

TRUTH AND RECONCILIATION COMMISSION

SECTION 29 HEARING

"IN CAMERA"

DATE: 13.10.1997

NAME: WINNIE MADIKIZELA-MANDELA

HELD AT: JOHANNESBURG

ON RESUMPTION:

WINNIE MADIKIZELA-MANDELA: (Still under oath).

CHAIRPERSON: Now this is a continuation of an adjourned matter which was adjourned last time you appeared. It is an **in camera** hearing, it is a Section 29 hearing and without ado, we will proceed.

Thank you. Let me extend a very good word of welcome to you, Mrs Winnie Mandela-Madikizela, Madikizela-Mandela and to your legal representatives. I am sorry that we have not been able to start on time, but I am sure that we will be able to do what we have to do to finality today.

I do not consider that you should retake the oath. I can just remind you that you are still under oath and we will proceed almost immediately. I do not know if you have anything that you want to place on record. In each event, then, let us go, let us proceed.

MR SEMENYA: Chairperson, could we made to know is here as

well?

CHAIRPERSON: Well, by name or?

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MR SEMENYA: No, their status and relevance in these hearings.

CHAIRPERSON: All of them are members of the staff of the Commission. The gentleman next to Moss, of course, is the recorder. Mr Vally.

MR VALLY: Thank you Mr Chairperson. I just need some clarity on one issue. There was a press statement issued and a press conference held on the second of October by Mrs Madikizela-Mandela and her legal team and in consequence of that press statement and also in addition to that, we had previously requested Mrs Madikizela-Mandela to let us have the names and the present whereabouts of both Mandela United Football Club members, ex-Mandela United Football Club members as well as the persons that were referred to at the press conference. I am talking about Mr Megwe, Mr Sibanyone, Mr Nshlangotie, Mr Mjobo and Mr Mosala and our letter was sent on the third of October 1997.

I need these details both regarding the ex-members of Mandela United Football Club, the names and there whereabouts, as well as access, in terms of the names and the address, the addresses, rather, and present whereabouts of the people that she produced at the press conference and I would like as a response as to whether we have any such details available to us now.

MR GLOVUNDLA: Thank you Mr Chairperson. We did respond to your letter and we furnished you with the names of the, the names and the addresses of witnesses who were present during the press

conference and in that letter I also advised that the members of the football club are not, as yet, available. As soon as we get their whereabouts we will inform you accordingly and the letter was faxed to your office.

MR VALLY: Thanks Mr Glovundla, just to confirm that you faxed it to our office in Cape Town, Johannesburg. Which office did you fax it to?

MR GLOVUNDLA: I think the letter was faxed to the same ... (intervention).

MR VALLY: I am sorry, we will have to press at the same time. Thanks.

MR GLOVUNDLA: The letter was faxed to the same office where your letter originated from. If your letter was from Cape Town I think I would have sent it to Cape Town, but I can furnish you with a copy as we proceed in the course of today.

MR VALLY: Thanks, I would appreciate that. Now, when do you think - Mrs Madikizela-Mandela, you now have had some time to get, give us the names and addresses of your ex-members of Mandela United Football Club. When do you think this would be available?

MS MADIKIZELA-MANDELA: Unfortunately, I have not got the facilities you have and I am sure you can use the same facilities you used to attain this information to gather information about the names and addresses of the football club. I no longer have access to

them. The information I have is the same information you have, that most of them are deployed in the army and I am sure with your resources it will be no problem whatsoever ... (intervention).

MR VALLY: It is ... (intervention).

MS MADIKIZELA-MANDELA: ... to find out from whoever you get your information from ... (intervention).

MR VALLY: It is ... (intervention).

MS MADIKIZELA-MANDELA: ... the names of the so-called notorious football club, because they are in the army.

MR VALLY: It is difficult for us to follow it up if we do not have the names. What we have is some nicknames. I will give you an example. There is Slash. Do you have his real name?

MS MADIKIZELA-MANDELA: I pointed out here in this hearing that I used combat names and nicknames myself, because I did not want to know their identity. The people who furnished you with information about them, I have no doubt, do know their whereabouts and will furnish you with that information.

MR VALLY: Can you not remember a single name of any of the ex-members of the Mandela United Football Club?

MS MADIKIZELA-MANDELA: I have never used their names. The name I would recall is that of Sizwe Twala you mentioned here, who happens to be the father of one of my grandchildren. You mentioned him in passing in relation to something else and not the fact that he was actually killed in John Vorster Square.

MR VALLY: That is Mr Sizwe Sithole?

MS MADIKIZELA-MANDELA: Yes, Sizwe Sithole, who was killed by the police in John Vorster Square. You did not mention that.

MR VALLY: Besides that issue, how, do you, could you help us in any way with a single name, because you did, after the last session, produce these five young men at a news conference? Are there no other people that you can help us with? The names of the people at the press conferences are their full names. We do not have their nicknames or MK names. In the press statement I see the full names set out. Do you know anyone ... (intervention).

MS MADIKIZELA-MANDELA: That is ... (intervention).

MR VALLY: ... else.

MS MADIKIZELA-MANDELA: ... precisely because I used their real names.

MR VALLY: So, is there anyone ... (intervention).

MS MADIKIZELA-MANDELA: These ones I produced.

MR VALLY: Is there anyone else whose real names you used?

MS MADIKIZELA-MANDELA: I have just stated that I used Sizwe Twala's name who happened to be the father of one of my grandchildren.

MR VALLY: Anyone else?

MS MADIKIZELA-MANDELA: And I am sure the same facilities you used to gather that information about that football club, those people must know who those people are.

MR VALLY: The question I am asking you, Mrs Madikizela-Mandela, is any other name besides Sizwe Sithole and now the five people that were produced at the press conference, is there any other name ... (intervention).

MS MADIKIZELA-MANDELA: I would have ... (intervention).

MR VALLY: ... that you can give us?

MS MADIKIZELA-MANDELA: ... given it. I would I have given it if I knew. I explained here that I used their nicknames for their own protection.

MR VALLY: So, there is no other names ... (intervention). MS

MADIKIZELA-MANDELA: And I am ... (intervention).

MR VALLY: ... that you ...

MS MADIKIZELA-MANDELA: ... sure you will have no problem whatsoever in finding their real identity ... (intervention).

MR VALLY: Is there any help ... (intervention).

MS MADIKIZELA-MANDELA: ... because you have all that information.

MR VALLY: Is there any help that you can give us in this respect?

MS MADIKIZELA-MANDELA: I am afraid not. I explained myself here. I cannot go further than that.

CHAIRPERSON: You see, I think the problem that Mr Vally has and that is the problem that I also have, is the reply you gave in the last hearing in relation to this matter. Checked, the transcript reads on page 29 and this is to a question that you were,

"Could you please give us some of the names, especially".

and then your reply is that, was,

"That is why I said I will draw up the list for you, I will try and recollect them. To come and ask me now, I was not prepared for that, I will try and recall them and give them to you. If I had known you were going to ask that question I would have helped you by actually drawing a list of them".

MS MADIKIZELA-MANDELA: yes.

CHAIRPERSON: That was your reply and I think that is why Mr Vally is finding it difficult now to get an impression that there is a retraction from that position that seems to suggest that you cannot assist us, you cannot even draw a list, because you, you do not.

MS MADIKIZELA-MANDELA: I will give you a list of the nicknames. I am sorry.

MR SEMENYA: Yes, Chairperson, that probably was my difficulty.

One, we do not have a transcript which could have been quite

useful to us to have that, but, two, I thought the context in which that answer was given was for client to furnish you with the names of people that were recruited, etcetera, and she had indicated that those operatives were using false names. Two, it was never about the members of the football club, which was a distinct category of people, and who were not the recruits who were sent out of the country. Those were local people who were using their real names and the list of people we undertook to furnish were nicknames of those recruits who would have otherwise been sent outside.

Now, the question which we are now being asked relates to the football members which is a distinct category, I believe, from what we answered on the last occasion.

CHAIRPERSON: I take the point. Mr Vally?

MR VALLY: I, can I just understand this, Mr Chair. Are we going to be furnished with nicknames and, if so, when?

MR SEMENYA: During the course of today.

MR VALLY: I will continue, Mr Chair.

CHAIRPERSON: Thank you Mr Vally. Perhaps, let me just wind up this aspect by just establishing. Is it the position that your client does know where the witnesses are? These people whose list of nicknames you are going to be making available to us, she does not know where they are?

MR SEMENYA: No, no.

CHAIRPERSON: That is why she is asking our assistance and using our resources to trace them?

MR SEMENYA: Yes.

CHAIRPERSON: Mr Vally, you have that, that we will only get the names, but not the addresses, because the witness does not know where the witnesses are and she is calling upon you to use your facilities to establish their whereabouts.

MR VALLY: Thanks Mr Chair, I understood that.

CHAIRPERSON: Mr Vally.

MR VALLY: Thanks Mr Chair. Just some general questions that were left over from last week. Firstly, we want to know if any of the MK members that you assisted in finding hiding places for were involved in the training of any of the Mandela United Football Club members? I am talking about military training, armed training?

MS MADIKIZELA-MANDELA: I would not know that, Mr Chairman. Their activities had nothing to do with me. I merely found places for them to hide.

MR VALLY: Just, again, there is a number of issues, Mr Chair, that is why I want to touch up from the last time. Did people regularly come to your house, Mrs Madikizela-Mandela, to bring their complaints about various issues affecting them?

MS MADIKIZELA-MANDELA: That is correct, it still happens to

MR VALLY: Can you tell me what procedure was followed if people came to your house with a complaint?

MS MADIKIZELA-MANDELA: There is no actual procedure when people come for their grievances. They came to tell me what their problems were and if I was able to deal with them I dealt with them as a social worker. They came to me in that capacity.

MR VALLY: If someone was to come to your house and you were not available, do the people in your house know what the arrangement is regarding the complaint?

MS MADIKIZELA-MANDELA: Why would that be the case, Mr Chairman? The people would come to me for assistance and to me alone.

MR VALLY: What I am asking you is that your office that you had in Soweto, I forget right now what it is called. What is that office called?

MS MADIKIZELA-MANDELA: It had no special name. I had an office in Soweto.

MR VALLY: Right. And from the office in Soweto as well as from your home, people came to your house with complaints which you took up as a social worker. Would that be correct?

MS MADIKIZELA-MANDELA: People came to me with whatever problems they had. Not necessarily complaints. They came with various problems. Some of them had displaced children, displaced homes. They came with all sorts of problems, not complaints.

MR VALLY: Fine. And would some of these problems involve harassment by police?

MS MADIKIZELA-MANDELA: Why would they come to complain to me about harassment by the police?

MR VALLY: The question I am asking of ... (intervention). MS

MADIKIZELA-MANDELA: I was not ... (intervention).

MR VALLY: ... of you ...

MS MADIKIZELA-MANDELA: ... I am a social worker. They came to me as a leader in the community and they brought problems I could handle.

MR VALLY: Fine. Can you ... (intervention).

MS MADIKIZELA-MANDELA: Police problems, I would imagine, would have to be taken to the police station.

MR VALLY: Fine. So, when you say they brought problems to you, can you give us an idea of what kind of problems? Be more specific.

MS MADIKIZELA-MANDELA: Problems with their children, for instance, who were unable to attend school. Could I help, get them uniforms for them to attend school. Problems of that nature. Sometimes, in most cases, they had no food to feed the children and they looked for assistance for food parcels to feed their children. Those were the nature of the problems I handled.

MR VALLY: So, primarily, socio-economic problems?

MS MADIKIZELA-MANDELA: Absolutely, yes.

MR VALLY: Now, if there was an emergency and you were not at home, who would give you the message? Did anyone ever record these complaints or problems that people brought?

MS MADIKIZELA-MANDELA: I did not have any staff to do that sort of thing. I did not employ secretaries or people to be my assistants. I did all that myself, personally.

MR VALLY: So, there would be no one to take care or make a note of any problem which was brought if you were not present. Unless you were there, personally, the problem could not be attended to?

MS MADIKIZELA-MANDELA: I attended to problems myself.

MR VALLY: And unless you were there personally, the problem could not be attended to?

MS MADIKIZELA-MANDELA: Absolutely, yes. I mean who would attend to it if I was not there?

MR VALLY: And no one would record it and tell you what the problem was for you to follow-up at a later stage?

MS MADIKIZELA-MANDELA: I have just explained I did not have any staff. I handled problems whenever I was available.

MR VALLY: So, to the best of your knowledge, there was no book which was kept which kept a record of all the complaints or problems which were brought to you?

MS MADIKIZELA-MANDELA: I have just explained. I did not have a secretary, I had no aid, I did all that work myself, personally.

MR VALLY: I want to go on to the issue of the death or rather - I beg your pardon, not the death. Do you know who John Morgan is?

MS MADIKIZELA-MANDELA: Yes, I know. John Morgan is my neighbour.

MR VALLY: Was he ever employed by you as a driver?

MS MADIKIZELA-MANDELA: He was never officially employed by me as a driver. He came home and assisted whenever it was possible for him to assist.

MR VALLY: He has on a number of occasions driven vehicles for you?

MS MADIKIZELA-MANDELA: He did assist whenever it was possible for him to assist.

MR VALLY: Do you know if he was ever employed by you?

MS MADIKIZELA-MANDELA: I never employed Morgan. I had no facilities to employ anybody.

MR VALLY: Was he ever employed at the time he use to assist you? Did he have another job?

MS MADIKIZELA-MANDELA: I do not know whether he was employed elsewhere. He came home, like all the other neighbours, and whenever I requested him to do something for me he did it.

MR VALLY: And he was your neighbour at your Orlando West home?

MS MADIKIZELA-MANDELA: Yes, he is. Even now.

MR VALLY: Right. Are you aware of the court case he was involved in where he was charged together with Absalom Madonsela and Isaac Magoro?

MS MADIKIZELA-MANDELA: I heard about the case from the media. It had no direct bearing to me.

MR VALLY: There is an allegation in that case that the two complainants in that matter were forced at gunpoint to the back of your house at Orlando West. Are you aware of that allegation?

MS MADIKIZELA-MANDELA: I have not the slightest idea why a ridiculous allegation of that sort would have been made.

MR VALLY: Do you know Phillip and Peter Mkande who were the complainants in that matter?

MS MADIKIZELA-MANDELA: I have never heard of that person. I do not know him.

MR VALLY: Do you know details of the allegations made in this particular case by the Mkande brothers?

MS MADIKIZELA-MANDELA: Not at all, Mr Chairman. I have not the slightest idea what you are talking about.

MR VALLY: Okay, let us move on. We are going on with the issue of Mr Lolo Sono. We have canvassed quite a few aspects already. I just want to continue with that. We have had a statement from Mr Sono senior, the father of Mr Lolo Sono, that at a certain stage,

because his house was raided he came to ask you for accommodation or to arrange accommodation for certain MK cadres,

one of which was the cadre known as Tebogo. Is that true, did Mr Sono approach you for assistance in this regard?

MS MADIKIZELA-MANDELA: That is a false statement. I was not approached by Mr Sono to house that Tebogo. He approached me on his own.

MR VALLY: Do you, are you aware if, of whether Mr Sono at any stage accommodated Tebogo?

MS MADIKIZELA-MANDELA: I would not know that.

MR VALLY: So, you said Tebogo ... (intervention).

MS MADIKIZELA-MANDELA: Tebogo came to me for assistance to place him somewhere, a safe place, and I did that.

MR VALLY: Now, you advised us previously that Mr Lolo Sono was the last time, and correct me if I am wrong here, Mrs Madikizela-Mandela, you advised us the last time you saw Lolo Sono was when you fetched him and dropped him off at Jerry Richardson's house ... (intervention).

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: ... where Tebogo and another person were staying, also an ANC cadre.

MS MADIKIZELA-MANDELA: That is my recollection.

MR VALLY: You also told us that he was a trusted cadre of yours.

MS MADIKIZELA-MANDELA: Who?

MR VALLY: I beg your pardon, a trusted courier of yours, Lolo Sono?

MS MADIKIZELA-MANDELA: I did not use that adjective. It is from you, Mr Chairman. I used, I said he was my courier.

MR VALLY: Well, maybe I should just use your words.

"On the second ...".

This is in answer to a question asked of you, I believe it was by Mrs Hlengiwe Mkhize.

"On the second question the conditions under which we operated Ma'am with the couriers to be MK units you had to take very special care and you had to use people you trusted implicitly and Lolo was one of those youths I had implicit faith in. You did not just pounce on anyone to do such duties because it was very dangerous. That is why I recall him."

The question you were asked is why do you recall Lolo Sono and not other youths and this is the answer you gave us.

MS MADIKIZELA-MANDELA: Mr Chairman, it is inconceivable, in the first place, that I would use a strange courier. The situation under which we operated was thus that the cadre himself introduced a courier for the obvious reasons, for security reasons. That Lolo was introduced to me by Tebogo himself.

MR VALLY: Fair enough. The question is did you trust Lolo Sono implicitly as you stated before?

MS MADIKIZELA-MANDELA: Yes, because he was referred to me by his own relative and, to my knowledge, Tebogo had said that he was distantly related to Lolo.

MR VALLY: Have you ever made any attempt to find out what has happened to Lolo Sono?

MS MADIKIZELA-MANDELA: I had no reason to find out why, what happened to Lolo. Why would I have found out what happened to Lolo?

MR VALLY: Surely you are aware of statements being made in press and in Parliament and statements made before the Human Rights Violations Committee by Mr Sono and by Mrs Sono regarding this.

MS MADIKIZELA-MANDELA: I saw those statements in the media, Mr Chairman, and if I followed up all the things that get said about one in the media, I do not think I would have been normal to this day. Why would I have run around looking for Lolo? In the first place, I did not even know whether he had really disappeared or what had happened to him. All sorts of things get said about me.

MR VALLY: But he was the courier you trusted implicitly. Surely you would be concerned about what happens to such a courier.

MR SEMENYA OBJECTS:

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MR SEMENYA: Mr Chairman, I really hope we do not use the opportunity for which these proceedings are intended. Clearly, they are not intended to be any interrogative process.

CHAIRPERSON: That is exactly what they are intended to be. Exactly. To gather information, to ask questions. To ask questions and more questions. It is an investigative process.

MR SEMENYA: Can I ... (intervention).

CHAIRPERSON: It is not intended to be advisory in any sort of sense, but ... (intervention).

MR SEMENYA: Can I ... (intervention).

CHAIRPERSON: ... certainly it is ...

MR SEMENYA: Can I explain what I mean by interrogative process?

CHAIRPERSON: All right. It is not a process through which energy is being spent to undermine the credibility of the information placed before you. It is an investigative process which the TRC would use as a facility to gather information to further their objectives which are defined in the Act, but I do not want to stop this process. If we want to use the process, whether or not the answers we are giving are correct or not correct, we can go that route, but I would have wished that we use the facility as an information gathering process. If we made a thousand contradictions in the course of that information gathering, then you

would make the judgement call, but let us use it to gather information as opposed to just testing credibility issues.

CHAIRPERSON: Mr Vally.

MR VALLY: In response, Mr Chair, I am trying to gather information. Very specifically, I am trying to find out whether, according to the family of this young man, Mr Sono, Mrs Madikizela-Mandela was the last person they saw her with in a group of other youngsters and if she followed up this issue of his disappearance. So, it is very relevant to our mandate.

CHAIRPERSON: I understand you (microphone not on).

MR VALLY: Thank you Mr Chairperson. The issue of Lolo Sono has not gone away for eight years. It is now eight years since he allegedly disappeared. You have advised us that Mr Sono has come to your house a number of times. Now, I am talking about Mr Sono senior, the father of Lolo Sono. Was he in any way involved in the underground structures of MK or did he in any way assist MK cadres at that time?

MS MADIKIZELA-MANDELA: I know nothing about Mr Sono's private life.

MR VALLY: Has he never told you about his assistance of cadres or the hiding of weapons?

MS MADIKIZELA-MANDELA: I know nothing about Mr Sono's

private life.

MR VALLY: Why did he come to your house?

MS MADIKIZELA-MANDELA: Mr Chairman, we answered that the last time. Mr Sono brought ammunition to me which he said belonged to Tebogo.

MR VALLY: All right.

MS MADIKIZELA-MANDELA: That is all I know about Mr Sono.

MR VALLY: So, he did bring ammunition to your house?

MS MADIKIZELA-MANDELA: He did bring ammunition to me.

MR VALLY: Was there any other involvement with him?

MS MADIKIZELA-MANDELA: I have just said I was never involved with Sono in his private life. I do not know what he did with his private life.

MR VALLY: And we ... (intervention).

MS MADIKIZELA-MANDELA: He was not my courier and I had no other communication with him.

MR VALLY: You are not sure where Tebogo, do you, are you aware of where Tebogo was staying prior to him coming to you asking you for accommodation? Tebogo, ... (intervention). MS

MADIKIZELA-MANDELA: I would not have ... (intervention).

MR VALLY: ...the ANC cadre.

MS MADIKIZELA-MANDELA: ... wanted to know that information even if it had been given to me for security reasons.

MR VALLY: Have you ever been curious about what has happened to Mr Lolo Sono, in any way?

MS MADIKIZELA-MANDELA: I could not have been curious about what happened to people those days. It was not my area of concern and, in the first place, during those days how on earth would I have gone out of my way to look for information about Lolo Sono and I think my attorney here explained in the last session we had, that our information from Mr Mamasela is that you actually have statements made by the people who knew what happened to Lolo Sono.

MR VALLY: Well, one of the people we got statements from is Mr Katiza Cebekhulu who alleges that you were present, sorry, he was present when you and other members of Mandela United Football Club went to the Sono house with Lolo Sono. This is, in general terms, the same position taken by Mr Sono senior which was put to you at the previous enquiry. What do you say to that allegation?

MS MADIKIZELA-MANDELA: That is ludicrous, Mr Chairman. Firstly, I pointed out here that Cebekhulu was never a member of the so-called football club, that Cebekhulu was merely brought there that day by Falati to be taken to Dr Asfat and that was it. Cebekhulu was never ever a member of the football club.

MR VALLY: I see. We are going to come back to Mr Cebekhulu in a short while, but maybe you should just clarify that for me so that it is clear when we do question you on him.

MS MADIKIZELA-MANDELA: Well, I am saying it is ludicrous to suggest that Cebekhulu would have been anywhere near the vicinity of my activities with the cadres.

MR VALLY: So, before he was brought to you by Mrs Falati to be taken to Dr Asfat, he was not staying at your house?

MS MADIKIZELA-MANDELA: That is ridiculous, Mr Chairman.

MR VALLY: He was not staying at your house?

MS MADIKIZELA-MANDELA: I never knew Cebekhulu until the day he was brought by Falati to my house. Cebekhulu never stayed in my house.

MR VALLY: Do you have an idea of what date that was?

MS MADIKIZELA-MANDELA: I could not possibly have an idea. I did not anticipate that I would be facing this thing.

MR VALLY: And subsequent to his visit to Dr Asfat, did you see Katiza Cebekhulu again?

MS MADIKIZELA-MANDELA: I did see Cebekhulu on a few occasions when he was with Falati.

MR VALLY: Did he ever stay at the back of your house?

MS MADIKIZELA-MANDELA: Cebekhulu never stayed in my house.

MR VALLY: And the back rooms?

MS MADIKIZELA-MANDELA: He never stayed in my house.

MR VALLY: So, the only ... (intervention).

MS MADIKIZELA-MANDELA: Cebekhulu was brought there to be taken to Dr Asfat. He may have put up one night there or something like that, but he never stayed in my house.

MR VALLY: All right. We will leave that issue at this stage at that. Let us just carry on with the issues regarding Mr Lolo Sono.

So, when Cebekhulu alleges that he witnessed you and others assaulting Lolo Sono in your garage in November 1988, by whipping him with a sjambok and accusing him of being a police spy, what is your reaction to that?

MS MADIKIZELA-MANDELA: It is one of his, figment of his imagination, his lunatic figment of his imagination. No such incident took place.

MR VALLY: When did you first become aware of the allegations made by Mr and Mrs Sono that their son was last seen by them badly assaulted in your custody on the night of 13th of November 1988? When was the first time you became aware of this allegation?

MS MADIKIZELA-MANDELA: From, from the media. I would not recall exactly when, but I started seeing those allegations in the media.

MR VALLY: Was it at the time in 88, 89 or was it subsequent to that?

MS MADIKIZELA-MANDELA: No, Christ, I could not possibly remember that, but it was thereafter. In fact, to my memory, I think it was even after the Stompie trial.

MR VALLY: So, that would have been after 1991?

MS MADIKIZELA-MANDELA: Possibly. I had no reason to pay any special attention to that.

MR VALLY: Since Mr Sono was someone you knew did you ever attempt to approach him to discuss this issue with him?

MS MADIKIZELA-MANDELA: I only knew Mr Sono when he brought the ammunition to me. I never kept contact with families of the cadres thereafter for the obvious reasons, for security reasons.

MR VALLY: Have you ever been questioned by the South African Police about the issue of the disappearance of Mr Sono, Mr Lolo Sono?

MS MADIKIZELA-MANDELA: No, I have not been questioned about that.

MR VALLY: Has there been any query directed to you by the ANC about the issue of the disappearance of Mr Lolo Sono?

MS MADIKIZELA-MANDELA: No, there has been no such query by the African National Congress.

MR VALLY: Mr Jerry Richardson, in his amnesty application, alleges that he murdered Mr Lolo Sono on your instructions. What is your response to that?

MS MADIKIZELA-MANDELA: That is ludicrous, Mr Chairman.

MR VALLY: Did you know a Mr Guybon Kubeka?

MS MADIKIZELA-MANDELA: Yes, I knew Guybon.

MR VALLY: Was he a member of the Mandela United Football Club?

MS MADIKIZELA-MANDELA: He was not a member, he was one of those boys who came from Natal ... (intervention).

MR VALLY: Was he ... (intervention).

MS MADIKIZELA-MANDELA: ... in transit.

MR VALLY: ... staying in the back of your house?

MS MADIKIZELA-MANDELA: He did stay for a few weeks or months, I do not know. I do not recollect actually, but I knew him.

MR VALLY: Do you know someone called Shakes?

MS MADIKIZELA-MANDELA: Yes, I knew someone called Shakes.

MR VALLY: How did you know him?

MS MADIKIZELA-MANDELA: He was one of the boys who was in my premises.

MR VALLY: Now, Mr Richardson alleges that the murder of Mr Lolo Sono took place and he was accompanied by Shakes and Mr Guybon Kubeka when he carried out this murder. Do you have any knowledge of this?

MS MADIKIZELA-MANDELA: I have no such knowledge of any such thing.

MR VALLY: Katiza himself alleges that he was a member of Mandela United Football Club.

MS MADIKIZELA-MANDELA: It is one of his hallucinations, Mr Chairman. He is hallucinating a great deal.

MR VALLY: Okay. Let us talk about Mr Anthony Tshabalala.

MS MADIKIZELA-MANDELA: Who is this?

MR VALLY: Anthony Tshabalala, also known as Boniso. Do you know him?

MS MADIKIZELA-MANDELA: I do not know that person.

MR VALLY: Siboniso Tshabalala?

MS MADIKIZELA-MANDELA: I do not know that person.

MR SEMENYA: Is it, Mr Chairman, Sibusiso or Siboniso, because your correspondence gives two names?

MR VALLY: I have got Siboniso, Anthony Siboniso Tshabalala.

MR SEMENYA: Your notice talks about Anthony Sibusiso Tshabalala, Chabala.

MR VALLY: Is that the subpoena you are referring to?

MR SEMENYA: Yes, Mr Chairperson.

MR VALLY: Oh. We apologise for that. We actually are referring to Anthony Siboniso Tshabalala. He was also known as Boniso. I think that was his nickname or his home name. Do you know him at all?

MS MADIKIZELA-MANDELA: No, I do not know what you are talking about, Mr Chairman. I have never heard of that person. I do not know who he is.

MR VALLY: There is an allegation by his mother, Mrs Nomsa Tshabalala, that on the night of the 13th of November 1988 three men came to her house, allegedly on your instructions to come and fetch Mr Anthony Tshabalala. Do you have any knowledge of this?

MS MADIKIZELA-MANDELA: I have no such knowledge of any such a thing, Mr Chairman.

MR VALLY: Mr Anthony Tshabalala was also a close friend and neighbour of Mr Lolo Sono. Do you have any knowledge of this?

MS MADIKIZELA-MANDELA: I would not know that, Mr Chairman.

MR VALLY: Are you aware of whether he was ever a member of the Mandela United Football Club?

MS MADIKIZELA-MANDELA: I have no recollection of any such a person being a member of the football club. I do not know an Anthony or such a nickname.

MR VALLY: Have you ever been questioned by the South African Police about the disappearance of Mr Tshabalala?

MS MADIKIZELA-MANDELA: I have never been questioned by the South African Police about someone I do not know.

MR VALLY: Jerry Richardson has applied for amnesty for his murder and he alleges that he carried out the said murder on your

instructions again with Shakes and Jabulanie Guybon Kubeka.

What is your response to Jerry Richardson's application?

MS MADIKIZELA-MANDELA: Once again, it is one of those hallucinations. It is ludicrous, Mr Chairman, that I should be answering to Soweto murders if these people were murdered in Soweto at all. I do not know who you are talking about and the Shakes you are referring to is a boy from Brandfort, if that is the one they are referring to, and he was never a member of the football club to the extent of playing football with them. I brought up Shakes to Johannesburg to assist the family, because I knew that family as I was exiled to Brandfort. He was never part of the activities of the football club. That is the boy who was employed by me as a driver.

MR VALLY: He was a driver at your house?

MS MADIKIZELA-MANDELA: Yes, that was before he was employed by me as a driver although he subsequently left.

MR VALLY: What was his full name?

MS MADIKIZELA-MANDELA: He is Shakes.

MR VALLY: That sounds like a nickname. What is his full name, his real name?

MS MADIKIZELA-MANDELA: He was Johannes Tau.

MR VALLY: T A U?

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: Do you have an address for us?

MS MADIKIZELA-MANDELA: No, I do not have. He has since left.

MR VALLY: Do you know ... (intervention).

MS MADIKIZELA-MANDELA: He has gone back to the Free State.

MR VALLY: Do you know his present whereabouts?

MS MADIKIZELA-MANDELA: I have no idea of his present whereabouts.

MR VALLY: Do you know which street he stayed in in Brandfort before?

MS MADIKIZELA-MANDELA: Mr Chairman, I would not know such details. I knew the family when I was in Brandfort at the time. I have no idea where they are now.

MR VALLY: Do you know the present whereabouts of Mr Guybon Kubeka?

MS MADIKIZELA-MANDELA: No, I do not know his present whereabouts.

MR VALLY: Do you know what his present profession is or occupation?

MS MADIKIZELA-MANDELA: Why would I know that, Mr Chairman? I do not know.

MR VALLY: I am asking because you mentioned that some of the people went into the SANDF and I wanted to know whether you are aware of whether Mr Guybon Kubeka is in the SANDF or not.

MS MADIKIZELA-MANDELA: I would have given you that information. I replied to you about such questions. I do not know.

MR VALLY: Let us move onto another issue now. Did you know a MK commander in Soweto by the name of John Itumuleng Dube?

MS MADIKIZELA-MANDELA: It is the first time I hear of that name.

MR VALLY: Did you know a young man who was killed in Soweto by the name of Sithelo Glomo?

MS MADIKIZELA-MANDELA: I heard of Sithelo's death and I attended the funeral as I usually do, for the funerals of any of our children who died during the apartheid years. I have never met Sithelo. I do not know him.

MR VALLY: Was he a Mk operative to the best of your knowledge?

MS MADIKIZELA-MANDELA: I do not know him. I did not know him, but according to the media at the time, he was killed by the police and he was working for the SACC.

MR VALLY: Did you know anything further about the circumstances surrounding his death?

MS MADIKIZELA-MANDELA: I do not know any circumstances surrounding his death. I do not know the circumstances surrounding the deaths of all the people whose funerals I attend.

MR VALLY: Let us move on to the issue of Mr Stompie Sepei. I am looking at the press statement that you issued on the second of

October 1997. You are aware of the press statement I am referring to?

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: Do you have it readily accessible? We can let you have a copy if you do not have it readily available.

MS MADIKIZELA-MANDELA: Okay. Thanks.

MR VALLY: Now, there are a number of questions which flow from this press statement issued by you. Firstly, there appears to be an allegation and I want to ask you this question directly. There appears to be an allegation that the person responsible for Stompie Sepei's death is, in fact, Kholiswa Falati. Am I reading the press statement correctly?

MS MADIKIZELA-MANDELA: I think my lawyers will assist me with that kind of analysis.

MR SEMENYA: No, I do not think that that fact can be drawn from the statement, with respect.

MR VALLY: Very well. Let us talk about this press statement, Mrs Madikizela-Mandela. Let us talk about what you say about Sepei's affair. Your first statement in bold there is,

"Stompie Sepei was never an informer ..."

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: That is your position. He was ... (intervention).

MS MADIKIZELA-MANDELA: It is ... (intervention).

MR VALLY: ... never an informer.

MS MADIKIZELA-MANDELA: ... my belief that a 13 year old child could have never been an informer.

MR VALLY: Did you ever have the belief that he was an informer prior to this issuing of this press statement?

MS MADIKIZELA-MANDELA: But this is what I am saying there, Mr Chairman. I am saying it has been my belief, it is my belief that it is ridiculous to suggest that a 13 year old child was an informer.

MR VALLY: So, you never believed he was an informer?

MS MADIKIZELA-MANDELA: Not at all. In fact, I saw this version in the media. I had never heard of this little boy referred to as an informer.

MR VALLY: Can you advise us, and I sorry to do this, but I have to, what you understand by an informer as you have written it down here?

MS MADIKIZELA-MANDELA: My understanding of an informer is a person who collaborates with (tape 1A ends) ...

MR VALLY: ... looking under the Sepei's affair, the second paragraph. You talk about tribunals which were held in the East Rand by Kholiswa Falati.

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: You talk about the alleged killing of a certain George, allegedly, because he was accused of being an informer.

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: What is the purpose of putting that information down in this press statement regarding the Sepei affair?

MR SEMENYA: Maybe we can come in here.

MR VALLY: No, Mr Chairperson, I am, I needed Mrs Madikizela-Mandela to answer the question unless there is a reason why she should not answer this question.

MS MADIKIZELA-MANDELA: My lawyer is ... (intervention).

CHAIRPERSON: Are you raising an objection Mr, Mr Jakwe, are you raising an objection of the question?

MR SEMENYA: No, I am not raising an objection, Mr Chairman.

CHAIRPERSON: Then let her answer, let the question be answered then.

MR SEMENYA: But neither am I forestalling the witness from answering the question, Mr Chairman. The statement was given by the witness, as my learned colleague indicated earlier, with us in consultation. Now, to quote a phrase in the statement which is not correct would invite my intervention, Mr Chairman. Now, I just want to satisfy myself that Mr Moosa and I understand the statement. Hani Vally sorry. Mr Vally and I understand what we are talking about.

Chairperson, if you look at this Sepei affair, even in plural it opens,

"... our short investigations reveals a sorry pattern of events and the events are outlined ..."

So, it is not a version, my client that is saying that.

CHAIRPERSON: Mr Semenya, I think the procedure is very clear. If she is one of the people who was involved in the compilation of the statement and in the investigation of the issues there as, she is competent to reply. She is the one who is testifying. I would not like to have a situation where counsel are going to be testifying on behalf of their clients or their client. If she is one of those who identified herself in the contents of the statement I cannot for the whole world understand why she is not in a position to reply to the statement. It is not a legal document, it is a statement.

MR SEMENYA: Chairperson, if I may? I must apologise if I ever was understood to mean that the client should not answer the question.

CHAIRPERSON: I fail to understand, Mr Semenya, why you find it even necessary to have to explain to us what seems to be very patent from the statement. We have all read that it says,

"... our short investigation ...",

but it patently indicates or suggests that it was signed by her. At the end of the statement only her name appears and I think it is on

that basis that we think that she is central to the contents of the

statement and can she please reply to the question now, Mr Semenya.

MS MADIKIZELA-MANDELA: I am sorry if an impression has been given that my lawyer is trying to protect me in any way. That is not the case at issue at all and ... (intervention).

MR VALLY: I accept ... (intervention).

MS MADIKIZELA-MANDELA: Can you ... (intervention).

MR VALLY: I accept that.

MS MADIKIZELA-MANDELA: ... rephrase your question? I have even lost the actual trend of your question.

MR VALLY: Certainly. I am looking under the Sepei affair, the second paragraph. The paragraph which starts off,

"It will be recalled the Kholiswa Falati...",

and it goes on. I want to ask you is the allegation there that from your investigations it appears as if Kholiswa Falati after holding, what was called a tribunal, had caused one George to be killed on allegations that he was an informer?

MS MADIKIZELA-MANDELA: Obviously, my lawyer was also trying to say that I was not present when these things happened and the inference drawn here is from testimony from clients and from witnesses, rather, I am sorry, who gave us that information and, obviously, I got my attorneys to assist me interview these clients, these witnesses to give this version of events. So, they referred to these events as tribunals, the people whose names have been given

to you, names and addresses have been given to you. So, this is not my phraseology. It is from those witnesses.

MR VALLY: Fair enough. You got your attorneys to interview the witnesses?

MS MADIKIZELA-MANDELA: I got my attorneys to help me listen to those youths I produced in that press conference.

MR VALLY: Fair enough. You also had a press conferences where your counsel and your attorney were present?

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: Where you saw fit to repeat these allegations?

MS MADIKIZELA-MANDELA: Absolutely, yes.

MR VALLY: And you have such confidence in these allegations that you are prepared to go public at a press statement regarding these allegations?

MS MADIKIZELA-MANDELA: As I have stated here, yes, of course.

MR VALLY: Do you believe these ... (intervention).

MS MADIKIZELA-MANDELA: You ... (intervention).

MR VALLY: ... allegations?

MS MADIKIZELA-MANDELA: You have been going public, the Truth Commission has been saying all sorts of things and the media, the SABC, has on gone on record saying these things about this particular person who is testifying before you. You have been on BBC, you have been on camera, in fact, staging a show with some

woman who wrote a book about these allegations. Surely, I have a democratic right to respond to all your performance, what you have been doing publicly.

CHAIRPERSON: No, I think the point (microphone not on), I understand is being made (microphone not on). Even if we allowed that all those things you say happen, happened and were done by the TRC. That is just a separate issue. I think what he is trying to establish is whether you believed in the things that were eventually reduced to paper as contents of your interviews with these witnesses..

MS MADIKIZELA-MANDELA: Yes, in the same way, you believed in Cebekhulu's book and all the things you have been saying in public. I similarly believe in those who came forward to give the other side of the story and whilst we were here the SABC through Max du Preez was continuing, in fact, this process before the country, through the SABC machinery. I do not have access to such resources. This was my only way of trying to cope with you, the things you are saying and the things you are saying through the media and the things you are saying through the SABC.

MR VALLY: I understand your reasoning and it certainly makes sense. The question, I repeat, is you believed these allegations were true as set out in paragraph two after the Sepei affair. The one I have read out to you regarding George?

MS MADIKIZELA-MANDELA: I believe in what these witnesses told me.

MR VALLY: I see. So, you are ... (intervention).

MS MADIKIZELA-MANDELA: In the same way you believed in that British woman who paraded before the country ... (intervention).

MR VALLY: I ... (intervention).

MS MADIKIZELA-MANDELA: ... and the whole world.

MR VALLY: I will leave that aside, because those are still allegations. I want to go onto the next paragraph. Your first sentence there, and I say yours, Mrs Madikizela-Mandela, because as the Chairperson pointed out this statement bears your name and was issued, apparently, with legal assistance.

MS MADIKIZELA-MANDELA: I did not abdicate that responsibility, Mr Chairman.

MR VALLY: I appreciate that.

"The death of Stompie Sepei raises a similar pattern ...".

That is how you started off and my question is are you suggesting that what Kholiswa Falati allegedly did regarding George in the East Rand is what she did regarding Stompie Sepei in Soweto?

MS MADIKIZELA-MANDELA: I drew inferences, Mr Chairman, that the pattern is the same.

MR VALLY: Fair enough. Now, I need to ask you further, because having talked about the pattern and I am talking, again, about that paragraph, the death of Stompie Sepei, the bit you have got in quotes where you say,

"Kholiswa identified Stompie Sepei, Tabiso Mono, Katiza Cebekhulu and Gabriel Megwe to the members of the football team ...",

and I quote,

".. as people who had allowed themselves to be sodomised by a White man ..."

unquote. Are you saying these were allegations by Kholiswa Falati?

MS MADIKIZELA-MANDELA: This is information from the witnesses, Mr Chairman.

MR VALLY: Which you now believe?

MS MADIKIZELA-MANDELA: Yes, I do.

MR VALLY: Do you have any other basis for any allegations of sexual abuse of any young men by Reverend Paul Verryne?

MS MADIKIZELA-MANDELA: I do not understand your question, Mr Chairman.

MR VALLY: What you say in this press statement is that Kholiswa Falati came to you and alleged that Sepei, Mono, Cebekhulu and Megwe were people who,

"... allowed themselves to be sodomised by
a White man ..."

MS MADIKIZELA-MANDELA: This is said by the witness, Mr
Chairman.

MR VALLY: Fair enough.

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: My question to you is, and the White man, let us just
get clarity there also, the White man being referred to here would be
Reverend Paul Verryne?

MS MADIKIZELA-MANDELA: Yes, that is correct.

MR VALLY: Do you have any other independent accusations of
sexual abuse against the Reverend Paul Verryne? Other than what
Kholiswa told you.

MS MADIKIZELA-MANDELA: Why would I have those
accusations, Mr Chairman? Firstly, I did not even know Paul
Verryne. The versions I have heard emanating from this Truth
Commission, from your documents and from Stompie's file were the
first versions I ever heard of. In the Stompie trial we produced
witnesses in our defence of other boys who had been sodomised by
Paul Verryne. You can get that information from the court record.
I do not know if your so-called independent version or independent
information refers to that sort of information. We tried to produce
witnesses there, who testified in the Supreme Court that they had
been sodomised by Paul Verryne.

MR VALLY: So, what you are, in fact, saying is despite the fact that you do not now believe the allegations by Kholiswa Falati regarding these four boys, that there are other independent witnesses that may allege the Reverend Paul Verryne has sexually abused young boys?

MS MADIKIZELA-MANDELA: I am not really sure what you are trying to say, Mr Chairman. I am saying in the Stompie trial ... (intervention).

MR VALLY: Yes.

MS MADIKIZELA-MANDELA: ... we produced evidence of boys who had been sodomised by Paul Verryne and the judge saw, chose to ignore that evidence. It is in the court record and I would have thought the Truth Commission would have looked through. The Truth, they want to call the first record in the first place, before putting these sorts of questions to me, because that evidence is there large and clear.

MR VALLY: I ... (intervention).

MS MADIKIZELA-MANDELA: That Paul Verryne was sodomising the boys who sought refuge in the manse in that church. Lengthy evidence, page after page, was led in that trial ... (intervention).

MR VALLY: Will ... (intervention).

MS MADIKIZELA-MANDELA: ... about how Paul Verryne was carrying on ... (intervention).

MR VALLY: Maybe ... (intervention).

MS MADIKIZELA-MANDELA: ... in those months.

MR VALLY: Maybe you can help us there. I mean, one of the alleged accuses was Katiza Cebekhulu. Although he was not present at the trial his name was mentioned a number of times regarding a person who had allegations against Paul Verryne. Can you advise us who else?

MS MADIKIZELA-MANDELA: I have just told you, Mr Chairman, that you go and get the record. You will get all the names there.

MR VALLY: Well, we did look at the court record and this is why we need your help. I do not seem to recall and, again, I might be wrong, but there was a young man whose name you mentioned by the name of Rabolo. Is that correct?

MS MADIKIZELA-MANDELA: I never mentioned any name, any such name.

MR VALLY: Maxwell?

MS MADIKIZELA-MANDELA: Who is this?

MR VALLY: Maxwell.

MS MADIKIZELA-MANDELA: I do not recollect the actual names of the boys, because, as I say, I did not keep the names, but witnesses were produced in the Stompie trial. I do not believe the names are not there. I do not think you read that court record, because those witnesses testified in the Supreme Court. I do not know what record you have. I would suggest you go back to that

record again.

MR VALLY: All right. Well, I think we may have to do that and go through it more thoroughly. So, in terms of what you believe regarding Reverend Paul Verryne, sorry, the name that I saw in the court record was someone called Dunkiso Rabolo.

MS MADIKIZELA-MANDELA: Yes, that I remember. The first name, Dunkiso, because that is a nickname.

MR VALLY: Right. Did he give evidence?

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: And you say, where there other witnesses as well?

MS MADIKIZELA-MANDELA: Yes, there were other witnesses. I just do not recollect their names.

MR VALLY: Who actually gave evidence and ... (intervention).

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: ... and were cross-examined on the issue?

MS MADIKIZELA-MANDELA: Yes, in the Supreme Court.

MR VALLY: Okay. Well, we will have to come back to that and I take your point. We will have to look at the whole record much more thoroughly. All these names we came across in the portion that we had were Dunkiso Rabolo and Katiza Cebekhulu. However, there is, there are other portions we have to look at still.

Now, ... (intervention).

CHAIRPERSON: Are you moving to another point, Mr?

MR VALLY: No, we are still going to be busy with the Sepei affair. We are moving off Reverend Paul Verryne at this stage.

CHAIRPERSON: I just want to place it on record to the extent that the Truth Commission or any office organs or personalities are perceived to have come to a conclusion as to the truthfulness or otherwise of any allegations made in relation to matters that are being canvassed here. The position should be recorded that neither at any of the hearings that we have held nor at any interviews that purport to have been by members of the Truth Commission, has a position been taken on any of these matters. A findings process on all the issues relevant to unite, Mandela United Football Club has not been made and out of these proceedings more findings will be made. I just wanted to place that on record to the extent that an impression might be created that the Commission through its officials or through public interviews has already prejudged the issues. It has not. Mr Vally.

MR VALLY: Thank you Mr Chair. Mrs Madikizela-Mandela, bearing in mind this press statement which was issued on the second of October, are you in any way changing the position that you took during the trial when you were charged with abduction and assault?

Have you in any way changed that position as at the second of October 1997, after your investigations you referred to here?

MR SEMENYA OBJECTS:

MR SEMENYA: Mr Chairman, I struggle to understand the questions. Really, I think is there a way in which you can

reformulate them to be simple and straight forward. Change which position?

MR VALLY: Well, let me ... (intervention).

CHAIRPERSON: Maybe you should form a basis for the question. I think I agree with you Mr Semenya. There may be very many positions, you know. Perhaps you want to canvass with her what you understand the position to have been that she took there and then put whatever you think is the difference in those words. Thank you Mr Semenya. Mr Vally.

MR VALLY: Has your testimony at the, I am sorry. Has your testimony at the trial regarding the manner and the reasons why Sepei, Gaso, Mono and Megwe were brought to your house from the manse changed in any way as a result of your investigations?

MS MADIKIZELA-MANDELA: I do not really understand here what you mean by that. If you mean what effect the presence of Mono Megwe has on or what bearing it has on this. Of course it has a bearing. At the time I was an accused and he was, in fact, one of the people who was supposed to have been brought over to my house. In relation to that I did not know the information he has subsequently brought. In that regard, then, I would have changed the views I had at the time.

MR VALLY: That, I think that is important what you say there.

You will have changed the views you had at the time. Can you please ... (intervention).

MS MADIKIZELA-MANDELA: From the new information which I did not have at the time.

MR VALLY: What we would like to know is what views have you changed? You referred, you would have, if you had that information at the time you would have changed your views. What views are these that you are referring to?

MS MADIKIZELA-MANDELA: If you are referring indirectly to the question of Dr Asfat, which I suppose is what you are trying to do, ... (intervention).

MR VALLY: No, no.

MS MADIKIZELA-MANDELA: ... in that regard, yes, of course, in relation to whether Stompie and the rest of them were seen by Dr Asfat, it now transpires that they were never seen by Dr Asfat. In relation to that, yes, of course, and that is a major shift.

MR VALLY: Fair enough.

MS MADIKIZELA-MANDELA: Because there has been all this propaganda and my being linked to murders and one of the most important ones being that of Dr Asfat.

MR VALLY: I will be coming back to Dr Asfat. I want to just take it sequentially from the time that these four young men were taken from the Methodist manse and brought to your house. The testimony you gave in your trial is this, do you still maintain the same position you took in your trial regarding that aspect or, as a

result of your investigations, has your view changed ...
(intervention).

MS MADIKIZELA-MANDELA: I do not really ... (intervention).

MR VALLY: ... regarding that aspect?

MS MADIKIZELA-MANDELA: ... know what you are talking
about. I have not gone through the court record.

CHAIRPERSON: Mr, Mr ... (intervention).

MS MADIKIZELA-MANDELA: I do not (indistinct) ...
(intervention).

CHAIRPERSON: Mr Vally, perhaps ... (intervention).

MS MADIKIZELA-MANDELA: ... to establish.

CHAIRPERSON: ... perhaps, why don't ... (intervention).

MS MADIKIZELA-MANDELA: I do not know if this is a second
trial.

CHAIRPERSON: Perhaps what you, Mr Vally, perhaps what you
want to assist the witness with, I mean, if I was in a trial so many
years ago, I would, in an inquiry like this one, appreciate if you
would say, look, I understand your evidence at that trial to have
been this. Do you confirm that this is, you know, a summary of
your evidence and then you can, you can then ask the other
questions.

Perhaps this should be a convenient time for us to take the tea
adjournment and we should come after lunch. I beg yours, after tea.

We will come back at quarter past.

MR SEMENYA: Mr Chairman, I do not know whether to make it a formal request, but it would seem that the essence of the questioning would emanate from what we would have said in the Stompie trial. We do not have the record. If it is possible to be assisted with the court record so that our answers become meaningful, we would appreciate it.

CHAIRPERSON: Maybe that is something you want to canvass with Mr Vally during the tea adjournment.

We are adjourned for tea until quarter past 11.

HEARING ADJOURNS

ON RESUMPTION AT 11H15

CHAIRPERSON: This is a resumption of the inquiry. Mr Vally.

MR VALLY: Shall we just go on. I know we have discussed briefly the issue of court testimony. I just want to confirm that we have completed the issue of the press statement. Regarding the press statement of the second of October 1997, is the direct influence that one should draw from this press statement that Kholiswa Falati had, in fact, falsely accused Stompie Sepei of being an informer, was responsible for the kidnapping of the four youths and, ultimately, was responsible for the death of Stompie Sepei? Is that an inference that we can draw from the press statement? That is my question.

MS MADIKIZELA-MANDELA: What is inference there, Mr Chair?

MR VALLY: Three things. That she was responsible for the kidnapping of the youths. Number two, that she was responsible for the allegations regarding Stompie Sepei being an informer and allegations about homosexual activity and, number three, that she was responsible for the death of Stompie Sepei?

MS MADIKIZELA-MANDELA: Can I take them one by one?

MR VALLY: Sure.

MS MADIKIZELA-MANDELA: So that I will ... (intervention).

MR VALLY: Sure.

MS MADIKIZELA-MANDELA: ... not have (indistinct).

MR VALLY: Sure. First one is that Kholiswa Falati was responsible for the kidnapping?

MS MADIKIZELA-MANDELA: Yes, that is correct.

MR VALLY: Second one was that she was responsible for the allegations, and I am talking about these four only, regarding homosexual activity and or sexual abuse, you will recall it, with some youngsters involved and the fact that Stompie was allegedly an informer. That is the second one.

MS MADIKIZELA-MANDELA: She was responsible for bringing Cebekhulu to me with information that he was abused by Paul Verryne.

MR VALLY: Right, but I want to talk about the other youths, Sepei, Mono, Cebekhulu and Megwe.

MS MADIKIZELA-MANDELA: I was not there when she made that allegation. It, subsequently, transpired from the trial.

MR VALLY: Okay, and the allegation that Stompie Sepei was an informer?

MS MADIKIZELA-MANDELA: I was not there when she made the allegation.

MR VALLY: Okay.

MS MADIKIZELA-MANDELA: It is my view that Stompie Sepei could never have been an informer.

MR VALLY: All right, but this was an allegation made solely by her?

MS MADIKIZELA-MANDELA: This transpired from the trial, from the documents I see from you people.

MR VALLY: And, finally, the issue of Stompie's murder. Can I infer that she was responsible for it, from the ... (intervention).

MS MADIKIZELA-MANDELA: How on earth ... (intervention).

MR VALLY: ... press statement?

MS MADIKIZELA-MANDELA: How on earth do I possibly make an inference of that sort?

MR VALLY: Because ... (intervention).

MS MADIKIZELA-MANDELA: I have stated views here ... (intervention).

MR VALLY: Yes.

MS MADIKIZELA-MANDELA: ... which are facts according to my information.

MR VALLY: Yes.

MS MADIKIZELA-MANDELA: Whether you construe from those views that she was directly responsible for the killing of Stompie, I think is a view you are entitled to hold.

MR VALLY: I ... (intervention).

MS MADIKIZELA-MANDELA: I did not say that view.

MR VALLY: I understand that. I may have already canvassed this issue, but, and let me not take it further other than saying you talk about the killing of George in certain circumstances involving Kholiswa Falati and you start off with talking about the death of Stompie Sepei and you say,

"... raises a similar pattern ...".

MS MADIKIZELA-MANDELA: Yes, the patterns I refer to.

MR VALLY: Right. So, the necessary ... (intervention).

MS MADIKIZELA-MANDELA: As ... (intervention).

MR VALLY: ... inference that, from the way it is set out is that she was also responsible for the death ... (intervention).

MS MADIKIZELA-MANDELA: Well, if you want to draw that inference you are entitled to do that.

MR VALLY: What ... (intervention).

MS MADIKIZELA-MANDELA: These are the facts I have stated.

MR VALLY: What was ... (intervention).

DR RANDERA: I think we should, perhaps, put the question to Mrs Mandela a bit more directly. What is your view, not the inference that we draw, but what is your view on the basis of these allegations. She is involved with this, she is not involved.

MS MADIKIZELA-MANDELA: Yes, my view is that the pattern is the same. It would be for this Truth Commission to prove who killed Stompie. The pattern of the killings is the same.

MR VALLY: Regarding, I have talked to my learned friend, and I will not go into the court record as such until he has access to it and I am sure he will get access to it later. Maybe from the previous attorneys acting for his client. But regarding the actual charges and the conviction of kidnapping, you were found guilty of kidnapping and assault in the Supreme Court and on appeal assault was, conviction was overturned and the kidnapping was upheld. What is your view on your conviction for the kidnapping charges?

MS MADIKIZELA-MANDELA: I do not understand that sort of question, Mr Chairman.

MR VALLY: Do you confirm ... (intervention).

MS MADIKIZELA-MANDELA: What is my view? My view is what is stated in the court document.

MR VALLY: Do you deny that you were guilty ... (intervention).

MS MADIKIZELA-MANDELA: I testified that I was not guilty of kidnapping. My view is the same as the view I stated then.

MR VALLY: If not, who do you believe other people responsible for the kidnapping?

MR SEMENYA: If not what?

MS MADIKIZELA-MANDELA: If not what?

MR VALLY: If you are saying that you were not responsible although you were found guilty on appeal ... (intervention).

MS MADIKIZELA-MANDELA: What are you trying to establish with that, Mr Chairman?

MR SEMENYA OBJECTS:

MR SEMENYA: Protection, Mr Chairman.

MS MADIKIZELA-MANDELA: What on earth are you trying to establish?

MR VALLY: My position is very simple, Mr Chairperson. I said the Appeal Court has upheld that Mrs Mandela was guilty of kidnapping and I asked her in view of the Appeal Court's finding, does Mrs Madikizela-Mandela maintain her position of innocence and she said yes. My question then is to probe who was actually responsible, in her view, for the kidnapping.

CHAIRPERSON: Ja, I think the question is fair.

MS MADIKIZELA-MANDELA: It is stated in the court record that Falati went to fetch those boys from Paul Verryne's house, church house.

MR VALLY: Falati and John Morgan were also found guilty of the kidnapping?

MS MADIKIZELA-MANDELA: Yes, according to the court procedure, yes.

MR VALLY: And what is your view? Were they responsible?

MS MADIKIZELA-MANDELA: I have just stated that Falati went to fetch those boys from the manse.

MR VALLY: And John Morgan?

MS MADIKIZELA-MANDELA: I was not there, but it was stated in court that they went together. They actually took my bus to go there.

MR VALLY: And Jerry Richardson?

MS MADIKIZELA-MANDELA: I do not know what you are asking about Jerry Richardson.

MR VALLY: Was Jerry Richardson ... (intervention).

MS MADIKIZELA-MANDELA: I was not there.

MR VALLY: ... part of the kidnapping?

MS MADIKIZELA-MANDELA: I was not there, Mr Chairman.

MR VALLY: From your knowledge, from your ... (intervention).

MS MADIKIZELA-MANDELA: From the court record it is stated that he was there, if my memory serves me well.

CHAIRPERSON: I think, certainly from my part, we, I would like us to, as far as it is possible, to avoid, at least in these proceedings, a situation that restricts us only to what was said in court and,

although, of course, one would not stop anyone from saying so. For instance, in this particular issue, I would, obviously, like to know

from you what you think given that I imagine that when the boys had been fetched from the manse and were taken to your house. Now, if you accept that they were taken to your house, I would expect that, even if you were not there when they were being fetched, you might have established or you might not have established, how they came to be at your place and I think the questions are seeking to know, when he says what is your view, I think he is seeking to know what did you establish, subsequently, when you talked with either Richardson, if you did, or all those other people.

MS MADIKIZELA-MANDELA: Mr Chairman, I do not really know what the problem is with that, because I can only refer you to the court record which would reflect my memory of the events of the time. All that information is in the court record.

CHAIRPERSON: Well, maybe, let me clarify. Is your position that you do not recall now, if you were asked to just relate the events as they happened at that time, as far as you can recall them, are you saying you would only, you would be able to give an accurate account if you were to refer to the court record and what you said or what was said there? You have no independent recollection of events as they happened at that time or as they were related to you at that time?

MS MADIKIZELA-MANDELA: That happened about five years ago, Mr Chairman. I would have to have a look at the court records to refresh my memory.

CHAIRPERSON: I see.

MR VALLY: The reason for that question is that you said in view of the new information that you now have, certain positions may be different. In view of the new information as a result of your investigation, are you saying that, and I accept that you have not read the court record, but you do not have a new position regarding the issue of the kidnapping?

MR SEMENYA OBJECTS:

MR SEMENYA: What is the question?

MS MADIKIZELA-MANDELA: What ... (intervention).

MR VALLY: The question is simply this. That the position that you took in court regarding the kidnapping is the same position you hold now in spite of the new investigations you have conducted?

MR SEMENYA: What position in relation to?

MR VALLY: Whatever it was. You see, the difficulty, ... (intervention).

MR SEMENYA: No, man.

MR VALLY: ... Mr Chairperson is this. That we have not given a copy of the court record. It goes into many volumes, we have got

our notes on it. I am sure the court record will be accessible to Mrs Madikizela-Mandela from her attorneys of record before.

Has her position at all changed because she said, if I knew then what I knew now and she talks in the press statement about - I am sorry. Mrs Madikizela-Mandela talks in the press statement about investigations. I am saying because she makes this reference to Mrs Falati's alleged involvement regarding a youngster called George in the East Rand, she makes the inference that the death of Stompie Sepei raises a similar pattern and this is a very fresh press statement, in a sense. It was the second of October 1997. I am asking what is her position now regarding the kidnapping as a direct result of her short investigations, her finding out about Kholiswa Falati in the East Rand and her allegation that the death of Stompie Sepei raised a similar pattern, not my words. What is her view on the kidnapping now?

MR SEMENYA: Mr Chairman, may we make the comment, and we do not mean to be difficult. The position of client or the record will reflect, was that she said she is not guilty of kidnapping them. She has just repeated that she holds the same position. Now, if you ask what is your position then and now in relation to the new information, what position are you talking about? Whether we are guilty or not?

CHAIRPERSON: Yes, I must agree, Mr Vally, because since the client, I mean, the witness has stated, sufficiently, that her attitude, in spite of her conviction, and in spite of her conviction being upheld by the Appellate Division, her position is very clear. She

had pleaded not guilty, she protests her innocence, she still does. Maybe, from that, the way I understand it, it seems to me what the question seeks to say, maybe it is not clear, is whether there is anything new in the short investigation that was conducted, that would cause the, your client to take a different view of those charges and, but I have seen the light of their reply, in the light of their reply is I do not think there is anymore that she can do or say.

DR RANDERA: Sorry, just through you Mr Chair, just, the issue of clarification is what Mrs Mandela is saying that in view of the new information, the defence against the charges would have been different. Is that what is, what is being said? That in view of the investigation, the new information, the way in which the allegations against her were defended in court, that there would be a different approach. Is that what is being suggested?

MR GLOVUNDLA: Sorry, Mr Chairman, I just wanted to say that our understanding is that the Commission is supposed to determined facts, not opinions. She is not an expert opinion in anything and for us to be subjected to opinions, we really cannot understand how are the opinions going to assist the Commission. I think the Commission should try to determine facts, not opinions, and to ask her what is your opinion about that, I do not think it is going to help much.

CHAIRPERSON: Mr Vally, is there any other way in which you can pursue your objectives?

MR VALLY: I am sorry, we are playing musical mikes. Let me just continue, Mr Chairperson. I, you know, I, we are not going to get further on that particular point. However, I want to raise another issue regarding this press statement. Just regarding these four young men. There have been statements made previously by you that these young men were sexually abused. In view of the press statement made on the second of October 1997, do you still maintain that Stompie Sepei, Tabiso Mono, Katiza Cebekhulu and Gabriel Megwe were sexually abused?

MS MADIKIZELA-MANDELA: I hold no view on this issue at all and I have no answer for that.

MR VALLY: You say you have no evidence either way?

MS MADIKIZELA-MANDELA: I said I have no view, no personal view. The views I had are those which were in the, contained in the court document of the boys who testified that they were sexually abused by Paul Verryne. Whether these were sexually abused or not, is another question altogether. I hold no view on that issue. I have no answer for that.

MR VALLY: These four boys whose names I have mentioned, did not allege that they were sexually abused at the trial.

MS MADIKIZELA-MANDELA: So, what is your question?

MR VALLY: Is that correct?

MS MADIKIZELA-MANDELA: I do not really know what they said in the trial ... (intervention).

MR VALLY: Right.

MS MADIKIZELA-MANDELA: ... I would have to refresh my memory.

MR VALLY: Okay, if I put that ... (intervention).

MS MADIKIZELA-MANDELA: They could have denied, they could have admitted, I do not really know.

MR VALLY: If I put that to you that they did not allege that they were sexually abused at the trial, would you accept it?

MS MADIKIZELA-MANDELA: Whatever is in the court document is what happened then.

MR VALLY: Fine. And in your press statement you say and you quote Kholiswa as a person who identified these four young men and inverted commas, quote,

"... as people who would allow themselves
to be sodomised by a White man".

MS MADIKIZELA-MANDELA: If this is what transpired in the trial.

MR VALLY: "On the basis of this information the four boys
were severely assaulted and Stompie Sepei
was subsequently killed ..."

This is your press statement again.

MS MADIKIZELA-MANDELA: Yes, it is stated from evidence
from the witnesses.

MR VALLY: Now, ... (intervention).

MS MADIKIZELA-MANDELA: Otherwise I have no first hand information.

MR VALLY: In these press statements you seem to indicate very clearly that Kholiswa Falati was lying to you.

MR SEMENYA: On what aspect?

MR VALLY: On the whole story that she came with. Was ... (intervention).

MS MADIKIZELA-MANDELA: Where on earth do you get that from?

MR VALLY: Let me ask you that question directly. On that bit that you have got in quotes,

"... as people who would allow yourselves
to be sodomised by a White man."

Do you believe Kholiswa Falati was lying or not?

MS MADIKIZELA-MANDELA: I do not understand why you would ask me a question like that. I have stated facts here, facts we have gathered from witnesses.

MR VALLY: I understand that.

MS MADIKIZELA-MANDELA: What my belief is, was then or now, is not what we are talking about here. I am stating facts and saying here are the facts. You are supposed to be extracting facts as they are and here are the facts to my knowledge, presented to me by the witnesses. It is for you to establish that, who was lying to who.

MR VALLY: These are facts that you believe in? We have canvassed this already. You believed in it, you had the witnesses interviewed by your legal team. My question, very simply, is did Kholiswa Falati lie to you regarding the sexual abuse of these four men or not?

MS MADIKIZELA-MANDELA: How could I know ... (intervention).

MR VALLY: If you of your new ... (intervention).

MS MADIKIZELA-MANDELA: ... that.

MR VALLY: ... of your new investigation?

MS MADIKIZELA-MANDELA: How do I know that? I have, I am stating facts the other side of the story and it is for you to establish that. I would hope you will help me establish that.

MR VALLY: And what is your ... (intervention).

MS MADIKIZELA-MANDELA: I have merely presented you with facts here ... (intervention).

MS MADIKIZELA-MANDELA: What is your view ... (intervention).

MS MADIKIZELA-MANDELA: ... of the other side.

MR VALLY: What is your view, Mrs Madikizela-Mandela?

MS MADIKIZELA-MANDELA: Answer to my lawyer dealt with just now.

MR VALLY: No, no he did not. Did you, do you now, in view of your new investigations, believe that Kholiswa Falati lied to you regarding allegations of sexual abuse, regarding ... (intervention).

MS MADIKIZELA-MANDELA: In view of the new information I have presented to you, I am hoping you are going to establish the true facts about this whole issue.

MR VALLY: Do you ... (intervention).

MS MADIKIZELA-MANDELA: I have presented you with the facts on the other version of the facts you have presented to me on which you are questioning me.

MR VALLY: Do you believe she lied to you or not?

MS MADIKIZELA-MANDELA: I would like you to establish that fact.

CHAIRPERSON: Mr Vally, we are not going to get anywhere with this, this question. I think you have put it on the record, it is on the record. If we have to make a finding, we will find, we will make a finding in the usual manner. This witness is certainly not prepared to answer the question in a way you expect it to be answered. She says we must do the findings to whether or not she believes Kholiswa Falati.

MR VALLY: Thank you Mr Chair. What is your response to Katiza Cebekhulu's allegations that he was asked by you to entrap

Reverend Verryne in allegations of sexual misconduct?

MS MADIKIZELA-MANDELA: That is ridiculous, Mr Chairman. I never met Cebekhulu before she, he was brought to me by Falati.

MR VALLY: When did you first hear of allegations of sexual abuse by Reverend Verryne?

MS MADIKIZELA-MANDELA: From Falati.

MR VALLY: Had you heard any such allegations before Kholiswa Falati informed you of these?

MS MADIKIZELA-MANDELA: To my recollection, I heard from Falati.

MR VALLY: So, if Falati was lying then the base of the allegations would not be true?

MR SEMENYA OBJECTS:

MR SEMENYA: I do not know whether you ... (intervention).

MS MADIKIZELA-MANDELA: Frankly ... (intervention).

MR SEMENYA: ... are asking matters of logic, but that is not a question, really.

MR VALLY: Well, if, let me phrase it, rephrase it. Your only source of information regarding sexual abuse on the part of Reverend Verryne was from Kholiswa Falati?

MS MADIKIZELA-MANDELA: I have explained here that we then subsequently went (tape 1B ends) ...

MR VALLY: ... Kholiswa Falati?

MS MADIKIZELA-MANDELA: I have explained here that we then subsequently went out to find out whether there were any other

witnesses and they testified in the Supreme Court and I said have a look at the court record. I would not even recollect their names.

MR VALLY: Well, there were two witnesses, but we will not go into the evidence now. We have an understanding with my learned friend. Until he has a court record it will not serve any purpose to go through the evidence given by those two witnesses, but at the time of these incidents, and I am talking about December, I am talking about the 29th, 30th, 31st of December 1988. Your only source of information regarding alleged sexual abuse by Reverend Verryne was what you were told by Kholiswa Falati?

MS MADIKIZELA-MANDELA: I do not know what we are trying to establish here, Mr Chairman. Are you trying to establish Paul Verryne's innocence, because you are, your document actually goes so far as to say all these allegations made by me were, in fact, false against Paul Verryne. What do you want me to say? Do you want me to manufacture some other source?

MR VALLY: My question is very straight forward. Was your only source of information regarding allegations of sexual abuse against Paul Verryne as at the 31st of December 1988, what you were told by Kholiswa Falati?

MS MADIKIZELA-MANDELA: I said to my recollection I have from Falati. Whether there was some other information in the court record, I do not remember now.

MR VALLY: I am talking about ... (intervention).

MS MADIKIZELA-MANDELA: But to my ... (intervention).

MR VALLY: ... the court record.

MS MADIKIZELA-MANDELA: ... recollection it was Falati who brought Cebekhulu to me for medical attention.

MR VALLY: You are aware that Tabiso Mono, Tselo Megwe retracted their allegations of sexual abuse at a public meeting in Soweto on the 16th of January 1989?

MS MADIKIZELA-MANDELA: I was not there, Mr Chairman, and there are many, there are thousands of things that get said in the media. Whether I am aware of them or not is really immaterial. All sorts of things get said. I do not know what happened in that meeting. I was not part of that meeting. Whether they retracted or not is immaterial to me.

MR VALLY: You are aware of a report sent by, what was called, the Mandela Crisis Committee to the then President of the ANC, Oliver Tambo, where they refer to these retractions?

MS MADIKIZELA-MANDELA: With deep regret, that document is not owned even by the present ex-members of the Crisis Committee.

I spoke to the present Minister of Safety and Security, Sydney Mufamadi, I spoke to Aubrey Mokoena, who is the Deputy-Speaker of the House, to try and establish the authenticity of the so-called document from the Crisis Committee. Both of them have no knowledge whatsoever of your fictitious document which is, so obviously, from Stratcom, which is what they use to do and have

admitted publicly. You are questioning me on a document which was not even drawn by that Crisis Committee even during those apartheid times. You are free to access that information directly from them. They know nothing about that document and Sydney Mufamadi even went so far as to say to me, did I not recollect that by the time they are supposed to have issued that so-called document, the Crisis Committee had already ceased to exist, it had been dissolved.

MR VALLY: Fair enough. Are you aware of the statement issued by what was called the Mass Democratic Movement and reported in the press on the 17th of February 1989?

MS MADIKIZELA-MANDELA: Yes, a statement was issued by Murphy Marobe as part and parcel of that Stratcom exercise.

MR VALLY: Are you aware that the statement actually talked about a reign of terror that the Mandela United Football team had been associated with?

MS MADIKIZELA-MANDELA: I am aware of all the Stratcom documents of the time yes.

CHAIRPERSON: Can I just ... (intervention).

MS MADIKIZELA-MANDELA: Those are the sorts of things they said.

CHAIRPERSON: Can I just follow this aspect up. Are you saying that Murphy Marobe is part and parcel of the Stratcom operation?

MS MADIKIZELA-MANDELA: What we subsequently established was that from the very onset when the so-called Stompie affair broke out, the media had amongst its fraternity, reporters who were working for the system at the time. You have all seen the media presentations that have been made to you. My subsequent information throughout the years has been that the first reporters who broke the so-called story, the Stompie affair, that was Tandeka Kubela and Thami Makwanaze were, in fact, part of the informers who were planted in the media and that statement, to my information thereafter, was that it was part of the exercise that was influenced by Stratcom. Whether Matthew himself was part of that, I do not know, but that whole exercise was the Stratcom exercise.

CHAIRPERSON: Thank you. The second name was (Microphone not on) Makwanaze? Thami Makwanaze?

MS MADIKIZELA-MANDELA: Thami Makwanaze.

CHAIRPERSON: All right.

MS MADIKIZELA-MANDELA: Yes.

CHAIRPERSON: Thank you. Thank you.

MR VALLY: Well, we have another name and I am looking at a report by Shaun Johnson. Now, if this was a Stratcom exercise why at this press conference would you have in addition to Murphy Marobe, you would have the then UDF, the President, Archie Gumede, the President of Cosatu, Elija Bagaai, who were present at the same news conference? Are you suggesting that all these people

were part of a Stratcom strategy, that the MDM and Cosatu, at that press conference, did not, in fact, release such a statement?

MS MADIKIZELA-MANDELA: That UDM did release the statement, how Stratcom operated is not known to me. Who their operatives were amongst those people I do not know. In the same way you are supposed to have spies within the African National Congress who hold senior positions. I would not know those operations. I am not in any way suggesting that all of them were members of Stratcom. I made no such a suggestion, but I do know is that those operations were Stratcom operations and that has been stated publicly in various commissions.

MR VALLY: Now, some of the statements made by this people I have mentioned who were present at this conference, Mr Murphy Marobe, Mr Archie Gumede, Mr Elija Bagaai, state,

"... the representative said the democratic movement was duty bound to denounce all human rights violations even when they were perpetrated by those who claim to be doing so in the name of the struggle against apartheid. We are outraged at Mrs Mandela's obvious complicity in the recent abductions. Had Stompie, Mocketzie and his colleagues not been abducted by Mrs

Mandela's football team he would have been alive today."

These are very strong allegations made by, at the time, very prominent people. Was that whole position taken by them a Stratcom operation?

MS MADIKIZELA-MANDELA: How on earth would I know that?

I have stated here that some of the activities that took place then were part of the Stratcom exercise. I would not know how they operate.

MR VALLY: And there would be no basis, in your view, for these very prominent political activists to have made such a strong statement? There would be no objective basis except for a Stratcom exercise?

MS MADIKIZELA-MANDELA: No.

MR SEMENYA OBJECTS:

MR SEMENYA: Mr Chairman.

MS MADIKIZELA-MANDELA: For Christ's sake.

MR SEMENYA: Are you elevating the status of the opinions by what you call prominent leaders to be the truth? Have you come to that conclusion?

MR VALLY: Mr Chairperson, my question is would such prominent people have made such a strong statement if they did not have an

objective basis for doing so. The only answer I have got thus far is talk of a Stratcom exercise, details of which are not known. I am

asking Mrs Madikizela-Mandela to advise me if she, in her view, believes that there was no objective basis present for such prominent people, within the community, to have made such a strong statement.

MR SEMENYA: Mr Chairman, unless my client confesses to have prophetic abilities to know whether those prominent leaders had objective basis to make that statement or not, it is not a proper question to be asked and I would advise my client not to answer it.

CHAIRPERSON: Can you restate the question, Mr Vally? I, just rephrase the question.

MR VALLY: Was there any basis for them to have made such a statement?

MR SEMENYA: Even that question I would refuse to answer, Mr Chairman.

CHAIRPERSON: On what basis, Mr Semenya?

MR SEMENYA: We could not know the basis up on which those ...

CHAIRPERSON: Yes, Mr Semenya.

MR SEMENYA: Mr Chairman, thank you. No, we were just going through some of the documentation to see whether it is able to be of assistance in the line of question now being asked. I, we would look over the document during the course of lunch, but I think the question was what was the basis for those eminent leaders to make

the, what objective basis was there for the eminent leaders to make the statement they made and I objected to say we are not privy to

the motives for them making that statement and whether or not they had objective information, Mr Chairman.

CHAIRPERSON: Maybe, I think what the question seeks to establish and you will all correct me if I am wrong, is whether your client can venture a view as to why those people should make those sort of allegations against her.

MR SEMENYA: Even that question is not permissible in a Court of Law ... (intervention).

CHAIRPERSON: In ... (intervention).

MR SEMENYA: ... and we would refuse to answer it.

CHAIRPERSON: No, unfortunate, this not being a Court of Law, but one, is we not even a judicial body, for that matter. We are seeking to know the views and perspectives and that is what the Act says in Section, I think, Section Three, that in an investigation of this nature we are not only looking at gross violations of human rights, we look at the views, perspectives, motives, antecedents and the attitudes, really, of those people who were involved or were alleged to have been involved.

MR SEMENYA: Mr Chairman, my advice to client is not to speculate about the possible motives of people ... (intervention).

CHAIRPERSON: Are you saying that your client must refuse to answer a question which I rule, as Chairperson, here, is a permissible question?

MS MADIKIZELA-MANDELA: Yes, Mr Chairman, that is my legal counsel to client.

CHAIRPERSON: Let the record note that the witness has been advised to refuse to answer a question which we have ruled is a proper question. Mr Vally.

MR VALLY: Thank you Mr Chairperson. Well, this statement was allegedly made on the 16th of February 1989. I have a **Sowetan** article of the first of February 1989 which reads that,

"The African National ...",

and the byline is Lusaka.

"The African National Congress has called for the Mandela football team, which acts as Mrs Winnie Mandela's bodyguards to be immediately disbanded. An ANC spokesman said in Lusaka yesterday the organisation had received reports of acts of indiscipline by members of the team and therefore was calling for it to be immediately disbanded. The theme, the team members have been accused of thuggery ..."

and it goes on about the previous time the house was burnt down.

Do you believe there was any basis to the ANC issuing such a statement in Lusaka?

MS MADIKIZELA-MANDELA: I do not know anything about that statement, Mr Chairman, and therefore I have no such answer for you.

MR VALLY: Were you ever contacted by the ANC and asked to disband the soccer team?

MS MADIKIZELA-MANDELA: No, I was not.

MR VALLY: Were you ever asked to give an account regarding certain allegations made about the soccer team by the ANC?

MS MADIKIZELA-MANDELA: I have just answered you, Mr Chairman.

MR VALLY: So the, the ANC, had no contact with you whatsoever regarding the Mandela United Football Club?

MS MADIKIZELA-MANDELA: There was no such contact, Mr Chairman.

MR VALLY: Did you ever receive a message from Mr Nelson Mandela via his lawyers, attorneys Ismael Ayub, regarding Mandela United Football Club?

MS MADIKIZELA-MANDELA: I have a recollection of Mr Ayub discussing a number of issues with me. Not specifically on the Mandela United.

MR VALLY: I specifically want to know about the Mandela United Football Club. Did you ever receive any message regarding the Mandela United Football Club from Mr Nelson Mandela?

MS MADIKIZELA-MANDELA: I did receive a message from Mr Ayub about, not necessarily the Mandela United, about the youths who were in my premises.

MR VALLY: What was the message regarding the youths on your premises?

MS MADIKIZELA-MANDELA: Oh, I think Mr Ayub would recollect that. I really have no specific recollection. He did speak to me as he would speak to me every time he came from visits from Mandela.

MR VALLY: Did Mr Ayub advise you that Mr Mandela requested you, number one, to release or allow certain youths who were in your premises, taken from the Methodist manse ...

MR GLOVUNDLA: Mr Chairman, I do not know whether my colleague here wants to pierce the veil between attorney and client consultation and my understanding is that Mr Ayub was an attorney representing Mrs Mandela and Mr Mandela and any consultation that took place during that time would have been privileged information and I cannot understand how my colleague can want to pierce the veil. Does he intend to call Mr Ayub to come and testify before the Commission? Does he intend to call Mr Mandela to come and testify? I think we would want to seek clarity on these issues.

CHAIRPERSON: Mr Vally.

MR VALLY: There are two issues here, Mr Chairperson. The one is or was Mr Ayub at this time, in fact, Mrs Madikizela-Mandela attorney and the second issue is that attorney, client privilege does not hold if there is an alleged illegal act. That there was an alleged illegal act was confirmed by the Appellate Division in that Mrs Madikizela-Mandela was found guilty of kidnapping. The issue at stake here is that allegations by, what was called, the Mass Democratic Movement in the form of the UDF and Cosatu, there is allegations emanating from Lusaka from the ANC, there is allegations that delegations had been sent by Mr Nelson Mandela sitting on Robben Island, that these were very serious issues which were being raised with Mrs Madikizela-Mandela and what one wanted clarity on is was there any basis for these requests that she disbands her football club, was there any basis for the requests that people who, extensively who were brought to her house from the manse, should be released.

So, on attorney, client privilege, two issues. Was Mr Ayub her attorney at the time, number one. Number two, can you invoke attorney, client privilege for an illegal act.

MR SEMENYA: Mr Chairman, I think what we, simply, are trying to raise is Section 31(4) right. Whether you are not you are asking us whether Mr Ayub was our attorney, it is common cause, the answer is yes. Whether ... (intervention).

MS MADIKIZELA-MANDELA: And he still is.

MR SEMENYA: ... the communication was one that constitutes an illegality, it is not your call, Mr Chairman, with respect.

CHAIRPERSON: I do not understand in what way you say it is not my call. There is a proposition that is put, legal proposition, that if an allegation in relation to which privilege is being claimed is in respect of an illegal act, then that privilege cannot be invoked.

MR SEMENYA: But the question does not relate to an illegality. If I understood, the question was did Mr Ayub request you to release or something that, there was another phrase, the people from your yard. What is illegal about that request?

CHAIRPERSON: Mr Vally.

MR VALLY: Mr Chairperson, and I am now looking at the **Sunday Star** report of February the 12th, where the issue of Mandela United Football Club, in terms of the press reports, led directly to the fallout between Mrs Mandela and, what is referred to, as the family lawyer, Mr Ismael Ayub. I quote, and this is the February 12th, 1989, **Sunday Star**,

"The recent fallout between Mrs Mandela and family lawyer Mr Ismael Ayub is believed to have been brought about by the controversy surrounding the team described as the final straw in a series of

embarrassing incidents involving Mrs Mandela."

Again, my question is was the presence of members of Mandela United Football Club at your premises an issue of controversy in the larger community?

MR SEMENYA: It is a different question now.

MR VALLY: Sure it is a different question.

MR SEMENYA: Oh.

MR VALLY: I am trying to get some movement on this issue.

MS MADIKIZELA-MANDELA: I do not know whether you want me to comment about the article in **The Star**. I know of no fallout between Mr Ayub and myself. These are all sorts of figments of the media's imagination and people who would want to convey that type of impression. If you want me to call Mr Ayub now on the cell phone, I can do so to show you that there is no fallout between Ayub and ourselves. He still remains the family lawyer. I instructed him to be over 30-something years ago.

MR VALLY: My question is was the presence of members of Mandela United Football Club on your premises not an issue of controversy in the community?

MS MADIKIZELA-MANDELA: That is the view held by other people. I did not hold that view. So, I do not really know what sort of question you want to know from me, answer you want to know from me.

MR VALLY: I put to you that you were approached on this issue, there was, there were public statements made. I mentioned the

Mass Democratic Movement which involved UDF and Cosatu. You talked about a Stratcom exercise.

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: I put to you that ANC in Lusaka issued a press statements, a press statement even before the public statement by the Mass Democratic Movement.

MS MADIKIZELA-MANDELA: Well, I know nothing about those statements, Mr Chairman, so you would have to actually ask the people who drew those statements.

MR VALLY: I put to you ... (intervention).

MS MADIKIZELA-MANDELA: I do not even know whether there was such a statement from Lusaka.

MR VALLY: I put to you that Mr Ismael Ayub came to you with a message from Mr Nelson Mandela about the same issue. On the basis of that, I am putting to you was the presence of members of Mandela United Football Club on your premises not an issue of controversy in the community?

MS MADIKIZELA-MANDELA: I really do not know what sort of an answer you expect from me, because there was that right up, there was that Stratcom exercise, all that information and from exercises they had decided to put in place at the time. Now you want me to give a view from a perspective of the communities.

How the communities viewed me. I am unable to say, I do not know what you actually want me to say.

MR VALLY: Are you at all aware of the three ... (intervention).

MS MADIKIZELA-MANDELA: I was aware of all the right up in the newspapers as has always been the case, even right up to now. All the sorts of things that gets said.

MR VALLY: Can you tell me in a yes or no was the issue of the members of Mandela United Football Club their presence on your premises an issue of controversy?

MS MADIKIZELA-MANDELA: It is those people who felt that that was a controversial issue who would say that. As far as I am concerned there was nothing wrong with football club.

MR VALLY: And by those people are we ... (intervention).

MS MADIKIZELA-MANDELA: And I am hoping that this, in fact, Commission is going to show us these notorious football club members. I am hoping they will appear before you here. As far as I was concerned that was not my view.

MR VALLY: And by those people you are talking about Mr Murphy Marobe, Mr Archie Gumede ... (intervention).

MS MADIKIZELA-MANDELA: What about them?

MR VALLY: I am talking about people who have been, in some ways made statements about the issue.

MS MADIKIZELA-MANDELA: What about them?

MR VALLY: You say it was a view of those people? In your view ... (intervention).

MS MADIKIZELA-MANDELA: Of the people, of the communities you are quoting here.

MR VALLY: Right, the communities I am quoting is what was called the Mass Democratic Movement, which was UDF, Cosatu, I also quote the statements made in Lusaka, in Zambia and I also put to you that messages were, came from Mr Nelson Mandela.

MS MADIKIZELA-MANDELA: We would similarly quote to you how Stratcom decided to operate those days. We have a document here that can tell you precisely how they operated those days. I am unable to tell from individuals who was who in the Stratcom fraternity. So, I am unable to express any view on that view, because this is my belief and this is what has been stated publicly ... (intervention).

MR VALLY: Your belief ... (intervention).

MS MADIKIZELA-MANDELA: By various officers who were working for Stratcom and I think my attorney here is ready to assist in that regard.

MR VALLY: Your belief is that the presence of Mandela United Football Club and I am talking about late 1988, early 1989 was never an issue of controversy.

CHAIRPERSON: Maybe, I also would like to get some clarification here, Mr Vally. What I would like to know, did any of these people who made these statements publicly, Murphy Marobe ever take the occasion to come to you to say, look, Ma'am, we really want to talk

about these things with you? There is a view out there that the presence of these young men at your place and the fact or the manner in which they were fetched from the manse is, to put it mildly, politically embarrassing and as such. In other words, was there ever a discussion between you and Murphy Marobe and/or Sydney Mufamadi and all the other people who have been identified?

MS MADIKIZELA-MANDELA: No, there was never any discussion between me, Mr Chairman, and Murphy Marobe in person.

CHAIRPERSON: What ... (intervention).

MS MADIKIZELA-MANDELA: I do recall some church members, although I may not remember exactly who they were, I do recall some church members who did come during those times to express their concerns about the right up in the media.

CHAIRPERSON: So, your evidence is that none of these personality, loosely referred to as the MDM, Cyril Ramaphosa, Murphy Marobe, Frank Chikane ... (intervention).

MS MADIKIZELA-MANDELA: No.

CHAIRPERSON: ... and all those people.

MS MADIKIZELA-MANDELA: No, not in ... (intervention).

CHAIRPERSON: Oh, I see.

MS MADIKIZELA-MANDELA: ... that capacity and I think Frank Chikane may have seen us in his ritual routine service. He use to come home and I do recall some church ministers who did come

during those times to express their sympathies and to find out what was going on.

CHAIRPERSON: Mr Vally.

DR RANDERA: Ma'am, you have referred to these ... (intervention).

CHAIRPERSON: Dr Randera.

DR RANDERA: You have referred to the Stratcom document several times already. Will you make that available to us? You did say earlier on that your legal counsel has got that and would be willing to make it available to us.

MS MADIKIZELA-MANDELA: I was referring to a specific passage which, in fact, reflects how they operated and I thought, maybe, my lawyer would read just that part to enlighten us as to how they operated because of the type of questions ... (intervention).

DR RANDERA: So, as a ... (intervention).

MS MADIKIZELA-MANDELA: ... which was being asked.

DR RANDERA: As I understand it, then, it is not referring specifically to the questions being put to you right now about the Mandela Football Club or Murphy Marobe or Thami Makwanaze, who you referred to earlier on? It is referring in a general sense as to how Stratcom?

MS MADIKIZELA-MANDELA: Yes, how we could understand their operations of those times.

MR GLOVUNDLA: Mr Chairman, perhaps, we can try to clarify that, without necessarily binding ourselves to make those Stratcom documents available, but what we understand is that Stratcom or rather the regime at that time, through Stratcom, would decide to infiltrate the liberatory movements as a whole and would identify key people and then set up a course to discredit those people and there were, there are various projects which were embarked upon by Stratcom and some of them being called Jackal, others being called Marion and whatever.

In those operations they would go to an extent of saying that, for instance, ANC Youth League must be discredited and then they will decide that a particular objective which they want must be achieved through various fashions. Amongst others, they would make use of the news people and say that this is what we want to achieve and threw a particular viewpoint within the news media, the news media will, which would then be gullible will consume that, whereas the origin is from Stratcom. I think that is how they were operating and it was in that context that we are trying to make our colleague understand how Stratcom was operating.

Even in this particular instance, we would not be surprised that Stratcom was also involved, because the target was to discredit this particular person in whatever fashion.

CHAIRPERSON: You have, however, no in principles objection to making a document that elucidates us more about those sort of operations available to us?

MR GLOVUNDLA: In principle, we will have no objection to that. We will look at the legality thereof and then refer to you.

CHAIRPERSON: Mr Vally.

MR VALLY: Thank you. Thank you Mr Chair. If I could go on to a different issue. There are allegations that, Mrs Madikizela-Mandela, you participated in the assaults on the four boys who were brought from the manse. Can you give us your view on this?

MS MADIKIZELA-MANDELA: It is what I stated at the trial. I was not there. So, I did not participate.

MR VALLY: Excuse me. I note that Mr Megwe was one of the people who was at the press conference with you on the second of October. However, Mr Megwe, in the Richardson trial, alleged that you participated in the assaults. What do you say about this allegation?

MS MADIKIZELA-MANDELA: Megwe's name and address are available to you. He would be in a better position to explain why he said that then and what his position is now.

MR VALLY: Mr Tabiso Mono and Mr Genny Gase, in various trials, also alleged that you participated in the assaults. What is

your response to this?

MS MADIKIZELA-MANDELA: It is the same.

MR VALLY: Similarly, Mr Cebekhulu also alleges this. Your response?

MS MADIKIZELA-MANDELA: It is the same.

MR VALLY: Ms Falati, Mrs Kholiswa Falati has claimed that she lied in court to protect you and that you, in fact, did participate in the assaults. Your response to this?

MS MADIKIZELA-MANDELA: It is the same, Mr Chairman.

MR VALLY: Regarding Ms Falati, what do you think about her allegation that she lied previously to you? Sorry, ... (intervention).

MS MADIKIZELA-MANDELA: I ... (intervention).

MR VALLY: ... I beg your pardon.

MS MADIKIZELA-MANDELA: I do not know ... (intervention).

MR VALLY: That she lied previously for you to protect you. That, in fact, what she is saying now is that you did participate in the assaults.

MS MADIKIZELA-MANDELA: It is absolute nonsense to suggest that, Mr Chairman. I needed no protection from Falati, because I had nothing to hide.

MR VALLY: Mr John Morgan has also claimed he lied in court to protect you and that you had, in fact, participated in the assaults.

MS MADIKIZELA-MANDELA: My reaction is the same, Mr Chairman. They had no reason to protect me at all.

MR VALLY: There is an allegation that there was an alibi constructed by Mr Dali Mpofo regarding certain incidents. What is your response to that?

MS MADIKIZELA-MANDELA: I heard of that from documents from here and from so-called witnesses who gave you that information. It was the first I hear, I heard of it.

MR VALLY: Were you at any stage aware that the youth that had been brought to your premises from the Methodist manse had been assaulted?

MS MADIKIZELA-MANDELA: Later on, yes, I was.

MR VALLY: When was the first time you became aware that they had been assaulted?

MS MADIKIZELA-MANDELA: I would not be exact now. I think I would have to refresh my memory, because at the time I remembered, but I was aware of that later on.

MR VALLY: Are you aware, when you became aware of the assaults later on, of who was responsible for the assaults on the young men?

MS MADIKIZELA-MANDELA: Was I aware who was responsible?

MR VALLY: Of, yes, I need the identities of the persons who were responsible for the assaults.

MS MADIKIZELA-MANDELA: I do not know the identities of those persons. I heard in the trial that they had been assaulted and then I had also spoken to the boys, later on. They did not know the

names of those people. Perhaps Megwe, when you speak to him, he may recollect who those people were.

MR VALLY: We ... (intervention).

MS MADIKIZELA-MANDELA: No identity was given to me of the actual people who had done that.

MR VALLY: We, when you say you were later aware of the assaults, was this before the trial?

MS MADIKIZELA-MANDELA: Yes, before the trial.

MR VALLY: Was it in 1989?

MS MADIKIZELA-MANDELA: It was, in fact, when the boys were still on my premises.

MR VALLY: And did you investigate the matter?

MS MADIKIZELA-MANDELA: I had no need to investigate that.

MR VALLY: Should ... (intervention).

MS MADIKIZELA-MANDELA: They were taken, they were taken from my place. I did not have to do that.

MR VALLY: If there are people staying at your premises and they are assaulted and you are the responsible person on those premises, surely you would investigate the matter.

MS MADIKIZELA-MANDELA: Are we staging a second trial here, Mr Chairman? What do you mean by that? I am telling you that I was aware of what had happened to the boys and then they were released and that is why there was a trial.

MR VALLY: My question is this. That as someone offering sanctuary to persons who needed sanctuary from the police, for example, that you would be disturbed if you had found out that young men on your premises were being assaulted.

MS MADIKIZELA-MANDELA: Yes, what are we trying to establish here?

MR VALLY: I am trying to establish whether you were disturbed when you found out that people had been assaulted on your premises.

MS MADIKIZELA-MANDELA: But I have said, yes.

MR VALLY: And did you do anything about it?

MS MADIKIZELA-MANDELA: I saw the boys and they were released.

MR VALLY: And did you ... (intervention).

MS MADIKIZELA-MANDELA: I had them released from my house.

MR VALLY: And did you find out who assaulted them?

MS MADIKIZELA-MANDELA: They had been assaulted by some members of the team.

MR VALLY: And did you find out who it was specifically who was responsible for these assaults?

MS MADIKIZELA-MANDELA: That was now in the hands of the

MS MADIKIZELA-MANDELA: At the same time arrests took place. When the boys were released arrests took place. I had no role to play. It was now a legal matter, in the hands of the police.

MR VALLY: I understand that the arrest took place a month after the assaults took place?

MS MADIKIZELA-MANDELA: No, I, although I do not have the exact memory, but events happened at that time to the extent that the matter was out of my hands.

MR VALLY: Because I understand that the arrest took place on the 19th of February and the assaults allegedly took place ... (intervention).

MS MADIKIZELA-MANDELA: We would have to refresh our memory of exactly, precisely what happened then. I really cannot answer those questions you are answering me, you are asking me.

MR VALLY: Was Mr Guybon Kubeka staying at your premises in this period?

MS MADIKIZELA-MANDELA: It is possible, he was. I am not absolutely sure.

MR VALLY: Was he staying in the back?

MS MADIKIZELA-MANDELA: Because the boys were in and out of the house. They were not really confined to my house.

MR VALLY: Was he staying in the back rooms or in the house?

MS MADIKIZELA-MANDELA: No boy ever stayed in my house. No boy had any access to my house. They all stayed in the back rooms.

MR VALLY: All right. Well, we will leave that aspect. I will come back to that at a more appropriate time, but you do know Guybon, you previously acknowledged that Guybon Kubeka was a member of the football club?

MS MADIKIZELA-MANDELA: I said he did stay in my house, but he was not a member of the football club.

MR VALLY: Oh, I beg your pardon. If he was someone who had stayed at your house, are you aware that he applied and was given indemnity for the killing of Stompie Sepei?

MS MADIKIZELA-MANDELA: I heard from you, Mr Chairman.

MR VALLY: I beg your pardon, he was given indemnity for the assault.

MS MADIKIZELA-MANDELA: I heard from you, Mr Chairman, I did not know.

MR VALLY: You were not aware of that?

MS MADIKIZELA-MANDELA: No.

MR VALLY: Now, when you ...

MS MADIKIZELA-MANDELA: I am so sorry, I did ...

MR SEMENYA: Sorry, sorry, Mr Chairman, did you say Guybon received amnesty or indemnity?

MR VALLY: Indemnity. Indemnity. I believe he was, he received indemnity for the assault on Mr Stompie Sepei.

MR SEMENYA: Thank you.

MR VALLY: Sure. Did Dr Asfat ever see any of these boys? I am talking about Megwe, Sepei, Gase and Mono.

MS MADIKIZELA-MANDELA: Not when they were in my house, in my back rooms.

MR VALLY: Did Dr Asfat come to your house on the 31st of December?

MS MADIKIZELA-MANDELA: I would not recollect when Dr Asfat came to my house. I went to Dr Asfat, I took Cebekhulu to Dr Asfat. He did not come to see any of the boys under my instruction.

MR VALLY: When did you take Cebekhulu to Dr Asfat?

MS MADIKIZELA-MANDELA: I think the date would be reflected in the court record.

MR VALLY: And why did you take him there?

MS MADIKIZELA-MANDELA: Mr Chairman, we have gone through that. I told you that Falati brought Cebekhulu to me and alleged that he had been abused by Paul Verryne.

MR VALLY: And what did Dr Asfat say?

MS MADIKIZELA-MANDELA: Dr Asfat made an appointment with the specialist who were supposed to be coming back on the eighth of January, if I recollect the date correctly. He examined him and expressed no opinion and he said that he would have to be

seen by a specialist when they returned. It was during vacation. He could not find any specialist.

MR VALLY: Did you take Mr Cebekhulu to Dr Asfat on any other occasion?

MS MADIKIZELA-MANDELA: I took him once, Mr Chairman.

MR VALLY: When was that?

MS MADIKIZELA-MANDELA: That was the only occasion. That day ... (intervention).

MR VALLY: That day?

MS MADIKIZELA-MANDELA: ... he was brought by Falati. Yes.

MR VALLY: Are you aware of whether he went to Dr Asfat on any other occasion on his own?

MS MADIKIZELA-MANDELA: I would not have been aware of that.

MR VALLY: You have answered this, but I want absolute clarity. Dr Asfat did not see any of this four young men besides Katiza?

MS MADIKIZELA-MANDELA: Not when they were on my premises. I do not know, after they left, whether they were ever taken to him. I have no such knowledge, but in my house Dr Asfat did not see any of the four boys.

MR VALLY: From Dr Asfat's notes he does not talk about any referral to a specialist. Do you have any documentary proof of the arrangement he made regarding a specialist?

MS MADIKIZELA-MANDELA: Goodness me. How on earth could I do a doctor's work? I am telling you what transpired between myself and Dr Asfat. I took Cebekhulu in, he got in, he examined him and he came out and told me that he would have to make arrangements for Cebekhulu to be seen by a specialist in early January when they returned.

MR VALLY: And do you know what date this was that you saw Dr Asfat?

MS MADIKIZELA-MANDELA: I do not remember the date. I said you would have to refer to the court record.

MR SEMENYA OBJECTS:

MR SEMENYA: And that is for the fourth time, Mr Chairman, on my count.

CHAIRPERSON: Mr Vally.

MR VALLY: Did Dr Asfat come to your house as your family doctor when you were ill at any time? Sorry, my mike was off, Mr Chair. At various times did Dr Asfat ... (intervention).

MS MADIKIZELA-MANDELA: Not when I was ill. My, Dr Asfat was my friend. He came and we socialised and we had known each other for years. He was the one doctor who sought me out in Brandfort.

MR VALLY: Okay. So you knew him well?

MS MADIKIZELA-MANDELA: Very well indeed. (end of tape 2A). MR VALLY: ... come back to the issue of Dr Asfat. You say you were aware of the four children having assaulted at a late stage?

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: At the time when you were there did you seen any signs of assault on the four young men?

MS MADIKIZELA-MANDELA: I do not remember now exactly what I saw, but I was aware that there was this allegation that they had been assaulted. I spoke to them at the time.

MR VALLY: When did you become aware that Stompie Sepei had been murdered?

MS MADIKIZELA-MANDELA: I did not know about Stompie's murder until some people who were arrested from my house, Richardson included.

MR VALLY: When was the last time you saw Mr Stompie Sepei alive?

MS MADIKIZELA-MANDELA: I did not see Stompie Sepei alive and, please, you would have to refresh my memory in the court record.

MR VALLY: Bearing in mind what you said about the court record, but to the best of your recollection, you have never seen Stompie Sepei in person?

MS MADIKIZELA-MANDELA: No, I think I had said in the trial, at the time, that I had seen him near a tap, but I would have to refresh my memory.

MR VALLY: And that was the only time you saw him?

MS MADIKIZELA-MANDELA: That was the only time, to my reflection, recollection, I had seen Stompie. I do not actually, I did not actually know him at all.

MR VALLY: And did you see any injuries on him?

MS MADIKIZELA-MANDELA: I did not see an injured Stompie.

MR VALLY: In your maiden speech in Parliament you stated that Stompie Sepei was taken from your house and killed. You regret you failed him in that respect.

MS MADIKIZELA-MANDELA: Yes, that is ... (intervention).

MR VALLY: Do you know by whom he was taken away?

MS MADIKIZELA-MANDELA: Good God, how on earth would I have known that, Mr Chairman?

MR VALLY: Well, you knew he was taken away.

MS MADIKIZELA-MANDELA: Yes, that had been in the court record. We had faced a trial, Richardson had been on trial. He had been taken away from my house and we have stated here that we now have new evidence that, in fact, between the time he was taken from the manse and from my house, he was seen in Protea Police

MR VALLY: Can you give us more information about that? Who saw him at Protea Police Station?

MS MADIKIZELA-MANDELA: A certain Mrs Tshabalala.

MR VALLY: Do you have a full name for us?

MS MADIKIZELA-MANDELA: I do not know her full name, but I can try to get it for you.

MR VALLY: Do you have an address for us?

MS MADIKIZELA-MANDELA: I will try and get it for you.

MR VALLY: Okay, it would be very important ... (intervention).

MS MADIKIZELA-MANDELA: I do not have it.

MR VALLY: ... because the allegation now is that he was last in the hands, when you say Protea Police Station, are you talking about the security branch at Protea?

MS MADIKIZELA-MANDELA: I have no idea. She would have to say so. I am merely just passing on information she conveyed to me. That she had seen Stompie at the Protea Police Station.

MR VALLY: Having spoken to her, did she know who Stompie was?

MS MADIKIZELA-MANDELA: That is why he, she mentioned him.

MR VALLY: And you know how she knew who Stompie was?

MS MADIKIZELA-MANDELA: You would have to get that information from her.

MR VALLY: And how did the information come to you?

MS MADIKIZELA-MANDELA: She mentioned it to me.

MR VALLY: Did she contact you of her own will?

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: Regarding the information that you have got, generally, in your press statement of second of October, can you give us the period when you got this information?

MS MADIKIZELA-MANDELA: Which information?

MR VALLY: Okay, let us break it down. The information from Mrs Tshabalala. When ... (intervention).

MS MADIKIZELA-MANDELA: Now, now when it was all over the papers that you people were sending me a, you were going to subpoena me. Long before I got the actual subpoena.

MR VALLY: So, it was before you got the subpoena?

MS MADIKIZELA-MANDELA: Ja, now when you started releasing to the press that you were going to subpoena me, weeks before you did it.

MR VALLY: Okay. It would have been useful for us, Mrs Madikizela-Mandela, if you had advised us of this, because it is quite important for us.

MS MADIKIZELA-MANDELA: I would not have known, Mr Chairman, that, in fact, you were going to issue a subpoena. I heard from the media. That information was released by you. I did not, necessarily, believe it until you did it. I would not have predicted

that.

MR VALLY: All right. Mrs Tshabalala approached you. Does the same apply to the other five gentlemen who were there at the press conference with you? Did they also approach you?

MS MADIKIZELA-MANDELA: Most of them have contacted me on their own accord.

MR VALLY: Is there anyone that did not contact you, of those five people, on their own accord that you contacted?

MS MADIKIZELA-MANDELA: No, not really, but I have some who are still contacting us to this minute now.

MR VALLY: Is there anyone that you contacted in investigating this incidence?

MS MADIKIZELA-MANDELA: No, not really.

MR VALLY: So, ... (intervention).

MS MADIKIZELA-MANDELA: I have contacted one person to help me trace the people in the East Rand.

MR VALLY: So, can I take it to understand that, and I note that you do not have, when you end off your press statement,

"... this is my challenge to the media.

Speak to these witnesses ...".

You do not have Mrs Tshabalala's name there, but we will follow that up, but just talking about these witnesses, Mr Megwe contacted you?

MS MADIKIZELA-MANDELA: Yes, he did.

MR VALLY: Mr Sibanyone contacted you?

MS MADIKIZELA-MANDELA: Through the person I requested to try and find me these people. It was the Deputy Mayor of Tembisa, Davidton. I asked the Deputy Mayor of Davidton to try and assist me locate these boys.

MR VALLY: And Mr Shlangoti, Mr Majobo, Mr Mosala, the same question. Did they contact you or did you seek them out?

MS MADIKIZELA-MANDELA: I requested the Deputy Mayor of Davidton ... (intervention).

MR VALLY: For all three of these gentlemen?

MS MADIKIZELA-MANDELA: ... to assist me with all these names with the exception of Gabriel Megwe.

MR VALLY: And he contacted you on his own?

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: Okay. Did you ever make a public statement to the media stating that Stompie Sepei had run away from your premises?

MS MADIKIZELA-MANDELA: I do not recollect that statement.

Many things were said at the time. I am not actually in the habit of speaking to the press. I do not have any such recollection.

MR VALLY: Did you ever make a public statement to the media stating that the body which was identified as Stompie Sepei's at the mortuary was not his body?

MS MADIKIZELA-MANDELA: Christ, how on earth would I have known that. I made no such a statement, but almost every day in the media there are statements attributed to me.

MR VALLY: Your statement on, in the **Sunday Times** linking the murder of Dr Asfat to Stompie's death, stating that he was killed because he was the person who could prove the allegations of sodomy. What was your basis for that allegation?

MS MADIKIZELA-MANDELA: No, that is absolute nonsense, Mr Chairman. I made no such a statement and the media quotes me every day with all sorts of ridiculous statements.

MR VALLY: Well, I have got the **Sunday Times** of January the 29th 1989 in front of me and this is what it says. I will just read the bit which is in quotation marks.

"Dr Asfat was the only professional witness to back my story that the boys, allegedly to be kept against their will in my house, were, in fact, victims of abuse. I gave them shelter as is my duty as a social worker."

End of quote. Did you ever make such a statement to the **Sunday Times** reporter?

MS MADIKIZELA-MANDELA: As usual, it is first class thumb sucking. I made no such a statement. I do not speak to the press along those lines. I do not, in fact, grant interviews at all for those who care to know.

MR VALLY: There is apparently a TV interview with NBC, the American TV channel, where you make the same allegation. Do you have any recollection of that?

MS MADIKIZELA-MANDELA: I have no such recollection of any such TV interview.

MR VALLY: There is, of course, the other allegation by, and I apologise, but I have to put it to you, by Katiza Cebekhulu, that he, in fact, saw you stab Stompie Sepei.

MS MADIKIZELA-MANDELA: I am sure not even you are asking that question seriously, Mr Chairman, unless ... (intervention).

MR VALLY: I ... (intervention).

MS MADIKIZELA-MANDELA: ... you have ... (intervention).

MR VALLY: I ... (intervention).

MS MADIKIZELA-MANDELA: a caustic ... (intervention).

MR VALLY: I have to.

MS MADIKIZELA-MANDELA: ... sense of humour.

MR VALLY: I have to put the allegation to you, Mrs Madikizela-Mandela.

MS MADIKIZELA-MANDELA: You must have a caustic sense of humour.

MR VALLY: A brief response will ... (intervention).

MS MADIKIZELA-MANDELA: (...Indistinct) such a ludicrous thing.

MR VALLY: A brief response will do about the allegation.

MS MADIKIZELA-MANDELA: It is lunacy, Mr Chairman.

MR VALLY: Thank you. Did the allegation by John Morgan that he refused to obey your instructions and I quote,

"... to dump the dog ..."

unquote, referring to the disposal of Mr Stompie Sepei's body.

What is your response to that allegation?

MS MADIKIZELA-MANDELA: If it was not so tragic, it would be a silly, silly, senseless joke. What ridiculous nonsense. That anyone should even see fit to take that down on paper.

MR VALLY: The Mandela Crisis Committee, did they visit your house in connection with the abduction or removal of the boys or, shall we say, abduction of the boys from the Methodist manse?

MS MADIKIZELA-MANDELA: I indicated here that some church leaders came to the house. The Crisis Committee has never had communication with us. I heard the idea of the so-called Crisis Committee from the media and from these documents that were flying about, but some members of the, senior Priests, from the churches came to see me.

MR VALLY: Did these senior priests ever ask and were given access to any of the boys who were taken from the manse?

MS MADIKIZELA-MANDELA: No, I had no such discussion with them. The Priests who did come to my house came to express their deepest sympathy about what was going on in the media and what

was all over the papers. At that stage the boys had already been taken away to the church.

MR VALLY: Did no church leaders or any other persons come and see you about the boys whilst they were still on your premises?

MS MADIKIZELA-MANDELA: No, not to my recollection. I have just stated that if I remember well a person, like Reverend Frank Chikane, could have come home during those days, but not to secure the release of the boys.

MR VALLY: Did he raise the issue of the boys?

MS MADIKIZELA-MANDELA: They came home during those days and the actual discussions which took place were, generally, about what was happening at the time.

MR VALLY: And ... (intervention).

MS MADIKIZELA-MANDELA: Not to have the boys released, because they had already left, to my recollection.

MR VALLY: Is it? So, and this very specifically, did any prominent community or church leaders come to your house and ask to see any of the boys who were taken from the Methodist manse?

MS MADIKIZELA-MANDELA: Not from me.

MR VALLY: Not from you directly?

MS MADIKIZELA-MANDELA: No, not from me. I have just stated that they came to sympathise with us and to help us to see

MR VALLY: And this was after the boys had left your ... (intervention).

MS MADIKIZELA-MANDELA: Yes, ... (intervention).

MR VALLY: ... house.

MS MADIKIZELA-MANDELA: ... to my memory that is after they had left.

MR VALLY: And can you indicate to us who these church leaders were?

MS MADIKIZELA-MANDELA: I have just mentioned the name of Reverend Frank Chikane and if, who he was with, I think he would recall.

MR VALLY: Was there no one else?

MS MADIKIZELA-MANDELA: I do not remember. I do not remember who the others were.

MR VALLY: There is an allegation that you asked your attorney at the time, Mr Fish Naidoo, to accompany Mr Cebekhulu to lay charges against the Reverend Paul Verryne. Are you aware of this at all?

MS MADIKIZELA-MANDELA: Naidoo was never, actually, my attorney. He was in and out. He was one of the people who were in and out of the house at home at the time. What he actually did to help us, I have no recollection of, I do not know whether he took Cebekhulu to the police station. He could have done that. I do not know.

MR VALLY: But he did not do it ... (intervention).

MS MADIKIZELA-MANDELA: I do not remember.

MR VALLY: ... at your request?

MS MADIKIZELA-MANDELA: He was in and out of my house at the time. He was helping us.

MR VALLY: Right, but he never did anything of that sort at your request?

MS MADIKIZELA-MANDELA: I do not recollect what he did, what Naidoo did and, I think it would be best to check with him.

MR VALLY: Did you ever ask ... (intervention).

MS MADIKIZELA-MANDELA: But he was one of the people who helped us a lot at home.

MISS SOOKA: I am sorry to intervene, but, perhaps, I could ask the question more directly. Did you ever give him instructions to lay this charge against Paul Verryne at the police station?

MS MADIKIZELA-MANDELA: I really have no recollection of such a thing, but we sought the advice of very many people at the time, members of the community, people who came to assist us.

MR VALLY: There were a number of co-accused at your trial and I will mention their names. Jabu Sithole, Katiza Cebekhulu.

MS MADIKIZELA-MANDELA: I do not know Jabu Sithole. A co-accused?

MR VALLY: This is what I have here.

MS MADIKIZELA-MANDELA: No, we had no such a co-accused.

MR VALLY: It is the cousin to Sizwe Sithole.

MS MADIKIZELA-MANDELA: We had no such a co-accused. I do not know where you get that information from.

MR VALLY: I am advised that he was accused number one in the trial.

MS MADIKIZELA-MANDELA: In which trial?

MR VALLY: In the trial that you were charged with kidnapping and assault.

MS MADIKIZELA-MANDELA: Jabu Sithole?

MR VALLY: Yes.

MS MADIKIZELA-MANDELA: No, I do not know of any Jabu Sithole.

MR VALLY: All right.

MS MADIKIZELA-MANDELA: The accused were myself, Falati, John Morgan and Falati's daughter.

MR VALLY: There were four other people who were charged who absconded. The names I have are Jabu Sithole, Katiza Cebekhulu, Gift Mabalane and Brian Mabusu.

MS MADIKIZELA-MANDELA: Well, I would not have known how the police had framed their case and who ... (intervention).

MR VALLY: But ... (intervention).

MS MADIKIZELA-MANDELA: ... was supposed to have been charged. How on earth would I have known that?

MR SEMENYA OBJECTS:

MR SEMENYA: But still, they would not have been accused at the trial.

MR VALLY: I understand that after they were accused, after they were charged, that is when they disappeared. I understand that they did, in fact, make their appearance ... (intervention).

MS MADIKIZELA-MANDELA: When?

MR VALLY: ... which was in the Magistrates Court. Was your matter first called in the Magistrates Court before it was transferred to the Supreme Court?

MS MADIKIZELA-MANDELA: Yes. And I alone was there. I had no co-accused at that stage.

MR VALLY: At the time when you ... (intervention).

MS MADIKIZELA-MANDELA: I was not even charged with Falati as that stage.

MR VALLY: At the time when you first appeared in court, I believe that you were accused number eight.

MS MADIKIZELA-MANDELA: That is the first time I hear of that.

MR VALLY: All right. Well, ... (intervention).

MR SEMENYA OBJECTS:

MR SEMENYA: Mr Chairman, maybe just ... (intervention).

MS MADIKIZELA-MANDELA: Goodness me.

MR SEMENYA: ... for the record, because it might ...

(intervention).

MS MADIKIZELA-MANDELA: What is this?

MR SEMENYA: ... it might confuse us. It would seem that various other individuals were arrested later in, and joined in the proceedings and if that is correct, they would not have appeared in the Magistrates Court at the same time, but we may be wrong about this, I ...

CHAIRPERSON: Mr Vally, is there anyway in which we can all get clarity about this.

MR VALLY: Well, I am given, sorry, I am given to understand that Mrs Madikizela-Mandela was the last person to be added on to the accused in this matter.

MR SEMENYA: So, he would, she would ... (intervention).

MS MADIKIZELA-MANDELA: She what?

MR SEMENYA: ... have appeared alone.

MR VALLY: She could possibly have appeared alone, yes.

MS MADIKIZELA-MANDELA: I am telling you I appeared alone. I did not possibly appear alone. I appeared alone in Protea Police Station. I was not even aware of the other arrests you are telling me of. This is the first time I hear that there were other accused besides Cebekhulu. I knew of Cebekhulu.

MR VALLY: All right.

MS MADIKIZELA-MANDELA: That he was supposed to be charged with us.

MR VALLY: And you appeared at Protea Court?

MS MADIKIZELA-MANDELA: I appeared alone in Protea Court, not even with that Cebekhulu.

MR VALLY: Fine. Bearing in mind that you do not know any of the other people, do you, maybe I should ask you that question. Do you know Gift Mabalane? You have advised us you do not know Jabu Sithole. We know about Katiza. Do you know Gift Mabalane?

MS MADIKIZELA-MANDELA: I do not know who those people are. I know Cebekhulu only from the names you are mentioning there.

MR VALLY: Do you know Brian Mabusa?

MS MADIKIZELA-MANDELA: I do not know who you are talking about.

MR VALLY: There have been various allegations made about the disappearance of, well, all of these people, but let us focus on Katiza Cebekhulu. Did you assist him or any other person, who was possibly a co-accused in your trial, to leave the country?

MS MADIKIZELA-MANDELA: That is a ludicrous suggestion. Why would I, why would I, in fact, assist a person who is co-accused with me to leave the country? It is common cause the Cebekhulu is supposed to have been taken out by the ANC abroad and it is in all the papers.

MR VALLY: When you say it is common cause, are you saying that you agree with it?

MS MADIKIZELA-MANDELA: From the media reports.

MR VALLY: And what is your view?

MS MADIKIZELA-MANDELA: My view?

MR VALLY: Was he taken out by the ANC?

MS MADIKIZELA-MANDELA: How on earth can I hold such a view? I do not know who took out Cebekhulu from South Africa to Lusaka, but I am sure you can find out exactly who took him out.

MR VALLY: The allegations are that he was going to implicate you although he was a co-accused in certain of the incidents and this is why ... (intervention).

MR SEMENYA OBJECTS:

MR SEMENYA: Out of interest, how does it happen?

MR VALLY: You accused him, you advised him to leave the country. What is your response to that allegation?

MS MADIKIZELA-MANDELA: It is ludicrous, Mr Chairman.

MR VALLY: What do you know about the alleged abduction of Pello Megwe?

MS MADIKIZELA-MANDELA: I do not know anything about his abduction.

MR VALLY: Are you aware that he was supposed to have been a witness in your trial?

MS MADIKIZELA-MANDELA: But I produced Megwe here, Mr Chairman.

MR VALLY: On the second of October.

MS MADIKIZELA-MANDELA: This is one of the people who volunteered, voluntarily ... (intervention).

MR VALLY: That is correct.

MS MADIKIZELA-MANDELA: ... contacted me and he will be prepared to state those facts before you here. Why ask me?

MR VALLY: Do you have any knowledge about his abduction?

MS MADIKIZELA-MANDELA: I have no such knowledge about his abduction.

MR VALLY: Between 19 ... (intervention).

MS MADIKIZELA-MANDELA: That is why he has voluntarily come back on his own to state his case.

MR VALLY: Between 1991 and the present, when you saw him on the second of October 1997, did you see him at any other time?

MS MADIKIZELA-MANDELA: I saw him once in the offices of the ANC.

MR VALLY: Which year was this?

MS MADIKIZELA-MANDELA: I do not really remember. It was quite some time back. He would be able to remember that.

MR VALLY: We are going onto a new subject now, Mr Chair. I do not know if you want us to carry on.

CHAIRPERSON: I see that it is already five to or seven minutes to one. I do not know whether the aspect you are going to explore

would be covered by one o' clock.

MR VALLY: No.

CHAIRPERSON: In which event I would suggest that we should take an adjournment for lunch now and come back at quarter to two.

Come back at quarter to.

HEARING ADJOURNS

ON RESUMPTION AT 13H45

WINNIE MADIKIZELA-MANDELA: (Still under oath).

CHAIRPERSON: This is a resumption of the Section 29 process.

Mrs Madikizela-Mandela, I remind you you are still under oath. Mr Vally.

MR VALLY: Thank you Mr Chair. Mr Chair, in the lunch break I just had the opportunity to look at the court record in the matter of Mrs Mandela. The reason I am raising this is twofold. One is we have enquired from the transcribers, Data Vyf, about copies and they have informed us that there is a copyright which applies and, therefore, we are going to have difficulty making copies. So, Mrs Madikizela-Mandela's legal team will have to get the court record themselves via Data Vyf because of the problems with copyright. Although it is a public record, but they are not, they are quite averse to us making photocopies of it.

MR SEMENYA: Are you meaning the TRC has violated copyright through the copy it is holding?

MR VALLY: No, because we have got the original.

MR SEMENYA: Oh, you have the original.

MR VALLY: A original, one of the originals.

MR SEMENYA: But in all earnestness, we would welcome any effort that assist us in having the record, really. The copyright story, I think, it is neither here nor there.

MR VALLY: Sure. It does put us in an awkward position, but, then again, there is the previous attorneys of Mrs Madikizela-Mandela who would have a copy of the record for the appeal purposes.

MR SEMENYA: We tried to establish whether we can access that record, nobody seems to know where it is. So, if you can assist us, we would welcome it.

MR VALLY: Okay, well. Well, what we can do is we can refer you to the relevant person in Data Vyf. They are prepared to make it available, but the issue is of copyright.

CHAIRPERSON: No.

MR SEMENYA: Then, ... (intervention).

CHAIRPERSON: No, Mr Vally and Mr Semanya, ... (intervention).

MR SEMENYA: Now, I understand.

CHAIRPERSON: ... I do not think this is neither the place nor the time. I think this is a logistical issue and I can quite sympathise with each.

CHAIRPERSON: I apologise to this, because I was coming to the crucial bit. Just to put on record, and I am not talking about the evidence, I am not saying the evidence is accurate or inaccurate, but

as regards allegations of sexual abuse on the part of Reverend Verryne, there were two witnesses who were called. There was a

witness called Aubrey Klomalo, an ex-UMALO and a 17 year old youth who was, who went by the name of Youth Axe. Those were the two witnesses who were called that we are aware of. There were no other witnesses in connection with that particular allegation regarding sexual abuse. I just wanted to put that on record, Mr Chair.

MS MADIKIZELA-MANDELA: You save the fact that there were many other witnesses who were not necessarily called.

MR VALLY: Could you possibly let us have details of the persons?

MS MADIKIZELA-MANDELA: Unfortunately, I am unable to help you without documents from the attorneys.

MR VALLY: All right. Let us go on. I want to talk about the issue of Dr Asfat. For how long did you know Mr Asfat, Mrs Madikizela-Mandela?

MS MADIKIZELA-MANDELA: For years and years.

MR VALLY: Did you also know his family?

MS MADIKIZELA-MANDELA: Yes, I knew his family.

MR VALLY: Would I be correct in saying that he was more than just a doctor, he was also a family friend?

MS MADIKIZELA-MANDELA: Yes, he was, I have stated so myself.

MR VALLY: Did you regularly visit his home and did he regularly

visit your home?

MS MADIKIZELA-MANDELA: Not necessarily regularly, but we did visit one another.

MR VALLY: Now, did he come to your house on the 31st of January 89 to examine the boys who were taken from the manse or not?

MS MADIKIZELA-MANDELA: I have stated this time without number, Mr Chairman, I took Cebekhulu to Asfat. Asfat did not come to my house, I repeat once more, to examine those boys.

MR VALLY: Not so much Katiza, I am talking about the other youngsters, Mono, Gase, Megwe and Sepei, Stompie Sepei. Did he come and examine them at your house on the 31st of January?

MS MADIKIZELA-MANDELA: I do not know whether you really just want me to keep repeating the same thing.

MR VALLY: Fair enough.

MS MADIKIZELA-MANDELA: Dr Asfat did not come to examine those boys and I saying so for the umpteenth time, Mr Chairman.

MR VALLY: All right. The reason I am raising that is (microphone not on) connection is because ... (intervention).

DR RANDERA: Chair.

MR VALLY: ... Kholiswa Falati and Fekiza, sorry.

DR RANDERA: Chairperson, just for the record is ...

CHAIRPERSON: (Microphone not on).

DR RANDERA: ... saying 31st of December 88 or 31st of January 89, because the 31st of January 89 was after Dr Asfat passed away. So can we just get the dates right please.

CHAIRPERSON: Let the record reflect that was Dr Randera.

MR VALLY: I stand corrected, thank you Dr Randera. It is the 31st of December 1989.

DR RANDERA: 88.

MR VALLY: 1988. I beg your pardon. Let us get it absolutely clear. The date we were talking about was the 31st of December 1988. Dr Asfat, of course, was killed on the 26th of January 1989. The allegation that Dr Asfat came to your house on the 31st of December 1988 was made by Kholiswa Falati and Katiza Cebekhulu and they alleged that Dr Asfat had recommended that Stompie Sepei should be urgently taken to hospital.

MS MADIKIZELA-MANDELA: That is absolute nonsense, Mr Chairman.

MR VALLY: Did you send Mr Jerry Richardson to Dr Asfat's surgery?

MS MADIKIZELA-MANDELA: I went personally to Dr Asfat, Mr Chairman.

MR VALLY: No, no. I just want to finish my question.

MS MADIKIZELA-MANDELA: At no stage did I send anyone else.

I went personally to Dr Asfat.

MR VALLY: All right.

MS MADIKIZELA-MANDELA: I did not send Richardson or anyone else. I went personally.

MR VALLY: There is a record of Jerry Richardson visiting Dr Asfat on the 26th of January 1989 which was, I believe, the same day that he was, in fact, killed. The day before? But ...

MR SEMENYA: Can I have a copy of some of these things so that we are able to respond to them?

MR VALLY: Certainly. Just bear with me, Mr Chair. I beg your pardon, Mr Chair. The death of Dr Asfat took place on the 27th of January 1989. On the afternoon of the 26th of January 1989 Jerry Richardson consulted with Dr Asfat at his surgery and on the card written by Dr Asfat is a statement,

"Sent by Winnie".

Do you have any knowledge of this, Mrs Madikizela-Mandela?

MS MADIKIZELA-MANDELA: I have no knowledge of such a statement. I am hearing, in fact, of this for the first time, Mr Chairman.

MR SEMENYA: May we request a copy of these documents, Mr Chairman?

CHAIRPERSON: Yes, Mr, please make documentation available to Mr Semanya.

MR VALLY: We will let you have a copy of that. There is an allegation that you saw Dr Asfat at his surgery on the day he was killed, on the 27th of January 1989.

MS MADIKIZELA-MANDELA: No, that is nonsense, Mr Chairman. I saw Mr Asfat, Dr Asfat once when I took Cebekhulu.

MR VALLY: Did you see Dr Asfat at all in January 1989.

MS MADIKIZELA-MANDELA: Pardon.

MR VALLY: Did you see Dr Asfat at all besides the time you took Cebekhulu?

MS MADIKIZELA-MANDELA: I have no recollection of seeing him again.

MR VALLY: So, the last time you saw Dr Asfat before he was killed was on the 30th of December 1988?

MS MADIKIZELA-MANDELA: I last saw Dr Asfat, to my memory, when I took Cebekhulu to him.

MR VALLY: Do you know what date that was?

MS MADIKIZELA-MANDELA: I said I would have to refresh my memory. I cannot remember those dates so long ago, but it was at the end of the year.

MR VALLY: One of the two persons who were convicted for the murder of Dr Asfat alleges that you undertook to pay him and his co-accused to kill Dr Asfat. What do you say to this allegation?

MS MADIKIZELA-MANDELA: I will here tell you a little story about how I heard about that ridiculous allegation. I heard for the first time of this nonsensical version when I was informed that my

ex-husband had instructed Fivas to investigate any type of debt Fivas could rake in my name. He needed that information, it was

stated to me, for purposes of our divorce matter which had not started at the time. He claimed he had sent emissaries I had not given a proper hearing to. I was then advised that the murderers of Dr Asfat had been approached in prison and had been assaulted and had been, in fact, asked to make implicating statements implicating me.

I have never heard of them, I had not even remembered who their names were. When I gathered that information I then went to see my lawyers who intervened on that issue and how this came about was my daughters were called by their father after my release from hospital and he enquired from them how I was, because I had been critical. They assumed he wanted to know what my condition was and when they enquired why he needed that information, he then told them that it was because there is a warrant of arrest awaiting me in Cape Town when I land, because I was supposed to have been implicated in the death of Dr Asfat.

My lawyers are here and they confirm that information. They took further steps, they communicated with Fivas, the Commissioner of Police, and they can take it from there.

MR VALLY: I certainly would like to get this further information from your lawyers, but let me just also put some things to you.

There was a statement in the possession of the police which was allegedly made by Dlamini at the time of his arrest. This was in

1989.

MS MADIKIZELA-MANDELA: Well, I have told you how I came to know about the people who killed Dr Asfat. I do not know what you are talking about, I do not know about a statement made by the police. I am telling you how I came to know, for the first time, that there were moves of that sort to force these boys to make implicating statements and my lawyers have further information on that issue.

MR VALLY: I will be wanting that information from your lawyers, but I understand that that issue, where there was a threatened application, was in 1995.

MR SEMENYA: What application?

MS MADIKIZELA-MANDELA: What application are you talking about?

MR VALLY: Of investigation, I beg your pardon, regarding Dlamini's allegations. That happened in 1995.

MS MADIKIZELA-MANDELA: Now, why, what would I, what am I supposed to know about it if there was a re-investigation in 1995 which had no bearing on me. I am telling you how this was brought to my attention for the first time. That I knew that there was this kind of move to assault these boys to compel them to make implicating statements. At first, they are supposed to have been coerced and, unfortunately, they did not agree and my lawyers have further information on that issue, because they helped do the investigation.

MR VALLY: I do not know if we can do this, Mr Chair, but if the lawyers want to give that information, maybe we need to put them under oath and let them submit that information under oath, if they are going to be a witness on this issue.

MR GLOVUNDLA: Unless my colleague says that I must be discharged of my function in this matter for that particular purpose and then you will have to get this client a lawyer. I am not prepared to accept from you that I must relinquish my brief.

MR SEMENYA: With respect, it is not us that is making the assertion, your client is, in fact, saying that you are going to make available your, the information. So, we are being placed in a position where we are not sure of your role. Are you going to be a witness in this case or not. I think that is the difficulty that we sit with in this whole exchange.

MR SEMENYA: Mr Chairman, ...

CHAIRPERSON: Mr Semanya, we hear you.

MR SEMENYA: I think, Mr Vally, if there is any information you require of us, we certainly will give it, that information. If you require certain information from us under oath, I am, surely you do know how to get us properly before this forum to give you evidence under oath, but I thought what the witness is attempting to say to you is I have raised this complaint with my lawyers. That is the essence of what the witness is trying to communicate with you.

MR VALLY: Mr Chair, we have to follow this up. If we cannot get this information now I want to place it on record that we are requesting this information from Mrs Madikizela-Mandela's lawyers regarding this issue. It will be very important for us and we would appreciate it.

MR SEMENYA: I, purely for the record, maybe so that doubts do not arise. What we do have is a letter that was addressed confidentially to the Commissioner of Police to say these matters have been raised with us and we made communication to Fivas in that regard. We also made a communication to the President through the lawyer to say these things have been raised with us. If you say you require of us to produce letters to both the President and the Commissioner, we will do that. It is not a matter of oath.

MR VALLY: We would appreciate that, but you, these are allegations made by you. What we want to know is the basis for those allegations.

MR SEMENYA: I did not make any allegations, Mr Vally, ... (intervention).

MR VALLY: Oh.

MR SEMENYA: ... please. The record would confuse issues.

MR VALLY: Well, let me rephrase it. You have a letter which you sent to Commissioner Fivas and to Mr Mandela's legal representatives where you set out certain allegations. What we would like to know, or certain statements or whatever you want to

call it. What we would like to know is the basis for the view that was formed in that letter.

CHAIRPERSON: I do not know where this is taking us. Are you canvassing that issue. I am sooner not going to know who is a witness in this particular matter and I do not know whether these lawyers are on trial. I understand what you have placed on record and I think we should not take it any further. What remains should be a matter of process. Pursue that as much as you can, but let us not be held back. I, there is so much testimony that I expect to get by the end of this day that we should not really allow yourselves to be caught up by extraneous issues. I regard that as an extraneous issue. You are on the record as to what you will require and I think you can put it very, very clearly in a communication to both Sereti (...indistinct) & Partners and/or to Advocate Semenya or to both of them. If you could proceed.

MR SEMENYA: Mr Chairman, I am not interfering with the ruling. We have just made an indication that we would be willing to give those letters. I can indicate, though, that we are going to take direction from you. I will give you the letter, personally, as a Chairman. That letter raises other personal matters between client and the President. So, I do not want the document, okay.

MR VALLY: I am sorry. I am being nagged to ask a certain question which is allegedly at the time of your divorce. Mr Fivas was not Commissioner of the Police. What is your response to that?

MS MADIKIZELA-MANDELA: I did not hear the question, I beg your pardon.

MR VALLY: Allegedly, at the time of the divorce action, Mr Fivas was not Commissioner of Police.

CHAIRPERSON: Well, the witness had never as a ...
(intervention).

MS MADIKIZELA-MANDELA: What has that got to do with ...
(intervention).

CHAIRPERSON: ... witness stated that it was the Commissioner of Police. She said Fivas. Mr Vally, if you can get yourself ...
(intervention).

MR VALLY: All right.

CHAIRPERSON: ... organised in that corner I will have to call these proceedings off.

MR VALLY: Thank you, Mr Chair, I will. I will take control again. Are you aware of any meetings between Mr, Dr Asfat and members of the Crisis Committee?

MS MADIKIZELA-MANDELA: No, Mr Chairman.

MR VALLY: Did any senior church member come to you with any allegations allegedly made by Dr Asfat?

MS MADIKIZELA-MANDELA: No, Mr Chairman.

MR VALLY: Did Dr Asfat ever visit you on the 13th of January

and (end of tape 2B)

MR VALLY: ... to you with any allegations allegedly made by Dr Asfat?

MS MADIKIZELA-MANDELA: No, Mr Chairman.

MR VALLY: Did Dr Asfat ever visit you on the 13th of January and at a time when Mr Ayub was also consulting with you at your house?

MS MADIKIZELA-MANDELA: No, I do not recollect when next I saw Dr Asfat.

MR VALLY: You earlier told us that the last time you saw Dr Asfat was when you took Katiza there and you did not see him ... (intervention).

MS MADIKIZELA-MANDELA: I said to my memory I last saw him then. I do not recollect when next I could have seen him before his death.

MR VALLY: Did you see him before his death?

MS MADIKIZELA-MANDELA: I do not recollect when next I could have seen him before his death. My recollection is specifically when I took Katiza to him.

MR VALLY: So, you are not sure. You may have seen him before he died, but you are not sure.

MS MADIKIZELA-MANDELA: I saw Dr Asfat so frequently that I would not recollect when last I saw him before his death.

MR VALLY: And you previously denied that you told the press that he was killed because he had information regarding the sexual abuse of youngsters. Do you maintain that denial?

MS MADIKIZELA-MANDELA: It is absolute nonsense, Mr Chairman, because Dr Asfat did not see those children. I did not take those children to Dr Asfat. I took Katiza, only, to Dr Asfat.

MR VALLY: We are going to go on to the issue of Leratodi Ikaneng. I think Mr P Josephs is going to give me a short break here on this issue.

EXAMINATION BY MR JOSEPHS:

MR JOSEPHS: Mrs Madikizela-Mandela, do you know Leratodi Ikaneng?

MS MADIKIZELA-MANDELA: I recollect the name of that boy.

MR JOSEPHS: Do you remember whether he was living at your house at any time during the period that we are discussing, between 1986 and 1991, 1991?

MS MADIKIZELA-MANDELA: At one time he was one of the boys.

MR JOSEPHS: Mr Ikaneng, in statements made in a court case in which he was charged with murder and in a radio interview with **BBC Radio 4**, with Mr John Carlin, said that he came to your house in 1986 and, set up residents in 1986. Would you find that to be an acceptable statement or can you not comment on that?

MS MADIKIZELA-MANDELA: It would be possible that he was one of the boys at the time as one of the early boys to come to my residents.

MR JOSEPHS: Mr Ikaneng was questioned about life in the back room shacks in your household during that period and I will quote to you from the transcript of the interview.

MS MADIKIZELA-MANDELA: You will quote who?

MR JOSEPHS: I will quote to you from the transcript of the interview. This was broadcast in the United Kingdom on the 27th of November 1990, **BBC Radio 4** at ten to eight.

"People from all over Soweto would come to the gates of Winnie's house and report things, all kinds of anti-social acts and sometimes accusations that people were working for the police. This thing would be reported to the boys at the gates and the boys would put them in a book. The book would be shown to Winnie, who would decide if certain people involved in the complaint, should be brought to the house."

What is your comment on that statement?

MS MADIKIZELA-MANDELA: I know nothing about those aspects of activities of the boys and I am sure he would be available to confirm that.

MR JOSEPHS: Another, and we are told by Mr Ikaneng during the interview, an identified football club member, continues to say just in the chain of events,

"That usually we filled the combi up with boys, it was a 15 seater. Most people came voluntarily, but if they were stubborn then we should force them."

Leratodi Ikaneng continues,

"At the house there was a kind of court in the yard. Winnie would come out of the house to listen to the case with members of the Disciplinary Committee. She might leave before the end of the trial and leave the decision up to the Committee, but they would always tell here what they had decided."

Now, in testimony on the 26th of September you said that there was no such a Disciplinary Committee.

MS MADIKIZELA-MANDELA: Yes, Mr Chairman, I said so.

MR JOSEPHS: Is that still the case?

MS MADIKIZELA-MANDELA: That is somebodies very rich imagination. I know nothing about those activities. The boys were in my house, yes, that is true and I opened doors to each and every one of them who knocked for assistance.

MR JOSEPHS: Okay. We are told that the punishment for anti-social behaviour if someone was found guilty, by Mr Ikaneng, was normally lashes, but for more serious crimes then it was lashes, kicks and punches.

"We would all take part, taking it in turns.

I lost count of how many beatings there were."

Are you not aware of any beatings going on apart from the ones that we have been talking about with regards to the Stompie case, that took place ... (intervention).

MS MADIKIZELA-MANDELA: I was not ... (intervention).

MR JOSEPHS: in your back yard?

MS MADIKIZELA-MANDELA: ... part of the boys, I did not know of any of such activities and I heard of these things from the so-called media ... (intervention).

MR JOSEPHS: But tell me, in ... (intervention).

MS MADIKIZELA-MANDELA: documentary.

MR JOSEPHS: ... your house, I mean, because he is talking about

Orlando West now.

MS MADIKIZELA-MANDELA: Yes.

MR JOSEPHS: This was a small house with a relatively small back yard shack. If there had been beatings going on and you had been at your house at the time its, would you say it would be fair to say that it was likely that you would have heard those kinds of things if people were being beaten ... (intervention).

MS MADIKIZELA-MANDELA: I would invite ... (intervention).

MR JOSEPHS: ... in the back yard.

MS MADIKIZELA-MANDELA: ... you to go and have a look now, Mr Chairman.

MR JOSEPHS: Well, I am aware of what ... (intervention).

MS MADIKIZELA-MANDELA: Where you will see that it would not have been possible to hear anything of the sort ... (intervention).

MR JOSEPHS: So, ... (intervention).

MS MADIKIZELA-MANDELA: ... from the situation in my house.

MR JOSEPHS: ... it would not have been ... (intervention). MS

MADIKIZELA-MANDELA: You are free to go ... (intervention).

MR JOSEPHS: ... possible?

MS MADIKIZELA-MANDELA: ... and have a look now.

MR JOSEPHS: It would not have been possible. Is that what you are saying?

MS MADIKIZELA-MANDELA: I, you are saying is it not possible that I would have heard. I am saying I did not hear and it is not

possible that I would have heard.

MR JOSEPHS: It is not possible?

MS MADIKIZELA-MANDELA: From the situation in my house.

MR JOSEPHS: Could you explain what you mean by "the situation in your house".

MS MADIKIZELA-MANDELA: You can go and have a look at its location ... (intervention).

MR JOSEPHS: No, I am asking you, Mrs Madikizela-Mandela.

MS MADIKIZELA-MANDELA: I could not have heard from the back rooms where they were.

MR JOSEPHS: Why not?

MS MADIKIZELA-MANDELA: That is why I am inviting you to go ... (intervention).

MR JOSEPHS: No, ... (intervention).

MS MADIKIZELA-MANDELA: and have a look.

MR JOSEPHS: ... I do not want to go there. I am asking you to explain to me.

MS MADIKIZELA-MANDELA: Well, because there are rooms inbetween the rooms where those boys were situated at the back.

MR JOSEPHS: Thank you.

MS MADIKIZELA-MANDELA: The sound could not have gone through.

MR JOSEPHS: Thank you. Mr Leratodi Ikaneng goes on and explains the situation that occurred in July 1988, which we have already covered, to a certain extent, and one which I recall I think you said you do not remember, because your house was burnt down

so many times. We are talking now about the incident at the end of July 1988 when your house was burnt down, allegedly by members of Daliwonga students.

MS MADIKIZELA-MANDELA: I did not say, Mr Chairman, my house was burnt down many times. I referred to that in Brandfort. My house was burnt only once in Orlando.

MR JOSEPHS: Okay, well, we are talking about that incident. I am just trying to put some ... (intervention).

MS MADIKIZELA-MANDELA: Yes.

MR JOSEPHS: ... context for you. According to the transcript some adolescent girls called the Mandela Sisters claimed, one of the girls from the Mandela Sisters, claimed that she was raped by three boys from the nearby Daliwonga High School and that Mrs Mandela was told what had happened. Do you remember being informed about the rape of one of the girls who was associated either with the boys in the house or at that time? Do you remember that?

MS MADIKIZELA-MANDELA: In my house there were no Mandela Sisters. If there were Mandela sisters in the townships, I have no idea.

MR JOSEPHS: Do you recall a girl reporting that she had been raped by boys ... (intervention).

MS MADIKIZELA-MANDELA: There is no ... (intervention).

MR JOSEPHS: ... from the Daliwonga School?

MS MADIKIZELA-MANDELA: There is no such an incident which occurred. There was no such a report brought to my attention and there was no such a thing as Mandela Sisters.

MR JOSEPHS: So, you would not recall Mr Ikaneng going on to talk about boys being brought Daliwonga to the back rooms of your shack and being assaulted and he says here that he participated in those assaults?

MS MADIKIZELA-MANDELA: I cannot recall what I do not know, Mr Chairman. I know nothing ... (intervention).

MR JOSEPHS: So, you ... (intervention).

MS MADIKIZELA-MANDELA: about that incident.

MR JOSEPHS: So you do not know about that. Okay.

MS MADIKIZELA-MANDELA: I do not know anything about it.

MR JOSEPHS: Thank you. Mr Ikaneng says that he left your house. Well, let me go back just a, we are going to go back a little bit. He says that he was arrested in January 1987. You will remember we spoke at the last section of the hearing, on the 26th of September, about the Seheri case and ... (intervention).

MS MADIKIZELA-MANDELA: But there was nothing new about anyone of the boys being arrested. They were arrested very, very frequently, ... (intervention).

MR JOSEPHS: No, I, I ... (intervention).

MS MADIKIZELA-MANDELA: ... ever other day.

MR JOSEPHS: I am aware of that, Mrs Madikizela-Mandela, but what I am trying to point out at that particular occasion all the boys in the back of the house were arrested.

MS MADIKIZELA-MANDELA: It happened all the time.

MR JOSEPHS: What, that all the boys would be ... (intervention).

MS MADIKIZELA-MANDELA: It was, ... (intervention).

MR JOSEPHS: ... arrested.

MS MADIKIZELA-MANDELA: ... yes, it happened all the time.

MR JOSEPHS: Okay, thank you. And that he says that he spent seven months in jail and that when he came out of jail he came back to live at the house. Do you remember whether he came back to live at the house?

MS MADIKIZELA-MANDELA: No, I have no such recollection.

MR JOSEPHS: Okay, thank you. He says after the burning down of the house in July 1988 that he did not return to live with you in the new house that you were living in, in Diepkloof and, as a result of this, he was summoned to your house and was fetched by some boys and informed by yourself and by other people of your concern that he should be living at your house. Do you remember that incident at all?

MS MADIKIZELA-MANDELA: There is no such a thing, ... (intervention).

MR JOSEPHS: There is no such incident?

MS MADIKIZELA-MANDELA: ... Mr Chairman. Yes, I never followed any of the boys to their homes to invite them to come and stay in my house. The boys who came to my house came voluntarily of their own accord and they left voluntarily of their own accord.

MR JOSEPHS: Do you recall an incident in October 1988 when a young man by the name of Tolly Dlamini was shot, allegedly shot dead by Sizwe Sithole, who ... (intervention).

MS MADIKIZELA-MANDELA: I remember an incident where Sizwe Sithole shot somebody.

MR JOSEPHS: Now, according to Mr Ikaneng, he was present when that incident occurred and that, as a result of what he witnessed, he provided the South African Police with a statement. Do you have any knowledge ... (intervention).

MS MADIKIZELA-MANDELA: I do not know ... (intervention).

MR JOSEPHS: ... of him providing the South African Police with a statement?

MS MADIKIZELA-MANDELA: I would not know that and I have no knowledge of the actual incident and, if my memory serves me well, I think my daughter and I had gone to prison to visit their father.

MR JOSEPHS: Thank you.

MS MADIKIZELA-MANDELA: I was not even there when that incident occurred. So, I would not know what happened in my absence.

MR JOSEPHS: Thank you. Several weeks later, Mr Ikaneng goes on and says that he was taking a friend of his to a swimming pool in Soweto when he was summoned by Shakes, who we have referred to earlier as, I think the young man that came from Brandfort with you, and he says that he was taken to your offices in Soweto, where you were working from as a social worker, and there he was confronted by yourself and your daughter and several other football club members and he was accused of having made a statement to the South African Police in connection with the death of Tolly Dlamini and accused of being an informer. Do you recollect that ... (intervention).

MS MADIKIZELA-MANDELA: No.

MR JOSEPHS: ... incident?

MS MADIKIZELA-MANDELA: No such incident happened, Mr Chairman.

MR JOSEPHS: Thank you. Mr Dlamini, sorry, Mr Ikaneng says that he was, says that you ordered members of the football club to take him back to your house and while he was downstairs as they were trying to get into the car, he ran away. We understand that he has a nickname of the name Springbok, because he is fast at running

away. Did you ever give such an order that he be taken to your house?

MS MADIKIZELA-MANDELA: No, I gave no such ridiculous order, Mr Chairman. I have just explained that none of the boys were coerced to go and stay at my house. They all voluntarily came to seek help and, where it could be given, it was given.

MR JOSEPHS: Thank you. Mr Ikaneng says that he ran away to Sharpeville and came back six weeks later when he was accosted by Mr Richardson, and I think you may recall what happened to him on the third of January 1989 when he had his throat cut from ear to ear by Mr Richardson, accompanied by Mr Pello Mekwe, Mr Tabiso Mono, Mr Kenny Gase and various other members of the football club. Do you recall that incident?

MS MADIKIZELA-MANDELA: I do not recall the incident, because I knew nothing about it. I read what I saw in the media, because, subsequently, Jerry Richardson was arrested.

MR JOSEPHS: Did you take any ... (intervention).

MS MADIKIZELA-MANDELA: I knew nothing about those activities.

MR JOSEPHS: So, the first time that you heard about this incident was when you read about in the media? .

MS MADIKIZELA-MANDELA: Yes, of course.

MR JOSEPHS: Okay, thank you. Mr Leratodi Ikaneng has informed the court, in his trial into the death of Maxwell Madondo,

that he was informed by his younger brother, Mr Pete Ikaneng, that there was a meeting held on the 11th, well he does not actually give a date, I, excuse me, I will come back to the date, but he refers to a meeting that was held with members of the Mandela United Football Club which a decision was taken to kill himself, Mr Leratodi Ikaneng and Mr Sibosiso Cele. Do you have any information or any knowledge about that meeting?

MS MADIKIZELA-MANDELA: Absolutely nonsense, Mr Chairman, no such incident took place.

MR JOSEPHS: Do you remember Mr Pete Ikaneng?

MS MADIKIZELA-MANDELA: I know of no such an incident. The boy you are talking of, the one who is supposed to have been assaulted by Richardson, I recollected his name when he was on trial, when Richardson was on trial, because he had long left my residents, from what I heard from the other boys. I did not monitor them when they were in and out of my house.

MR JOSEPHS: Do you recall a Mr Pete Ikaneng living at your house ... (intervention).

MS MADIKIZELA-MANDELA: I do not ... (intervention).

MR JOSEPHS: ... the younger brother of Leratodi Ikaneng?

MS MADIKIZELA-MANDELA: I do not know of that person. I have never heard of a Pete Ikaneng.

MR JOSEPHS: Thank you. Do you recall a youngster with the nickname Dodo living at your house?

MS MADIKIZELA-MANDELA: It is the first time I hear of it, Mr Chairman.

MR JOSEPHS: Thank you. Mr Katiza Cebekhulu has made the allegation that he was present at a meeting on the 11th of February 1989 at which you chaired that meeting. He actually made the allegation first in the **BBC 4** interview in 1990 and I will read to you,

"We had a meeting at Mrs Mandela's office where we discussed the killing of Sibosiso Sponge Chili. I do not know the reason why Sponge had to be killed, but I was told that we have to get rid of him. It was in Winnie's office in Orlando next to Orlando Station. The name of the place is (...indistinct) House. We were on the ground floor. It was in the boardroom. It was myself with Winnie, with Zinzi, Jerry, Guybon, Killer, Sipho, Bobo, Scar and some other guys ...".

He then asked her what time this meeting took place and he says about six o' clock in the evening and he says when asked who chaired the meeting that,

"... I will say it was Winnie Mandela for sure. She was the one talking most of the time ...".

What is your response to Mr Cebekhulu's allegation which he has repeated now in 1997 to what he said then in 1990.

MS MADIKIZELA-MANDELA: It is one of his absurdities, Mr Chairman, one of his hallucinations. If it was not so tragic, it would be laughable.

MR JOSEPHS: Thank you.

MS MADIKIZELA-MANDELA: To drag my daughter into these things, I would have, if I had a way, asked that whoever is behind this exercise should spare my children. The nonsense to actually suggest that my children were part and parcel of this figment of one's imagination is something I really abhor. For God's sake, my children have suffered enough and they do not need to be dragged before this sort of forum to be mentioned in these terms, before these people along these lines. I would have expected a little bit of a conscience and a little bit of honour, whoever compiled that rubbish.

MR JOSEPHS: Thank you.

MS MADIKIZELA-MANDELA: Spare my children.

MR JOSEPHS: The, just for your information again, to remind you the documentary was put together by Mr John Carlin, who I am sure you will recall was ... (intervention).

MS MADIKIZELA-MANDELA: We all know about those documentaries, do we not? We all know about Cebekhulu's hallucinations, do we not?

MR JOSEPHS: Thank you Mrs Madikizela-Mandela. Do you recall an individual by the name of Maxwell Madondo?

MS MADIKIZELA-MANDELA: I do not recall the actual name.

MR JOSEPHS: Do you recall an ... (intervention).

MS MADIKIZELA-MANDELA: Which one was this?

MR JOSEPHS: Do you recall an incident on the 13th of February, two days after the alleged meeting, at which ... (intervention).

MS MADIKIZELA-MANDELA: What incident?

MR JOSEPHS: I am coming to that Mrs Madikizela-Mandela. An incident in which Mr Madondo was killed by Mr Sibosiso Kile by having a rock thrown on his head. Do you have any information about that?

MS MADIKIZELA-MANDELA: One of the boys, I may not recollect his proper name now, because as I have pointed out, we used nicknames. One of the boys was killed in Orlando West. He was one of those who was attending school. I had placed most of them in schools in that vicinity, because I was living in Orlando West at the time when I placed them in school and I think that Maxwell is one of the boys who was attending school in Orlando

MR JOSEPHS: Thank you. Subsequent to the killing of Mr Madondo, Mr Leratodi Ikaneng, Mr Cele, Sibosiso Cele, his mother, brother and several other people were arrested and charged with the murder of Maxwell Madondo.

MS MADIKIZELA-MANDELA: I do not know the people who were arrested for the murder of Maxwell. I heard he was killed by ... (intervention).

MR JOSEPHS: I am not ... (intervention).

MS MADIKIZELA-MANDELA: ... boys in Orlando West.

MR JOSEPHS: I am not asking that, I am just giving some context for you. During the course ... (intervention).

MS MADIKIZELA-MANDELA: I thought that is why you mentioned their names.

MR JOSEPHS: No, I am just giving you some context so you can familiarise yourself with where I am going and who I am talking about. During the court case, the defence lent very heavily on the fact that Maxwell Madondo had been sent to kill Sibosiso Kile and Leratodi Ikaneng and, indeed, towards the end of the trial, the court made the following admission, the State made the following admission on the basis of a statement provided in 1989 by Mr Katiza Cebekhulu.

"The admission the State will make ...",

and I quote now,

"The admission the State will make is that the deceased, Maxwell Madondo, was a member of the Mandela United Football Club and that a decision was made by Mrs Winnie Mandela and the football club to kill accused one, Leratodi Ikaneng, and accused number six, Sibosiso Cele, but the witness, My Lord, whose name I shall not mention now, ...",

but I will tell you it is Katiza Cebekhulu,

"... together with Killer and the deceased ..."

Mr Madondo,

"... all were instructed and went to carry out the decision to kill accused number one and six."

This admission was made by the State. What is your comment on that Mrs Madikizela-Mandela?

MR SEMENYA OBJECTS:

MR SEMENYA: Mr Chairman, just before the answer maybe, are we able to obtain copies of statements where prosecutors make admissions on our behalf, like that?

MR JOSEPHS: Well, I can, what I can, what I am sure we can give you is the two pages where this particular incident is referred to.

Mr Cadres who was representing the accused entered that statement into the record and the prosecutor was then asked whether he concurred with that statement and he said yes. This is something which we have not got to the bottom of how it happened and, of course, we will welcome being able to discuss this with Mr Cebekhulu and how it happened, but what I am saying to you is I am sure we can give you the two pages of the transcript in which those admissions are made by the State. It is a question that has been raised, Mr Semenya, as to why this was not followed up and why investigations into Mrs Madikizela-Mandela's alleged role were not followed up by the police and, perhaps, those are questions that we can put to the police at a later stage. Thank you.

CHAIRPERSON: Are you able to make a comment on that admission?

MS MADIKIZELA-MANDELA: No, I am absolutely stunned, Mr Chairman. I mean it is so ridiculous to anyone that a finding, a court finding of that nature would not have been followed by the police who have pursued me ever since I have remembered myself being here in the urban here of Johannesburg. An allegation of that sort is made, I am supposed to be harbouring criminals in the house and I am not arrested when, in fact, I am supposed to have been directly responsible for something like that. Is it not quite clear,

even to an idiot, that such statements could have not held in any normal Court of Law, save the apartheid courts? How many other

people went to the gallows innocently, killed by the same people who reasoned and talked in this fashion? How many of our cadres did we lose? How many of our young women, men and women were lost through the very irresponsible statements such as that one.

MR JOSEPHS: I ... (intervention).

MS MADIKIZELA-MANDELA: It is ridiculous and I have no answer ... (intervention).

MR JOSEPHS: I think the ... (intervention).

MS MADIKIZELA-MANDELA: ... for such matters.

MR JOSEPHS: I think the defence, in that particular case, took the information provided by Mr Cebekhulu extremely seriously, particularly, as he was subsequently charged and was believed to have been, at the time, a member of your household or living at the house and, certainly, the court took it very seriously. I think the point that you have made, which is very pertinent, is why the police did not follow that up and why the State did not make actions to follow that up and, of course, that is something which remains of concern to us. Thank you.

MR SEMENYA: And maybe just the record to reflect it is the first time in my legal career, do I know that State can, in terms of the Criminal Procedure Act, make an admission. I thought it is accused persons who do those admissions, but it is very interesting.

CHAIRPERSON: Now, let the record reflect that where it might be thought we are talking about C E L E, we are actually speaking about C H I L I, Cele instead of Kele.

NO FURTHER QUESTIONS BY MY JOSEPHS

EXAMINATION BY MR VALLY (cont):

MR VALLY: Thank you, Mr Chair. To continue, flowing from the death of Maxwell Madondo, we have an allegation by Katiza Cebekhulu, there was a meeting at which you were present where it was decided to attack Chili or rather Cele, I beg your pardon, the Cele household. Do you have any knowledge of this?

MS MADIKIZELA-MANDELA: That is ridiculous nonsense, Mr Chairman.

MR VALLY: Do you know Dodo Cele?

MS MADIKIZELA-MANDELA: Who is this?

MR VALLY: Dodo Cele.

MS MADIKIZELA-MANDELA: Yes, I knew her as a member of the Federation of South African Women.

MR VALLY: Did you have any conflict with her at any stage?

MS MADIKIZELA-MANDELA: None whatsoever.

MR VALLY: Was there any pressure on Dodo Cele's sons to join the Mandela United Football Club?

MS MADIKIZELA-MANDELA: Not that I know of or I do not know who recruited who into the Mandela United. I do not know whom could have done that.

MR VALLY: Are you aware that after Maxwell Madondo was killed and whilst Dodo Cele was in detention, that her house was attacked?

MS MADIKIZELA-MANDELA: I do not know of that personally, I saw that in the press report.

MR VALLY: Are you aware that her niece, Finkie Msomo, was shot dead during that attack?

MS MADIKIZELA-MANDELA: I saw that in the press report. Everybody knows that. Anyone who bothered to read about that incident.

MR VALLY: Is it true that Mrs Dodo Cele assisted youths who wanted to leave the Mandela Football, Mandela United Football Club?

MS MADIKIZELA-MANDELA: How on earth would I know that, Mr Chairman. I do not know what Dodo Cele's activities were.

MR VALLY: Do you know a Mr Charles Zwane?

MS MADIKIZELA-MANDELA: If that is the boy called Bobo, then that is the same person. He was one of the boys.

MR VALLY: Did you say ... (intervention).

MS MADIKIZELA-MANDELA: He stayed with me sometime.

MR VALLY: ... Dodo?

MS MADIKIZELA-MANDELA: Bobo.

MR VALLY: Bobo.

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: I beg your pardon. Are you aware that he was charged with this attack on the house of Dodo Cele?

MS MADIKIZELA-MANDELA: I saw that in the press.

MR VALLY: At the time of him being arrested and charged with this attack, was he staying at your house?

MS MADIKIZELA-MANDELA: I do not know. I do not recollect that. I think he had long left the house.

MR VALLY: Are you aware that Charles Zwane, at his trial, said that there was a decision to attack the Cele household as a result of the death of Maxwell Madondo?

MS MADIKIZELA-MANDELA: I know nothing about who took what decision. I had nothing to do with the activities of the boys.

MR VALLY: Are you aware, now Dodo Cele, she lived in the same area as your house in Orlando West?

MS MADIKIZELA-MANDELA: Yes, before I moved to Diepkloof.

MR VALLY: Generally, in that community, in Orlando West, people would know each other, even if it is only by sight. Would people know members of ... (intervention).

MS MADIKIZELA-MANDELA: I suppose where people know each other by sight, I do not know what ... (intervention).

MR VALLY: Fair enough.

MS MADIKIZELA-MANDELA: ... opinion you are seeking from

me.

MR VALLY: All right.

MS MADIKIZELA-MANDELA: That is a normal reaction of human beings.

MR VALLY: There is evidence in the trial by Ms Dodo Cele's sister-in-law that members of the football club were seen at the house at the time of the attack.

MS MADIKIZELA-MANDELA: I do not know why I am supposed to comment about that. I ... (intervention).

MR VALLY: Do you have any knowledge ... (intervention).

MS MADIKIZELA-MANDELA: ... do not ... (intervention).

MR VALLY: ... of this?

MS MADIKIZELA-MANDELA: How on earth can I have knowledge of that. I do not know anything about that.

MR VALLY: There is an allegation by Ms Dodo Cele that there was an instruction coming from you to kill her son, Sibosiso Cele, and Leratodi Ikaneng. Do you have any knowledge of this?

MS MADIKIZELA-MANDELA: No, she is lying. There is no such a thing. There was no such a decision.

MR VALLY: In this trial of **STATE v ZWANE** both Mr Zwane and his advocate as well as the judge made this ruling, that the attack on Dodo Cele's house was in revenge for the death of a member of Mandela United Football Club, namely, Maxwell Madondo. Do you have any knowledge of this?

MS MADIKIZELA-MANDELA: I do not know that, Mr Chairman. I was not part of that trial and I was not part of the case.

MR VALLY: Do you know Sonwabo?

MS MADIKIZELA-MANDELA: Who is Sonwabo?

MR VALLY: What, you, Charles Zwane stated in court that Guybon Kubeka and Sonwabo, who is also called Vuyo Muleli. Do you know Vuyo Muleli?

MS MADIKIZELA-MANDELA: I do not know those people ...
(intervention).

MR VALLY: Well, you have indicated you know ... (intervention).

MS MADIKIZELA-MANDELA: ... Mr Chairman,

MR VALLY: ... who Guybon was. He at one stage ...
(intervention).

MS MADIKIZELA-MANDELA: Yes.

MR VALLY: ... stayed at the back of your house.

MS MADIKIZELA-MANDELA: Ja.

MR VALLY: Charles Zwane's version in court was that he personally was not present, but that Guybon Kubeka and Sonwabo were responsible for the attack. Do you have any knowledge of this?

MS MADIKIZELA-MANDELA: No, I do not know what you are talking about, Mr Chairman.

MR JOSEPHS: Mrs Madikizela-Mandela, the transcript into the **STATE v IKANENG** case, the murder of Maxwell Madondo. One

of the State witnesses only named as witness B says that shortly after the murder of Madondo his body was moved across to the

other side of the street by Sibosiso Cele and that when the body had been moved across there, while people were still standing around, he saw you in a vehicle, looking at the scene at what was there. This is, may I remind you, a State witness against the murderers of Mr Madondo. This sight of you in a vehicle is repeated by Mr Cebekiso Chili, who was accused number six in that case. Were you, at all, present after the murder of Maxwell Madondo at the scene. Did you see his body?

MS MADIKIZELA-MANDELA: That is absurd, Mr Chairman. I am sure you can spend a lifetime going through the court files getting all sorts of versions of all sorts of things that were said about me, in all sorts of trials.

MR JOSEPHS: No, but the relevance of this particular viewing of yourself and testimony given under oath by a defence witness and a State witness is that you were there.

MS MADIKIZELA-MANDELA: That is absolute rubbish, Mr Chairman.

MR JOSEPHS: Thank you.

MS MADIKIZELA-MANDELA: All sorts of versions were given under oath by the apartheid ... (intervention).

MR JOSEPHS: We are talking about this specific case, we are not talking ... (intervention).

MS MADIKIZELA-MANDELA: I am talking ... (intervention).

MR JOSEPHS: ... about lots of other cases.

MS MADIKIZELA-MANDELA: ... that as well. There is absolutely nothing new in what you are telling me. It is absolute nonsense.

MR JOSEPHS: But I take it it is new ... (intervention).

MS MADIKIZELA-MANDELA: I was nowhere ... (intervention).

MR JOSEPHS: ... because this is the first time that you have heard this.

MS MADIKIZELA-MANDELA: I was nowhere near that scene. It is the first time I am hearing from you.

MR JOSEPHS: Thank you, that is what I wanted to hear.

MS MADIKIZELA-MANDELA: I am sorry you had to extract it.

MR VALLY: Let us go onto another issue. Do you know Kuki Zwane?

MS MADIKIZELA-MANDELA: Who is this?

MR VALLY: Kuki Zwane?

MS MADIKIZELA-MANDELA: Who is Kuki Zwane?

MR VALLY: She is also known as Priscilla Maso or Maseu. Do you know her at all?

MS MADIKIZELA-MANDELA: Oh, there is, I think the recognise that name. It was included in the allegations that were made to my daughters. That was one of the killings I heard of for the first time, that that girl had been killed and in the information to Fivas it was one of the names that were mentioned at the time and I heard for the first time that she was dead then.

MR VALLY: Did you know her at all?

MS MADIKIZELA-MANDELA: I knew her vaguely as one of the children who were in and out of my house. I cannot remember her ... (intervention).

MR VALLY: Who was she friendly with?

MS MADIKIZELA-MANDELA: ... now. Who was she friendly with?

MR VALLY: Yes, why was she coming to your house?

MS MADIKIZELA-MANDELA: They visited each other all the time. I mean those boys were visited by all sorts of people.

MR VALLY: There is an allegation in December 1988 when Kuki Zwane was ill, you went with Kuki and Katiza to see Dr Asfat. Do you have any knowledge of this?

MS MADIKIZELA-MANDELA: First time I heard of that, Mr Chairman, from you people.

MR VALLY: Was Kuki Zwane a personal friend of your daughter?

MS MADIKIZELA-MANDELA: No, not to my knowledge.

MR VALLY: When was the first time you heard of Kuki Zwane's death.

MS MADIKIZELA-MANDELA: I heard when my daughters were called by their father and they were told that that was one of the deaths. It was not only the Asfat killers who were supposed to be mentioned then. This particular name was also one of the names.

Fivas was supposed to put all this debt together including the death of this child.

MR VALLY: Jerry Richardson alleges that he was responsible for the murder of Kuki Zwane and he was acting on your instructions. What is your comment on that?

MS MADIKIZELA-MANDELA: I heard for the first time from you. Not even that information which had reached us at the time identified Richardson as a killer. I was merely told that that child had been killed and that they would make it possible for me to be implicated in her death.

MR VALLY: Was ... (intervention).

MS MADIKIZELA-MANDELA: I heard from the first time from you people that Richardson was the killer.

MR VALLY: Does, was Kuki Zwane ever resident in your house?

MS MADIKIZELA-MANDELA: No.

MR VALLY: Okay.

MS MADIKIZELA-MANDELA: No girl was resident in my house. It was only the boys at the back.

MR VALLY: We know Sizwe Sithole was living at your house. He was, at one stage, involved in a relationship with your daughter. There is an allegation by Katiza Cebekhulu that he was requested to inform the police by you that there were arms and ammunition at the house of Sizwe Sithole. Do you have any knowledge of this?

MS MADIKIZELA-MANDELA: What are you saying, Mr Chairman? (...Indistinct)

MR VALLY: Katiza Cebekhulu alleges that you instructed him to call the police and inform them that Sizwe Sithole was hiding arms and ammunition at his house.

MS MADIKIZELA-MANDELA: Do you understand the kind of question you are asking me?

MR VALLY: Yes, ... (intervention).

MS MADIKIZELA-MANDELA: I told you that that boy was killed by the police in John Vorster Square and that he fathered one of my grandchildren. What sort of question is that? What suggestion is that?

MR VALLY: This is the allegation ... (intervention).

MS MADIKIZELA-MANDELA: In the first place, I am even surprised that Cebekhulu knew Sizwe, because Cebekhulu was not resident at my place and that he even knew Sizwe is amazing to me.

What nonsensical question is that?

MR VALLY: Katiza alleges that he was a friend of Sizwe Sithole and he knew him as a result of ... (intervention).

MS MADIKIZELA-MANDELA: What absurdity are you asking me?

I told you that was the father of one of my grandchildren and he was killed by the police. What insinuation is that?

That is lunatic would have been told to go and tell the police of arms and, really, is this a ridiculous nonsense on which tax payers

moneys are payed for me to come and listen to this kind of thing. I take the strongest objection, because I told you that that is my late son-in-law to have been. For me to be asked this kind of question, I really take exception to. This garrulous garbage I have had to listen to right through.

CHAIRPERSON: Maybe I should indicate that it is not without any sensitivity that we have to do this job. If you ask me, if I had another job to do, I would do it and we are trying to be as very sensitive as we can be. I honestly would like you to believe that. We would also like you to believe that we have no personally interest in the issues and to the extent that your daughters, in fact, even yourself have to suffer the ignominy of these things being said about you, is unfortunate which is why, in the nature of things, we have to go through this process in the hope that in the end when everybody, including yourself and other people who have been mentioned in the context of all these allegations around the Mandela United Football Club, would have had an opportunity to get a view or their views across and that if, for instance, your daughters are dragged into this process by allegations and it will be much more so, more painful, I would say, in the public hearing that we are envisaging.

We will be very sensitised to making sure that victims and other people who are affected adversely by testimony, which is on the basis of allegations, are in a position to get some legal

representation which will enable them to, at least, contain what any harm might come to themselves by putting their versions. So, I think that totality of all the evidence that has been given, it will be for society and for this Commission to make a judgement. So, I implore you to bear with us and believe that we take no personal interest of a nature that is already judgemental. We do work which we think society should have done a long time ago for itself, but we have the unfortunate task of being the messengers. So, please do not condemn the messengers. Mr Vally.

MR VALLY: Thank you Mr Chair. Mrs Madikizela-Mandela, when was the first time you saw Katiza Cebekhulu after the death of Stompie Sepei?

MS MADIKIZELA-MANDELA: I do not recollect that, because I had not, did not have much contact with Cebekhulu after that. I do not recollect when I saw him, but I do remember I could have seen him once or twice with Falati.

MR VALLY: Was he ever brought to your house by the police?

MS MADIKIZELA-MANDELA: No, that is nonsense, Mr Chairman. He was never brought by the police to my house.

MR VALLY: There have been, sorry, one last question on Katiza. Did you ever arrange legal representation for Katiza Cebekhulu?

MS MADIKIZELA-MANDELA: No, I did not.

MR VALLY: Let us now move on to the issue of Chris Hani. There have been press reports that you have information regarding the

death of Mr Hani. You allegedly made statements to the press. Firstly, is this true, that you have information relating to the death of Chris Hani?

MS MADIKIZELA-MANDELA: Is the suggestion that I could have been working with Walus and Derby-Lewis?

MR VALLY: Not at all, no.

MS MADIKIZELA-MANDELA: What information would I have ... (intervention).

MR VALLY: No, you ... (intervention).

MS MADIKIZELA-MANDELA: ... I have about the death of Chris Hani.

MR VALLY: You may have certain information which may be of assistance to us and to our Amnesty Committee. There was a report in the press which said that. Do you have any such information?

MS MADIKIZELA-MANDELA: I would like to know what sort of information that might be. Was I conniving with Walus and Derby-Lewis?

MR VALLY: No, there was, the suggestion from the press reports was that we did not know the full story, that there was a bigger conspiracy than appeared on the surface regarding the death of Mr Chris Hani and that is why I am asking the question, do you have any further information regarding the death of Mr Chris Hani?

MS MADIKIZELA-MANDELA: How can I have information about the death of Chris Hani who was killed by Derby-Lewis and Walus?

MR VALLY: Did you make any press statement to the effect that you know about or more about the circumstances relating to the death of Mr Chris Hani?

MS MADIKIZELA-MANDELA: Even a moral reading that kind of statement would know that I could not have made a statement of that sort. What knowledge would I have about the death of Chris Hani who was killed by the right-wing?

MR VALLY: That is fine.

MS MADIKIZELA-MANDELA: What has this got to with me?

MR SEMENYA OBJECTS:

MR SEMENYA: Mr Chairman, through you, we would request a copy of that newspaper clipping, but as far as some of us know, the position of the African National Congress has always been that the death of Chris Hani is a conspiracy beyond Derby-Lewis and Walus.

That was even the instructions, if we are to infer from the cross-examination of the representative of the Hani family, that went so far. I do not (end of tape 3A).

CHAIRPERSON: ... Mr Vally is merely seeking to ask if either as a member of the African National Congress or as an individual who has been involved in the struggle, because we must never lose the perspective when we talk about your client. We are talking a person who has been involved in the struggle for change and who continues to be a leading light. She holds a very, very important position.

We can take judicial notice of the fact that she was there in full

support of the Hani family throughout the amnesty hearings and since our mandate is to be as comprehensive as we can be in our gathering of information and since, again, this is not a trial where she is an accused person and which is why, therefore, the advisory character of the conduct of this proceedings is to be avoided as much as possible, the questions sought from her is not to accuse her of harbouring information which might assist us.

It is, in fact, to solicit from her whether she is in a position, especially in the confidential nature of a Section 29 process, to provide us with a view that might assist the investigators to pursue something which possibly has not been made clear by the amnesty applicants themselves or by the line of questioning that has come out of what we have heard in the amnesty hearings. In other words, it is a question that seeks to say if you have a conspiracy theory, let us put, let us be blunt, if you have a conspiracy theory, as yourself or as a member of the organisation, is it possible to augment on it for purposes of our understanding.

MS MADIKIZELA-MANDELA: You yourself have mentioned, Mr Chairman, my relationship with the Hani family and in your mind, really, you think I would have had to be subpoenaed to come and divulge some information I could have held, going through all that with the Hani family, and it is a known fact that I was on the list that was found on Derby-Lewis. What is the logic of this? Really, with all the wonderful explanations you have made and the other

view of things, my view of what is going on here is not what you say. It will take some convincing.

CHAIRPERSON: Well, I can only state the position, Mrs Madikizela-Mandela. I cannot do it in any higher level than that. Mr Vally.

MR VALLY: Just a few questions to finish up. We have raised a large number of matters which involve criminal trials in our questioning. Firstly, have you been questioned by police regarding incidents involving members of the Mandela United Football Club?

MS MADIKIZELA-MANDELA: No.

MR VALLY: My next question is, in view of the number of cases that we have put to you, the Seheri matter, the Zwane matter and other matters we have mentioned to you, in retrospect, do you feel that there was a major problem regarding the behaviour of the young people you accommodated in your house?

MS MADIKIZELA-MANDELA: What is your question? Do I feel what?

MR VALLY: My question is in retrospect, bearing in mind all the cases, the criminal cases these people were involved in, at this point in time, do you think that there is major cause for concern regarding the behaviour of the people you accommodated?

MS MADIKIZELA-MANDELA: I have no retrospective feelings

whatsoever.

MR VALLY: You do not think that they were problematic in their behaviour?

MS MADIKIZELA-MANDELA: I have no retrospective feelings whatsoever.

MR VALLY: The final question is a question I have asked before which had to do with why were you not bringing civil actions for defamation against people who were making these allegations against you. Your previous answer was you were waiting for me to advise you and then you asked the Chairman to advise you. I need to repeat that question in view of the fact that you do have very good legal advice. If people are making these very serious allegations against you, the book by Emma Gilbey, the book by Katiza written by Frank Bridgland, the TV programmes, SABC, BBC, John Carlin, why have you not brought actions for defamation against these people?

MS MADIKIZELA-MANDELA: Mr Chairman, I think it is my democratic right to take whatever decision I want to take at whatever time and it is not for this forum to question me why I have not done that. That is my personal right you are now violating.

MR VALLY: Mr Chairman, thank you very much. I have completed all my questions.

NO FURTHER QUESTIONS BY MR VALLY

DR ALLY: Just to go back ... (intervention).

CHAIRPERSON: Any questions from the panel.

DR ALLY: Just to go back to the statement that you just made a few moments ago that you have no retrospective feeling about what the members of the Mandela United Football Club may have been involved in, the criminal cases and the allegations, why then did you feel it necessary to make the statement which you did in Parliament about Stompie Sepei?

CHAIRPERSON: Let the record show that it is Dr Russell.

MS MADIKIZELA-MANDELA: Are you waiting for an answer?

DR ALLY: Yes.

MS MADIKIZELA-MANDELA: What did you ask me?

DR ALLY: When Mr Vally asked you if you had any retrospective feeling looking back on things which the members of the Mandela United Football Club were involved in, the assaults and deaths and the criminal cases, you said you had no retrospective feeling. He asked you whether you, looking back now and being aware of all these criminal cases, he asked you whether you felt that there was something about the way they behaved which was cause for concern, you said you have no retrospective feeling. Why, then, did you think it necessary to make the statement which you did, in Parliament, about Stompie Sepei, that you should have protected him or that you wish you could have acted differently, if you have no ... (intervention).

MS MADIKIZELA-MANDELA: You are surely not suggesting I have no regrets about Stompie's death? You are bringing two things

together. I am talking, I was talking about Stompie then, I made a statement about Stompie.

DR ALLY: Was ... (intervention).

MS MADIKIZELA-MANDELA: Of course I regret the child's death.

DR ALLY: Was ... (intervention).

MS MADIKIZELA-MANDELA: I think it was unnecessary.

DR ALLY: Was Stompie's death not directly related to issues to do with the Mandela United Football Club?

MS MADIKIZELA-MANDELA: Well, that is what you are saying. This is what, these are things that were said in court. I personally have regrets about the death of the child.

DR ALLY: Well, I ... (intervention).

MS MADIKIZELA-MANDELA: Why actually happened there was not for me to judge.

DR ALLY: I do not understand.

MS MADIKIZELA-MANDELA: What happened at the back there when I was absent was not for me to judge. I was not there, but I regretted the death of Stompie.

DR ALLY: But the actions which led to his death you do not want to, you do not judge that. Is that what you are saying?

MS MADIKIZELA-MANDELA: I am not the person to be judgemental on those issues. Firstly, I will have not established the other side of facts. You have said a whole lot of lunatic statements

here from Cebekhulu, how I killed Stompie and all sorts of things like that. So, everything is, in fact, more muddled up than it was before. I have heard the most ludicrous statements here.

MISS SOOKA: Sorry, but, I mean, I think that you have to appreciate the fact that these are statements that are being made by individuals who profess to have an interest in the matter and the Commission is under an obligation to test the allegation and, in fact, to seek to elicit a response from you. So, though it may sound ludicrous to you, at the end of the day, the Commission has to put that allegation to you and, in fact, solicit a response. If you have an alternative view as to how we can do that then I would appreciate that. I see Mr Semenya laughing, I think he knows the position that we are actually in.

MR SEMENYA: No, Mr Chairperson, I was just thinking that if any witnesses came and told you that my client mothered Adam in the Garden of Eden, that you would really take that proposition and put it to her whether she did or did not mother Adam.

MISS SOOKA: With respect, Mr Semenya, that is not the allegation that is being made.

MR SEMENYA: The point being made, obviously, Mr Chairman, with respect, is clearly as an investigative unit. Anybody who makes a proposition to you, you also have a duty to find out if that proposition is any tenable without necessarily saying you are charged with the responsibility to put it to the other witness. That

is why I am saying it would be ridiculous if, the example I make is the extreme, but it illustrates the principle. One would have hoped, and that is why client takes the offence she does, one would have hoped that in the light of all these various allegations which are being made, as a unit you would look at them, you would collate them and you say, but there seems to be a coherence of opinion around this issues, it seems to have objective data that seems to lend support to it. Maybe these are the issues we would want to engage her with, but just throwing each and every allegation in the statement tends to elicit this type of response.

I am not taking issue with your comment, but I am trying to give a context behind the emotions that would be revealed in an attempt to answer the questions that you put.

MS MADIKIZELA-MANDELA: Just to add a little. I was one of those who spearheaded the formation of this Truth Commission. Lest, did I, of course anticipate this sort of thing. I hear your comments and I would have thought this kind of forum would have found it easy for yourselves, if this is a so-called, reconciliation process, to have asked me to come and answer questions before you without brandishing the fact that you were going to issue me with a subpoena weeks before you actually did it and whipped up the emotions of the media, whipped up the emotions of the international community, got us to a situation where this forum no longer appeared to be what we had voted for in Parliament. It is viewed as

a mini-trial and what I have gone through here confirms that view, in my mind.

I would have thought you could have, at least, had the courtesy and decency to call these witnesses who could have given you the other view before you bring me here and have me exposed to this sort of thing and ask me the questions you have asked me.

CHAIRPERSON: Any other questions by the panel?

MS MKHIZE: I just want maybe to take us back to some of the issues which have been raised. I was looking at the record of the 26th of September, on page 13 where it says, it is a statement which says,

"I wouldn't have any idea Mr Chairman, youths were in and out of my house at various times."

Just, if I might just remind you at that time you were asked a question whether you knew, to give an indication as to the youth which lived in your house at Orlando West. You made it clear that the house was a refuge for youths around that area during the years of harassment by the police and you went on further. You said,

"... there were a number of youths, ..."

which is like a repetition,

"I never counted them. They were in and

out of the house and they didn't stay there

at any one particular time, they were in
and out."

Well, just the last debate has somehow preempted my question, but I still feel it is important for you to assist us to put what we have been discussing in a context. If here you say young people were in and out of the house, I mean, it will help us a great deal if we might just get from you, looking back, as to, really, what happened around those young people, especially where there were conflicts and the police were involved and some turned against other young people who were in that house. It is like something went wrong, because the cases that you hear one by one being asked, we all agree and we all understand the political context, but it is not clear in our own minds as to what went wrong in that political formation.

The cases that have been referred to might be just an index or a window of what wrong at that time. I know it is a broad question, but it is like a perspective we need to have to complete the picture of this questioning, because, really, I do not think there is any one person who was in the country, at that time, who can assist us to understand this part.

MS MADIKIZELA-MANDELA: I am in no position to assist you about what went wrong with the apartheid regime and its destabilisation of the youths of our country. I think you can get that sort of response from the perpetrators of those injustices who

had a plan to destabilise the youth. I am not the person to answer you that.

CHAIRPERSON: Well, that seems to bring us to the end of these proceedings and it only remains for me to thank you, Mrs Madikizela-Mandela, for having availed yourself. It, Mr Semenya, do you want to place anything on record?

MR SEMENYA: Yes, Chairperson, just before the close of the proceedings, if I may.

CHAIRPERSON: Yes, go ahead.

MR SEMENYA: Chairperson, we realise that in terms of Section 29(5), it is, that here is a Commission who would hold a discretion or have a discretion in terms of which in the exercise of openness and transparency you might direct that the proceedings or sections of the proceedings be made public without knowing whether you would be intending to use this discretion in the exercise, the exercise of this, this discretion one way or the other. May we say, on the record, we would be, one, willing to have this information made public. Two, that in the event the Commission exercises its discretion we would prefer to be heard before that discretion is exercised, Chairperson.

CHAIRPERSON: Usually, we take a view that Commission, especially because it is a weighty decision to take, means Commission in the sense of the entire Commission. Even though, of course, there is sub-committee of Commission, the definition says

you can say Commission when you say the Committee. So, we fortunately are going to have a meeting on the Commission on Thursday and Friday and I think this panel will have to, obviously, look at what the process has been so far and, especially now, in view of your requests, which is quite legitimate, we will want to put the matter before the Commission and I am sure Mr Vally is going to be in contact with you as, you know, and tease with you what you consider is the proper legal way in which fairness should be ensured when a decision of that nature is made.

Now, we have come to the end of these proceedings and I think I must state from the very onset that, and I think now I can be forgiven by even the legal representative of the witness, to go into some aspects of a meeting which we held before we heard before these proceedings. Only to the extent that I have to say we, I, personally, said, with the benefit of hindsight and given who Mrs Madikizela-Mandela is, we ought to have invited her to these proceedings rather than subpoena her. I want to place it on record that it is still my view, but we add to the extent that I also was party to the signing of the subpoena. I am prepared to say now that we erred in not having put an invitation to you and only in the event that it appeared that you do not accept an invitation, we would have been constrained to issue a subpoena. For all the obvious things that we have stated about the sort of emotions that the issue of a subpoena invokes and I think the point was made that there are

people whom we have invited, some of them representing old order institutions and it was as though we are then making a statement with regards to you when we went on to issue a subpoena in the manner in which you have alluded to.

So, I want to convey at this forum, this sort of concession that I made to your legal representatives and in the presence of Mr Matthew Poswa and I do think it is because I do want you to understand that we are imperfect beings dealing with an imperfect process. A process that has never been gone into by any State in Africa, a process which the people of this country have never had to deal with, a process in which all of us are in a learning curve. The only saving grace in this country is that we also have a constitutional dispensation in terms of which rights of individuals are entrenched and it is the endeavour of the Commission to try and grapple with how to accommodate competing rights.

The right of the public to know also the right of an individual to have an opportunity to mete allegations that are adversely affecting him or her. We are also new to a Constitutional dispensation and it compounds the problem even more. So, to that extent, to the extent that that concession was made and I am prepared to make it at this stage as well. I hope it will go a long distance to endeavouring to assure you that it was an error of

judgement, but it was genuinely made with no strings attached. I have to repeat that we have not taken a position either as this panel

or as the Commission. That this process, in terms of Section 29, is a slightly different process than a hearing which is why the questions were somewhat interrogatory. If you like, it is a process not very much different from when, in the process of wanting to discard what is relevant and what is not relevant, what is fact and what is fantasy, even when you sometimes believe one issue is fantastical, you call the persons, hey listen, this is what is being said about you, what do you say to that and when they say, no, that is fantastical, how can you, and we appreciate that that is nonsense and say, ja, well, at least I have your response.

So, if some of the questions have struck you as ridiculous and somewhat untenable and that has created an impression in your mind that they are being put insensitively, even if they appear to be ludicrous, it is because it is an endeavour to try and get where we want to get, which is as complete a picture as possible. We do not want it ever to be said that there were allegations which we decided on our own to censor without having the benefit of the view of those about whom they were made. In some way, in my view, it also should be assisting you to know that some of the allegations are not even worth thinking about, so ridiculous are they, and it should make you strong in your belief in your innocence, not the reverse.

So, having said all of that, I would still want to implore you to accept our bona fides, that this is not a witch hunt, that there are questions that are going to be rough, that are going to be vigorous,

it is in the nature of things, that we are also taking into account that you are a very seasoned person, you are a strong person. You would not be where you are if you were not and that at the end of the day, the aim is to be able to say we were given a task, we did it as best as we could. What the outcome is and why the outcome is what it is, is certainly due to no lack of an effort on our part, to do as best as we could, what we had to do in the manner in which we understood our duty to be.

I once again want to thank you for having come and I would hope that between now and when we have the public hearings, both sides should endeavour to make sure that we have as much information as to make those proceedings fair and as fruitful as we hope they will be and, again, let me say, even at that hearing, our position will not be to make findings at that hearing, but to gather information, ask questions that will put us in a position to look at the totality of all the evidence and, hopefully, have to do, what we all dread, to come to a decision. These proceedings are adjourned.

HEARING ADJOURNS