP

basis. I mean, I saw the AK-47s. The exact circumstances where they were found, et cetera, I can't remember. I said
20 let's return to Van der Bijl Park because I had sprained my ankle. I said let's just return and let's stop at the nearest police station to hand in the firearms.

CHAIRPERSON: To your knowledge, were the weapons that were held by yourself, for instance, AK-47s, if it was misused by the police, in fact, to implicate ANC or MK operatives, by your unit?

MR VAN DE GRYP: Could you please just repeat that question?

CHAIRPERSON: Were there any weapons which you received,
30 which you had in your possession which were misused against ANC or MK operatives or somebody? Are you aware of that?

MR VAN DE GRYP: No, no, the most times when the firearms were returned or found, it was simply dealt with as illegal

possession. You simply charged the person with illegal possession in the SAP.13 and it was not compared with outstanding matters, the number of firearms that had been received back, et cetera. One handed in the firearms at the SAP.13 and then it again turned up at a court case.

CHAIRPERSON: What would then have been the effect of the fact that the weapons that were in fact handed in at court, were somewhat different from the ones you had in fact listed, in your own statement?

10 MR VAN DE GRYP: On the day of the court case I didn't know that different arms were involved or that the arms differed from those confiscated. If I remember correctly I was never questioned about the firearms. If I remember correctly I was just told that it was a certain number of AKs, a number of magazines, ammunition. I don't think I was ever asked what the serial numbers were or to give a description of the SECTION 29 HEARING

TRC/GAUTENG

49

A VAN DE GRYP

firearms, et cetera, that kind of thing.

20 CHAIRPERSON: But what I am actually asking you about, is let's assume that it is absolutely correct what I am saying and you seem to suggest that, that the weapons that were in fact handed in to court as exhibits, were different from the weapons which serial numbers you had recorded in your statement. Now the implication of that, for the court proceedings, can you give me your understanding of what that would be.

MEMBER OF HEARING: The arms turned in at the court as evidence, were they different or ...

30 R VAN DE GRYP: Well, naturally they were different firearms.

MEMBER OF HEARING: Now what was the effect of the fact that it was different firearms on the procedure of the

court as such?

MR VAN DE GRYP: The firearms were shown in court. I was asked whether I recognised the arms. I was shown this at a distance. I was never asked to say whether the serial numbers agreed.

MEMBER OF HEARING: But the question was, were you asked to identify the evidence?

MR VAN DE GRYP: No, in court it was simply said yes, these were the AKs; do you recognise them? Yes, AKs look like
10 AKs. I wasn't particularly asked whether the arms shown to me were exactly the same, look at it firstly, touch it, identify it as the arms or these were the arms found on the day.

CHAIRPERSON: You see, what I find very difficult is that for me the only - unless the accused is consenting to the serial numbers of the weapons that are being handed in,

SECTION 29 HEARING

TRC/GAUTENG

50

A VAN DE GRYP

it would stand to reason you were the person who in fact
20 retrieved these weapons, would be read a list of serial numbers and you would then be asked to identify those weapons and confirm in fact if they are the same. Because the implication of that is, that if the weapons are different and if there are tests carried out on those weapons and they do not tie up with the accused, obviously that would lead the Court to make a judgment call that in fact the person is not tied up with those weapons.

Now it seems quite clear from you are saying that that process was not followed through.

30 MR VAN DE GRYP: Yes, that is so. From the court case there are a number of aspects which were strange to me. Questions, for example, asked by the prosecutor, for example, what I would call irrelevant questions which

didn't concern the crime. But at that stage I knew that I was going to testify and I knew that I would prefer my evidence on the basis of probabilities. That is one of the reasons why Khosa was found not guilty. There were questions asked by the prosecution. That is possible that it could have happened and all that you had to then reply was in the affirmative. It is not a matter of lying. You just stated that it could be possible and then the onus would then rest on the State to prove that it could not
10 have been possible to take place.

As far as the firearms are concerned, if on the particular day they asked me to physically take the firearms and compare them with the serial numbers, then in court I would have said they were not the same. I would definitely have stated that, would have had to state that fact.

CHAIRPERSON: Do you not find it strange that in fact that

SECTION 29 HEARING

TRC/GAUTENG

51

A VAN DE GRYP

20 question was not put to you?

MR VAN DE GRYP: I find it strange. There are many things that I find strange, which weren't asked on that particular day. After the court case, one would go and think about these kinds of things. As investigating officer, as policeman, and I have often been a prosecutor myself, one would say I would have asked that question, I would have asked another question, I would have restated the question or stated that question differently. But this kind of thing was never done. I was just, it was over and I left.

30 CHAIRPERSON: Was your impression that the prosecution didn't try to hard to deal with ...

MR VAN DE GRYP: Oh, that was quite clear. The questions that I was asked, that made it very clear to me. I cannot

criticise other people. The prosecutor either didn't know what he was doing or he was useless, but he didn't do his work properly.

CHAIRPERSON: Is there one more question you would like to ask.

MEMBER OF HEARING: Can you remember who the prosecutor was?

MR VAN DE GRYP: No, I cannot, I could possibly recognise his face again, but I am very weak as far as names are
10 concerned. I have a problem with that, I cannot remember names.

MEMBER OF HEARING: Can you mention other examples which struck you as strange, questions the prosecutor did not ask?

MR VAN DE GRYP: Well, if the prosecutor asked the question, the question from the defence counsel was no, if that what you had stated, was there a probability of the opposite and automaticall you would have to say yes. The prosecutor never really attacked. If I remember correctly,
20 it was said

SECTION 29 HEARING

TRC/GAUTENG

52

A VAN DE GRYP

you are so-and-so, you made the statement, so-and-so and he would read it out quickly. He would ask a few questions and then it would be handed over to the defence, and the defence counsel would then ask you was it possible, could it have happened. You would say yes, it was possible. That's it.

MEMBER OF HEARING: You never actually testified at the
30 inquest?

MR VAN DE GRYP: No, I testified regarding the incident where the Defence Force fired on the bystanders to set free the police, but I didn't even know that there had been a

court case concerning the matter.

MEMBER OF HEARING: Captain, whatever the case might be, even if the prosecutor had phrased the question differently, you would have to lie to keep to your changed statement?

MR VAN DE GRYP: Well, it depends on what the question would have been. My feeling was that on the day in court I didn't lie, I just didn't speak the whole truth. Aspects which were stated in questions, I could possibly have said
10 it could have been totally possible for any other person to have put firearms in the car while I was on the scene.

Let's put it this way, yes, I could say that I lied, because I was asked whether other people could have reached the car, and I said yes, but I didn't say what could they have done at the car because the car was locked.

MEMBER OF HEARING: The mere fact that you have said that nobody else could have put the firearms in the car, would you have regarded it as a lie?

MR VAN DE GRYP: Now I regard it as a lie. On that
20 particular day I did not.

MEMBER OF HEARING: You said that you had undergone a course in firearms evidence.

SECTION 29 HEARING

TRC/GAUTENG

53

A VAN DE GRYP

MR VAN DE GRYP: Yes, I did.

MEMBER OF HEARING: Did you ever discover AK-47 ammunition without any engravings at the back?

MR VAN DE GRYP: I don't think it was dealt with in the course. I have seen AK-47 ammunition, but this is hearsay
30 only. Thys Nolte, the inspector and I worked together at the same place, and we had the same work, the same target group and he informed me that some of the AKs which were in the country were produced by the police.

MEMBER OF HEARING: Did he ever state to you that some of the AK rounds were manufactured by the South African government, unmarked ones?

MR VAN DE GRYP: No, I can't remember that. But I know that I have seen such AK rounds and also AK firearms. Yes, I saw many. Some of them without any serial numbers whatsoever, and I am not talking about ones which had their serial numbers removed. No, I haven't ever seen anything like that. No, I have never seen a firearm without a serial number. Somewhere, either on the barrel or on the rest of it you would find a serial number, but there would have been strange markings which would probably indicate the country of origin. But I never saw any firearms what would could call clean without any markings.

MEMBER OF HEARING: But you have actually seen ammunition without any markings?

MR VAN DE GRYP: Yes, I knew about such ammunition.

CHAIRPERSON: Before I end these proceedings, is there anything that you would like to add to what you have said already?

MR VAN DE GRYP: Possibly an additional aspect. I note in my statement with regard to hand-grenades, and what I know

SECTION 29 HEARING

TRC/GAUTENG

54

A VAN DE GRYP

about hand-grenades, otherwise I would not mention everything that was in the statement. I believe Adv Steenkamp asked me whether I knew of these black hand-grenades. Yes, I had seen this in the past. I had seen hand-grenades like this. Warrant-Officer Thys Nolte had such a hand-grenade in his possession and a black M27 which was spray-painted. The detonator was attached to a fishing line and what would then happen is that the detonator would be turned back. So that if you would throw the hand-

grenade, you wouldn't lose the detonator. What happens is that the handle, the lever on the hand-grenade would shoot away when it explodes. So that if there is a hand-grenade explosion, as happened on several occasions in the Sebokeng hostels, if you were to track the scene you would be able to find the handle. But we were in many cases not able to find these levers and Thys Nolte explained to me what the purpose of the fish line was intended for. He said if you throw the hand-grenade then the lever stays very close to
10 the hand-grenade, for instance a couple of centimetres. Then when the hand-grenade explodes, it would blow the lever into bits and would throw it very far from the scene. That is why we could never find these levers. Ballistics would then later tell you or people from the bomb disposal squad, that they found shrapnel in the bodies of people. One would then see that it was a M26 hand-grenade. But that would be a matter of luck. Hand-grenades that were generally used by the police as well as by MK and anyone who could get hold of them, used these, so that you were
20 never able to trace who exactly threw the hand-grenade. Since the lever would normally contain a little sticker with information on it, we could never find these levers or stickers. With many of the SECTION 29 HEARING TRC/GAUTENG

explosions at the hostels.

If I remember correctly, on this particular scene there were black hand-grenades found in the military vehicles. Yes, I remember, although not exactly, that they were found, but there was never any cases opened in this
30 regard.

MEMBER OF HEARING: These are the black M26 hand-grenades?

MR VAN DE GRYP: Well, I didn't see them. When we moved to the offices, the group of suspects in the middle of the

hostels were removed in military vehicles to the offices. There were two or three hand-grenades found, but I never saw them, so I wouldn't be able to say whether they were black hand-grenades or not.

I do know for a fact that they were found.

CHAIRPERSON: The one aspect that we have really not touched on is your own evidence, I think to the inquiry, into the role of the military. I wonder if there is anything you would like to say about what the nature of that evidence was.

MR VAN DE GRYP: No, my statement with regard to the actions of the military, we were trapped physically inside the hostels by the people who stayed there. They would not allow us to leave at all. Neither ourselves nor the suspects inside the hostels were allowed to leave. The Army then arrived. I saw them arrive. They formed a line. There was a shoot-out or some shooting. At that time, as people were running away, some people were lying next to the road. My testimony with regard to the incident involving the Army, did simply state what happened on that particular day and why I could in fact say that the Army did in fact shoot.

MEMBER OF HEARING: So you repeated your false testimony again at that hearing?

SECTION 29 HEARING

TRC/GAUTENG

56

A VAN DE GRYP

MR VAN DE GRYP: No, there were no questions regarding the arms. I cannot remember any questions being asked concerning Themba Khosa's involvement. Questions, for instance, would you say that the Army acted correctly to shoot; do you think it was necessary for them to shoot. Since one did fear for your life and since the people were very angry with the police and the inhabitants of the

hostel, I would have answered in such a manner, but I was not asked any such questions.

MEMBER OF HEARING: We are asking about the general inquest and not the military trial. Did you testify at the military inquiry?

MR VAN DE GRYP: No. Are you referring to the - I gave testimony twice with regard to these events. The first testimony was concerning why the Army shot. I think this was in the Vereeniging court. That was the legal inquest.

10 But I never gave any information at a court martial or any such matter.

MEMBER OF HEARING: Did the later court case, that didn't receive a lot of media attention. Would you consider this strange? This is the Themba Khosa court case.

MR VAN DE GRYP: I am not someone who really reads a lot in the newspapers or watch a lot of television. So I wouldn't be able to say whether or not it received a lot of media publicity.

CHAIRPERSON: Thank you very much. I think immediately
20 after the proceedings, Andre and company will make arrangements about when you can actually point out where the ammunition was actually placed in the river.

We also would like to remind you of the fact that we may decide to recall you, in respect of your evidence, and

SECTION 29 HEARING

TRC/GAUTENG

57

A VAN DE GRYP

I think you should make some kind of enquiry about acquainting yourself with the amnesty procedures. In all probability, I am sure that is something you need to think
30 about. Thank you very much for your co-operation.

I would also like to ask the interpreters and the people recording the information, whether in fact they understand that these proceedings are in **camera** and are in

fact confidential, and that any information should not be revealed either by them. The people in this room are under some kind of oath of confidentiality. I am sure that that has been done in your case as well?

MR VAN DE GRYP: I do. Yes.

CHAIRPERSON: Thank you, these proceedings are now over.

10

20

SECTION 29 HEARING

TRC/GAUTENG