

- 82 Following his arrest and assault by members of the Soweto Security Branch and Vlakplaas, Mabotha was detained for a period of almost eight months. According to available detention registers, Mabotha was detained in April and released in October. Security policemen involved in his arrest, however, have testified that he was arrested in February. No explanation has been given for the six- to seven-week period between the time of his arrest and his registration as a detainee.
- 83 According to Captain Jan Potgieter, Mabotha was to have been used as a State witness against Ms Madikizela-Mandela in a pending treason trial for which he (Potgieter) had been conducting investigations for over two years. He testified that the failure of the Witwatersrand Attorney-General to make a decision regarding this prosecution had left him in a dilemma, as he was unable to obtain an extension on Mabotha's detention. He wanted him to be available should a subsequent decision be made to prosecute Madikizela-Mandela, and said that he requested Colonel Eugene de Kock to keep him at Vlakplaas. He claimed that, at the time, he had no idea of the nature of Vlakplaas operations.
- 84 Eugene de Kock testified, however, that he had been contacted by Potgieter and had inferred, from the tenor of their conversation, that Mabotha was to be killed. De Kock reasoned that Mabotha had been involved in shooting two policemen and that "it would happen again and had to be prevented". De Kock explained that he did not receive an order from anyone to kill Mabotha, but that Potgieter's intentions were clear. They had worked together in *Koevoet* in South West Africa and he said that he and Potgieter "understood each other well".
- 85 Both Potgieter and De Kock applied for amnesty for Mabotha's death. Their versions are conflicting and no finding had been made at the time of reporting as the matter was still to be heard.

Death of Sizwe Sithole

- 86 Mr Sizwe Sithole died in police custody at John Vorster Square on 3 February 1990. A Judicial Commission of Inquiry found that Sithole had committed suicide. Evidence before the Commission showed that Sithole had admitted his involvement in several murders (including the murder of Mr Thole Dlamini) and had also implicated Ms Madikizela-Mandela and Ms Mandela-Hlongwane. Details of these allegations were written down during five hours of interrogation on the day of Sithole's death. The notes taken down by Jan Augustyn, the policeman involved in the interrogation, were never made public. The Commission has not been able to gain access to these notes.