

TRUTH AND RECONCILIATION COMMISSION

HUMAN RIGHTS VIOLATIONS

QUESTIONS AND REPLIES

SECTION 29 INQUIRY

DATE: 29. 11.1996 NAME: SUPERINTENDENT DE JAGER

CASE: JOHANNESBURG

DAY 1

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CHAIRPERSON: You are Superintendent De Jager?

SUPERINTENDENT DE JAGER: Yes.

CHAIRPERSON: I would like to welcome you to this hearing. You know that this hearing is held in terms of section 29. It is purely an investigative procedure to establish and obtain information, which has been submitted to us by various parties and also to ascertain from yourself any information that you have in your possession.

There might be an opportunity when we ask you a question which you might find might incriminate you. In that instance I would ask you to warn me so that I can take the appropriate steps to determine whether or not it is necessary for you to answer that question. 20

I would like to stress that this is not a trial, it is not for the purposes of a prosecution. There is no question of us making a judgment call, in terms of what you are going to tell us. It is purely a tool which we will use to obtain information. If at any time you are not clear about anything in the proceedings you must please let me know.

As has been explained to you, I think you have been informed in the subpoena that you are entitled to be represented by a legal representative and I believe you have 30

chosen not to let that happen. Again, I must stress that any time during the proceedings, if you feel that that necessity should arise, please indicate that to me and we will adjourn the proceedings and you can then make the appropriate arrangements.

SUPERINTENDENT DE JAGER: Thank you.

CHAIRPERSON: Are you happy with this?

SUPERINTENDENT DE JAGER: So far, yes.

CHAIRPERSON: You will of course, I understand, be speaking in Afrikaans? 10

SUPERINTENDENT DE JAGER: If I am allowed to, yes, please, I would prefer it.

CHAIRPERSON: Yes, it is certainly your choice. However, all of us are not completely intelligent in Afrikaans and so we have provided the interpretation services for our benefit not for you. Some commissioners and some of the questions will be addressed to you directly in Afrikaans. Others will be done in English and you can, if you use the ear-phones, get the simultaneous interpretation. Please make yourself comfortable. 20

I will ask Dr Ally to explain some of the background to some of the questions that we are going to ask you. Sorry, just one more thing. You know these proceedings are always under oath. I wonder if I could ask you to stand so that Commissioner Malan can ask you to take the oath, please.

SUPERINTENDENT DE JAGER: (Duly sworn, states).

DR ALLY: Superintendent, welcome. As the Chairperson has already indicated to you, if you want to follow this easier in Afrikaans, there is a simultaneous translation. You could use the head-phones. If the English is okay for you then that is also fine. The choice is yours. But there is 30

Afrikaans on one, on the head-phones. So if you would like to use that for the interpretation.

SUPERINTENDENT DE JAGER: Is it only when I am speaking Afrikaans?

DR ALLY: No, when I address you in English it will be interpreted simultaneously in Afrikaans. If you feel more comfortable hearing in Afrikaans what I am saying. Otherwise you can hear me in English. You may then answer in Afrikaans.

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SUPERINTENDENT DE JAGER: I hope I understand the English.

DR ALLY: Thanks for coming.

I just wish to explain very briefly what is going on. The Human Rights Violations Committee of the Truth and Reconciliation Commission is going to be having an event hearing in Moutse in Dennilton at Philadelphia Hospital, starting on Monday. In fact, we have also asked you to appear at that event hearing on the 5th of December, on the Thursday.

The purpose of the event hearing or the focus of the event hearing relate to things that happened in Moutse, KwaNdebele late 1985 going through until 1988, 1989. From statements we have taken from research that has been done from investigations that have been conducted, it would appear that a number of gross human rights violations were committed. On all sides of the conflict. You know that one of the jobs of the TRC is to establish what happened as a result of the conflicts of the past, particularly with regard to gross human rights violations that's for the Human Rights Committee, gross human rights violations in terms of the Act which established the commission, defined as torture, as abduction or disappearance, as severe ill

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treatment and as killings, which occurred in the political context as a result of the conflict of the past.

Over the past couple of weeks and months we have been going to the areas of Moutse, KwaNdebele, we have been getting statements from people. As we say we have been doing research and investigations.

In preparation for that event hearing, we thought it would be a good idea to ask you to come in to speak to us about what you remember, your understanding, your perspective of the conflict. That's at a general level. 10

Also, what has emerged from the statements and from the investigation, is where you are implicated directly. Where witnesses are saying in statements that I was tortured, I was abducted, I was illegally detained, I was beaten up, family members were beaten up and implicate you directly, and saying you were either on the scene or in some instances, even been party to some of the beatings which were taking place.

This is also an opportunity for you to respond to those allegations, because that is what they are. We will give you the opportunity to give your account. 20

Then lastly, just to assist us also in clarifying other issues that have come up in the course of these investigations, I need to tell you that we have spoken to other people as well, who were around at the time. You saw just before you came in, the brigadier was here, Brig Hertzog Lerm, who was the Commissioner of Police, as you know, you worked under him for a time.

We have also spoken to other people like - who is now Director Lidawa, who at one stage was the bodyguard to SS Khosana and then to Majosi. We have also spoken to other 30

other policemen and we will also be having Majosi himself speak to us.

That is the context.

Before I ask our chief investigator, Mr Steenkamp to go through some specific things in the subpoena that we sent to you, if you want to actually ask anything, you know, any clarification or if you want to say something, you are welcome to do that.

SUPERINTENDENT DE JAGER: I would like to bring the following to your attention. In the first place, we are talking about events that happened many years ago. I was there from the end of 1986 to June 1988. A long time has expired so I do not have a copy of what I said and what I testified. Unfortunately I don't have a copy of that with me, but that I believe would have been a more correct version of the testimony. If I am not able to answer questions about certain activities or if I am not able to give detail, it is because I am not able to remember anymore. 10

The context, the larger context of the situation is not the problem, but the basic aspects and what my tasks are involved, I have no problem with. But I would just like to have that put on record. I don't think ... (intervention).

CHAIRPERSON: We don't expect you to remember everything to the last detail. I think we understand that a considerable length of time has elapsed since then. But if you don't remember, I would appreciate it if you simply said that it is a long time ago and that's why. Just indicate to us as and when. I would remind you though, that you are under oath and that in terms of the Act, if you are untruthful, and we at some stage discover that you are, there are certain 30

sanctions allowed us in the Act.

MR STEENKAMP: Thank you, Chairperson. Superintendent, for the convenience of the panel your testimony in front of the Parsons Commission centred on the detention and arrests of people during the emergency regulation time. You were basically questioned about that.

SUPERINTENDENT DE JAGER: Yes, that is correct.

MR STEENKAMP: To keep the continuity, the fact or rather you were the station commanding officer at Siyabuswa, is that correct? 10

SUPERINTENDENT DE JAGER: Yes, I started there initially.

MR STEENKAMP: Then you went to the office of the Commissioner?

SUPERINTENDENT DE JAGER: Yes, that's correct.

MR STEENKAMP: I would also like just for the benefit of the panel, illustrate the following. You would have received some lists from Brig Lerm about a list of people who had to be arrested or detained.

SUPERINTENDENT DE JAGER: Yes, that's correct. 20

MR STEENKAMP: I can perhaps just add that myself at a certain stage took down an affidavit from a person who testified on the names of the people on that list. Can we get some clarity on that? I want to make a statement and hear your reaction to that. Were the lists given to you for investigation or did you have to arrest people on there? Did you have to arrest them? What was your command?

SUPERINTENDENT DE JAGER: The lists were basically drawn up by myself on the grounds of the affidavit I received. These lists were given to people who had to arrest those people. But other names also came to my attention via the Commissioner, if I am correct. I do have a copy of a diary 30

I kept at that stage and I can perhaps give you the names from that.

MR STEENKAMP: The point I want to make, is you testified in front of the Parsons Commission, that at a certain stage certain people were arrested without any motive. So I gather that the minimum requirement of an affidavit was not fulfilled.

SUPERINTENDENT DE JAGER: Yes, what happened was that some of these people were implicated to a lesser extent and were arrested before there had been any evidence. My task was to make sure and to find reasons for their detention.

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MR STEENKAMP: Did you ever receive commands from Col Lerm or did he only tell you to investigate?

SUPERINTENDENT DE JAGER: He implied that I had to arrest these people but I myself realised that I could not arrest them without reasons or without having a valid affidavit. It is true that I did have to arrest people. Then also I went and looked at the many affidavits I took to see if these people were not implicated.

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MR STEENKAMP: Do I understand you correctly, that he would, for example tell you here is a list, they have to be arrested, arrest these people under the emergency regulations.

SUPERINTENDENT DE JAGER: The word "arresting" was more important to him, because he thought that he had enough reasons to have them arrested.

MR STEENKAMP: The reason I ask you this is that at a certain stage Brig Lerm said that it was only for investigation and not necessarily to really arrest these people. Would you agree with that?

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SUPERINTENDENT DE JAGER: If I had to say, I can't really

remember those specific facts, but the command was given that certain people had to be arrested. The investigation could have been understood by me as to have them arrested, where he could perhaps have only meant investigated. It is a word play, but my task was to get an affidavit and sworn evidence to motivate the arrest.

CHAIRPERSON: Could I in fact ask for an adjournment for a space of perhaps 15 minutes, please. I am just required in the room next door, and I would think it would be unfair of us to allow this to continue without either myself or Wynand being present, and Russel. Could I beg your indulgence and ask that we stand the matter down for perhaps a period of 15 minutes. Would you mind that? 10

SUPERINTENDENT DE JAGER: Do you want me to go out?

CHAIRPERSON: No, you may sit here.

COMMISSION ADJOURNS

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ON RESUMPTION:

SUPERINTENDENT DE JAGER: (Still under oath).

CHAIRPERSON: I really have to apologise about the fact that although we had indicated 15 minutes, we were out of the room longer than we should have been, but there is this last meeting of the Commission and it had reached a part of its deliberations which we all had to be part of. We will continue with the questioning now.

MR STEENKAMP: Thank you very much, Chairperson. 10

Colonel, I would like to repeat the question. Would you like me to repeat the question?

SUPERINTENDENT DE JAGER: Yes, please.

MR STEENKAMP: The basic question was, what were your instructions from Brig Lerm relating to the arrest of people in terms of the emergency regulations.

SUPERINTENDENT DE JAGER: As I said, his instruction would have been that these people had to be arrested, but I would like to add immediately, that the responsibility as far as grounds for detention, that rested with me. So if he said that the people should be arrested, it was still my responsibility to see whether there were proper grounds for the arrest. Maybe that answers your question. 20

I could not summarily arrest people on his instructions because in terms of the emergency regulations there had to be certain information indicating that these people were responsible for and contributed to the violence taking place during the period of unrest.

It occurred to me just now that I also took a statement from a Majosi Mahlangu at some stage and all these people who appeared on the list of names, all these people had been implicated by him as being the organisers of the unrest and 30

the riots in that time. They were chiefly businessmen or the majority of them.

MR STEENKAMP: Superintendent, did the brigadier actually insist that you first carry out a investigation and did he monitor that process? Because we just had him in a few minutes ago and that is a claim that he makes; that no lists were given without an insistence on an investigation. Is that the case?

SUPERINTENDENT DE JAGER: Look, you know, the perception existed that these people had to be arrested, that it was important for him, because these people were the leaders of the comrades, if I could give them that name. I don't think he would have asked me to investigate before arresting them. I can't imagine that he would have said that. His words were "arrest these people".

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After that I did go and look at statements implicating these people and that would then constitute the grounds for the arrest.

MR STEENKAMP: Were you involved in the actual arrests and detentions of these people? Did he ever accompany you and your men? Because he claims that his job was not a functional job, that he sat in an office.

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SUPERINTENDENT DE JAGER: That is very true. I heard from some of my colleagues that on some occasions he would go with, when people were arrested, but I never went along with him when arrests were performed.

CHAIRPERSON: Your understanding of what this chain of command was. He would give you a list, you in terms of the emergency regulations would need to investigate that. Once you investigated, who actually made the decision that somebody should or should not be arrested, detained? The

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decision-making, where did that originate from? Once you had completed your report.

SUPERINTENDENT DE JAGER: I formed the opinion and I said so during my interviews with the State advocates, I formed the opinion because I knew of the activities of these people. The motivations were drafted with the help of our people. We drafted a general motivation, especially as regards the leaders of the comrades. It was applicable to all of them, and I regarded it as my responsibility to have formed the opinion to arrest the people. Because I can add to this, the commissioner was never prepared to testify before any court, he did not regard it as his duty. I had to do that. Then I had to form the opinion to then complete that process. 10

MR STEENKAMP: Who decided and on what grounds was the decision made? How was it decided, who was a comrade and who wasn't?

SUPERINTENDENT DE JAGER: The word comrade, it is a difficult one. We saw it as a term generally referring to youths responsible for unrest in the area. I can't say that we actually made specific decisions on the word comrade. Some of the witnesses would have used the word comrades, and they would have said that the comrades would have been responsible for this or for that. It wasn't my decision to make that exception. I just generally accepted that the people involved in cases of arson and necklace murders and so on, we regarded them as the comrades from whichever side. 20

MR STEENKAMP: Now when you went out - you went out yourself with your men to go and arrest these people. 30

SUPERINTENDENT DE JAGER: Yes, that was the case initially, until I had enough staff to perform the arrests. But right

at the outset I was personally present when some of the people were arrested. Yes, that is true.

MR STEENKAMP: People will claim that during these arrests they were assaulted, kicked, smacked, brutalised and that you were present and sometimes participated, but never, even if you, you didn't stop it. I mean, you were in charge of these operations. How do you respond to those allegations?

SUPERINTENDENT DE JAGER: I can say in total honesty today, that I never assaulted anybody and it never occurred in my presence either. I would not have allowed it in any event. On the contrary, we would go early in the morning and knock on the door and then ask for these people. Because that was the only time that you were able to get hold of them.

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It was not necessary to use violence. The people would come along with us and we would perform the arrest. I was not involved in any cases of arrest.

MR STEENKAMP: Is it possible that you have so many people, hundreds of people who all made statements that during their arrests they were assaulted, beaten?

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The first question: are you prepared to say that no assaults took place? That is the first question. Secondly, are you prepared to say that if assaults did take place, you don't know about it?

SUPERINTENDENT DE JAGER: The interpreter would ask that the speaker not lean against the microphone.

I cannot say that there were never any assaults. I wouldn't be able to say that. But the investigating teams were later more numerous and perhaps they committed some of these assaults, but I was not aware of it.

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What I can say is that when I visited these detainees in the cells, it was my task to ascertain what their

involvement was in the unrest and if there was a complaint of assault then I had to open a docket and the matter had to be investigated.

CHAIRPERSON: At any stage did you receive a list from someone other than the brigadier? In other words, did you ever receive a list from any other person which asked that you arrest or detain people?

SUPERINTENDENT DE JAGER: No. No.

MR STEENKAMP: Are you aware of an occasion or occasions at which Cabinet Ministers went to policemen's homes at night and to give them lists of names of people they wanted to have arrested, and that they in fact then accompanied the police when they went to perform these arrests? 10

SUPERINTENDENT DE JAGER: No, I am not aware of this. It could be that it might have been the list that I also had in my possession. Perhaps if we go back to the documents we could check what these names were. It is possible that these were general lists in circulation and that they had a particular involvement in some of the lists and wanted to see the people were arrested. 20

CHAIRPERSON: Apart from the lists, are you aware of any time when members of the Cabinet would take policemen along with them to detain people or arrest people?

SUPERINTENDENT DE JAGER: No. Although it might have - it was said by people, but I am not aware of it myself.

MR STEENKAMP: Did it sometimes occur that some of the people who were listed, that they were arrested before an investigation had been performed into their so-called illegal activities? 30

SUPERINTENDENT DE JAGER: You see, the situation of unrest was rampant at the time and to try and combat that we might

have perhaps reacted on the basis of a single statement implicating such a person. But normally we had two weeks during which to draft the motivation for further detention.

MR STEENKAMP: But the contents of the single statement, would that have been sufficient in terms of the emergency regulations to justify an arrest? I could add, and then to detain a person for 30 days?

SUPERINTENDENT DE JAGER: I would say that a single witness would possibly not be sufficient for a period of detention longer than 14 days. But, other evidence was also obtained.

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MR STEENKAMP: Yes, but that was done after the arrest.

SUPERINTENDENT DE JAGER: The arrest was first performed and then the investigation was launched.

MR STEENKAMP: But then my question still remains. At the time of arrest would there then have been sufficient reason for the detention of that particular person or were the people just arrested, detained, questioned and then a subsequent inquiry launched into their activities?

SUPERINTENDENT DE JAGER: Section 3(1) makes it clear that where there is a possible involvement of a person who is helping to ferment violence and incite other people to riot, then a security official may arrest him. Now I think this is what happened here. According to the people performing the arrests they would have seen these people as people who had to be removed because of the trouble that they were causing.

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MR STEENKAMP: Would you then concede that some of these people were illegally arrested?

SUPERINTENDENT DE JAGER: I wouldn't say it was illegal.

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MR STEENKAMP: What would you then say?

SUPERINTENDENT DE JAGER: I would say that the grounds on

which they were arrested, whether they existed before the arrest or whether they were obtained afterwards, these grounds actually did exist.

MR STEENKAMP: You see, upon questioning some of these youths, some of them were arrested during cases of arson and then some of them would have verbally conveyed the name of the person who was inciting the incidence.

SUPERINTENDENT DE JAGER: So statements weren't then obtained, people were simply on the basis of those statements made by these people, they would then be arrested. 10

MR STEENKAMP: Superintendent De Jager, isn't it true that you or some of your colleagues made use of a standard document, a standard opinion in all the cases of arrest? To convince the Attorney-General or the magistrate or whoever, that this person had to be arrested? So did you not make use of a standard **pro form** document for arrest?

SUPERINTENDENT DE JAGER: If you say standard motivation for detention, yes. 20

MR STEENKAMP: So you used a standard motivation for all cases.

SUPERINTENDENT DE JAGER: This standard motivation was drafted by Captain Van Wyk, that is true and things were then submitted to the Commissioner who co-signed it and it would then be sent through to the Cabinet.

CHAIRPERSON: (Microphone not on). ... which implicate you as being involved in the ill-treatment of people while they are being arrested, detained and charged. Why do you think people would want to implicate you in these sorts of incidence? 30

SUPERINTENDENT DE JAGER: I think everybody knew me as the

person who arrested them and who handled all the arrests, the documentation. I was a well-known person. In fact, I was a target, in fact, at some point. The wrong person was actually killed, it was Lieut Hannes Fourie. So because I was involved in detaining people, not so much the arrests, but actually the processing of these people, my name was generally known, I was well-known and I visited these people in detention. I used to go and visit them in the Witbank prison and I would find out from them whether they had any complaints. So I was very well-known. 10

I am just repeating, I never assaulted anybody, it wasn't necessary. We had enough people to help with the arrests, it wasn't necessary to assault anybody.

MR STEENKAMP: Were you and your personnel involved in interrogations and detentions; were you ever paraded by Lerm and reprimanded because you weren't performing the arrests according to his instructions?

SUPERINTENDENT DE JAGER: We would frequently have meetings in his office in the mornings, and he would sometimes express his unhappiness about the fact that certain people hadn't been arrested yet. 20

MR STEENKAMP: What was the reason for his attitude, why was he unhappy about the fact that you hadn't arrested certain people whom he wanted arrested? Did he give any reasons why he was so keen to see these people arrested?

SUPERINTENDENT DE JAGER: No. I assumed that these were people who had been implicated and that that was the reason why they had to be arrested. But you know the people then fled. 30

MR STEENKAMP: I am not understanding you correctly. You had previously said you would only arrest people according

to information at your disposal, statements, affidavits, whatever. Now you are saying that it might have been that they were arrested because they were possibly implicated in some way. Are you saying that you arrested people simply because Brig Lerm said so?

SUPERINTENDENT DE JAGER: No, that's not what I am saying. I had piles of statements in which people were implicated and if I received instructions about certain people who were arrested, I was quite sure that they were part of the group responsible for the riots in KwaNdebele. 10

DR ALLY: What was your relationship with the security police operating in the area?

SUPERINTENDENT DE JAGER: The South African Police ...?

DR ALLY: The security police, special branch. Did you have any special relationship with them?

SUPERINTENDENT DE JAGER: No.

DR ALLY: Did you have to go and report to them, as head of the special investigation unit, were you not, didn't you have regular dealings and ties with them? 20

SUPERINTENDENT DE JAGER: They initially dealt with the detainees and then it was taken over by us. After that we had regular meetings, but that dealt with information, that's all.

DR ALLY: Were you aware of the activities in the area, in any of the things that they were involved in, in lists of comrades that they were preparing, people who they were detaining or arresting?

SUPERINTENDENT DE JAGER: No, I don't know what their involvement was, but I know that when we took over the documentation of the detainees there were about 211 people already arrested, of which they had submitted the 30

motivations. So we then took over from there. I didn't liaise with them.

DR ALLY: Were the security police involved in any gross human rights violations in the area?

SUPERINTENDENT DE JAGER: Whether I was involved with them?

DR ALLY: Are you aware or did you have any knowledge?

SUPERINTENDENT DE JAGER: Of their activities? The activities of the security police, security branch? No. No, I have had no personal knowledge of their activities. 10

MR STEENKAMP: Do you know Mr Cronje, Brig Cronje?

SUPERINTENDENT DE JAGER: Yes. Yes, I know him. He was the chairperson of the committee that had to decide on further detention of detainees before it was submitted to the Minister. I don't know whether that was the question. But I am talking about KwaNdebele itself. But he was in Pretoria, at headquarters, but he also became involved in issues in KwaNdebele. Not as far as I am aware. I often met him there, when I took documents to him, relating to the further detention of people. 20

DR ALLY: Did you have any knowledge about it after it had happened, were you also informed as to who had carried out that assassination?

SUPERINTENDENT DE JAGER: That was sort of a secret, I just came to work one morning when I was stationed in Siyabuswa and then I found out that the road was blocked with Piet Ntuli all over. I don't know anything about that.

DR ALLY: Did they never ever discuss it with you?

SUPERINTENDENT DE JAGER: No, no.

MR STEENKAMP: Can I ask a follow-up question to Dr Ally's question. Were you aware of any incident in which you allegedly threatened somebody, Prince James and Cornelius is 30

the person or persons that you threatened. You threatened them and told them that you would get rid of them in the say way as Piet Ntuli had disposed of?

SUPERINTENDENT DE JAGER: No, that's not what happened. There was no conflict during the arrests, we did it in a very humane way and there were no threats.

MR STEENKAMP: Were you involved in an incident at which a person was arrested for the murder of two white policemen by Matete? Were you involved in such an incident? In 1987, in May? 10

SUPERINTENDENT DE JAGER: No, I was mainly active in the charge office, I was the radio operator, but I have heard about this incident, but I wasn't personally involved.

MR STEENKAMP: So that if somebody said that you were in fact involved in the assault and interrogation of this person for days on end, that would have been a lie?

SUPERINTENDENT DE JAGER: Yes, it would be a lie. I never had anything to do with it, and I didn't investigate the matter either, it was a criminal matter which fell outside 20 of my jurisdiction and job description.

CHAIRPERSON: Who was in charge at the police level in this area?

SUPERINTENDENT DE JAGER: At the police ...?

CHAIRPERSON: Who was in control of this area from the police; was it the police, was it the security branch, was it the joint management structure? Who made the decisions, the political decisions about who should be ... (END OF TAPE - SIDE B).

SUPERINTENDENT DE JAGER: Who was to be arrested other than Brigadier Lerm? After I became commanding officer of the unit, it was only then, if you are referring to that, and 30

that was in about 1987, beginning of 1987, 1988.

CHAIRPERSON: Why did you suspect that you were the target meant to be killed instead of Fourie? Because I assume that is who you are talking about.

SUPERINTENDENT DE JAGER: Ja, all right. Because I had dealt with the detentions and I had to motivate the detentions. Everybody was aware of that fact and that is why I just assumed that I was the target.

If I could mention this, Fourie was only in command of the riot squad, but we drove the same vehicles, and that's why I am saying this. 10

DR ALLY: This is a very strange case because you are the second person now claiming that that was an assassination attempt on you rather than Fourie. Brigadier Lerm made the same suggestion, that the killing of Fourie was actually meant for him, because there was a resemblance. You are now making the same claim. But let's not dwell on that, because all of us have our own opinions.

I want to ask something very specific. After the murder of these two policemen, of Mr Fourie and his son, the police obviously were angry about this and investigated the case quite thoroughly and you were involved in the investigation of this case. Is that correct or not? 20

SUPERINTENDENT DE JAGER: That is not correct.

DR ALLY: You were never involved in the investigation of this case?

SUPERINTENDENT DE JAGER: Not at all, not at all.

DR ALLY: So when somebody claims Mr Motsepe, he says that he was arrested by Capt De Jager and other members of KwaNdebele, he was detained at KwaMhlanga police station. This was on the 8th of the 5th 1987, 8th of May 1987. He was 30

questioned about the killing of two white policemen at Motete. He was accused of being involved in an uprising, in the uprising of Moutse residents against the incorporation of Moutse and KwaNdebele. His interrogation lasted a number of days. He says:

"I was assaulted by De Jager, Klopper and a black member of the KwaNdebele police, who repeatedly struck me with pick handles and fists. I was eventually released three weeks after detention."

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Are you saying that that is a complete fabrication, that that ... (microphone switched off).

SUPERINTENDENT DE JAGER: I had nothing to do with the investigation of the case. Klopper was the man on the ground, but I was not involved. I was overall in command of Klopper.

DR ALLY: This is very difficult, because everybody blames everybody else. We have heard Brig Lerm in, he says "I was office-bound; I gave my instructions to Capt De Jager. If anything happened illegally or improperly during the picking up of people, or the beating of people, you must ask Capt De Jager because I don't have any responsibility, I just gave instructions to him and he went out and he carried out the instructions."

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You say now that you were also not there and if it is anybody that must answer the questions, it is Capt Klopper. Is Capt Klopper still alive by the way, because we have heard reports that he was killed in - is it the same Klopper? Was it somebody else? But who were we told? That is Capt Kendall. But Klopper we have been told was ill and died. Just on the side, do you have any knowledge about

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that? Is that so Derek?

MR NIELSEN: (Indistinct - microphone not switched on).

DR ALLY: You are saying that it is Klopper we must ask that, not you.

SUPERINTENDENT DE JAGER: Well, to answer on that, I mean he is the gentleman that was the field worker with Sgt Loots and a few black guys that were with them. I was in the office by then. Interrogation and so forth was Kloppers' responsibility.

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CHAIRPERSON: Who do you think killed the Fouries?

SUPERINTENDENT DE JAGER: That's a question about which I can only speculate. If I have to answer that, I think the people responsible were imported from elsewhere and they had AK-47s in their possession. I don't know who they were, I wouldn't even like to wager a guess. I don't know.

CHAIRPERSON: You said they were brought from outside and they were carrying AK-47s. Are you saying that they were Askaris?

SUPERINTENDENT DE JAGER: I really don't know. That issue was investigated by one Boshoff. He was then Warrant-Officer Boshoff.

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MR STEENKAMP: But you must have had some suspicion. You say that these people were brought in from outside to come and commit this act. Now what are you basing that inference on?

SUPERINTENDENT DE JAGER: I didn't believe that there were any AK-47s in KwaNdebele during that period. We never saw any of these weapons in my time there. I may be wrong.

MR STEENKAMP: To continue, you say some of the people were arrested during the incident of arson, whilst it was still going on. We are talking about the people detained under

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the emergency regulations. Now there was enough other legislation in existence to prosecute those people and to bring them before Court. Why did they have to be detained in terms of the emergency regulations?

SUPERINTENDENT DE JAGER: There were many of them who were charged criminally and their detention was suspended in terms of the emergency regulations and they were then charged criminally. As far as the rest were concerned, it was simply that there wasn't sufficient proof to prove their activities in a court. So that is why they were acted against in terms of the emergency regulations, because it was simply expedient.

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MR STEENKAMP: Yes, but they also contributed to the inciting of the youth, to commit acts of violence.

SUPERINTENDENT DE JAGER: The youth were incited by these leaders.

MR STEENKAMP: Now did you act against these leaders?

SUPERINTENDENT DE JAGER: Yes, these are the people that were detained under the emergency regulations.

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MR NIELSEN: The reasons for detentions and on the lists and on the evidence on which people were detained, there was one former KwaNdebele policeman who testified at the Parsons Commission under regulation 7, ie in camera appearance, to Mr Parsons. If I can just read a brief extract from that and then get you to comment on that. He says:

"We were given some lists of names of people to be arrested. When we asked for reasons for arrests, such reasons were not furnished. We were told just to arrest. We were instructed that after arresting people, the people

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arresting the people at Weltevreden, we should write that such people held unlawful gatherings, and that we should write and say that it was according to reliable information. Some people were forced to write and sign false statements."

Can you react to those accusations?

SUPERINTENDENT DE JAGER: That's because there were a whole 10

group of us who had to perform these arrests and we had to do it under cover of darkness, otherwise they would flee.

Now these notes were provisionally made on the warrant of arrest. That was to provide for temporary detention until we could submit a proper motivation. That's possibly true.

MR NIELSEN: (Indistinct - microphone not switched on) ... a thin about this accusation. Now earlier we discussed that some people were held on the basis of a single statement or a single affidavit they were detained, and that some of these affidavits were that some people were forced to write 20

and sign false statements, that some of these affidavits were falsified. Then people could have been detained on the basis of a single fabricated affidavit. That seems to be the direct implication of all this evidence, if you link them together.

SUPERINTENDENT DE JAGER: Not as far as I am aware. I obtained statements from people which I took down from them and these statements implicated other people. I had piles and piles of statements.

MR STEENKAMP: Supt De Jager, maybe I should mention an 30 example, as an example used by yourself during your testimony at the Parsons Commission, and I think it was

an incident when you refused to answer a question. Do you remember Const Moglobo who had been arrested by you in terms of the emergency regulations? Do you remember him? Moglobo, Daniel Moglobo, he was a police constable.

SUPERINTENDENT DE JAGER: There were some policemen who were arrested.

MR STEENKAMP: Now the background to this incident was that the person was arrested simply because he allegedly assisted people who wanted to escape. Do you recall the incident? 10

SUPERINTENDENT DE JAGER: Correct.

MR STEENKAMP: Why was he arrested?

SUPERINTENDENT DE JAGER: In the first place, I have to say that it was an instruction from the Commissioner because he allegedly allowed a detainee to escape. So his involvement in the escape was one reason.

MR STEENKAMP: Can I just interrupt you there? Isn't it so that you had a statement from Klopper in that docket which indicated that this man had not been involved in anything and still you signed that opinion without - you yourself, 20 without Lerm, you signed for his detention.

SUPERINTENDENT DE JAGER: That is possible, I can't remember. I can't recall that.

MR STEENKAMP: But do you recall the incident?

SUPERINTENDENT DE JAGER: Yes, I remember there was a detention.

MR STEENKAMP: And according to your own evidence before the Parsons Commission this person had been wrongfully detained and you decided to do this on your own without Lerm?

SUPERINTENDENT DE JAGER: It was co-signed by the 30 Commissioner, if he was detained for a longer period of time.

MR STEENKAMP: But then I am in the dark here, because according to your evidence before the Parsons Commission, Lerm never signed anywhere, and you refused to answer that question.

SUPERINTENDENT DE JAGER: I really can't remember. We had many such cases and I can't recall this one specifically, but if that is the case according to what has been documented, then that is the case.

MR STEENKAMP: Were there many cases of people wrongfully detained. 10

SUPERINTENDENT DE JAGER: No, I wouldn't say that.

DR ALLY: Just for the record, because this is very important. When victims come forward and claim that their rights have been violated and they mention certain people as perpetrators, it is our responsibility to establish that, in order to find that they are victims. Especially if it has adverse implications for the person who they are naming.

Now we have countless statements. We have got a statement here by Jerry Mahlangu. He says: 20

"On the 2nd of June 1987 I was visited
by a crowd of 'green beans' ..."

This is now the kitskonstabels?

SUPERINTENDENT DE JAGER: Those were the kitskonstabels.

DR ALLY: "And they were led by two white men;
Brig Lerm of KwaNdebele and Capt De
Jager."

Now a few minutes ago you said that you never ever went on any operations to arrest anybody with Brig Lerm. You also said that you seldom went on operations yourself and there was a time when you actually stopped going on operations. 30

Now somebody is obviously lying. Both these versions

cannot be true. It can't be the case that witness after witness comes and says Brig Lerm and De Jager, that they were the people and there were some black policemen with them and I was smacked and there were pick handles. Countless accounts, and you are saying this was never the case.

Now for the record, and please remember that you are still under oath, I want to establish again whether you want to reconsider that, this issue of going to arrest people where you and Brig Lerm were present and where people were assaulted and sometimes quite brutally assaulted.

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SUPERINTENDENT DE JAGER: I say again, I was never involved with Brig Lerm to arrest people.

CHAIRPERSON: There have been allegations that after Umbogogo were sort of, were dismantled, that a lot of them became absorbed in the kitskonstabels, and in Brig Lerm's evidence he said that to his knowledge, it was never dismantled. Can you render any kind of opinion on that?

SUPERINTENDENT DE JAGER: Can you just repeat it again? I can't ...

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CHAIRPERSON: It was never disbanded.

MR STEENKAMP: What the question amounts to, is that Brig Lerm said that Umbogodos became members of the "green beans" and that Brig Lerm would have said in his evidence that he didn't think that the majority of them were Umbogodos, the majority of the "green beans". What is your response?

SUPERINTENDENT DE JAGER: That was not my department. I don't know how many of them were Umbogodo members and who they were. Visagie is the man who trained them and recruited them.

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MR STEENKAMP: You are saying that the Umbogodos are no

longer in existence? They were disbanded?

SUPERINTENDENT DE JAGER: I don't understand the question.

MR STEENKAMP: Does this Umbogodo movement still exist today?

SUPERINTENDENT DE JAGER: I can't tell you.

MR STEENKAMP: Whilst you were there in KwaNdebele, after the establishment of the kitskontabels, the "green beans", did that movement continue to exist?

SUPERINTENDENT DE JAGER: The name Umbogodo is commonly known. They were regarded as Umbogodos because they supported the government of the day, but whether the movement continued to exist, I don't know, because the leader was eliminated. I don't really know what their objectives were. 10

MR STEENKAMP: Do you know Stemmet who was also stationed there? Was he part of your team?

SUPERINTENDENT DE JAGER: No, he was with the investigating unit with Van Wyk.

MR STEENKAMP: Did they receive the instructions via yourself or was it only your unit which performed the arrests? 20

SUPERINTENDENT DE JAGER: It may be that they were also given some of these lists with names, that is possible.

MR STEENKAMP: What would you say about the following statement:

"After he released people he was called in by Lerm and Lerm told him I told you, I gave you instructions to go and arrest the people and lock them up, not to go and investigate the cases against them." 30

SUPERINTENDENT DE JAGER: I don't know about such a

statement.

MR STEENKAMP: Could you relate that to Lerm's character?

SUPERINTENDENT DE JAGER: That's possibly true. But I don't know.

DR ALLY: Order! Did you have any formal relationship with the Umbogodo or any kind of relationship with the Umbogodo?

SUPERINTENDENT DE JAGER: I didn't know who the Umbogodo were specifically. I just inferred that the people who were making statements against the others were possibly Umbogodos. But it didn't really matter to me, I just took statements to the best of my ability and acted accordingly. I wasn't friendly with any of them. 10

DR ALLY: The Umbogodo would often go to arrest and detain people, beat up people, torture people. You have no knowledge of that and no involvement in any of that?

SUPERINTENDENT DE JAGER: No, what I will say is that if some of these people had to go and point out houses where it was suspected that some of the suspects were taking shelter, but people weren't arrested on those occasions, they weren't assaulted. 20

MR STEENKAMP: How were Umbogodo members identified?

SUPERINTENDENT DE JAGER: I don't know.

MR STEENKAMP: Did they not have marks, paint marks on their foreheads?

SUPERINTENDENT DE JAGER: If you are talking about initially when the arrest started, they had crosses, yes. At the time I wasn't operative in the field, but I believe yes, they had crosses on their heads, in front and behind their heads.

MR STEENKAMP: How did the police act towards them, different from the way they acted towards the comrades? 30

SUPERINTENDENT DE JAGER: I don't know, I wasn't working in

the field at the time, I was at the station, I was station commander then so I couldn't answer that, I don't know.

MR STEENKAMP: I am referring here to criminal prosecutions.

SUPERINTENDENT DE JAGER: I didn't deal with that issue.

MR STEENKAMP: No, I know you didn't, that's not what I am saying. But as station commander, surely you were also responsible for duties performed by members there and your members' duties at court hearings?

SUPERINTENDENT DE JAGER: The investigating unit was the responsibility of the detectives. I don't know of what became of these cases, I didn't investigate them, I didn't take it to court, I don't know. 10

MR STEENKAMP: Superintendent, I want to refer to two incidents. You earlier said that you acted within the confines of section (3)(1) of the emergency regulations and you acted in a **bona fide** manner. Now I would like your comment on two incidents. The one was an incident in which a person, Piet Rakhota escaped from the Dennilton police station, and on the basis of your opinion or motivation, the charge office sergeant was immediately arrested in terms of the emergency regulations, it was Makhopa, that was the one case. 20

The other case is where Ms Kimmler from the Legal Resources Centre was simply just arrested. Why were they arrested?

SUPERINTENDENT DE JAGER: The woman was involved in the escape. It was probably her involvement in the escape which was the reason for her detention and that we did it in terms of the emergency regulations, because we wanted to act against her departmentally. 30

MR STEENKAMP: If your documents say that, then I suppose

that is the case. But the charge office sergeant was arrested that same day in terms of the emergency regulations and then Ms Kimmler wasn't in the area at all. She was also arrested in terms of the emergency regulations. Why?

SUPERINTENDENT DE JAGER: I wasn't aware that she was arrested. Not as far as I was aware. I don't know who arrested her or whether she was arrested.

MR STEENKAMP: Did Brig Lerm boast about the number of people arrested at any stage? 10

SUPERINTENDENT DE JAGER: Yes, he would have mentioned it.

MR STEENKAMP: Did he mention it or not? Did he boast about the number of people detained?

SUPERINTENDENT DE JAGER: Yes.

MR STEENKAMP: Why did he do it?

SUPERINTENDENT DE JAGER: That I wouldn't be able to tell you.

CHAIRPERSON: We have a statement of a Captain Sutton. Do you know him?

SUPERINTENDENT DE JAGER: Yes. 20

CHAIRPERSON: In a statement that he made to the Parsons Commission, he said that Brigadier Lerm gave special instructions that special investigations against Umbogodo should be done by yourself and later Lieut Van Wyk. Do you know anything about that?

SUPERINTENDENT DE JAGER: I have read it in a statement, but I have never, although I have taken the dockets over, I never investigated it. It was just passed over to Warrant-Officer Boshoff.

CHAIRPERSON: So you yourself were not involved in any investigations? 30

SUPERINTENDENT DE JAGER: No, not at all.

CHAIRPERSON: Relating to any member of Umbogodo?

SUPERINTENDENT DE JAGER: Not at all. What I have done, is I have taken some statements from those who suffered from the "brandstigtings en so aan". As far as the cases of arson were concerned, I have taken some statements from them, in order to determine who was responsible for it. That is all. I never investigated any docket whatsoever.

DR ALLY: Brigadier, can I ask you: how did you understand your role in KwaNdebele during the period that you were, that you worked directly in the office of the Commissioner of Police? What did you see yourself as having to do?

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SUPERINTENDENT DE JAGER: I saw myself as a co-ordinator to process the detentions in terms of the emergency regulations and to deal with the authorisations and that kind of thing. The investigations at some point thereafter, we tried to get statements and so on, but my responsibility was to process the documentation and to channel it to the Minister.

DR ALLY: Did you not see your role as ensuring that the issue of the independence of KwaNdebele, that that was what the policy was and that is what had to happen and that anybody in opposition to that policy, had to be dealt with, so that independence could be carried through. Did you not see that as part of your role? Did you not see yourself as part of that conflict that was taking place?

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SUPERINTENDENT DE JAGER: I think I was stupid enough not to see. When - after, afterwards when I left KwaNdebele, I read in the newspapers and then I saw what was happening. I never knew it by the.

DR ALLY: So you are saying that you had no idea of the nature of the political conflict at the time, that there was a conflict between a pro-independence group and an

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anti-independence group, and that the pro-independence group happened to have authority and power, happened to be government, the KwaNdebele government, led by SS Khosana and later on by Majosi, and that as far as they were concerned, your role, the role of the Commissioner of Police, in other words, was to ensure that this policy of independence was not undermined or derailed; in that those who opposed it had to be dealt with. Are you saying that you didn't see your role as that at all; that you were just there to co-ordinate and to arrange for arrests and detentions? 10

SUPERINTENDENT DE JAGER: I saw my role as trying to bring an end the unrest in the KwaNdebele area. That was my main objective. As far as politics were concerned, I wasn't really very much aware of that.

DR ALLY: Both sides? Was the unrest not also coming from Umbogodo and coming from comrades? Wasn't it all-sided and yet you say you didn't pursue any - didn't people come and complain about Umbogodo raids and Umbogodo attacks on property and it was all sides? But you are saying that if I understand you correctly, that you didn't pursue that side of the conflict. So how can you be saying then that you were not aware of the nature of the political conflict? 20

SUPERINTENDENT DE JAGER: Let me put it this way. When I started with the riot unit, there was a phase during which Umbogodo were responsible for attacks. That phase had already passed to a large extent. The other party was actually starting to come to the fore, as far the incidence of unrest were concerned. That is at the stage when I started working there. 30

I started at the end of October. So if complainants came to me from whichever side, we would have acted. I was

summoned to the tribal authority of Mbusa where people had been assaulted with sjamboks. I took statements from people who had been seriously assaulted. I saw to it that the statements were registered and that the cases were investigated. So when there were complaints from whichever side, then I ensured that those complaints were investigated.

MR STEENKAMP: I want to ask you a question. You say you were the co-ordinator as far as the detainees were concerned. You also went further than that, you gave affidavits to justify the further detention of these people. 10

SUPERINTENDENT DE JAGER: I don't know whether these were affidavits.

MR STEENKAMP: Well, they were opinions.

SUPERINTENDENT DE JAGER: It is a bit of an exaggeration to say that they were sworn statements or affidavits, but what happened was that I had information at my disposal which implicated people in certain acts and I had many, many statements, alphabetically in a file, implicating these leaders. 20

MR STEENKAMP: What was your relationship with Brig Lerm at the time?

SUPERINTENDENT DE JAGER: At this stage?

MR STEENKAMP: At that stage when you worked there.

SUPERINTENDENT DE JAGER: There was a bit of tension and conflict between the two of us. According to him I didn't act the way I was supposed to. I don't know why, but you see, he was a dictator and if some of the people weren't arrested, he would become extremely upset and unhappy. 30

He was upset about the fact that Kimble was never arrested. He constantly said that she had to be arrested and

I asked him why. Because I couldn't see any reasons for arresting her. So if I mention statements in my possession then it excludes her. I had no evidence implicating her.

But we had a bit of conflict between the two of us. At one point I actually had to submit a report. He wanted to know from me why there was so little progress in my work. It dealt with the files which had to be kept up to date, photographs had to be taken of all the detainees, the interrogations had to take place.

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There was a number of things that needed to be done and I actually didn't have enough people to do it. That's why I often did it myself. But he was unhappy about the lack of progress.

DR ALLY: (Indistinct - microphone not switched on) ... knowledge and understanding of what was happening at the time in this area. What would you say the Brigadier's attitude was to the conflict, to the politics, to this whole idea of independence? Did he ever express any opinion?

SUPERINTENDENT DE JAGER: What I can say is, he fully supported the fact that KwaNdebele must become independent, because he has always said he is an extension of the South African Government, carried away the knowledge and was supported by the head office people, the officers, the generals and everybody.

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DR ALLY: To your understanding and knowledge of what you remember at the time, was he prepared to go all the way, to do anything to ensure that their independence was going to happen and that these people who were opposing independence were going to be dealt with, whatever it took?

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SUPERINTENDENT DE JAGER: I suppose it was possibly like that. I believe that because the way he carried on and in

the light of his contact with head office, that is possibly true. But for me it wasn't a factor. I had simply regard to my documentation. There were so many different forces and formations involved in KwaNdebele that he can't claim to have really been in charge, that there were forces that came in, the police, the Army came in, battalions came in and then they left. The security forces were involved, there were special ... (END OF TAPE 5 - SIDE A).

DR ALLY: ... your impression or do you have an impression 10
that there actually was somebody controlling what was going on in KwaNdebele, or was it as confused and as haphazard as that anybody was doing whatever they wanted to?

SUPERINTENDENT DE JAGER: Well, you know KwaNdebele is a very big place, 400 000 square kilometres. It is a very wide area and some of the unrest units, the riot units in Pretoria were deployed there and the Defence Force was also involved. But it wasn't so that it couldn't be controlled, because all incidents which took place found its way to his office. So there was constant feeding in of information to 20
him.

DR ALLY: (Indistinct - microphone not switched on) ... he had control over stuff to do with him and his police and his division. Everything else, security force operations came directly through security force, through Van der Merwe, through to Jan Victor, that he was, that any security operations that Victor and from Victor to Van der Merwe, but he has no knowledge whatsoever of those activities.

SUPERINTENDENT DE JAGER: No, I couldn't say that because we often had meetings at which information was exchanged about 30
all activities which took place. I am talking here about the JMC.

MR STEENKAMP: Lerm said that these various institutions - Lerm said that all these different institutions performing duty there, arrived there with their own commanding officers and was not responsible towards him for what they were doing. Each one of these various groups with its own commanding structure had its own commanding structure.

SUPERINTENDENT DE JAGER: I doubt it for the reason that they did come with commanding officers. Section 19 was there with their officers. But I still believe that it had to be combined. I can't remember whether they were there, each and every morning, but sometimes they were. Sometimes these commanding officers discussed things. 10

MR STEENKAMP: That was to exchange information and to plan certain actions. But Lerm said that he did not have control over them.

SUPERINTENDENT DE JAGER: That is possibly true because he could never be there with them. Their commanding officers were responsible for their actions, that's true.

MR STEENKAMP: Everybody made arrests, really out of control and that everybody had powers of arrest and that they actually did perform arrests. 20

SUPERINTENDENT DE JAGER: That was initially the case, because there were people who made arrests, but that was at the time that the security branch still took care of the information and the arrests.

MR STEENKAMP: If it seemed as if somebody was involved in violence he would have been open for arrest.

SUPERINTENDENT DE JAGER: We were not always at the scene at the same time, and then the person who was there first would do the arrest. We would, people would have been released because there were no grounds for their arrest. There were 30

many of them.

MR STEENKAMP: The security branch was mentioned. Earlier during your testimony you said that your responsibility was to co-ordinate and allow these arrests and to report them to the Minister. Did you have a security branch reporting function or why did you report to the Minister?

SUPERINTENDENT DE JAGER: The report was only made when the detentions had to be allowed for more than 14 days and later on 30 days. That documentation was submitted to the Committee at head office of which Brig Cronje was the head. Then they had to decide if it would be submitted to the Minister. 10

MR STEENKAMP: The question was, it was not via Lerm, it went directly to Cronje, to the Minister. Was that the security branch reporting line?

SUPERINTENDENT DE JAGER: I can say that at certain stages later on Brig Lerm had to sign these arrests as well as their releases. It was because he had to co-sign because he wanted to know who was going to be detained. 20

MR STEENKAMP: Let me just make sure. Did he have perform the duties that the security branch usually had to perform? Wasn't he a **de factor** security branch officer?

SUPERINTENDENT DE JAGER: I don't believe that was the case, because the Act on Public Security gave me the powers to handle it. I did not really see the necessity of the security branch, even though or rather although we shared information.

MR STEENKAMP: Was Lerm part of those meetings? So he didn't get that information? 30

SUPERINTENDENT DE JAGER: No, there was very little information. It seemed as if the security branch did not

want to give information out as if they wanted to keep it to themselves and we got very little information from their side.

MR STEENKAMP: Just one other question. At a certain stage you said you think you were too stupid to realise what was expected from you was to help the striving for independence. I just want to know if that is what you said.

SUPERINTENDENT DE JAGER: Yes, I think that was the case.

MR STEENKAMP: You also said that Lerm continuously during the time that you were there, was pushing the independence thing, that he was a big supporter of independence, that that was what he was talking about, that was his idea, that is what he was all about. 10

SUPERINTENDENT DE JAGER: Yes, I think so and it was also the wish of the Minister or the National Commissioner.

MR STEENKAMP: Then why didn't you at that stage realise that it was expected from you if that was the wish of the whole group, why would it not have been expected of you? I am talking about a very late stage now. 20

SUPERINTENDENT DE JAGER: For me to leave at that late stage would not have been possible.

MR STEENKAMP: But didn't you say earlier that you were too stupid while you were there and that after you were gone, that you realised then what was expected from you, was to support the initiative for independence?

SUPERINTENDENT DE JAGER: I saw it in this way that I saw the parties we had to deal with. I do not say that we arrested the people to make independence a reality. I later on realised that it seemed to be a political ... 30

MR STEENKAMP: Mr Chairperson, I am going to suggest we take a five minute break to give the interpreter a break, because

she is on her own now, just a chance to drink some water or some tea. Then we come back, come back at 10 past.

CHAIRPERSON: Yes, fine we will take a short adjournment.

HEARING ADJOURNS

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ON RESUMPTION:

SUPERINTENDENT DE JAGER: (Still under oath).

MR STEENKAMP: Colonel, were there cases where persons who were released according to the emergency regulations and who were then immediately once again arrested?

SUPERINTENDENT DE JAGER: Yes, there was a stage when the older emergency regulations were removed. At a certain stage in 1987. Then the detentions were allowed again.

MR STEENKAMP: I want to ask you this question directly. Is it not evident that the legal process was misused to arrest people in order to achieve political aims? Was the process not misused? For example, in the process of Mhlangu who was detained in Pietersburg? 10

SUPERINTENDENT DE JAGER: I cannot really answer that question, but according to me it was for evidence and for certain things that were initiated by them.

MR STEENKAMP: We are thinking about certain meetings where that person would have been for example, the speaker.

SUPERINTENDENT DE JAGER: I will not say that it was for political aims, for example. 20

CHAIRPERSON: But you could not have been unaware of what was happening. Either you used the law correctly or you didn't. I want to remind you that you are under oath and that there are a number of statements that implicate you. I suggest that you begin to think about that, re-thinking about some of your answers, if you know more than you are actually offering right now.

MR STEENKAMP: What was the necessity of a person who had been detained and arrested, according to the KwaNdebele emergency regulations, that that person had to be removed to Pietersburg? What was his detention help the people in 30

KwaNdebele if he were in Pietersburg?

SUPERINTENDENT DE JAGER: The detentions there were because the jails in KwaNdebele were too full.

MR STEENKAMP: Are you trying to tell us that Pietersburg was the place closest to KwaNdebele with the proper facilities to jail these people? There were also facilities in Witbank as well as Nelstroom.

SUPERINTENDENT DE JAGER: It is the case.

MR STEENKAMP: Who gave the order for the detentions in such a far place? 10

SUPERINTENDENT DE JAGER: It had been the Commissioner.

MR STEENKAMP: I come back to my initial question. Were those detentions that far away from the point of arrest? What was the reason therefor, was the reason perhaps to make those people as inaccessible to their families as possible?

SUPERINTENDENT DE JAGER: I cannot answer that question. It would have been very inconvenient to visit those people there and it also would have been a problem for their legal representatives to go and visit them. 20

MR STEENKAMP: That is why I ask you this question. The purpose for the detention at such a far place was to make life difficult for the detainees and to make access to legal representation as difficult as possible for them.

SUPERINTENDENT DE JAGER: I also want to mention that the facilities at the police cells were not as convenient as in jail.

MR STEENKAMP: You are still not answering my question, you are now speculating about the facilities. I have not mentioned anything. 30

SUPERINTENDENT DE JAGER: It would have been inconvenient at Pietersburg.

CHAIRPERSON: What Mr Steenkamp is trying to say, is that the only reason for placing people so far away? It is not the question simply of inconvenience but was to make it impossible for their families to see them or their legal representatives. I think that is what he is trying to get an answer on.

SUPERINTENDENT DE JAGER: If we look at it in the wider context, I would say yes. But it is not the only reason.

CHAIRPERSON: What is the reason? 10

SUPERINTENDENT DE JAGER: As I explained, it is because of the facilities of detention, is one reason, I think.

CHAIRPERSON: I find it unbelievable and I would really like you to think about the answer from our perspective. Did you have detention facilities at the place where these people resided?

SUPERINTENDENT DE JAGER: Not in KwaNdebele, because what happened in KwaNdebele is that most of the cells were over-crowded with some other arrests. Normal criminal cases and people like that over-crowded the cells and also people that were arrested for violence. We wanted to make it more convenient to the people like Mahlangu to be in a better place. It was not impossible for their relatives to visit them there. It was not impossible. 20

MR STEENKAMP: Pretoria jail is certainly much better placed from the perspective of the family and the investigation and the access to legal representation. To rather have kept them there than in Pietersburg.

SUPERINTENDENT DE JAGER: It is possible. I do not know how full the jail was in Pretoria at that stage. 30

MR STEENKAMP: But perhaps I could help you. There were various problems experienced by the legal representatives

that if a person who had been arrested could not apply for bail.

Secondly, Mr De Villiers who was a legal representative, the Supreme Court found that he had been arrested illegally. The fact that people were not arrested and were moved, was it not the case that the primary reason for that would have been to make legal representation impossible to them? Was it or might it have been?

SUPERINTENDENT DE JAGER: Let's say it was the case, 10
according to the Commissioner.

MR STEENKAMP: According to Commissioner Lerm? Can I ask a follow-up question. But earlier you said that your responsibility was the detention, the co-ordination and the reporting directly to - from the security branch to Cronje. Why would the Commissioner have made such decisions if he had not been informed in the process?

SUPERINTENDENT DE JAGER: The Commissioner was the person who had to give the permission. If any of the detainees were to be visited. 20

CHAIRPERSON: Let me take you back further. Before Mr Malan came in, I asked you the question about how well you knew Brigadier Cronje and at that stage you said to me you knew him, but you didn't really have dealings with him. Then later on when Mr Malan came in, I think, you admitted that in some instances you sent him such reports.

Now I wonder if you could elaborate for us. What exactly were your dealings with Brig Cronje? What information did you supply him with and when did you in fact take instructions from him? Could you be much more specific 30
than you have been thus far.

SUPERINTENDENT DE JAGER: If I have to explain, it was all

all about the further changes in the allowing of arrests. It was made by the committee who had to decide about it and Brig Cronje was the chairman thereof. At certain stages he would have said that were just detaining the people and he had to make sure that they would be released. We detained the people and they must make sure that they are released. He said something of the sorts. That is how I - that is the connection between me and him. We communicated on that basis.

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MR STEENKAMP: Superintendent, I want to ask a question. Is it not in fact that we here have a massive case of construction of justice, where you worked with Brig Lerm, you were detaining these people, you could not apply for bail, they could not get legal representation and they were moved out of the area. Was that not really what happened?

SUPERINTENDENT DE JAGER: I do not think construction of justice was the problem, as you call it. I don't know, I did what he said; they had to be moved to Witbank or other places. If it might have been difficult for their attorneys to reach them it might be true, but his instruction or his order later on was that they had to inform him beforehand that the detainee had to be brought to Siyabuswa where the consultation would have been held. Those arrangements were made later on.

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MR STEENKAMP: I want to put a hypothesis to you regarding their attorneys meeting these people. It was because these people were arrested without any reason and the attorneys would have realised that, and they would also have realised that these people were assaulted. They also would not have an opportunity - he would have had an opportunity to build up these cases against them further on.

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SUPERINTENDENT DE JAGER: Yes, it could be but it was not my decision. Yes, this is what happened, but it was not my decision.

MR STEENKAMP: Who made that decision?

SUPERINTENDENT DE JAGER: Brigadier Lerm, together with Capt Klopper.

MR STEENKAMP: But that was not what Brig Lerm told us. If he would have said this, would you say he was lying or would you say he was telling the truth? 10

SUPERINTENDENT DE JAGER: He knows that was his order.

MR STEENKAMP: In order words he is lying to us.

SUPERINTENDENT DE JAGER: Yes, if he says anything else.

DR ALLY: Did you ever physically see evidence of people being assaulted, bleeding or in pain or requesting medical attention? You personally.

SUPERINTENDENT DE JAGER: Not, the stage I visited them, I have never seen any of them that was assaulted. I am talking about prisons outside.

DR ALLY: I am not asking now whether you witnessed an assault. I am asking you whether there was evidence of an assault, of you going to see a detainee or a detainee asking to see you and actually seeing that this person has been beaten up, he has a bleeding nose or there is some evidence that something physical has been done to this person. Are you saying to us that ... (indistinct - microphone not switched on) ... 20

I am not asking you now whether you did it or whether you witnessed it being done. What I am asking you is whether you witnessed the fact that there was an assault by the physical appearance of the detainee? 30

SUPERINTENDENT DE JAGER: I never saw it.

CHAIRPERSON: What was the person then of your visits to these detainees?

SUPERINTENDENT DE JAGER: Whether they have got any medical requests, not with regard to injuries possibly, but any - we have come across a lady that was pregnant in the cells in Kwaggafontein and I instructed them immediately to take her to a doctor.

CHAIRPERSON: In the time - can you tell me how many years you spent in this area? 10

SUPERINTENDENT DE JAGER: How many years did I spend?

CHAIRPERSON: Yes, doing this sort of work.

SUPERINTENDENT DE JAGER: Close to two and a half years.

CHAIRPERSON: And during all that time you never once found any detainee in any condition which was evidence of the fact that he had been assaulted or tortured?

SUPERINTENDENT DE JAGER: I was never at the cells at the beginning of the time. I never saw it.

MR STEENKAMP: You as station commander, your first duty in the morning when you arrive at the station is to go and check on the cells, to visit the cells. Can I also add that you have to inspect the incidences diary. 20

SUPERINTENDENT DE JAGER: Yes, that is correct.

MR STEENKAMP: Now you are pretending that during the whole time that you were station commander and during the time that you visited the cells, you had such wonderful little angels under your command that they never ever assaulted anybody?

SUPERINTENDENT DE JAGER: No, I never ever saw any evidence of assault, except in the case of Mbukoto, but it was given due attention. I cannot remember any cases where I saw people who were assaulted. I cannot remember. If it was 30

obvious that a person had been injured, I would have seen it.

MR STEENKAMP: My question to you then was, did they have any problems?

SUPERINTENDENT DE JAGER: And if they made any complaints I made notes of it.

MR STEENKAMP: You cannot remember any complaint that anybody had been assaulted?

SUPERINTENDENT DE JAGER: I cannot remember any such cases, 10
I just can't remember.

MR STEENKAMP: The question we now have to ask, is so in other words there were never any dockets inspected or investigated regarding assaults?

SUPERINTENDENT DE JAGER: No, that's now what I am saying. I can't remember if there were any such cases. What I do know is that I did ask for complaints every morning, as station commander. When I visited these people I made notes of their complaints, even those people who were in detention, if they had messages to give to anybody, I did 20
that for them.

DR ALLY: Try to help us then. This period that we are looking at, 1985 to 1987, there were over 160 people who died, there were hundreds of people who were injured and tortured and detained. There were many more people who were arrested and beaten up and tortured in detention. Are you saying that you know nothing about these events, that you never witnessed them, you never heard about them, no explanation being forwarded, that all you sat and you co-ordinated your work and for the rest the world was going 30
round. It seems difficult to understand how in a situation where there was so much conflict, everybody accepts it,

that there was conflict. It was almost a civil war, and you were the station commander at one stage, and at another stage you were in the Commissioner's office and you worked very closely with the security police through your job of special investigations. Yet, the picture that you present to us is that you don't know anything, you didn't see anything, you didn't hear anything. Is that really conceivable? Are you really asking us to believe that?

SUPERINTENDENT DE JAGER: You don't have to believe it, but 10
my argument is that there were also other people working with me who also brought these visits and if there were these cases they also would have given attention to it. I did not go on my own, I do not know anything about such cases. I can't remember. It would in any case have been a priority for me that such people would have been treated and that there would have been an investigation.

It is difficult for me to answer that question because I never handled the enquiries.

DR ALLY: You would have investigated complaints, because 20
that was your job, of course, not so?

SUPERINTENDENT DE JAGER: If that would have been the case, definitely, and the commanding officers would have been aware of the fact that it would have been their task to investigate any complaints and to make sure that there weren't complaints.

MR STEENKAMP: Can you remember any such a case where a complaint had been investigated and what the outcome of that investigation would have been?

SUPERINTENDENT DE JAGER: There could possibly have been 30
such cases, but I can't remember them.

MR STEENKAMP: Did you ever receive any complaints of

assault against Brig Lerm? Did anybody complain to you that he had been involved in something like that? That any of your members or Brig Lerm had been involved in cases of violence and assaults?

SUPERINTENDENT DE JAGER: I do not know anything about that personally.

MR STEENKAMP: You also never heard about such cases?

SUPERINTENDENT DE JAGER: No, the first I heard about that was when I saw it in the papers. 10

MR STEENKAMP: Is it not possibly true that the reason why during your visits to the cells, you did not see any injuries on any prisoner that there had been an order that you must close your eyes to that and that you were not to take any steps to righten the situation?

SUPERINTENDENT DE JAGER: No, I would not have accepted such orders.

DR ALLY: I want to know a little bit about the relationship between Majosi when he became Chief Minister. It was in November? November of 1987. 20

SUPERINTENDENT DE JAGER: 1986.

DR ALLY: 1986, after the death of Skosana and Brig Lerm. What is your recollections of that relationship?

SUPERINTENDENT DE JAGER: They had a very good relationship.

DR ALLY: In what sense? Because Majosi was the one who was pushing for independence the hardest, especially after Piet Ntuli's assassination. He was, Majosi was totally committed to independence and we know that he was prepared to do anything to ensure that there would be independence, and he saw the Royal family - Cornelius and particularly James - as his biggest enemies, and the youth structures and comrades and the UDF in Moutse. So when you say a good 30

relationship, what exactly do you mean?

SUPERINTENDENT DE JAGER: I can mention a simple thing.

When he came to his office, the first thing he did was to call Majosi and to greet him, and he often went there to go and have tea. Each and every morning this happened.

DR ALLY: Brig Lerm would have been aware of some of Majosi's activities, because Majosi is also implicated in many gross human rights violations. Would you say that Brig Lerm would have been aware of something like that? What is your impression? 10

SUPERINTENDENT DE JAGER: My opinion would be yes, because they were very well, they communicated very well. That's my opinion.

MR STEENKAMP: Sir, that was not the question. The question was: are you aware and do you know whether or not the Commissioner had been aware? The question was not for your opinion, the question is if you are aware of anything that the Commissioner would have known about Majosi and gross human rights violations. 20

SUPERINTENDENT DE JAGER: I was not aware of it, but I suspect, I assume that they must have known.

MR STEENKAMP: Can I just ask another question. Were you aware of any gross human rights violations committed by Majosi.

SUPERINTENDENT DE JAGER: There were some allegations which I might have read in the paper, but I was never aware of it myself.

MR STEENKAMP: Do you believe what you read it in the paper?

SUPERINTENDENT DE JAGER: Yes, it might be true. 30

MR STEENKAMP: No, that is not my question. My question is: do you believe that it is true, not if it could possibly be

true? The things you were referring to ... (END OF TAPE 5
- SIDE B)

The affidavits might have to be tested, but the newspapers do not have to be tested.

SUPERINTENDENT DE JAGER: I can only say that it is possible that it has to be tested, yes.

MR STEENKAMP: But I am asking you now specifically if you are not walking on four legs here. If something is true from some first person and later no it is not true from a second person, you accept that something is true and then because of their relationships, but you do not know anything about gross human rights violations by George. But you are saying Lerm definitely knew about violations because of their relationship. Now if you say that, why do you say under oath, that we still have to test the affidavits and the statements that we have?

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SUPERINTENDENT DE JAGER: The only thing I can say is that I am honest when I say that I have never been involved in violations or in assault or anything. I answered that it could possibly be true, that the brigadier would have known about Majosi's involvement in human rights violations.

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Then you said you wanted to know if he did know about that. I cannot answer that question because I never tried to ascertain if they knew about each other's things.

MR STEENKAMP: I am asking you this ...

SUPERINTENDENT DE JAGER: No, I can't answer this question.

DR ALLY: Let's go on that. Not an opinion, but what you actually know. You know that every morning that Brig Lerm came to work he would phone the Chief Minister Majosi or the Chief Minister would phone him; that they would at least once a day meet and have discussions. But you don't know

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what they spoke about. All you know is that they met. That was the kind of relationship, that there was a confidence between the two of them, to meet and to discuss. That is what you know.

SUPERINTENDENT DE JAGER: Yes.

DR ALLY: But you don't know the contents of those discussions.

SUPERINTENDENT DE JAGER: No.

DR ALLY: Now Brig Lerm also said to us that Majosi also met regularly once every Thursday with Victor, Jan Victor of the security police. Do you have any knowledge of that? 10

SUPERINTENDENT DE JAGER: Excuse me, what is the surname?

DR ALLY: Victor.

SUPERINTENDENT DE JAGER: I have an idea it must be a thickset sergeant perhaps, but I do not know about their meetings every Thursday. I don't know really anything.

DR ALLY: ... discussions about anything to do with putting down the unrest in an unlawful manner was discussed, it wasn't with him, it was with the security police, because that's who Majosi also had discussions with. 20

SUPERINTENDENT DE JAGER: I don't know anything about it.

DR ALLY: Lerm also says that he complained about the request by Majosi to see him all the time, that he felt that this was unnecessary and it was an imposition. Do you have any knowledge of that, of Lerm actually saying to you? That he actually went willingly, that he initiated some of these meetings and discussions himself. As you say he would sit down and he would phone. Was this something that he did because he wanted to do it or was there an order that he to do this? Have you any idea of how that worked? 30

SUPERINTENDENT DE JAGER: I can't answer this question, I

don't know anything about it.

MR MALAN: I just want to come back to this matter and I am speaking from my perspective and my background and my experience, it therefore comes from a specific angle. The functions and the relationship between uniform and security branch. My perception and the testimony that I have often heard is that there was often tension between these two branches. That they could not work together and that they were looking at each other with strange eyes and especially the uniform branch felt that they had to go through the processes and that the security branch had more freedom and that they were rather than the important police. Do you have any comment on that? 10

SUPERINTENDENT DE JAGER: The impression that I got was that the security branch whose function had not been transferred to KwaNdebele did not co-operate with Brig Lerm. Now we are not talking about a uniform branch or a security branch or whatever. The uniform branch had been Brig Lerm's team and I was one of them. The security branch of the South African Police there was some friction there. 20

MR MALAN: The last question. Is it correct that you said your superiors with regards to the detention was on the side of the security branch. You had to allow and to co-ordinate and report on the detentions through Cronje. That is the security branch.

SUPERINTENDENT DE JAGER: That's correct.

MR MALAN: The tension, in other words, between you and the Commissioner Lerm, which existed - you said it was not a very good relationship. Right at the beginning you reacted that you did not have a good relationship with him, with Brig Lerm. 30

SUPERINTENDENT DE JAGER: Yes.

MR MALAN: My question is now, the fact that you were moving between these two branches, could this not perhaps have something to do with it?

SUPERINTENDENT DE JAGER: I did not have any problem with Brig Cronje. My documentation was prepared and presented. At some incidents he said that Lerm had to detain the people and he had to release them again. He is a senior officer. I didn't have any problem with him. There was another guy though, Loots, who also dealt with the pieces, with the documents. They were the people who looked at the documentation later on and decided whether or not to take it further. They decided on further detention. That was my place. I just took the documentation through on to the detentions.

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CHAIRPERSON: Can I ask you the question: was the fact that you had this dual line to Cronje and to Lerm perhaps the source of the problems between you and Lerm?

SUPERINTENDENT DE JAGER: And Lerm?

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CHAIRPERSON: Yes.

SUPERINTENDENT DE JAGER: No, I think the problem between me and Lerm was because I did not react as soon as possible as he wanted me to react. According to - let's call it arrests, the process of documentation that should have been forwarded and I accept it. That is the problem.

CHAIRPERSON: Can I ask you one more question. Were you aware of the fact that Brig Cronje, and in particular, his men, Jacques Hechter and company were responsible for the death of Piet Ntuli?

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SUPERINTENDENT DE JAGER: Were responsible?

CHAIRPERSON: Yes.

SUPERINTENDENT DE JAGER: It's news to me.

CHAIRPERSON: Really?

SUPERINTENDENT DE JAGER: I am speaking under oath.

CHAIRPERSON: They have admitted it.

SUPERINTENDENT DE JAGER: I am speaking under oath. I don't know. There was another member's name mentioned and I don't know what ever happened to it, but we suspect the former South African Police, security police. We suspected them. The same with Brig Lerm, they suspected them.

DR ALLY: (Indistinct - microphone not switched on) ... that Piet Ntuli was killed by the security police and that he had to keep that knowledge to himself and not interfere in that case or have any investigation that will expose that. He knew that, Brig Lerm, at the time that it actually happened. 10

SUPERINTENDENT DE JAGER: I don't think he knew it, because then he would not ... (intervention).

DR ALLY: He admitted to knowing it, he said that he knows that, that he knew. He has admitted to us. We think he was suspecting him.

CHAIRPERSON: You also talk about another member. Can you just tell us a little more? 20

SUPERINTENDENT DE JAGER: He was a captain from - ja, Kendall, is it Kendall? Ja. That was the name that was mentioned. I don't know where it comes from. But that was the rumour that went around.

DR ALLY: (Indistinct - microphone not switched on) ... Hechter has admitted that he actually planted the bomb under Piet Ntuli's car.

SUPERINTENDENT DE JAGER: I don't know. That's why I say I don't really know who Hechter is. Then he must be not the man that I am thinking it was. Because they worked underground. We never saw them. I never saw Brig Cronje in 30

our place.

MR MALAN: Can I just ask you; are you not aware of the fact that an amnesty application has been made? This testimony was made in public on radio, television and in all the newspapers that Piet Ntuli was murdered by these people. Don't you know about that?

SUPERINTENDENT DE JAGER: Yes, it passed me by. I heard it, but I did not know if it was just on allegations. I didn't know if it perhaps were allegations. 10

MR MALAN: And when you heard it and you knew where it was pointing to, approximately in the time when you were there, then were you not interested and didn't you want to find out more about it?

SUPERINTENDENT DE JAGER: Sir, I am so glad I went, I am not there anymore, I was not interested in what happened there any more, I was just glad that I got away with my life.

CHAIRPERSON: Is there anything which you might have done which you need to apply for amnesty?

SUPERINTENDENT DE JAGER: No, except for the 20 "regsverydeling" that I think that may be something that I must apply for. I don't know. I haven't got my legal representative here today. I don't think he knows where I am.

CHAIRPERSON: Well, you were given that choice and I reminded you quite often that at any stage, if you wanted to have him present you could indicate that.

One last question. There are lots of speculation about who killed the policemen Fourie and his son. Do you have any kind of suspicion about who that could be? 30

SUPERINTENDENT DE JAGER: If I knew it or if there was an idea that I knew it, I think I would have followed it up,

just to make sure that I know who the person was, because it was terrible, it was traumatic. I don't know who it was. I was at the scene, it was traumatic.

CHAIRPERSON: Thank you very much for having come in today. I think you are aware of the fact that there might be a possibility that you could be called to answer questions again. You are however, subpoenaed to appear at the hearing, the public hearing and I think you have been told it is on Thursday.

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SUPERINTENDENT DE JAGER: The 5th?

CHAIRPERSON: Yes. Thank you very much for coming forward.

DR ALLY: Did you also make a request for security? You indicated you were perhaps worried about your security.

SUPERINTENDENT DE JAGER: I was thinking of taking one to Dennilton.

DR ALLY: You were thinking of ...?

SUPERINTENDENT DE JAGER: Of having one.

DR ALLY: Because we have, we are in communication with the MEC for the province, of Mpumalanga and he has assured us all precautions will be taken. But if you have any extra requests please let us know, but he has all your details. They may phone you to ask you if there is anything else you want - if you do feel that it may be unsafe for you or let us know so that we can make whatever arrangements necessary. So just take our numbers.

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SUPERINTENDENT DE JAGER: I have got it, thank you.

CHAIRPERSON: You also know that you will have a time period of 20 minutes within which to make whichever statement you want. If you do have a written statement it would help us if we had it beforehand.

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SUPERINTENDENT DE JAGER: Sorry.

CHAIRPERSON: Thank you for coming.

HEARING ADJOURNS

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