

P. S. - GOVT. - JUSTICE

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SEP - OCT

# Scotland Yard man at TRC

(252)

OT 9/9/98

**RYAN CRESSWELL**

JOHANNESBURG A senior officer from Scotland Yard's anti-terrorism unit has come to observe the Truth and Reconciliation Commission (TRC) hearings into the 1982 bombing of the ANC's London office, prompting questions about whether the British government is considering taking action against the men confessing to the act

Scotland Yard's Kim Durham scribbled furiously throughout yesterday's hearings in Pretoria. A Scotland Yard spokesperson said he was attending as "an observer" for the anti-terrorism unit

Eight apartheid security officers — including former commissioner Johan Coetzee, convicted killer Eugene de Kock and superspy Craig Williamson — have applied for amnesty in connection with the bomb

While the TRC could grant them amnesty from prosecution in South Africa, there is nothing to stop the British government charging them for crimes committed there

The Scotland Yard spokesperson said the British police could not comment on

the possibility of overseas prosecutions, because "that was up to the TRC to comment on"

But TRC spokesperson Mdu Lembede said last night that the issue was not covered in the act governing the commission, and nothing had yet been finalised despite intense debate on the subject. "This has never been resolved, but the TRC is in no position to grant amnesty for atrocities committed in other countries," he said

Coetzee painted a sordid picture of how the conspiracy to bomb the ANC offices was put together. He said deceased minister of law and order Louis le Grange had told him and his predecessor, Mike Geldenhuys, that the government had "decided to demonstrate to the British government that there were risks involved in continuing to allow the ANC to operate from the United Kingdom"

Coetzee said Geldenhuys had initially "objected to the instruction, maintaining that the risk in sending serving policemen on a clandestine mission to the UK was overwhelming". But Le Grange had been "adamant" and Piet Goosen had been chosen to lead the team. Goosen had chosen Williamson as his second-in-command

and identified English-speaking members of the security branch for inclusion

In their evidence, Goosen and Williamson are expected to testify that fellow amnesty applicant Roger Raven manufactured the bomb and supervised the sealing of the container used to transport the explosive.

The explosive had been sent to the SA Embassy in London in a diplomatic bag. Joe Klue, a military intelligence operative, had then taken the container to Peter Caselton for safekeeping

Raven and Caselton had later delivered the bomb to the ANC offices in Penton Street, London. De Kock and Raven had positioned the bomb while other security policemen — John Adam, James Taylor and former National Intelligence Agency head Louis McPherson — had looked out for possible interference. Williamson had remained at the checkpoint which each member had to pass afterwards

Although he was uncertain who else in the government was involved in the plan, Coetzee said Le Grange "would never have sanctioned such a mission on his own accord", meaning the cabinet would have had to have been involved

# Amnesty for MK

## 'icing' operatives

(252) Southern 9/9/98

THE Truth and Reconciliation Commission has granted amnesty to four members of the African National Congress' former military wing, Umkhonto we Sizwe, for killing a former Bophuthatswana policeman, the TRC said yesterday

Joseph Elias Makhura, Frans Ting Ting Masango, Obed Masina and Neo Potsane sought amnesty for shooting Brigadier Andrew Molope in Mabopane, near Pretoria

The four earlier told the TRC amnesty committee that they were members of the so-called "icing" or assassination unit.

The unit was commanded by the late Chris Hanu and infiltrated the country under orders to assassinate political opponents of the liberation movement

They were told to concentrate on

sell-outs and police informers, the TRC heard

"We accept that the applicants *bona fide* believed that the elimination of Brigadier Molope would protect the opponents of the then Bophuthatswana government from further suffering and would lower the morale of senior officials of the government and thus contribute to the liberation struggle of the African National Congress," the committee said in its judgment

"The committee accepts further that none of the applicants were prompted by any personal malice or derived any personal gain from the killing"

The committee recommended to the TRC committee on reparation and rehabilitation that Molope's wife, Gadifefe Sinah Molope, and their three children should be declared victims of apartheid crimes, - Sapa



# Le Grange 'ordered' bombings in London'

By Claire Keeton

**T**HE order to bomb the African National Congress offices in London in 1982 came directly from a Cabinet minister, retired police commissioner General Johan Coetzee told the Truth and Reconciliation Commission in Pretoria yesterday.

He said the late minister of police, Louis le Grange, gave the order personally to launch the attack.

Coetzee said the bomb blast was a symbolic attack directed not only at the ANC, but also at the British government which allowed the ANC to operate from its soil.

"The (apartheid) government had decided to demonstrate to the British government that there were serious risks involved in continuing to allow the ANC to operate from the UK," Coetzee said in his application.

He also claimed the bomb attack was the government's response to the involvement of British subjects in the ANC's attack on the military headquarters at Voortrekkerhoogte the previous year.

Coetzee said the government was prepared to risk the diplomatic repercussions of planting a bomb in a foreign country to demonstrate that the ANC was vulnerable.

The former police commissioner was the first and highest ranking of eight security policemen to testify at amnesty hearings this week about the London bomb attack.



Former SAP head Louis le Grange.

adamant about bombing the ANC offices, indicating that he had conferred with others.

"I doubt that he would have decided this on his own. He wouldn't have placed his own political career in jeopardy to do that," said Coetzee.

He said General Mike Geldenhuys objected to the London bombing, maintaining that the risk in sending the policemen on a clandestine mission to the United Kingdom was overwhelming, given the effectiveness of their anti-terrorist units.

"His main concern was that serving policemen should not be deployed," said Coetzee.

Brigadier Willem Schoon was identified as the leader of the mission.

His second-in-command was Major Craig Williamson, selected for his experience and background.

Le Grange spoke to Coetzee several times about the bombing, some times holding up to two meetings a day.

Meanwhile, a team of English-speaking security branch members was put together. They were not told details of their mission before departure.

The team was told to avoid casualties when they were given orders, said Coetzee.

"The instructions were that all steps were to be taken to avoid loss of



Convicted assassin Eugene de Kock and former super-spy Craig Williamson chat during an adjournment at the Truth and Reconciliation Commission amnesty hearing in Pretoria yesterday. PIC: PAT SEBOKO

life, especially British lives," he said.

"They were not instructed to kill the ANC executive. That would have been too great a risk," Coetzee said.

"The arrest of South African agents in Britain would have had serious repercussions but the government was prepared for that," he added.

Coetzee contended that the government needed to attack its "enemy" — the ANC — at its source.

"Our main problem was that the

**Instructions were given that there was to be no loss of life, especially British lives**

conspirators were outside the jurisdiction of the South African courts," said Coetzee.

He said the security police were bound by security laws inside South Africa. These did not apply outside its borders.

Coetzee said the attack was an "eye for an eye" retaliation after the military headquarters at Voortrekkerhoogte had been attacked the previous year.

He claimed two British citizens were central to the ANC's attack on Voortrekkerhoogte and the British government had failed to respond to diplomatic overtures to refuse hospitality to the ANC.

The amnesty panel will also hear applications this week about the parcel bomb that killed Ruth First, the wife of the late Joe Slovo, and for the bomb attack which killed Kathryn and Jeanette Schoon. Schoon's husband Marus is attending the hearings along with three of Slovo's children.

A detective from Scotland Yard is also at the hearings which continue today.

(2652)

Lawyer 9/9/98





Wanting the truth .. Shawn, Gillian and Robin Slovo want to hear about the murder of their mother, Ruth First, in Mozambique in 1982.

## Young woman tells of a life destroyed by Wimpy Bar blast

By THEMBA SEPOTOKELE

Amanda Jane Clementson was 14 years old when a limpet mine ripped through the Wimpy Bar in Benoni where she was dining on a Saturday afternoon in July 1988

She - together with her father Alfred and his fiancée - had just ordered lunch when a bomb exploded, killing one person and injuring 66.

Clementson, now aged 24, says she cannot hold down a job or form a romantic relationship because of the psychological scars and trauma she suffered.

Clementson and Vic Serrano - whose daughter, Maryanne

was killed in the blast - yesterday opposed the amnesty application of four former Umkhonto weSizwe cadres who have taken responsibility for the attack.

Elfus Ndlovhu, Tebogo Khehathale, Molwedi Mokwena and Ernest Sigasa, who headed the Johannes Nkosi unit, are applying for amnesty.

Clementson and Serrano told a Truth and Reconciliation Commission amnesty hearing yesterday that the attack was not politically motivated because Ndlovhu, who admitted to having planted the limpet mine, had earlier said he did not see any member of the security branch in the restaurant when

“  
I cannot  
forgive or  
forget, my  
whole life  
is ruined  
”

he executed the plan

Clementson related the event "It was at about 11 45am, I was seated with my dad and his fiancée. We had just placed

our order and, seconds later, the electricity went off I felt as if I was being electrocuted

"Someone shouted that there must have been another bomb. There was blood everywhere and everybody running away, trampling on each other. There was fire and the roof was falling. It was absolute chaos," Clementson said.

"I cannot forgive or forget because my whole life has been ruined. I cannot bear children, I cannot work and I cannot keep a relationship.

"I have nightmares and I can still lose my leg because of the injuries," she said, adding that she had been undergoing

surgery for the past 10 years

Serrano said the applicants should have blown up a police station if they were targeting members of the security branch.

"I cannot forgive because my daughter was killed for nothing. People were maimed for nothing and there was no purpose.

"That bomb could have been placed at the police kiosk which was nearby. Attacking a place where young people kill time is like killing the future of the nation," Serrano said.

Chairperson Judge Ronnie Pillay requested Brian Koopedi, counsel for the applicants, to forward a written motivation for the amnesty application

Star 9/19/98 (252)



# UK courts loom over SA bombers

A senior Scotland Yard detective keeps a watching brief as eight apartheid-era operatives apply for amnesty for the bombing of the ANC's London offices in 1982

By RYAN CRESSWELL

A senior policeman from Scotland Yard's anti-terrorism unit is observing the Truth and Reconciliation Commission hearings into the 1982 bombing of the ANC's London office, prompting questions as to whether the British government would consider taking action against the bombers

Scotland Yard Detective Inspector Kim Durham scribbled furiously throughout yesterday's hearings in Pretoria. A Scotland Yard spokesperson said he was attending as an observer

Eight apartheid-era security operatives - including former police commissioner Johan Coetzee, hit squad leader Eugene de Kock and superspy Craig Williamson - have applied for amnesty for the bombing

While the TRC could grant them amnesty from prosecution in South Africa, there is nothing stopping the British government charging them for crimes committed on UK soil

A Scotland Yard spokesperson said the British police could not comment on the possibility of prosecutions in Britain because "that was up to the TRC to comment on"

But TRC spokesperson Mdu Lembede said last night that the issue was not covered in the act governing the commission, and nothing had been finalised.



THEMBA HADEBE

Intense ... even if former police commissioner Johan Coetzee is granted amnesty by the TRC for the bombing of the ANC's London office, he may still have to answer to British authorities.

despite intense debate on the subject

"This has never been resolved, but the TRC is in no position to grant amnesty for atrocities committed in other countries, for example cross-border raids. This also brings into focus atrocities committed at ANC camps in Angola," he said.

Security police allegedly also carried out assassinations and bombings in Mozambique and Angola.

Yesterday, Coetzee painted a sordid picture of how a government minister, a police com-

missioner and the country's most notorious hit squad killer put together a plan to bomb the ANC offices.

Coetzee said the then minister of law and order, the late Louis le Grange, had informed him and his predecessor General Mike Geldenhuys that the government had "decided to demonstrate to the British government that there were risks involved in continuing to allow the ANC to operate from the United Kingdom"

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## UK courts loom over SA bombers

► From Page 1

Coetzee said Geldenhuys had initially "objected to the instruction, maintaining that the risk in sending serving policemen on a clandestine mission to the UK was overwhelming".

"Minister Le Grange was however adamant about this matter and subsequently Brigadier Piet Goosen was identified as leader of the contemplated mission," he said.

Goosen chose Williamson as his second-in-command and identified English-speaking members of the security branch for inclusion in his task team.

A code, namely "The egg can be laid", would indicate that Goosen "would take action without in any way endangering lives", the committee was told.

Goosen and Williamson are expected to testify that fellow amnesty applicant Roger Raven had manufactured the bomb and supervised the sealing of the container used to transport the explosive.

The explosive was sent to the SA embassy in London in a diplomatic bag.

Joe Klue, a military intelligence operative, then took the container to Peter Caselton for safekeeping.

Raven and Caselton later delivered the bomb to the ANC offices in Penton Street, London.

De Kock and Raven placed the bomb while security policemen John Adam and James Taylor, and former National Intelligence Agency head Louis McPherson looked out for possible interference.

Williamson manned the checkpoint each member had to pass after completing the task.

Coetzee said Le Grange decided to decorate Goosen and his team with an award that only he could bestow.

Although he was uncertain who else in the government was involved in the plan, Coetzee was emphatic that Le Grange "would never have sanctioned such a mission on his own accord" - suggesting other cabinet ministers would have had to be involved.

9/9/98

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SAW 9/9/98

# 'TRC approach may stem witch killings'

1998/9/9/98

By Tefo MOTHIBELI

(252)

The Truth and Reconciliation Commission (TRC) approach may stem witch killings, according to a report by the Commission's chairperson, Archbishop Desmond Tutu.

Speaking at a public hearing on the Commission's progress, Archbishop Tutu said that the TRC's focus on truth-telling and reconciliation is crucial in addressing the root causes of violence, including witch killings.

He noted that the Commission's approach is based on the principle of restorative justice, which seeks to heal the wounds of the past and build a more just and equitable society. This approach, he argued, is essential for preventing further violence and promoting national unity.

Archbishop Tutu also highlighted the Commission's efforts to engage with traditional healers and religious leaders, who play a significant role in the lives of many South Africans. By working with these community figures, the TRC aims to address the cultural and spiritual dimensions of violence, including witch killings.

He emphasized the need for a comprehensive approach that includes legal, social, and cultural reforms. The Commission's one-year programme of work is focused on finding ways to address the legacy of violence and promote reconciliation.

The Commission's findings and recommendations will be presented to the National Assembly. Archbishop Tutu urged the government to take prompt action to implement the Commission's findings and recommendations, particularly in the area of witch killings.



# Legacy of Apla ambush was nightmares, says policeman

CAPE TOWN — More than five years after an Azaman People's Liberation Army (Apla) ambush, Cape Town policeman Johnny Meyer still has nightmares about being under fire.

Meyer, an inspector at the Bellville police station, was testifying at a truth commission amnesty panel in Cape Town yesterday, in the hearing of Apla operative Walter Tanda, who is seeking amnesty for his role in an attack on a Claremont Cape Town restaurant in 1992, and several attacks on police.

Tanda, now in training in the SA Air Force, told the hearing earlier this week that the attacks on police were attempts to acquire arms and ammunition for Apla cadres.

Meyer testified that he and an assistant constable named Mkhwanazi were driving in Guguletu at night on January 12 1993 when they came under fire, and their patrol van's engine cut out. Mkhwanazi ducked, and Meyer felt as if a brick had hit his shoulder.

Psychologically I had a lot of strain. I was shot through my left chest. I could feel a hole there, directly on my heart. Unable to reach for his weapon, which was on his left side, he saw through the open window that the gunman was about to shoot again.

"I called Jesus' name, called on him to help me. I felt the shots as they passed me. . . they struck everywhere around me, but I was not shot." He restarted the van, and heard bullets striking the canvas blinds at the back as he accelerated away.

Mkhwanazi was shot in the head, and was dead on arrival at hospital.

He said at one point during his recuperation he was unable to speak, and was told that this was a symptom of shock. He also received psychological treatment and sleeping pills "because in the nights I got nightmares, people were hitting at me."

He had recovered physically, but still had sleep problems, including occasional nightmares.

Meyer told the hearing that he had however reconciled with Tanda, and shaken his hand, and Tanda had offered to meet his family, who had also suffered stress because of the shooting.

He said afterwards the commissioner was a good thing, as it enabled people to deal with their fears.

"Now I have met (Tanda), I have forgiven. I can understand what they were fighting for. If I was in their place I would have fought just like that."

(252) BD 18/9/98

# UK may bid to extradite apartheid cops Amnesty evidence on ANC blast reviews 'high-priority' case

JOHN YEID  
ON THE TRUTH COMMISSION

Scotland Yard has confirmed it may seek the extradition of apartheid security police seeking amnesty for bombing the African National Congress London office in 1982

But Justice Minister Dullah Omar today said every application for

extradition had to be considered on its merits. The country seeking it had to certify it had sufficient evidence for prosecution.

South Africa has a new extradition agreement with Britain which came into effect in 1994 when it rejoined the Commonwealth.

The latest reactions follow disclosures this week by former police commissioner Johann Coetzee during his

Truth Commission amnesty application for the 1982 bombing of the ANC's London offices.

General Coetzee, who was security

police head at the time, and seven former colleagues - including his so-called protégé Craig Williamson - are seeking amnesty for the bombing.

British police still have a criminal docket open on the incident and Detective-Inspector Kim Durham

from Scotland Yard's anti-terrorism unit is attending the amnesty hearing as an observer.

Scotland Yard press officer Ray

Keating said yesterday evidence would be collected and handed to the British Crown Prosecution Services, the Cape Argus Correspondent reports.

Mr Keating said, "No one has ever been charged and the case has never

## 'No hanky panky with Ruth' says ex-police commissioner

Pretoria - Former security police head and police commissioner Johann Coetzee today denied ever having had an "improper" relationship with Ruth First.

Mr Coetzee was speaking during his Truth Commission amnesty hearing here.

Ms First, an academic and anti-apartheid activist and the wife of SA Communist Party leader Joe Slovo, was assassinated by a letter-bomb in Maputo in August 1982. Two of General Coetzee's men - so-called "super-spy" Craig Williamson and explosives expert Roger "Jerry" Raven - are seeking amnesty for the murder.

Yesterday, General Coetzee denied having given approval for Ms First's assassination and said he would "never, ever have acquiesced (in her murder), for personal reasons".

He also revealed that he had known Ms First "well", but did not elaborate "because of personal reasons that I do not need to spell out here".

Today, an Afrikaans language newspaper said General Coetzee's remarks had "raised eyebrows" and implied indirectly that there might have been a more intimate relationship between the two.

Today, General Coetzee made a

been closed. There is no statute of limitations on acts of terrorism."

But one snag may be that if the anti-terrorism unit is relying solely

on the disclosures by General Coetzee and the others to the TRC, UK prosecutors will have to ensure this evidence is admissible in a British court.

At the start of the amnesty hearing this week, General Coetzee said he and other former police generals had

discussed the issue of possible extradition with Truth Commission chairman Archbishop Tutu and his deputy

Alex Boraine before deciding whether to apply for amnesty.

He said they had promised to raise the issue with Mr Omar, but nothing had come of this. This was why he had not applied for amnesty for his role in "cross-border" raids by security forces in the 1980s.

## JOHN YEID



ON THE TRUTH COMMISSION

brief statement before the amnesty hearing resumed, saying "When I used these words, I did not imply, nor would I want any implications to be made, that I meant there was any improper relationship on a personal level or work level between Mrs Ruth First and me."

Advocate George Bizos, SC, who is appearing for Ms First's three daughters and who has been subjecting General Coetzee to a rigorous cross-examination, then helped General Coetzee explain that he had known Ms First because of his duties as a security policeman while she was in charge of producing the "leftwing" newspaper New Age - and when she was one of the accused in a major treason trial.

General Coetzee had appeared as a witness for the prosecution and had often chatted to Ms First during the

tea breaks at the trial.

Also, their respective offices had been close to each other, and on one occasion Ms First had given him a leftwing book, *Time Longer Than Rope*.

Mr Bizos asked jokingly "She did not succeed in converting you to Marxism?"

General Coetzee replied that the book was allegedly Trotskyist.

Answering another question by Mr Bizos, General Coetzee said the relationship between the security police and leftwing activists during the 1960s and 1970s had been "much better than later on."

A long litany of denials and major memory lapses marked testimony by Mr Coetzee at his hearing yesterday.

Responding to questions during the day-long cross examination by Mr Bizos, Mr Coetzee said he did not believe he had blood on his hands because of his involvement in four cross-border raids by South African security forces in which nearly 70 people were killed, some as they slept.

Saying he always felt sorry for the people who had died, he continued "I'm advised it was not illegal to have a pre-emptive strike across the border. I feel the whole war situation was wrong, but I don't feel any personal guilt for those raids."



Coetzee's philosophy: 'I feel the whole war situation was wrong but I don't feel any personal guilt for those (cross border) raids'



# First's death should never have happened, says Coetzee

Stephané Bothma

PRETORIA — Former security police chief Johann Coetzee told the truth commissioner's amnesty committee yesterday that, for "personal reasons", he would never have ordered the 1982 assassination of Ruth First.

"Her death should never have happened. I knew Ruth well," Coetzee, who is also a former police commissioner, testified during the amnesty application hearings of 10 former security policemen.

First, an academic, left-wing activist and wife of SA Communist Party (SACP) leader Joe Slovo, was killed by a parcel bomb in Maputo. Former security policeman and explosives expert Gerry Raven and apartheid-era spy Craig Williamson have applied for amnesty for the murder of Coetzee, who at the time was in charge of the security branch, maintained he knew nothing about the planned murder.

Coetzee only applied for amnesty for the 1982 bombing of the African National Congress (ANC) offices in London during which no deaths or injuries were sustained.

He did not elaborate on his relationship with First during his testimony and would not discuss the matter after the committee adjourned. "I only became aware of SA security force involvement in First's assassination 10 years after I retired from the police in 1987," Coetzee said under cross-examination by George Bizos SC, who is opposing the amnesty applications on behalf of First's three daughters.

Bizos insisted that Coetzee should have known about the First murder and also about the murders of more than 200 left-wing activists inside and outside SA from 1981 to 1987.

Ed 10/19/98

(137)

"Who did you think was the fairy godmother eliminating all the enemies of the National Party (NP) government?" Bizos asked.

"I did not ask questions. Whoever did it would not have confided in me," Coetzee answered. Military intelligence, another western intelligence organisation or even "personal enemies" of those killed could have been responsible. "Other (countries') intelligence agencies killed people inside SA at the time, and I could not even do anything about that."

Bizos remarked that it was unbelievable that the security police were efficient enough to fill Robben Island and other prisons in the country with ANC activists during the 1980s, but that the police were unable to detect the murderers among themselves.

Coetzee also denied any knowledge of SA security police involvement in the 1984 parcel bomb mailed to Gaborone in Botswana which killed ANC member Jeanette Schoon and her daughter Katryn, 6.

Williamson, Raven and another former security policeman, Isak Bosch, have applied for amnesty for these killings.

"It would have been reprehensible to mail a parcel bomb to the Schoon family — a mother, a father, a six-year-old and an infant," Coetzee said, also denying any knowledge of a plan to assassinate Schoon's husband Marinus in 1981.

Although he did not apply for amnesty for three cross-border attacks in the early 1980s, Coetzee admitted yesterday that he had been party to State Security Council decisions to launch the pre-emptive strikes against Mozambique, Lesotho and Botswana. In the Mozambique raid, 14 people were killed, while 42 were killed in Lesotho.

Coetzee said he felt no personal guilt about those who had died in the raids, which were carried out by the defence force.

"I was advised that any pre-emptive strike across the border was legal. Morally, naturally, I will be guilty, but not legally." He did not feel that the blood of the deceased in the raids was on his hands as it was a "war situation."

He said he could not remember which former government officials and cabinet ministers had been present at the State Security Council when the raids had been recommended.

"Coetzee's amnesia as to whom were present is self-induced," Bizos claimed. Coetzee was not prepared to identify his former colleagues involved in illegal activities, he said.

Coetzee's cross-examination continues this morning, after which it is expected that Williamson will take the stand.



Former apartheid spy Craig Williamson grinds his teeth at yesterday's amnesty hearings, being held in Pretoria, into the 1982 bombing of ANC offices in London. Picture ROBERT BOTHA



# Coetzee says he never agreed to assassinations

(252) CT 10/9/98

**PRETORIA:** Former police commissioner Johann Coetzee told the Truth and Reconciliation Commission here yesterday he never agreed to any political assassinations, including that of Ruth First

"I never acquiesced to the assassination of any individuals," Coetzee told the TRC's amnesty committee.

Coetzee is applying for amnesty for the bombing of the ANC's London offices in March 1982, but was questioned at length about a range of attacks and assassinations when he was police commissioner from 1978 to 1985.

Coetzee said he would never have authorised the murder in 1982 of Ruth First

or of Jeanette Schoon and her daughter, Katryn, in 1984. He claimed he only found out about police involvement 10 to 15 years later

Former apartheid spy Craig Williamson has applied for amnesty for the murder of First in Mozambique and the Schoon's in Angola by means of parcel bombs — Sapa

## TRC hears policeman still (277) ET 10/9/98 has nightmares after attack

MORE than five years after he was ambushed by an Azanian People's Liberation Army (Apla) unit, city policeman Johnny Meyer says he still has nightmares about being under fire.

"Psychologically I had a lot of strain," he told a Truth and Reconciliation Commission amnesty panel in the city yesterday.

Meyer, an inspector at the Bellville police station, was testifying in the hearing of Apla operative Walter Tanda, who has applied for amnesty for his role in an attack on a Claremont restaurant in 1992, and several attacks on police.

Tanda, now in training in the SA Air Force, told the hearing earlier this week that the attacks on police were attempts to acquire arms and ammunition for Apla cadres.

Meyer testified that he and an assistant constable named Mkhwanazi were driving in Guguletu on the night of January 12, 1993, when they came under fire, and the engine of the patrol van cut out.

Mkhwanazi ducked, and Meyer

felt as if a brick had struck his shoulder. "I was shot through my left chest."

Unable to reach for his weapon, he saw that the gunman was about to shoot again. "I called Jesus' name, called on him to help me. I felt the shots as they passed me. They struck everywhere around me, but I was not shot."

He restarted the van, and heard bullets striking the canvas blinds at the back as he accelerated away.

Mkhwanazi had been hit in the head, and another bullet ripped through his intestines. He was dead on arrival at hospital.

Meyer said he was rushed to hospital by the police reaction unit. One of his lungs had collapsed on the way.

He said at one point during his recuperation he was unable to speak. He also received psychological treatment and sleeping pills.

He had recovered physically, but still had sleep problems, including occasional nightmares.

Meyer said he had reconciled with Tanda — Sapa

# All parties give backing to use of lay assessors

et 10/9/98 (252)

**ANDRE KOOPMAN**  
PARLIAMENTARY BUREAU

ALL parties in the National Assembly yesterday supported legislation that will make it mandatory for lay assessors to be used in magistrates' court matters involving serious crimes such as murder and rape.

The Magistrates' Courts Amendment Bill provides that magistrates have to be aided by two assessors in cases of murder, rape, robbery where serious bodily harm has been inflicted on the victim, assault involving serious bodily harm, and indecent assault.

Justice Minister Dullah Omar said the bill's main object was to enhance the legitimacy of the criminal justice system and to increase community participation in it.

Large sectors of the population had been excluded from the system under apartheid and a "considerable percentage of society still find it difficult to associate themselves" with the criminal justice system.

"We can also not escape the reality that the legacy is that the Bench — especially magistrates' courts — is not representative of society."

Johnny de Lange, chairperson of the Justice Committee, said bribery and corruption under the new system could not be excluded. The possibility of introducing two new offences to deal severely with those assessors who accepted bribes and to deal with people attempting to bribe assessors or corrupt the system would be examined by the NCOP.

Frederick van Heerden, NP, said that while he had reservations about the legislation not making provision for people to choose whether they wanted assessors or not, the NP still supported the legislation.

Kieran O'Malley, IFP, said the bill in extending community participation attempted to address the distortions of the apartheid past.

Douglas Gibson, DP, said the bill provided a step forward in restoring public confidence in the criminal justice system.

Omar said the job of a lay assessor would be a form of community service and that assessors would not be employees of the Justice Department.

● The National Assembly also approved the the Public Protector Amendment Bill, which provides for the appointment of one or more deputies to the public protector.

★ THURSDAY, SEPTEMBER 10, 1998  
CAPE TIMES



# Killing of Schoons reprehensible – ex-police chief

BY SIMON ZWANE

Former police commissioner Johan Coetzee described the murder of ANC member Jeanette Schoon and her 6-year-old child Katryn in 1984 as a "reprehensible" act yesterday.

General Coetzee, who is seeking amnesty for the bombing of the ANC's London office, said he also regarded the Mozambique bombing of Ruth First as a mistake.

The Schoons were killed in 1984 in Angola by a letter bomb sent to them by the South African security police.

Coetzee told the amnesty committee in Pretoria that he would never have acquiesced to the killing of First, wife of former South African Communist Party leader Joe Slovo.

"As far as I was concerned, it should never have happened," he said.

Coetzee said he had known First as an academic and was aware of her involvement in leftist and Communist politics, but did not believe she should be killed.

"I knew her well and would not have authorised her murder," Coetzee said.

He said he only became

**'Ruth First  
should not  
have died'**

aware 10 years after his retirement that South African agents had been involved in First's murder.

Coetzee stated that he also disapproved of attempts on the life of Slovo, whose death he said would have been counter-productive to the South African government's interests.

Advocate George Bizos, who is representing the Schoon and Slovo families, asked Coetzee during a heated cross-examination how it was possible for Craig Williamson and Colonel Piet Goosen to plan First's murder behind his back.

Williamson, who is also applying for amnesty, has stated in his application that Goosen – known as "Biko" because of his role in the death in detention of Black Consciousness leader Steve Biko – had authorised the murder of First. Goosen is now dead.

Bizos asked Coetzee to explain how Williamson and Goosen would have had confidence that their police careers would not have been in ruins "if it was found out that they had taken it upon themselves to kill Ruth First".

Coetzee said he would have disciplined or possibly even

have charged the two men if he had known about their involvement.

He also denied spreading false cover-up stories in the media in which it was alleged that Slovo had killed his wife and that in-fighting within the ANC had led to the killing of the Schoons in Angola.

**Spreading  
of rumours  
also denied**

He said reports which appeared in the Afrikaans weekly newspaper *Rapport* emanated from a discussion he had had with two journalists about the possibilities of what might have happened.

"If I wanted to build a cover-up story I would have issued a press statement," he said.

# Scotland Yard detectives may testify before truth commission

Stephané Bothma

PRETORIA — Scotland Yard detectives might be subpoenaed to testify before the truth commission's amnesty committee, after it was revealed for the first time yesterday that there were inquiries suffered when SA security policemen bombed the African National Congress (ANC) offices in London 16 years ago.

Ramula Patel of the amnesty committee told the hearing, in which eight policemen including former commissioner Gen Johann Coetzee are applying for amnesty for the 1982 bombing, that Scotland Yard had told her the caretaker of the ANC offices sustained injuries in the blast.

"It is the first time I have heard of this," a surprised Coetzee responded.

Apartheid spy Craig Williamson, former Vlakoplas commander Col Eugene de Kock, explosives expert Gerry Raven and security policeman Vic McPherson, James Taylor, John Adam and Wynand du Toit all stated in their amnesty applications that nobody was injured in the blast.

"We will have to think about assuming subpoenas to Scotland Yard to testify about this," Louis Visser SC, representing Coetzee at the hearings, told the committee.

Scotland Yard has sent detective inspector Kun Durban to observe the amnesty proceedings, with the aim of possible prosecutions in the UK of those responsible for the bombing.

Coetzee, who yesterday spent his third day under cross-examination, admitted that it was because of "incompetence" and not because of an "overall conspiracy" that police had been unable during the 1980s to arrest those responsible for the deaths of so-called enemies of the National Party (NP) government.

"We were just as inefficient at tracing the killers of policemen during those years," he said.

The committee heard that between 1981 and 1986, when Coetzee was security branch chief and later police commissioner, more than 200 anti-apartheid activists had been killed inside and outside SA.

George Bizos SC, representing the families of security police victims Ruth First and Jeanette Schoon, claimed that from 1981 onwards the NP government had a deliberate policy to kill important ANC leaders in neighbouring countries. This was strongly denied by Coetzee.

First, the wife of former SA Communist Party leader Joe Slovo, and ANC activist Schoon and her six-year-old daughter Katrijn were killed by two separate parcel bombs in the early 1980s.

Williamson and Raven have applied for amnesty for the killing of First in Maputo, Mozambique, while the same two men and another former security policeman, Isak Bosch, claimed responsibility for the murder of Schoon and her daughter in Gaborone, Botswana.

Bizos claimed that the bomb which killed First was aimed at Slovo, but Coetzee denied any knowledge of that.

"I would never have authorised sending a parcel bomb to Joe Slovo or anyone else. I find the idea morally repugnant," Coetzee said, to which Bizos responded "You sound like a conscientious objector."

Coetzee also denied any insinuation of an "improper" relationship between himself and First on a personal or work level. This followed his testimony on Wednesday that "for personal reasons" he would not have ordered First's killing.

The hearing continues today.

(977) 00 11/9/98



# Thought Angola was safe

Exiled welfare worker Jeanette Schoon probably thought she and her family were safe deep in Angola - but a parcel sent by South African security police ended this illusion in a flash of fatal light.

She was killed, along with her daughter Katryn (6) in Lubango in June 1984 at the age of 39.

The death of the two caused widespread disgust and even "superspicy" Craig Williamson - who has publicly linked himself to the blast - seems to have been negatively affected by it. Williamson claimed the parcel was meant for her husband, Marius Schoon, who had served 12 years in jail for sabotage.

Schoon, then Curtis, started her personal battle against apartheid as a student and vice-president of the welfare arm of the National Union of South African Students (Nusas). She worked with the students' wages commission, researching black working conditions.



Hard worker Jeanette Schoon and her husband Marius

Later she became an archivist for the SA Institute of Race Relations. In 1975 she was detained for two months and released without being charged. She was banned for five years but after wedding Marius Schoon in secret, the two fled to Botswana where they taught at a school. In 1984 the couple took up teaching posts at the University of Lubango in Angola.

# As Craig Williamson prepares to testify, Ryan Cresswell looks at those whose lives he affected

## His business betrayal, his speciality murder

Former spy Craig Williamson wore a suit and a smile that took in many, but his business was betrayal and sometimes he dealt in death on behalf of the apartheid government.

Williamson, the son of a rubber and tyre trader, left liberal St John's College in the late 1960s and joined the police because he wanted to avoid the army.

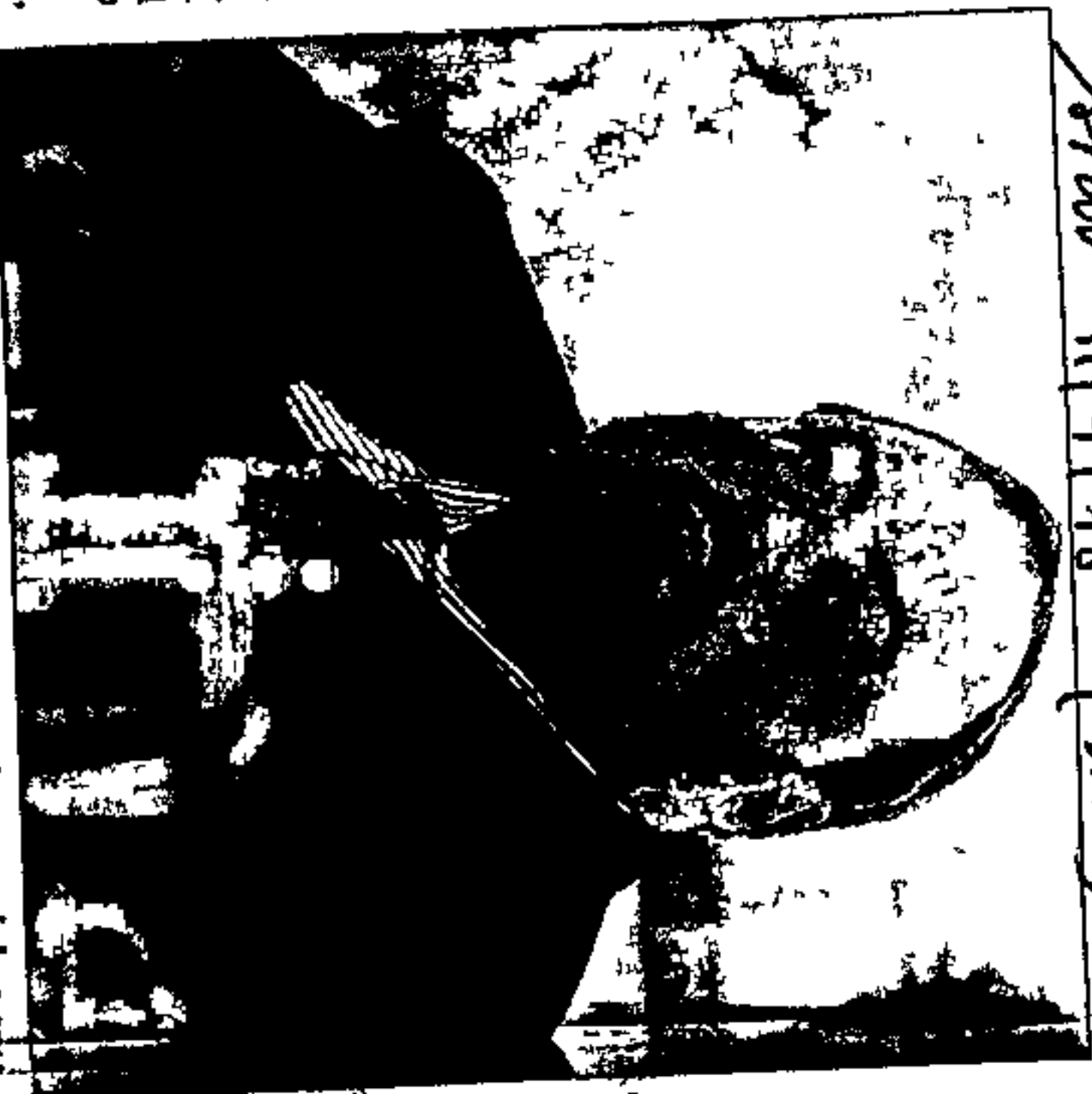
It is possible his ideological outlook changed in the force, because when the South African Police (SAP) offered him money to spy as a white law student several years later, he signed up.

In 1975 Williamson was elected vice-president of the National Union of South African Students (Nusas) and began to follow what is perhaps one of the most bizarre career paths ever followed by a South African. He was promoted to lieutenant in the SAP and acting-president of Nusas at the same time. In 1976 he told fellow ac-

tivists the police were on his tail and he would have to flee to Europe. Once there he slid into anti-apartheid circles with ease and was appointed deputy director to the Geneva-based International University Exchange Fund (IUEF). In 1980 he became operational head of police intelligence.

He has admitted to an English newspaper that he was involved in the letter-bomb death of Ruth First in Mozambique and the explosion that killed ANC member Jeanette Schoon and her daughter Katryn (6) during this time.

Shortly after the Schoon killings, Williamson left the police as a major and apparently joined Italian millionaire Giovanni Mario Ricci in business. In fact he joined military intelligence as a lieutenant-colonel and led the special intelligence group called Operation Longreach. Williamson, now nearly 50, has said coming clean was the hardest thing he ever did.



Schizoid Williamson was a Nusas office-bearer while a spy

# A woman of many facets

Ruth First, wife of South African Communist Party member Joe Slovo, was a woman of many facets who she was killed by a letter bomb in Mozambique about 16 years ago.

She was an international respected academic and author of an anti-apartheid autobiography with a reputation for being party line and able to handle who was on the left and who was on the right.

After a career, author would later find it difficult to get on with a mother growing up with a mother who was pulled in so many directions in a novel. First and her husband and children enjoyed life in Johannesburg in the early 1960s but things changed at the time of the family faced with the family's treason trial in 1963. First was in prison for many years.

Legend anti-apartheid activist Ruth First she was killed by security forces, was one of the first people detained under South Africa's security legislation. She reportedly unpicked the seams of her pillowcase and then sewed them up again in an effort to stay sane during her imprisonment in prison.



In 1964, First left the country and was vociferous in her attacks on apartheid until she opened a faithful letter at the Centre for African Studies in Maputo in August 1982.



# Ex-top cop says: 'I know nothing'

Southern 11/9/98 (253)

By Claire Keeton  
Feature Writer

**P**ETRUS Johann Coetzee was no ordinary security policeman. In the 1980s he was one of the gov-

ernment's elite cops, ranking high in the apartheid police force.

Coetzee was the commanding officer of the Security Branch from 1980 until 1983, when he was promoted to commissioner of police. In 1987 he took early retirement.

The former police general, stiff and grey, appeared before an amnesty panel of the Truth and Reconciliation Commission in Pretoria this week in connection with a bomb attack on the African National Congress headquarters in London in 1982.

One of the top policemen to appear before the TRC, Coetzee was in a unique position to provide the TRC with inside information on how the security police operated. However, he appeared unable to remember details of illegal activities under his command.

His memory did not improve under cross-examination, prompting Advocate George Bizos to say that Coetzee was "deliberately evading" his questions.

Asked if this was a fair accusation, Bizos replied "I would have remembered if I had been part of a recommendation to order the murder of 14 people." He was referring to a raid on Lesotho in which 14 people were killed in their beds.

## No personal guilt

Coetzee responded "I was advised it was not illegal to conduct a pre-emptive strike. I feel no personal guilt about the raid."

Bizos represents relatives of Ruth First and Jeanette Schoon and her daughter Katryn, who were all killed by police bombs in the early 1980s.

A battering cross-examination by Bizos suggested that Coetzee was refusing to make a full disclosure about his involvement in assassinations during his command - which is one of the requirements for amnesty.

The alternative, that Coetzee was not aware of what his subordinates were doing and was incompetent, seemed improbable given his "hands-on" reputation and promotion to commissioner.

Bizos said "We will show clearly that (Craig) Williamson, who admits he killed my clients' relatives, hardly ever did anything without the knowledge of his mentor Coetzee. They

were inseparable

**I did congratulate them. I said it was a job well done.**

Coetzee admitted that he and Williamson were a close team. "I was his desk officer and trust developed. We did some remarkable assignments together."

A former major in the security police, "superspy" Williamson has applied for amnesty for the killing of First and for the attempted murder of her husband, former South African Communist Party leader Joe Slovo.

Coetzee said he would "never, ever" for personal reasons have acquiesced in her killing.

His denial prompted Bizos to ask "Wasn't (First's) unauthorised murder behind your back a great betrayal of your trust?"

"That is correct," said Coetzee. "Anyone who did (commit murder) acted against my wishes and style of command."

He said he had no idea that bomb-makers under his command had any sinister purpose. "As far as I'm concerned, they were busy with legitimate work. If they abused this, I'm unaware of it," said Coetzee.

Bizos said research into killings during the time that Coetzee was head of the police force showed that 48 ANC activists had been murdered inside South Africa and another 113 assassinated outside the country's borders.

"I know nothing about it," was Coetzee's standard response to many questions by Bizos about the high death toll.

"You filled Robben Island with your efficiency. How come you were so inefficient you could not detect murderers around you?" Bizos asked sceptically.

The only death that Coetzee recollected while he was in charge of the police was the poisoning of activist Simphiwe Mthimkhulu. Asked about the torture and murder of another activist, Sizwe Kondile, Coetzee said he had heard that Kondile was detained and released.

"This was yet another fraud. We are testing your *bona fides* as the number goes on," said Bizos. "Over 200 of your enemies were eliminated, and this was not known to the efficient security police?"

"Who did you think this fairy god-

mother was, who got rid of yet another ANC chief representative in another country?" asked Bizos. He listed the murders of ANC representatives in Zimbabwe, Lesotho and Swaziland in the 1980s among the long list of assassinations.

Bizos questioned Coetzee about who was killing ANC activists, if not the security police. "In the early '80s there was war and people were killed. I thought someone, somehow was killing people. It could have been anyone," Coetzee replied.

"I only became aware of the deaths by South African agents about 10 years after my retirement."

Coetzee said not only the security police but also military and national intelligence could have been involved. "I suggest the reason you did not ask (about police complicity) was that you well knew," Bizos said.

## Knowledge of attacks

Bizos insisted that Coetzee had personal knowledge of attacks, and described an incident in which apartheid hitman Eugene de Kock - one of the other eight applicants in these hearings - was involved.

De Kock alleged in the book *A Long Night's Damage* that after a deadly attack on ANC members in Swaziland in mid-1986, the officers reported directly to Coetzee's house at 5.30am.

De Kock claimed it was clear the commissioner was "very pleased" but shook the hands of the whole team except his own because it was "covered in blood".

Coetzee said he remembered the occasion, during which his wife made coffee, and said the policemen reported that they had "succeeded in shooting some ANC terrorists".

"I did congratulate them. I said it was a job well done," Coetzee said.

In his amnesty application, the retired general said "At all relevant times, I, as officer commanding the security branch or as commissioner of police, was acting within the cause and scope of my employment and my authority as such."

"As set out above, this was usually done either as directed by a minister of state or the state security council."

He named former ministers Louis le Grange, Fanie Botha, Kobie Coetsee, Gerrit Viljoen and Hendrik Schoeman as members of the state security council.

Coetzee said then state president PW Botha was on the council and that FW de Klerk, then a minister, attended many meetings.

# Up to 200 activists killed, TRC hears

JOHN YELD  
ON THE TRUTH COMMISSION

Pretoria – Security forces assassinated at least 100 activists, and possibly 200, between 1980 and 1987, according to evidence from ex-policemen's lawyers at Truth Commission amnesty hearings.

This was disclosed yesterday at the hearing where 10 former security policemen,

including Johann Coetzee, are seeking amnesty for bombing the ANC's London offices in 1982, assassinations by letter bombs and other bombings

General Coetzee, who is seeking amnesty only for the London bombing, was head of the security police from 1980-82 and police commissioner from 1982-87

George Bizos SC, appearing for the victims of the letter-bomb murders, asked Gen-

eral Coetzee to choose one of three options to explain why the police had made virtually no arrests for all the assassinations

"Is it because you were incompetent or because you turned a blind eye or because you, as the security forces, actually planned them and because you were experienced officers you could hide your involvement?"

To page 5

## TRC hears of police killings

From page 1

General Coetzee replied that they had been involved in fighting "a 30-year war" in which "grey areas" developed, and then added "I would choose, sir, in a certain respect, incompetency"

Mr Bizos questioned General Coetzee closely about an incident described by former Vlakplaas commander Eugene de Kock in his book, *A Long Night's Damage*

During his testimony, General Coetzee has repeatedly denied authorising or taking part in any illegal activity, except for the London bombing and three cross-border raids into Lesotho, Mozambique and Botswana sanctioned by the State Security Council

But De Kock says in his book that he and his colleagues went to General Coetzee's Pretoria home at 5.30am after a raid into Swaziland in which they had killed two ANC cadres and a woman and seized a number of

important documents. He says General Coetzee congratulated them; but when he got to him (De Kock) remarked that he did not know whether he should touch his hands because they were covered in blood

Earlier this week, General Coetzee testified that he had been taken by surprise by his men's early-morning visit, that he had not known they had been into Swaziland, and been told only that they had killed "terrorists" during a "firefight"

But Mr Bizos said yesterday De Kock would testify that General Coetzee appeared to have been expecting them, appeared to have known what their mission was and where they had been, and appeared "particularly pleased and excited" because they had brought the documentation he had been expecting.

Asked to comment, General Coetzee described De Kock's version as "pure speculation".

The hearing continues today



# I did not sanction political assassinations, says former security chief

By SIMON ZWANE

Star 11/9/98 (200) PHOTOCAPTURES THEMBA HADEBE

Former police commissioner and security chief General Johan Coetzee told the Truth and Reconciliation Commission's amnesty committee yesterday that political assassinations were counter-productive and he had never sanctioned them.

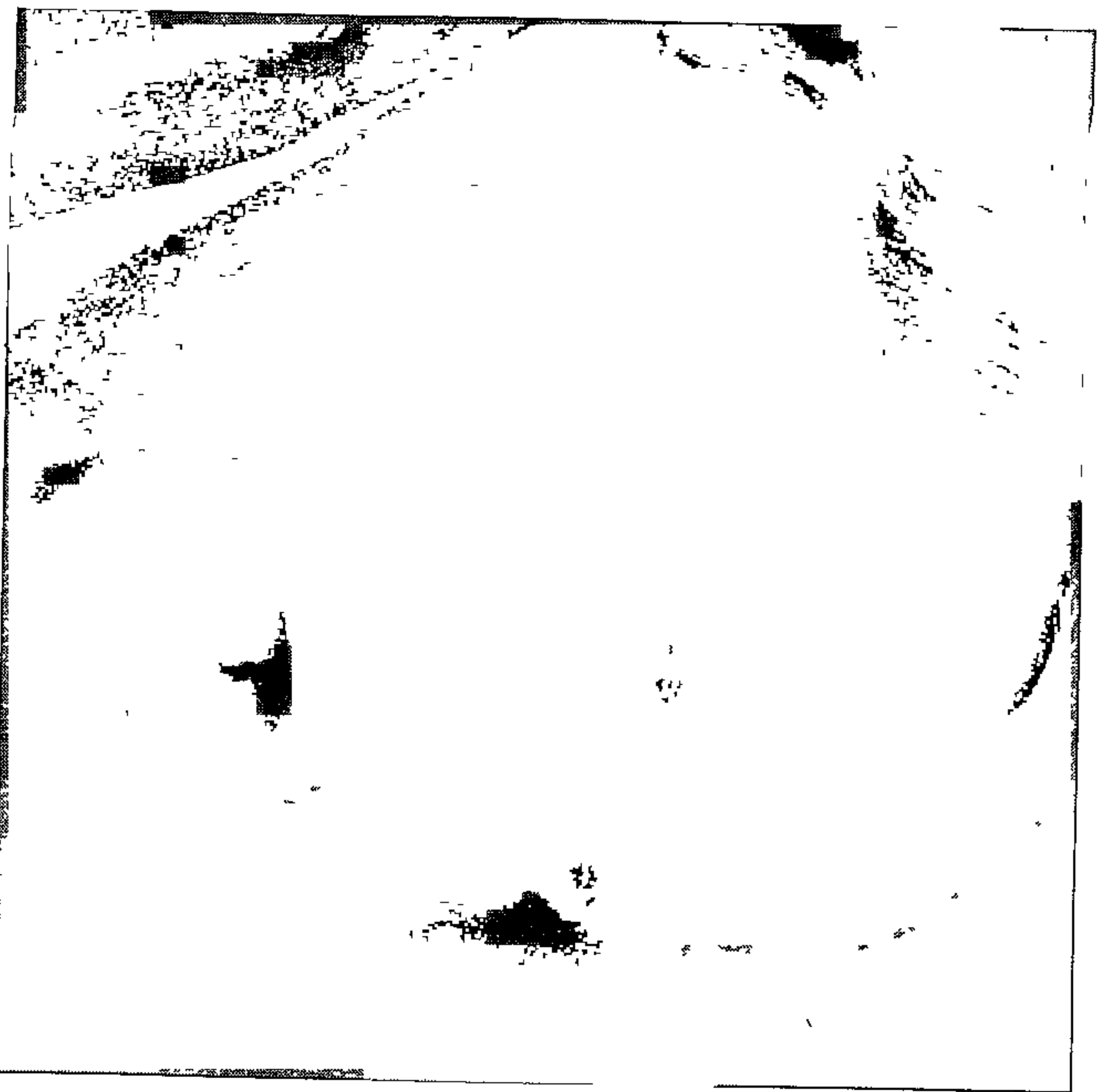
"I did not believe that the killing of one person, who could be replaced quite easily, would have really been useful," he said in Pretoria.

He would have laughed if his colleagues in the State Security Council had suggested he devise a plan to kill former Umkhonto weSizwe chief and South African Communist Party leader Joe Slovo with a letter bomb, he added.

Coetzee and seven other former security policemen have applied to the TRC for amnesty in connection with the bombing of the ANC offices in London.

Some of the policemen, including Craig Williamson, are also seeking amnesty for the killing of Slovo's wife, Ruth First, as well as the deaths of ANC member Jeanette Schoon and her 6-year-old child Katryn Coetzee yesterday denied ever having had an "improper" relationship with First.

This followed reports in an Afrikaans daily which interpreted his earlier testimony - that he would never have agreed to assassinate "for persons" and because he



Johan Coetzee ... told TRC he considered political killings 'counter-productive'.



George Bizos ... asked Coetzee to explain lack of prosecutions after killings.

had known her "very well" - to imply that the two had had an intimate relationship.

"When I used these words.. I did not imply nor would I want any implications to be made, that I meant there was any improper relationship, on a personal level or work level, between Mrs Ruth First and myself," he said.

Advocate George Bizos SC, appearing for the Slovo family, led Coetzee in explaining that he had known First because of his duties as a security policeman and as a result of a treason trial in which she was an accused.

Bizos subjected Coetzee to another session of heated cross-examination, in which he asked him to explain why it was that not a single prosecution had resulted from the assassination of

high-profile political activists. After prevaricating and trying to avoid answering the questions, Coetzee eventually blamed police incompetence for this lack of prosecutions.

# Operatives could face extradition

Those who committed crimes in other countries could be sent back to face charges

BY JOHN YELD

South Africa is compelled in terms of international law to extradite its citizens who are accused of crimes in other countries, says Justice Minister Dullah Omar

But each application for extradition has to be considered on its merits and conditions for extradition include a proper warrant of arrest, an official charge sheet and a certificate from the country asking for the extradition to the effect that there is sufficient evidence to prosecute.

Omar was reacting to disclosures this week by former police commissioner Johann Coetzee during his Truth Commission amnesty application for the 1982 bombing of the ANC's London offices

General Coetzee, who was security police head at the time, and seven of his former colleagues - including his so-called "protegé" Craig Williamson - are applying for amnesty

The British police still have a criminal docket open on the incident and a detective from Scotland Yard's anti-terrorism unit, Kim Durham, is attending the hearing as an observer

Scotland Yard press officer Ray Keating said yesterday evidence would be collected and handed to the British Crown Prosecution Services

Keating said "No one has ever been charged and the case has never been closed. There is no statute of limitations on acts of terrorism"

At the start of the amnesty hearing this week, General Coetzee said he and other former police generals had discussed the issue of possible extradition with Truth Commission chairman Archbishop Tutu and his deputy Alex Boraine before deciding whether to apply for amnesty

He said they had promised to raise the issue with Omar, but nothing had

come of this. This was why he had not applied for amnesty for his role in "cross-border" raids by South African security forces into Lesotho, Mozambique and Botswana in the 1980s

Yesterday General Coetzee said he had discussed the issue of the legality of cross-border operations with President Mandela, Omar, Archbishop Tutu and advocates and had studied international law to try to obtain clarity

Omar said that in terms of international law and international obligations, South Africa was obliged to extradite its citizens who had committed offences in other countries, if a proper application was made. South Africa has an extradition agreement with Britain which came into effect in 1994 when it rejoined the Commonwealth

Omar said South Africa could extradite people accused of crimes in other countries even when there was no formal extradition agreement

"(But) I cannot say in advance that we will, or will not, extradite people.

"We are required to consider all applications on their merits"

Archbishop Tutu told the Cape Argus in an e-mail message from Atlanta in the United States that he could no longer recall who in the Department of Justice he and Dr Boraine had spoken to after their September 1996 meeting with the police generals

"But I believe we tried to find out, and it turned out that we either did not have extradition treaties or they did not make any specific provision for the kind of thing we were looking for," he said

"I believe we communicated to the police generals that we could not give them the assurance they wanted

"I did say I thought it was highly unlikely that especially the Frontline states would insist on anything that might affect the stability of the region"

Chan 11/9/98 (252)





Williamson is one of the security branch policemen applying for amnesty at the Truth and Reconciliation Commission this week.

PHOTOGRAPH: THEMBA HADEBE/COURTESY THE STAR

# Coetzee's 'fairy tales'

The faces of apartheid's feared security police were on display at the truth commission this week, writes **David Beresford**

(252) M+G 11-17/9/98

**T**hey are unlikely combatants, but long-time adversaries, the almost theatrical figure of the lawyer George Bizos and the stocky, hawk-faced former police commander, General Johan Coetzee

They have faced each other on previous occasions across the country's courtrooms, but there was an air of finality about the duel being fought out between them in a Pretoria conference centre this week

There are eight former policemen applying for amnesty before the Truth and Reconciliation Commission for the 1982 bombing of the ANC's London headquarters

In many respects they represent the different faces of what was in its time the world's most notorious police force: Coetzee himself, head of the security branch from 1980 and national police chief from 1983 to 1987 — some of the bloodiest years of what has been described as South Africa's "dirty war"

There is Craig Williamson, whose gargantuan girth gives him more the appearance of a trencherman than a policeman and whose taste for personal betrayal won him the tag of South Africa's "superspy" Eugene de Kock, "prime evil", who has become the personification of the professional hit man

Grey-faced Vic Macpherson, the one-time chief propagandist whose obsession now is untangling the skein of lies in which he once wrapped the force Gerry Raven, the state bomb-maker

Coetzee was the first to take the witness stand before the amnesty tribunal, headed by Judge Andrew Wilson. By the end of his sec-

ond day of cross-examination by Bizos, the most senior policeman to apply for forgiveness for crimes of the apartheid era was looking exhausted

Bizos seemed to be energised by his own indignation and the silent presence behind him of the three Slovo sisters — come to see the murderers of their mother, Ruth First, killed by a parcel bomb sent to her by the police in 1982

The general denied responsibility for that murder and any others, which was the cause of Bizos's indignation "I knew her well, sir," Coetzee told his persecutor earnestly "It should never have happened," he said of the bomb

"I never gave an instruction that someone should be assassinated, or killed, inside, or outside the country" Exasperated, Bizos made the general read an account from De Kock's recently published autobiography of a 1986 police raid into Swaziland in which they had killed three people and seized some African National Congress documents

De Kock described how the triumphant police unit had reported back to Coetzee personally at his Pretoria home. Coetzee, by then national commissioner, had given them coffee and, wearing a dressing gown, had shaken everybody's hand

"When he got to me he said he did not know whether he should touch my hands since they were covered in blood," recounted De Kock

Challenged with De Kock's account, the general said he remembered that a Brigadier Willem Schoon and other policemen "woke me up one morning and he made a report to me and he had documentation" It was the first

he had heard about the operation

"He told me there had been a fire-fight," recalled Coetzee "It wasn't reported by Schoon to me that it happened in Swaziland"

Wilson "You mean he came to tell you at 5 30 in the morning about this fire-fight and the documents they had recovered and they never told you where it was?"

"As far as I remember, Mr Chairman, it was somewhere on the Swazi border," replied the general hurriedly. Remorselessly Bizos listed ANC officials in neighbouring countries and ANC suspects inside the country now known to have been killed by the police under Coetzee's command. Adamantly the general denied any knowledge of them

"Did you ever suspect the deaths of so many ANC people inside and outside the country may have been [the work of] members of your police force?" demanded Bizos

"I did not suspect the police force was involved," said the general

Bizos "If you drew up a list of suspects, who would be number-one suspect, organisationally?"

"I don't know, sir," said Coetzee dolefully

"You are one of the most experienced policemen the country has ever produced, general. Please tell us!"

"It could be anyone. It could be an outside agency, that was involved in the East-West situation. There were very many allegations made, for instance, against the CIA."

"Did it come to your knowledge that the ANC Swaziland representative was blown up [in 1982]?" demanded Bizos

"Yes, it must have come to my notice"

"Who did you think was the fairy god-mother who got rid of yet another ANC chief representative in a neighbouring country?"

The hearing is scheduled to last three weeks

'Super-spy' says the order to bomb the ANC's London office came 'from the top'. John Yeld reports.

# 'A symbolic, high profile strike'

The explosives used to bomb the ANC's offices in North London in 1982 were sent to the South African Embassy in Britain in a diplomatic bag, "super-spy" Craig Williamson has confirmed to the Truth and Reconciliation Commission's amnesty hearing in Pretoria.

At the time of the London bombing, Mr Williamson was a major in the security police and was second in command of the eight-person team that conducted the operation. He is applying for amnesty for the incident and for sending the letter-bombs that killed anti-apartheid activists Ruth First in Mozambique in 1982 and Jeanette Schoon and her six-year-old daughter, Kathryn, in Angola in 1984.

He told the amnesty panel yesterday that he had been ordered in January 1982 by his immediate superior, Brigadier Piet Coosen, to prepare a plan for an attack on the ANC's London headquarters. The political



AGENTS OF APARTHEID Craig Williamson and Eugene de Kock

objectives of the attack were "a symbolic and high-profile" strike against the ANC during the year of its 70th anniversary, and the disruption of ANC activities against the then South African government,

which were being planned and coordinated from the London office. During the following weeks, he and other members of his section prepared an operational plan, which was subsequently reviewed,

approved and ordered by then security police head General Johann Coetzee.

General Coetzee is also applying for amnesty for the bombing. Another member of the bombing team was Eugene de Kock, who later became the commander of the security police's notorious Vlakplaas unit.

Mr Williamson said General Coetzee had told the team that the operation had been ordered "at the very top", and that General Coetzee had received his orders via then police commissioner, General Mike Geldenhuys, and the minister of police, Louis le Grange.

"Explosives, detonators and other equipment required, such as CS gas sprays, were sealed in metal containers and sent to the South African Embassy in London via diplomatic bag," Mr Williamson said. "Explosives expert Jerry Raven obtained the ordinance and supervised the manufacture and sealing of

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the containers. Brigadier Coosen thereafter organised for the containers to go to London via Military Intelligence-diplomatic bag."

The containers were delivered by Military Intelligence warrant officer Joe Klue, who was attached to the Embassy, to Lieutenant Peter Caselton, a contract officer of the South African police who was living "under cover" outside London as a "handler" for the police's Intelligence section, Mr Williamson said.

Early in March 1982, the team had got confirmation that Mr Klue had safely delivered the containers to Mr Caselton for safe-keeping. "We were then ordered to go ahead with the operation by General Coetzee."

Mr Williamson said General Coetzee had emphasised that no non-ANC people were to be killed or injured, if possible no person was to be killed or injured, and damage to non-ANC property was to be kept to the absolute minimum.

"I was told the attack was to be of a political and symbolic nature. The purpose would be destroyed if the above objectives were not achieved."

**'The team was decorated with a police star for their service'**

In the second week of March, the eight-person team travelled to London individually or in pairs. "On March 13 1982 the whole team assembled and the go-ahead was given."

Who had manufactured the bomb, and Lieutenant Caselton delivered it to the ANC's offices in Penton Street late that evening. The bomb had been placed by De Kock and Mr Raven, while four of the other team members acted as lookouts and the "getaway-escape-evasion" group.

Brigadier Coosen had remained at his accommodation, while Mr Williamson had stayed at a checkpoint at which each team member had to pass on the way back from placing the bomb.

"All the members were accounted for by the early hours of Sunday, March 14 1982."

They left Britain early in the morning to different destinations in Europe, on the way back to South Africa. "Brigadier Coosen and I were in Brussels when we heard the news on BBC radio that the ANC office in London had been destroyed by a powerful explosion," Mr Williamson said.

"In September 1982 the team was assembled in Minister Louis le Grange's office and decorated with the SA Police Star for Outstanding Service."

Mr Williamson will be cross-examined on Monday.



# Reporter recalls security cop who 'never dirtied his hands'

"I never dirty my hands - I get my boys to do it for me"

Thus is what Rand Daily Mail journalist Joyce Sitrakane Rankin remembers Johann Coetzee, the former security police head and one-time police commissioner, telling her while she was being held under the notorious Section 6 of the Internal Security Act and as he tried to persuade her to turn state witness against her fellow detainee, Winnie Madikizela-Mandela

Ms Rankin's memory of the 1969 incident was recounted yesterday to the Truth and Reconciliation Commission's amnesty panel, which is hearing applications by General Coetzee and nine other former security policemen for the 1982 bombing of the ANC's London office, the latter-bomb assassinations of Ruth First (Slovo), Jeanette Schoon and her six-year-old daughter Katryn, and several other bombings.

As Ms Rankin's recollection of her detention was put to General Coetzee by advocate George Bizos SC, appearing for the Slovo and Schoon families, she stood shyly and took off her glasses to jog the former police chief's memory of her features. But General Coetzee, who has spent



COETZEE 'What boys?'

much of the past week enduring a hostile cross-examination at the hands of Mr Bizos, suggested it was Ms Rankin's memory that was at fault.

Pounding out that he had been only a major at the time, he responded indignantly "No, sir, I would never have said something like that. What boys? Referring to whom?"

Mr Bizos suggested to General

Coetzee that he had attempted to "catch" Ms Rankin into becoming a state witness

He replied to laughter from the audience "Not only her, I tried it with every loyal South African citizen"

Mr Bizos commented dryly "Some would disagree with that statement"

General Coetzee said that while he was in charge of the Johannesburg branch of the notorious security police for three years, there had been no suicides and no claims of assault.

He went on to point out that throughout his entire police career, he personally had never been accused of assault or torture

"I find it very strange that more than 10 years after my retirement such an accusation has been levelled against me"

Mr Bizos suggested to General Coetzee, who is applying for amnesty only for the London bombing, that this had been because of "a conspiracy of silence" among his junior officers

Referring to evidence given earlier this week that at least 100 - possibly as many as 200 - anti-

apartheid activists had been assassinated by South African security forces during General Coetzee's period of "stewardship" as head of the security police, Mr Bizos said "You must have known about these"

General Coetzee replied "That's such a broad statement that I really cannot respond to that"

Mr Bizos said "You deny that?"

He responded "Yes."

Earlier, General Coetzee denied knowing about any security police involvement in the murder of Mamelodi doctor Fabian Ribeiro and his wife Florence in 1986

Two of his junior officers, Brigadier Jack Cronje and Captain Jacques Hechter, have applied for amnesty for their role in the murders

During their earlier amnesty hearings, they told the truth commission the murder of Dr Ribeiro had been planned by the Special Forces unit of the SA Defence Force, and that the actual shooting had been done by two Angolans flown in for the operation

Noel Robey, a Special Forces operative and a former Selous Scout in the Rhodesian army, was spotted driving away from the murder scene

(258) RAG 12/9/98

ina Land Rover later identified as belonging to the SADF

At his amnesty hearing, Brigadier Cronje testified that he had been asked to supply the Special Forces with information about Dr Ribeiro some time before the murders, and that Captain Hechter had been asked to help in planning the "elimination" of Dr Ribeiro

He said that after the murders he had been summoned to General Coetzee's office

"General Coetzee asked me whether I knew anything about the Ribeiro matter. I told him I did and that this was an operation of Special Forces"

Brigadier Cronje said General Coetzee had told him that General Joop Joubert, head of Special Forces, and General Ian Gleeson, the SADF's Chief of Staff, had visited him at home the previous evening "with regard to the Ribeiro's death"

Brigadier Cronje also said he had been told by his superior officer, Brigadier Willem Schoon, that the instructions for the security police

to cooperate with the Special Forces had come from General Coetzee

Yesterday, in answer to questions from Mr Bizos about Brigadier Cronje's testimony, General Coetzee confirmed that he had called Brigadier Cronje, whom he knew well, to a meeting in his office, but denied having been told that the murders had been a Special Forces operation.

"I summoned him because of allegations that police had cooperated in operations (with Special Forces), which was forbidden by my instructions"

He said he had been part of a venture to give information to the army, which was "quite natural"

"It was absolutely normal procedure and, in fact, it was a government instruction to share information among the security forces. If they wanted information, that was their right"

General Coetzee confirmed having met General Gleeson, but said General Joubert had not been present

He said General Gleeson had

brought press cuttings with him alleging that the Ribeiro murders had been committed by SADF operatives

"He denied it. He said, 'It isn't so but we're worried about this allegation,'" General Coetzee said

"He never intimated to me at all about the murders. He was complaining that the SADF was being continually named in the newspapers"

General Coetzee also strongly denied testimony by Brigadier Cronje, based on his deduction from hearsay, that he (General Coetzee) had intervened in the criminal investigation into the Ribeiro murders and had appointed a "sweeper" to ensure that the investigation was ineffective

"No so called sweeper was ever employed, as far as I was concerned," he said

Asked to explain why Brigadier Cronje would have falsely implicated him, General Coetzee said he could only suggest that the brigadier was mistaken

"All I can say is that he may be absolutely convinced in his own mind"

The hearing continues next week

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The hearing continues next week



# Williamson 'acted in state's interest'

Stephané Bothma

PRETORIA — Apartheid spy Craig Williamson claimed he had never acted out of spite or malice, but throughout his years as, first, a security policeman and later a permanent member of the SA Defence Force, had acted in the interest of the SA state.

The former St Sathians and St Johns pupil is applying for amnesty for bombing the African National Congress (ANC) offices in London in 1982. He is also asking for amnesty for the parcel bombs which killed Ruth First, wife of SA Communist Party leader Joe Slovo, and anti-apartheid activist Jeanette Schoon and her six-year-old daughter Katryn.

The truth commission's amnesty committee earlier heard that while Williamson as a young security policeman infiltrated student organisations, he had been "close friends" with Schoon and her husband Marius.

Former security police chief and later police commissioner Gen Johann Coetzee also applied for amnesty for the London bombing, but denied any knowledge of the two parcel bombs which killed the Schoons and First.

"I had a long and close association with Coetzee (throughout my security force career).

"If I had a mentor, it would have been Coetzee," Williamson testified.

"I have done many things Coetzee did not know about, but I would not have done anything that I believed he would not have approved of."

Williamson told amnesty committee chairman judge Andrew Wilson that he was not before the committee merely to apply for amnesty, but to give a full background of the events and happenings during the 1980s.

He received a direct order for the London bomb from Coetzee, who had told Williamson the operations were approved "at the very top."

Williamson and his now deceased direct superior, Brig Piet Goosen, assembled a team of officers to carry out

the attack

They were Goosen, Williamson, security policemen Vic McPherson, Jimmy Taylor and John Adam, former Vlakplaas commander Col Eugene de Kock and explosives expert Gerry Raven.

"Explosives, detonators and other equipment such as CS gas sprays were sealed in metal containers and sent to the SA embassy in London via diplomatic bag," Williamson testified.

During the second week of March 1982 the team travelled to London, where they detonated the bomb at the Penton Street offices of the ANC.

In September that year the team was assembled in then Police Minister Louw's office and decorated with the SA Police Star for Outstanding Service for the operation.

Pik Botha, who was foreign affairs minister at the time, said on Friday that he would have resigned from government if he had known then that policemen were going to blow up the ANC offices on London.

"I also believe that state president PW Botha would not have approved of the plan because he would have taken objections raised by Foreign Affairs into account," Botha said.

He is attending the amnesty hearings after being implicated in the applications of some of the former policemen.

As a lawyer, Botha is representing himself and on Friday he cross-examined Coetzee, who admitted that Botha had always opposed the use of force and always warned against actions that could jeopardise SA's international relations.

About statements made by Botha at the time that terrorism should be halted, Coetzee admitted that "everybody" made similar statements and that it was not unusual for a foreign minister to share the same sentiments.

The hearings continue today when Williamson is expected to supply details about the killing of First and the Schoons.

# Bomb that killed Ruth First may have been meant for Joe Slovo,

JOHN YELD  
ON THE TRUTH COMMISSION

Pretoria - Ruth First and her husband, Joe Slovo, were both listed as "terrorists" in security police files and were important targets of the apartheid government's security forces.

This was the evidence of so-called super spy Craig Williamson at a Truth Commission amnesty hearing.

here today Mr Williamson is applying for amnesty for his role in the murder of Ms First in Maputo in 1982 by letterbomb, which he referred to as "an improvised explosive device".

Ms First was killed in her office at Maputo's university when she opened the envelope.

But Mr Williamson testified today that he could not recollect precisely whether the letterbomb had been addressed to Ms First or Mr Slovo.

His official amnesty application describes the act he is applying for amnesty for as "participation in an operation to kill or injure Joe Slovo and/or Ruth First".

With Ms First's three daughters looking on, Mr Williamson testified that Ms First was a "high-level functionary" of the African National Congress and the SA Communist Party.

Ms First had been listed in security police files as "Slovo, R" and her

husband listed as "Slovo, J".

"I knew that Ruth First was in the 'terrorist album' and when I got my instructions about the improvised explosive device - when I was told this was going to Slovo - I cannot in all certainty say it was going to Ruth Slovo or Joe Slovo."

Mr Williamson said some months after the security police attack on the ANC's London office in 1982, he received an envelope through the

security branch internal mail system

"This was a large official envelope which contained what appeared to be an intercepted mail item

"The official envelope came with instructions for me to discuss the contents with Brigadier Piet Goosen, my immediate superior and group head."

Brigadier Goosen has since died. "To the best of my recollection, the mail item in the large envelope was an A4- or larger-sized envelope with

the logo of an international organisation thereon, possibly UN-related, and was addressed to Joe Slovo, care of Ruth First, or to Joe Slovo and Ruth First at the Eduardo Mondlane University in Maputo, Mozambique

"The postal item had a cancelled Lesotho stamp on it"

Mr Williamson said he was told by Brigadier Goosen to instruct security branch explosives expert Jerry Raven to try to fit an explosive device

with about the same charge as a hand-grenade - about 100g of explosives - without seriously affecting the weight or appearance of the envelope

"I assumed that the weapon, once manufactured, would be used against the target specified on the postal item, and regarded any such act as totally in harmony with the overall politico-military strategy against the ANC/SACP, especially in Mozambique," Mr Williamson said

says Williamson



# Child's death is spy's 'biggest regret'

Stephané Bothma

PRETORIA — The killing of six-year-old Katryn Schoon by a parcel bomb in 1984 was the biggest regret of his life, former apartheid spy Craig Williamson told the truth commission's amnesty committee yesterday.

Williamson ordered the manufacture of the letter bomb that killed Katryn and her mother, Jeanette, in Lubango, Angola, in March 1984.

However, Williamson emphasised, Jeanette and her husband, Marius, were opponents of the SA government and therefore a "threat" and "legitimate targets" of the security forces.

Stephen Laufer reports that Marius Schoon and the daughters of Ruth First — Shawn, Gilhan and Robyn Slovo — walked out of the hearing when Williamson showed videos of the Church Street bombing and other

African National Congress attacks in an attempt to justify the SA government's policy of killing its opponents.

Williamson is asking for amnesty for the 1984 murder of the Schoons and for First's murder by letter bomb in 1982 — a year before the Church Street bombing. First was the wife of the late SA Communist Party leader Joe Slovo. Williamson is also applying for amnesty for the 1982 bombing of the ANC's offices in London.

The former security policeman and military intelligence agent said he had known the Schoons well, "not only because of my infiltration activities in the 1970s" but also because the family had been under constant surveillance by the security forces. The committee earlier heard that Williamson was so close to the Schoons that he stayed with



Jenny and Katryn Schoon killed by Williamson's bomb  
BD 15/9/98

Continued on Page 2

## Regret

Continued from Page 1

them during visits when the family was living in Botswana.

Williamson claimed that his now-deceased superior officer, Brig Piet Goosen, ordered the parcel bombs that killed the Schoons and First.

"It did not surprise me when I was instructed to participate in an attack on the Schoons," he said.

"Goosen had a large official envelope on his desk which contained what appeared to me to be an intercepted postal item." Goosen told him to ask explosives expert Gerry Raven to replace the contents of the envelope (ANC documents) with an explosive device. "A long time later, so long that I thought we would never hear of the envelope again, I heard there had been an explosion in a house in Lubango and that Jeanette and her young daughter were killed," Williamson said.

"When I heard about the child being killed, it was like being hit with a bucket of cold water. I did not know the Schoon children were with their parents in Angola. There is nothing that has happened to me in my life that I regret more. To carry out an attack on somebody you do not know is one thing, but to do that to somebody you know is very difficult. The fact that the individuals were my enemy and that of my country did not make it easier."

In the case of First, Williamson also received an envelope on his desk containing a parcel addressed to "Joe Slovo care of Ruth First or to Joe Slovo and Ruth First at the Eduardo Mondlane University in Maputo, Mozambique".

He claimed he was ordered by Goosen to replace the contents with an explosive device. Raven was ordered to manufacture the device. "I remember feeling very uncomfortable when I saw the envelope containing the bomb."

Later he heard that First had been killed in an explosion at the university. The hearing continues today.



# Schoon scorns Williamson's 'crocodile tears'

By Mar 15/4/98

(A92)

THEMBA HADEBE

Apartheid spy says he was shocked at death of Katryn (6)

BY SIMON ZWANE

A security police decision to kill Jeanette Schoon had presented him with great difficulty because he knew the family personally, apartheid's superspy Craig Williamson said yesterday.

Testifying before the TRC's amnesty committee in Pretoria, Williamson said it was one thing to carry out an attack on a target you did not know, "but to know that an attack is to be carried out on people that you know is a great difficulty."

With his voice almost breaking with emotion, he said he felt as if he had been "hit with a bucket of cold water" when he heard that Schoon's six-year-old daughter Katryn had also been killed by the explosive intended for her parents.

Marius Schoon, Jeanette's husband, immediately dismissed Williamson's show of emotion as "crocodile tears" and a carefully rehearsed ploy to strengthen his plea for amnesty. Schoon, whose wife and daughter were killed in letter bomb in Lubango, Angola, in 1984, said listening to Williamson's evidence was "like being in a bad movie."

Williamson knew Jeanette Schoon from his student days at the University of Witwatersrand and once stayed with the Schoon family in Botswana while spying on them.

Williamson and seven other policemen have applied for amnesty in relation to the 1982 bombing of ANC offices in London as well as the killing of the Schoons and Ruth First, an academic and journalist married to former South African Communist Party leader Joe Slovo.

Williamson related to the committee how he was approached by his commander, the late Brigadier Piet Goosen, first in 1982 and again in 1984 with an instruction to fit explosive devices in intercepted mail.

The initial letter was from Masgotho and destined for Joe and Ruth First at Eduardo Mda University. In the letter and the second



In consultation... former foreign minister Pk Botha confers with former apartheid spy Craig Williamson at the amnesty hearing in Pretoria yesterday

BY THEMBA SEPOTOKELA

AWB commander Johannes Smith refused to give further evidence at the TRC in Botswana yesterday after a lawyer representing the victim's family threatened to sue him.

Smith, who did not apply for amnesty, was called to give evidence on his involvement in the 1984 Jan Smuts Airport bombing in which 10 people were injured, the Bree Street

was a letter from the ANC in Botswana to Marius and Jeanette Schoon in Angola.

The letters were taken to Warrant Officer Roger Raven, an explosives expert, who prepared them before returning to

## Threat to sue silences AWB commander

Seven people were killed and 13 injured, the Germiston trailer bomb which killed 10 people and injured eight, and the Randfontein pipe bombings, in which 11 people were injured at the Vosloora-Cape Town-Ville post-trail.

He told commission chairperson Judge Ronnie Pityl that he was not prepared to

Williamson who delivered them back to Goosen. Williamson said First's death was reported at a security meeting of the security police in Pretoria when the report was made Goosen

gave evidence after the threat of legal action, because his right to incriminate himself.

Ten AWB members are seeking amnesty for the pipe bombings carried out in the elections. Smith told the TRC that they had acted on orders by AWB leader Eugene Terre-Blanche, general Chris van der Heever and general Dick Ack-

looked up directly at me and nodded slightly," he said. Williamson did not ask how the bombs were going to be delivered. He assumed that the bomb that killed First was taken to Mozambique by an agent of the security branch or military intelligence or by mail. The Schoon bomb was probably delivered with the co-operation of Military Intelligence and Unit 4, he said, adding that the Schoons and the Slovos were important targets of the security police by virtue of the key positions they held within the ANC-SACP alliance. The attacks were aimed at psychologically destabilising and disrupting the alliance.

Jacobus le Roux, Paulus Steyn, Jan de Wet, Gerthardus Rensburg, Johannes Venter, Petrus Nel, Christoffel Rensburg, Wilhelm du Plessis, Petrus Olivier and Abraham Vriek have taken responsibility for the attacks, while Clifton Barnard and Abraham Koper Myburgh, who are serving a prison term for other bombings, have withdrawn their applications. The hearing continues.



# TRC warns 'superspy' and Pik may be linked to raid *Omar denies guarantee against extradition*

(AP)

ARL 15/9/98

Pretoria - Former foreign affairs Minister Pik Botha and so-called superspy Craig Williamson have been told that the Truth Commission is contemplating making a detrimental finding about their involvement in the June 1985 raid on Gaborone.

During the raid on a house and offices in the Botswana capital, South African security forces killed 12 people - eight South Africans and four Botswana, Sotho and Somali nationals.

This emerged today during Mr Williamson's amnesty hearing, in which he is applying for amnesty for the letterbomb murders of Ruth First (Slovo) in Maputo in 1982 and of Jeanette Schoon and her six-year-old daughter Katryn in Lubango, Angola, in 1984, and for the 1982 bombing of the African National Congress London offices.

It also emerged that Justice Minister Dullah Omar has refused to give Mr Williamson assurances that he will not be extradited to other countries to face charges arising from

**YIELD**

## ON THE TRUTH COMMISSION

cross-border operations

Mr Williamson's attorney, Allan Levine, told the Truth Commission amnesty panel that he had written to Mr Omar about Mr Williamson's amnesty applications for cross-border operations.

His letter says Mr Williamson carried out orders conveyed to him, or was directed by, senior ranking officers of the SA Police.

They in turn had got their orders from ministers and deputy ministers of the then government, "under circumstances where, in the considered and careful opinion of all involved, a state of war existed."

Mr Levine also said in his letter he understood Mr Omar had advised Freedom Front leader General Constand Viljoen that anyone who had committed offences with a clear political motive would not be extradited.

But this was denied by Mr Omar. His letter of reply, signed by his head of ministerial services, J N Labuschagne, stated that much as he would like to co-operate to promote the reconciliation process in South Africa, it was not possible to give assurances in advance.

At the end of his evidence-in-chief today, Mr Williamson was asked by Mr Levine whether he had anything to say.

He replied "There's no adequate way of saying what I want to say."

"I'm sorry."

"What I did was wrong. I believed at the time that what I did was justified, and I never deliberately targeted the innocent."

Yesterday, Mr Williamson told the Truth Commission that callous remarks by security police about a six-year-old killed by a letterbomb

were not surprising and part of "dehumanising of the enemy".

But he strongly denied making such remarks himself, as was the recollection of bomb-maker Jerry Raven. "But someone may well have made those remarks - that type of attitude is not strange to me."

Mr Williamson was referring to the murder of six-year-old Katryn Schoon, who died when her mother, Jeanette Schoon, opened the letter bomb sent by the security police to their home in Lubango in 1984.

Mr Williamson confirmed he knew the Schoons and that his then commander, Piet Goosen, had ordered him to instruct Mr Raven to prepare a letterbomb to attack them.

He had not known the Schoons had their children with them in Angola (their son, Fritz, was injured in the blast).

"When I heard that there was a child killed, it was like being hit with a bucket of cold water," he said.

"There's nothing that has ever happened in my life that I regret more."



Past master: Craig Williamson pauses during testimony.

# Williamson told expert to build bomb that killed First

ET 15/9/198

(252)



AMNESTY APPLICATION: Williamson ordered expert to fit bomb

**PRETORIA** Former apartheid spy Craig Williamson yesterday told the Truth and Reconciliation Commission (TRC) how he organised for an explosives expert to prepare the letter bomb that killed Ruth First.

Williamson is applying for amnesty for the August, 1982 murder of First, an anti-apartheid activist who was married to late South African Communist Party leader Joe Slovo.

He described to the TRC's amnesty committee how the bomb was inserted into a letter that had been intercepted en route between

Lesotho and Mozambique.

Williamson said the letter bore the name Slovo but he could not remember if it had been addressed to Joe Slovo or Ruth Slovo or to both at the Eduardo Mondlane University in Maputo.

He said the letter was sent to him through security police internal mail with an instruction that he should discuss the contents with his superior officer, Brigadier Piet Goosen.

Williamson was asked if he could arrange to fit an explosive device into the letter without materially changing its shape and

weight. He said he asked Gerrie Raven, a warrant officer who was an explosives expert, to insert a bomb into an envelope bearing the logo of an international organisation, possibly that of the United Nations.

Raven, he said, later returned with the envelope and said the bomb had been successfully fitted inside it.

"I then asked him if he meant this letter could blow up the office and kill us both.

"When he replied that it could, this made me feel uncomfortable and I told him to get rid of it

because I didn't want it there."

Williamson said he later heard that Ruth First had been killed in an explosion at the university in Maputo.

He said the death of First was later noted at a security police meeting, but no reference was made to police involvement.

"Brigadier Goosen looked directly at me and nodded slightly," Williamson said.

He assumed Goosen was acknowledging that it had been the result of the bomb built by Raven.

The hearing continues — Sapa



# A new beginning for prosecutors

*Sowetan 2/9/98 (252)*

By Bennie Bunsee

**T**HE resolve of the Ministry of Justice to restructure itself in the light of its Vision 2000 Programme was displayed clearly at the recent Prosecutors Conference in Somerset West

Vision 2000 is a comprehensive blueprint for change and transformation, and is gradually being implemented

The two-day conference was historic – it was the first of its kind ever held in South Africa

It brought together more than 400 representatives – from senior prosecutors to attorneys-general – to deliberate the problems besetting the prosecutorial services in the country

The conference is bound to lead to major changes in the court system as provincial conferences are to follow

There was a strong recommendation by the new national director of public prosecutions (NDPP), Bulelani Ngcuka that a professional body of public prosecutors be set up

All this is a historic new beginning for prosecutors, whose ranks are now increasingly being joined by members of disadvantaged communities in the light of the ministry's successful affirmative action policies

The tone of the conference was set by Minister of Justice Dullah Omar. He highlighted the need for transformation based on the principles of equity and representation set out in Vision 2000

The conference followed in the wake of Ngcuka's appointment and the restructuring of the prosecution services being pursued by the department following his appointment

The National Prosecuting Authority Act based on the constitutional principles which call for a single and unified prosecution service led by the NDPP, lays the basis for the restructuring that is taking place

But, while the Act lays down a national framework for restructuring, it has to filter down to the provincial and local levels if it is to be implemented successfully

The conference filled that gap

## Immense courage

The deliberations were truly revealing, and showed the immense courage of the Justice Ministry led by its minister, Dullah Omar, to not only practice the democracy and transformation it preaches, but also to fearlessly involve grassroots stakeholders

The popular image of prosecutors is that of a powerful club of arrogant, aloof and unkindly gentlemen (they are mostly men) who flit from one courtroom to another in flowing robes quite unmindful of all around them

This picture was belied by another that emerged at the conference – that of an ill paid, neglected, shabbily treated group of professionals without proper office facilities

They often have to buy their own stationery, often lacked phones, often run to Shoprite or other such places to do their faxing, do not have any secretarial assistance and are cramped in tiny offices or in little corners of a courtroom

The situation in rural areas was even worse



Newly appointed national director of public prosecutions Bulelani Ngcuka has suggested the formation of a professional body of public prosecutors in South Africa

PIC LEN KUMALO

The litany of grievances poured out in the different workshops right up to the end of the conference

The prosecutors unanimously welcomed Ngcuka's appointment and the need to create a single and unified prosecutorial service to overcome the fragmentation and disparities in the prosecutorial services

The question of a career path and the thornier one of salaries was their main gripe – resulting in many leaving the profession – and they wanted immediate remedial action on both fronts

The recognition of the dignity of their office was also given high priority at the conference

This should include improved salaries, prosecutors currently have to work overtime to earn an adequate salary

The prosecutors also wanted official recognition of their status and suggested a modern training scheme to keep them up to date with changes in the law

Their current training was strongly criticised. It duplicated what they learnt at universities, they complained. A justice college, which will be a centre for all kinds of legal training, will take this into account

Prosecutors also want to be included in the budget and administrative processes currently controlled by magistrates (at whom they directed many scathing comments)

This led to a lively debate on restructuring the court management system and making the criminal justice system better organised and more efficient

The conference probably heralds the end of the perceived tyranny of magistrates over prosecutors after such a public airing, a theme which will most likely be followed up in future provincial conferences

The Ministry of Justice is committed to fairness and equality in all its sectors, so this tyranny will have to go

The conference also made concrete proposals on the efficiency of prosecutors, and they committed themselves to

be good "people's lawyers" (as they describe themselves)

A key proposal was that they should work in closer cooperation with police investigators and advise them on criminal cases to avoid the collapse of these cases

It was also pointed out that prosecutors need to be more caring and solicitous of witnesses and the needs of victims, and not treat them as brusquely as they tend to. A special workshop was devoted to this

In an informative address, Palesa Sedibe-Ncholo Fellow, special adviser to the Minister, warned prosecutors that society paid a heavy toll for ignoring the interests of victims

## Wreak vengeance

It led them to wreak vengeance on society as they lost faith in the criminal justice system. She said that international experience had shown that over 80 percent of crimes committed arose from such a sense of vendetta

This has now become an important factor in crime prevention. The Justice Ministry will move to adopt a Victims Charter, which will set out the rights of victims based on best international practice but adapted to local needs

The prosecutors also questioned their own attitudes towards the public in one session. Some prosecutors condemned the haughty attitude of their colleagues

The conference called on prosecutors to respect the dignity of those they dealt with daily, and to treat them as equals. They were also called on to end their shabby treatment of witnesses

They recognised that without these witnesses, who were at the heart of crime prevention, criminal cases would fail – yet cases were cited of how witnesses were kept waiting for hours

This, too, the Justice Ministry was now remedying by setting up friendly witness desks at courts, called the Witness Friend. Transformation has truly arrived in the Justice Ministry

(The writer is a Department of Justice public relations official)

# Lid lifted on secret mission to lure exiled ANC into talks

Nov 3/9/98 (252)

Human rights lawyer gives nail-biting account of clandestine meetings to arrange 'talks about talks' in book 'Mission Improbable'

ZUBEIDA JAFFER

Independent Parliamentary Bureau

A veil of secrecy has been lifted around a two-year diplomatic effort involving the Swiss government and a private citizen who was given the go-ahead by former president P W Botha to explore dialogue with the ANC in exile way back in 1987

After 10 years of silence, Human Rights lawyer, Richard Rosenthal today publishes a nail-biting account of clandestine meetings which tells the story of a behind-the-scenes drama which was unfolding while the country was gripped in a state of emergency in the late eighties

In *Mission Improbable*, he tells that he was accredited by both sides as an intermediary in a process which started at the end of 1987 and abruptly stopped when P W Botha suffered a stroke at the beginning of 1989

By then, Botha had on the table a formal offer, brokered by Rosenthal, extended on behalf of the Swiss government to both the ANC and his government

The idea was that an initial exploratory discussion characterised as "talks about talks" would take place somewhere in Switzerland

"After the lapse of 10 years, I feel that I can make this pub-



Gave go-ahead ... PW Botha.

lic without transgressing implied confidences," he said in Cape Town this week "I was the repository of confidences then potentially very damaging for either side"

Ironically, the initiative dubbed "the Rosenthal initiative", took place against the background of the Botha government's categorical rejection of calls for the commencement of dialogue with the ANC

Through the murky darkness of detentions, cross-border raids and a state of emergency, came the message that there was a chance that the apartheid government was interested in dialogue

"The message we heard was, indeed, the message that Oliver Tambo had known would come," said Deputy-

President, Thabo Mbeki, about his meetings with Rosenthal

It had been one of Oliver Tambo's nightmares that one day the ANC's adversaries would communicate a message to them that they were ready to talk about a peaceful settlement and the ANC would fail to understand the message

The drama unfolded shortly after Idasa had initiated an historic encounter with the ANC in the West African city of Dakar; the first public meeting between a range of white South Africans and an ANC delegation

The government's negative reaction to the meeting, the ongoing state of emergency and the impact this was having on his family had led Rosenthal to a crossroad

He could either take up residence in Canada or try and do something to change the situation His heart won over his head, he said He decided to write to P W Botha and offer his services to secure a negotiated settlement

The letter was dated 23 September 1987 The reply from Botha came on 16 October indicating that his letter was receiving the necessary attention

A week later, the then deputy minister of information and of constitutional planning, Dr Stoffel van der Merwe, asked to meet Rosenthal, "to discuss possibilities"

This began a set of discussions which led to Rosenthal resigning from his job at a leading law practice to devote all his attention to discussions which led him to Lusaka, Frankfurt, Berne and Pretoria

In his 300-page book he records the detail of a selected number of meetings and encounters with key players which took place over two years

The painstaking detail was part of the minutes he kept of the dialogue, which runs into hundreds of pages bound together in four volumes Some of this has been deposited with the Swiss government but the full account remains with him

He was to learn the art of changing airlines, swopping seats, switching flights in an effort to determine whether he was being followed

During the two years of secret diplomacy, the Swiss government, through its South African ambassador Jean Quinche provided financial and logistic support for Rosenthal's work

They agreed to provide that support once they had a definite indication from both the ANC and the Botha government that both parties supported the effort Ambassador Quinche met privately with Van der Merwe in Cape Town and was given the assurances he needed

6



# PAC four to seek amnesty for 6 killings in the city

(252)

FOUR Pan Africanist Congress members are to apply for amnesty next week for armed attacks in the city which claimed six lives

● Walter Tanda for killing a Khayelitsha railway security guard and two policemen in two separate attacks. In a third attack a police vehicle was ambushed in Khayelitsha and a

policeman injured in 1992

● Andile Shiceka for his role in the Khayelitsha railway station attack and for an attack on a restaurant in Claremont in which several people were injured in 1992

● Gcmikhaya Makoma for his role in the police ambush in Khayelitsha. Makoma was

granted amnesty for his role in the 1993 St James Church massacre

● Mandla Maduna for killing three alleged gangsters and injuring two others at Old Crossroads in March 1993. Maduna is serving a 35-year sentence for the attack

- Sapa

BD 4/9/98

# 'Meaningful changes' in policy at Justice College

*Sowetan 4/9/98 (252)*

By Gershwin Chuenyane

THE Justice College in Pretoria is set to effect policy changes and to restructure its curriculums in recognition and support of the principle of the independence of the judiciary

The college has, in pursuance of these goals and in an effort to secure the commitment of all stakeholders, hosted a consultative planning session, attended by departmental regional heads, cluster heads and regional court presidents as well as the national director of public prosecutions and his attorneys general this week

In a statement released this week, the college's chief director, Cecile van

Riet, said "Justice College, under the auspices of the Ministry of Justice, has recognised the need to implement meaningful policy changes to reflect the changing training needs of judicial officers, prosecutors and quasi-judicial court personnel"

Van Riet said the changes would be twofold, entailing restructuring and decentralisation

Van Riet said "Restructuring is based on the recognition of and support for the constitutionally entrenched principle of the independence of the judiciary

"The creation of two separate directorates is envisaged, thereby drawing a clear distinction between the training

of judicial officers as opposed to the training of other occupational classes"

The judicial training directorate would be governed by an independent control board comprising magistrates and judges. It would be their function to determine training needs with specific regard to content and curriculums. The role of Justice College will merely be to implement such policy

Independence would thus not only be functional but would also apply to their training

Similar judicial training models were at present successfully utilised in countries such as France and Zimbabwe and were in line with the common law model of judicial law, Van Riet said



FOR all its importance, the Constitutional Court is sometimes the arena for brain-numbingly dull hearings. Often taken up with technical arguments beyond the grasp or interest of the average person, its sittings may attract few observers beyond the legal teams involved in the deliberations

But last week's hearing was different a time warp, like stepping back into the drama of a court under apartheid on one of those rare days when everything came together — a clear case of injustice; a strong, sympathetic Bench, rousing words against oppression and inequality. Even better, for once the state acknowledged it had no justification and said nothing to defend the indefensible

Suddenly space was at a premium in the courtroom, and many people sat on the floor or stood bunched at the back. They had come to witness one of the last major legal battles against the mindset left over from the previous order the fight to decriminalise gay sex

Though the Constitution says that the State may not "unfairly discriminate" against anyone on the grounds of sexual orientation, the laws which make sodomy a crime still exist

From the protracted struggle which the gay and lesbian community has been forced to wage to translate the promises of the Constitution into a reality for themselves, it has often seemed that of all marginalised groups, they have benefited least from the new order

Many battles lie ahead over issues like child custody, equal benefits for partners and the legitimisation of gay marriages. These rights could still take years to win, given the obstructions created by often barely disguised official homophobia. But the crowds packing the Constitutional Court last week believed one major victory was imminent, and were determined to see history being made

Under the law as it now stands, gay men have been reduced to the status of "unapprehended felons" as some experts have put it. Sodomy between males is an illegal and a punishable offence. And while always illegal between men, it is not illegal in a heterosexual relationship. Much was made of this anomaly by Gilbert Marcus SC, who appeared for the National Coalition for Gay and Lesbian Equality

Marcus, a veteran of many skirmishes in the apartheid courts, pointed out that the British decriminalised sodomy in 1967 after a report roundly rejected any suggestion that, simply because many churches disapproved of homosexuality, it should remain a crime

But just a year later South Africa moved strongly in the opposite direction, with the report of a parliamentary committee investigating changes to the Immorality Act. Top-ranking police officers told the committee that homosexuality was a "threat to the Republic". Given the paranoia of the time, this claim on its own would have warranted tough legal action

The police noted that "the activities of homosexuals definitely have a deleterious influence on the social structure of the populace"

# Fighting for the freedom to enjoy sex without fear

*The Constitutional Court takes a scathing view of homophobic legislation still on the statute books, writes CARMEL RICKARD*

ST (PT) 6/9/98

(252)

Gays drank "excessively", became addicted to drugs, and were "completely estranged from the church and religion"

Homosexuals became spiritually and physically weak, leading to a loss of productivity and in general "their activities result in moral decay and a sense of inferiority"

The police contributed other sinister-sounding information, not least that they had "established" that every gay person makes it his business to "recruit as many homosexuals as possible" and that homosexuality had been increasing in a "disturbing" fashion

They proposed that homosexuals be removed from their environment and receive psychiatric treatment, and that effective legislation be introduced to "combat the evil"

Last week, the Constitutional Court scrutinised the sodomy laws, including the "effective legislation" passed 30 years ago following the police evidence — and it was scathing about what it found.

"Once you take away prejudice, there is nothing left," commented Judge Albie Sachs. "All the justifications are based on prejudice, the very thing the Constitution is there to prevent"

The court's task was to consider a decision made by Judge Jonathan Heher of the Johannesburg High Court in May. Following a challenge to the sodomy laws brought by the gay and lesbian coalition, he declared the common law crime of sodomy unconstitutional,

along with various other sexual offences in the statutes which would not be a crime if committed by a woman, or engaged in between women or a man and a woman

Under the Constitution, an order such as that made by Judge Heher has to be ratified by the Constitutional Court before it takes effect

The sodomy case was making history, as Judge Lawrie Ackermann pointed out during the hearing, because it was the first time the Constitutional Court was dealing with issues of sexual orientation. The coalition

and its members hope the court's judgment will be more than a rubber stamp. They want it to highlight the injustices they have suffered, and still suffer, despite the protection of the Constitution. They are also seeking acknowledgement of the pain caused by the existing legislation and prejudices of many in society

Marcus argued that even though Judge Heher's conclusion was welcome, his decision had not focused

sufficiently on continuing discrimination against the gay and lesbian community, such as the fact that someone with a conviction for sodomy could not register as a security officer or qualify to receive a pension under the Special Pensions Act

Marcus urged that the judgment should recognise and deal with the problem that the gay and lesbian community was marginalised and susceptible to abuse. He quoted Amnesty International reports about the

imprisonment, torture and even murder of gays and lesbians in many countries

Though he did not mention Zimbabwean President Robert Mugabe by name, everyone in court was well aware of the extreme homophobic views repeatedly expressed by Mugabe, and of his persecution of gays and lesbians

While the Christian churches had often been in the forefront of those urging condemnation of gays and lesbians, there was also a strong strand which took the opposite view, Marcus said. This was exemplified by Archbishop Desmond Tutu, who recently wrote that those who made gays and lesbians "doubt that they were the children of God" committed "the ultimate blasphemy"

Tutu continued "If the Church, after the victory over apartheid, is looking for a worthy moral crusade, then this is it: the fight against homophobia and heterosexism"

The court has reserved its judgment to an as yet unspecified date. Based on the tone of the debate, it seems almost certain that the court will declare the sodomy laws unconstitutional. But even if the judges go further, the problem remains of how they are to convince officials — including judges of other courts — that the days of discriminating against people on the grounds of their sexual orientation are really over

After all, it was only four years ago that the Deputy Judge President of the Johannesburg High Court, Judge Monas Fleming, handed down a judgment restricting a lesbian mother's access to her own children, a decision which, since it has still not been overruled, continues to carry legal force in the lower courts on questions of adoption and foster care

*'All the justifications are based on prejudice, the very thing the Constitution is there to prevent'*

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# TRC serves notice on Kasrils, Winnie

They are among 200 people told that commission has made damaging findings against them

ANDREW TRENCH

ST 6/9/98

WINNIE Madikizela-Mandela and the Deputy Minister of Defence, Ronnie Kasrils, have been served with notices by the Truth and Reconciliation Commission, informing them of damaging findings against them that could be included in the TRC's final report.

The TRC's chief investigator, Dumisa Ntsebeza, said last night the two were among the recipients of 200 letters the commission had sent.

The recipients have been told the TRC had made damaging findings against them after considering evidence led during its hearings.

Others who have received notices are former president PW Botha and generals Magnus Malan, Jannie Geldenhuys, Constand Viljoen and Tienie Groenewald.

Ntsebeza said the TRC had made findings relating to Madikizela-Mandela and the Mandela United Football Club. Madikizela-Mandela had testified before the TRC about her role as head of the club and the death of the teenage activist Stompie Seipei.

Ntsebeza said findings had also been made regarding Kasrils's role in the Bisho massacre in September 1992, when hundreds in a crowd led by Kasrils were shot by Ciskei soldiers.

The findings against individuals could be revised, based on written replies to the letters they had received.

Ntsebeza doubted there would be another round of hearings based on the new submissions. The public hearings were technically over. The TRC could consider any protests to their findings and simply change its final report.

## Nats roll out new colours

THE National Party is changing its colours in an attempt to halt the slide in its support before next year's general elections, write HENRY LUDSKI and RAY HARTLEY.

The NP's caucus agreed yesterday to relaunch the party with new colours and a four-point policy package, following a further drop in its popularity. A Marknor poll this week showed its support was down to nine percent.

Members attending the meeting of provincial and national MPs were given a box containing the party's new green, gold and blue colours, its new sun logo and details of its "new" policy. They adopted the slogan "Let's get South Africa working".

## TOP SCHOOLS

THE second annual Sunday Times Top Schools Survey will be published as a supplement to next week's edition. Identifying some of the secondary schools which are producing excellent all-round results, the survey celebrates their achievements.

For the first time, awards worth R90 000 sponsored by the Liberty Life Foundation will be made to the winning schools.

The name of the winner of the Liberty Life-Sunday Times Award for Achievement in Education and our four runners-up will appear in next week's survey. Turn to page 12 to read about the changing demographics of school life in South Africa.



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ST (NT) 6/9/98 (252)

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*'All the justifications are based on prejudice, the very thing the Constitution is there to prevent'*

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# Amnesty bid for 1994 PAC attack

ARG 7/9/98 (253)

JOHN YELD

ON THE TRUTH COMMISSION

A member of a Pan Africanist Congress "task force" who took part in an attack in which three alleged gangsters were killed in Old Crossroads in March 1994 today asked the Truth Commission for amnesty.

Mandla Maduna, 32, is serving 35 years in Victor Verster prison after being convicted on three counts of murder and two of attempted murder, and for the unlawful possession of arms and ammunition. Maduna told the commission's amnesty committee that he had joined the PAC in 1991, and had become a member of the "task force" in 1992.

The task force had been responsible for protecting PAC members, and he was told that these members were being attacked by gangsters. The PAC's regional commander, Sipiwe Mkweso, had instructed a group of the task force, led by one "Teenage", to attack a house in Old Crossroads.

They had been supplied with two



LEON MULLER

Mandla Maduna: PAC task force in 1992

Uzzi submachine guns and a pistol by a man known to him as Victor Sam.

Maduna, who was a taxi driver at the time, said he had not known who the house belonged to or who the alleged gangsters were.

"When we got to the house Teenage instructed me to follow him into the house and, once inside, to

shoot at the people in the lounge without going into the rooms. He opened the door and entered, I followed. He started shooting at the right-hand side and I followed, shooting at the left-hand side."

Maduna said they had been confronted by police soon after leaving the house. He had been arrested, but his two companions – Teenage and one "Come Again" – had managed to run away.

Lloyd Fortun, appearing for the families of the victims, suggested to Maduna that the conflict in Old Crossroads at the time had been between the ANC and squatter leader Jeffrey Nongwe, a former ANC member who had been expelled.

"It was basically a power struggle," he suggested.

Maduna responded that he had not known about this conflict, although he knew Mr Nongwe had been a leader of a section of the Old Crossroads community.

He denied only joining the PAC after he had been sentenced.

The hearing continues.



# TRC warns of prosecutions

(252)

**PERPETRATORS** of gross human rights violations during the apartheid era could be purged from public office. Those who have chosen not to apply to the Truth and Reconciliation Commission for amnesty will be referred to the National Director of Prosecutions. **ROGER FRIEDMAN** reports.

**B**UT NESS the likes of P W Botha and Winnie Madikzela-Mandela can convince the Truth and Reconciliation Commission (TRC) within the next few weeks that they have been wrongly implicated in the perpetration of gross human rights violations, they could be named to their detriment in the commission's final report and face criminal prosecution as a consequence.

Minister of Justice Dullah Omar told the *Cape Times* on Saturday that the government would be guided by the recommendations contained in the final report, which is due to be handed to President Nelson Mandela on October 29. But, Omar said, "Those who do not obtain amnesty or did not apply will have their matters referred to the National Director of Prosecutions."

Botha and Madikzela-Mandela are among about 200 South Africans who have received letters from the commission in the past three months warning them that a negative finding could be made against them in the TRC's final report and inviting them to respond. Commission spokesperson Vuyani Green said yesterday that notices had been sent to people across the political spectrum and "quite a number" had replied. Their responses would be considered by the commission before it reached a "final finding."

The *Sunday Times* reported yesterday that the commission had dispatched letters to, among others, Botha, Madikzela-Mandela, Ronnie Kasrils, Magnus Malan, Jannie Geldenhuis, Constand Viljoen and Tienie Groenewald.

Head of the commission's research department, Charles Villa-Vicencio, said on Friday that the commission was considering what recommendations to include in its final report, including whether it would make any recommendations on prosecutions. He said there was a school of thought that believed the commission should not leave the nation a lingering legacy.

Omar said he expected the commission's recommendations to "cause pain to people across the spectrum of society, including the liberation movement." It would be necessary pain to help build a human rights culture and prevent any repetition of state-sponsored violence and lawlessness, he said.

"It is important to establish the rule of law, and the rule of law would imply that every single individual must be accountable for his or her actions. To establish rule of law, gross violations of human rights have to be dealt with."

"Amnesties will be respected where they have been granted. But it will be necessary to look at what positions the recipients of these amnesties occupy in state or civil institutions. The public office that people hold will certainly come into play, I think the public will demand that there is no reason why the commission cannot make recommendations regarding guidelines on this issue."

Dumisa Nisebeza, head of the TRC's investigative unit, confirmed yesterday that he had sent a number of the notices, including that sent to Madikzela-Mandela. He said that while he could not pre-empt the commission's recommendations, he believed, "the only reason that there will not be prosecutions will be lack of political will."

"My personal view is that if people haven't applied for amnesty, then the law is very clear. These people have decided, consciously, to run the gauntlet of prosecutions. They must be prosecuted. People must go to jail if they have committed crimes."

"The legacy of impunity will never be obliterated in South Africa if people think they can get away with crimes," Nisebeza said.

Rapport yesterday reported under the banner headline, "TRC wants its own Nuremberg", that F W de Klerk had also received notification from the TRC.

The newspaper quoted former defence minister Malan, saying he had been found "skuldig" (guilty) of gross human rights violations for the Kwa-Makhuta massacre, despite a High Court acquittal. It quoted Groenewald as saying the letters would probably lead to Nuremberg Trial-style proceedings, which were all part of "Marxist

planning". The TRC resulted from a compromise agreed by politicians in the run-up to the first democratic elections in 1994. The most powerful negotiating parties were the ANC, which advocated trials for apartheid criminals, and the NP, which advocated a blanket amnesty.

The essence of the compromise they reached can be found in the commission's amnesty committee. In exchange for telling "the truth" about gross human rights violations they perpetrated, applicants of all political persuasions could obtain amnesty from criminal or civil prosecution.

Amnesty was the carrot to encourage people to participate in the commission's work, to inform the country where things went wrong on all sides of the apartheid divide by telling the truth. "Reconciliation through truth," was a popular TRC slogan.

But if the amnesty process was the carrot, the criminal justice system was always the stick. Amnesty was a voluntary process, and if the criminal justice system wasn't there as a back-up, hardly anyone would have applied. In fact, many people applied only after realising the commission was onto them.

# Winnie, Kasrils, PW warned about 'damaging' TRC reports

Winnie Madikizela-Mandela is among 200 people warned that the final report of the Truth and Reconciliation Commission into apartheid-era crimes could "damage" them, the Sunday Times reported.

Ex-president P W Botha was among those served TRC notices about the potentially damaging findings, chief investigator Dumisa Ntsebeza told the newspaper.

An interim version of the report will be handed to President Mandela at the end of October, summing up more than

two years of investigations into human rights violations committed during the struggle against apartheid.

Ntsebeza said the report could include findings also damaging to Deputy Minister of Defence Ronnie Kasrils and the heads of the apartheid security forces.

He said those who had been served notices could respond and the TRC would possibly change the final report.

Changes would be considered on the basis of written replies and without further

hearings, he said.

Madikizela-Mandela appeared before the commission in December for nine days of hearings into her involvement in 18 cases of human rights abuses, including murders, torture and assaults in Soweto between 1986 and 1989.

She denied all the allegations of abuses, said to have been committed while she was married to Mandela, who was then still in prison.

Botha, now 82, has been implicated by several TRC witnesses in ordering attacks on

anti-apartheid activists and organisations during his presidency between 1978 and 1989.

Kasrils testified about his role in inciting protesters against the former Ciskei administration in a march in September 1992. Soldiers opened fire on the marchers, killing at least 24 people.

The TRC held its final plenary session into human rights violations last month.

Its amnesty committee will continue holding hearings until June, after which the final report will be compiled. - Sapa-AFP

(252)

Star 7/9/98



## Truth body to hear about Ruth First's murder

Stephané Bothma

(252)  
20 8/9/98

PRETORIA — Crimes committed by SA security forces in foreign countries in the 80s will come under the spotlight before the truth commission today when former policemen confess to bomb attacks that killed anti-apartheid activists and destroyed property.

So-called "superspy" Craig Williamson and former police general Johan Coetzee are among eight policemen seeking amnesty for the 1982 bombing of African National Congress (ANC) offices in London. The others are Lt James Taylor; intelligence operative John Louis McPherson, explosives expert Roger Raven; Lt John Adam; former technical services head Wynand du Toit; and the former Vlakplaas C10 unit commander, Col Eugène de Kock.

Coetzee is the highest-ranking officer among the police officers appearing.

Details of the parcel bombs that killed Ruth First, wife of the late SA Communist Party leader Joe Slovo, in Mozambique, and Jeanette Schoon and her daughter Katrijn in Angola, are expected to emerge.

Williamson and Raven have also applied for amnesty for the murder of First and the attempted murder of Slovo in Maputo in 1982.

The amnesty hearings are expected to run for three weeks.

□ Sapa reports that a Pan Africanist Congress (PAC) "task force" killed three Old Crossroads men in 1993 because they were linked to a gang that had allegedly attacked members of the organisation, an amnesty hearing was told yesterday.

Mandla Maduna, who was jailed for the killings, said in an affidavit read out at the truth commission hearing in Cape Town all the political structures of the PAC at that time were concerned that members of the organisation were being attacked by gangsters.

# PW's man: Bomb

## Le Grange told cops to blast London

(252) ART 8/8/98

**JOHN YELD**  
ON THE TRUTH COMMISSION

Pretoria - P W Botha's government ordered the "symbolic" bombing of the London office of the African National Congress in March 1982 to demonstrate the "serious risks" of continuing to allow the ANC to operate from Britain, the TRC heard today.

This was evidence given by former police commissioner Johann Coetzee at an amnesty committee hearing.

The bombing was also a retaliation for the "heavy involvement" of two British subjects who had provided help to ANC guerrillas who attacked SA Defence Force headquarters at Voortrekkerhoogte with rockets in 1981, he said.

General Coetzee was testifying at the start of a hearing in the Idasa Centre here in which he and nine other former security police are seeking amnesty for apartheid-era crimes ranging from letter-bomb murders and attempted assassinations to the bombing of buildings.

One of these incidents was the bombing of the ANC's offices in Penton Street, London. No one was injured in the attack, but the offices were severely damaged.

The others seeking amnesty for this incident are so-called superspy Craig Williamson, Lieutenant James Taylor, intelligence section operative John Louis McPherson, explosives expert Roger Raven, Lieutenant John Adam, the then head of the SA Police technical services, Wybrand du Toit, and convicted murderer Eugene de



**Gave orders:** Louis le Grange  
**Amnesty applicant:** Johann Coetzee

Kock, who later headed the notorious Vlakplaas unit. At the time, General Coetzee was head of the security police.

General Coetzee, the second apartheid-era police commissioner to apply for amnesty - following his successor, General Johann van der Merwe - told the amnesty committee that he and the then police commissioner, General Mike Geldenhuys, had been told in early 1982 by police minister Louis le Grange that the government had decided to demonstrate to the British government that it was seriously risky to allow the ANC to continue operating there.

This instruction had been firm. "The Government has decided," Mr Le Grange had told them.

General Geldenhuys had objected, saying there was an overwhelming risk in sending serving police on a secret mission to Britain, which had an efficient "peace force", with anti-terrorist units operating effectively against the Irish Republican Army.

"Minister Le Grange was, however, adamant, and subsequently Brigadier P Goosen was identified as leader of the contemplated mission," said General Coetzee. "As his second-in-command, he chose Major Craig Williamson, a natural choice because of his experience and background." General Coetzee said he did not know which government colleagues Mr Le Grange had consulted about the attack.

"I, however, got to know the minister very well afterwards, especially as commissioner, and I am positive that he would never have sanctioned such a mission of his own accord, a mission which, if a failure, certainly would have terminated his career. "Neither did I know whether discussions took place within the State Security Council regarding this matter."

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# TRC warns hundreds over rights violations

JOHN YELD  
ON THE TRUTH COMMISSION

ARG 8/9/98 (252)

Several hundred people from across the political spectrum have been asked by the Truth Commission to respond to possible findings that they have been implicated in gross human rights violations.

They include members and former members of the National Party, African National Congress, Pan Africanist Congress, Apla (Azanian People's Liberation Army) and the Inkatha Freedom Party. There is no question that any particular political grouping has been singled out, says the commission's head of research, Charles Villa-Vicencio.

"Undoubtedly, these notices have gone right across the political spectrum," he said today. His comments follow an outcry in the Afrikaans media at the weekend, in which claims were made that the notices, sent by the commission during the past two weeks, would herald Nuremberg-type trials for

political opponents of the ANC

Among those reported to have received notices are former presidents PW Botha and FW de Klerk, IFP leader Mangosuthu Buthelezi, and senior ANC members Winnie Madikizela-Mandela and deputy Defence Minister Ronnie Kasrils. Professor Villa-Vicencio said today the commission's final report was ready in a "penultimate form".

"So we're actually now in a position to contemplate findings."

In terms of an Appellate Division ruling from 1996, the commission was required to give people who could be adversely affected in any way – such as a finding that they had been involved in gross human rights abuses – an opportunity to respond.

The Truth Commission's founding act makes provision for amnesty to be granted if a range of criteria – including full disclosure – is met. But it makes clear that those who either did not apply for amnesty or who were refused amnesty for any reason, are still liable for prosecution.

# Security police 'torturers' targeted in Wimpy blast, MK unit commander

278/9/98

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## THEMBA SEPOTOKELE

**JOHANNESBURG:** A Benoni, East Rand, Wimpy Bar was bombed in July, 1988 because it was a meeting place for security branch torturers who "inflicted pain" on imprisoned ANC activists, a former Umkhonto weSizwe (MK) commander told the Truth and Reconciliation Commission yesterday.

Ernest Sigasa, who headed the guerrilla army's Johanes Nkosi Unit, told the TRC's amnesty com-

mittee that his unit had monitored the restaurant for some time before placing a limpet mine there. One civilian was killed and 66 other people injured in the attack.

Among the estimated 100 people who attended the hearing in the Benoni town hall was Vic Serrano, whose daughter Mary Anne was the only person killed in the blast. Serrano listened attentively and occasionally nodded his



head during the testimony. A small group of Freedom Front Youth displayed gory photographs portraying the death and destruction caused by the explosion.

Sigasa said he did not regret having executed an action aimed at security personnel. "It was not ANC policy to target innocent civilians, but we targeted Wimpy because the top brass from the Benoni police and their coun-

terparts frequented the place. People who were inflicting terror on our activists in prison were the first target. Civilian casualties were

inevitable and where life is lost — whether black or white — it is a shame," Sigasa said. Sigasa, who is now a business-

man, said while he had not planted the limpet mine, he was party to the decision to plant the bomb. The hearing continues. Sapa

claims



# Parcel bombs under the TRC spotlight

(252)

*Sowetan 8/9/98*

By Claire Keeton

PARCEL bomb-attacks in neighbouring countries and the bombing of African National Congress offices in London will be put in the spotlight for the first time at amnesty hearings of the Truth and Reconciliation Commission in Pretoria today.

Ten former security policemen, including former police general Johan Coetzee, have applied for amnesty for the attacks in the 1980s.

Among the attacks are the parcel bomb murder of Ruth First in Maputo in 1982. First was the wife of late SA Communist Party leader Joe Slovo and a prominent anti-apartheid leader.

Notorious "superspy" Craig Williamson and explosives expert Roger Raven have applied for amnesty for First's death and for the attempted murder of Slovo.

Former Brigadier William Schoon, Izak Daniel Bosch, Williamson and Raven have applied for amnesty for the killing of Jeanette Schoon and her daughter Katryn in Angola, and for the attempted murder of her husband Marius.

## External operations

"These hearings will expose the viciousness and callousness of the former government against its opponents," TRC media officer Mr Mbulelo Sompetha said yesterday. "They are important for clarity about the extent and intensity of the external operations of the former government."

"They will expose the elimination of anti-apartheid activists, not only from the ANC but of anyone opposed to apartheid."

Eight policemen are seeking amnesty for the London bombing of the ANC office in 1982, including Coetzee, Williamson, Raven, Lieutenant James Taylor, intelligence operative John Louis McPherson, Lieutenant John Adam, former head of technical services Wybrand du Toit and convicted apartheid hitman former colonel Eugene de Kock.

ANC spokesman Thabo Msebe said the hearings were likely to corroborate many of the ANC's suspicions about external operations by the apartheid government.

## Diplomatic bags

Williamson and De Kock have already revealed a few details about the bombing at earlier TRC hearings, such as the use of diplomatic bags to prepare the attack.

"For the first time the amnesty hearings will reveal the cooperation between the anti-apartheid government and agents from other countries or movements," said Sompetha.

He said De Kock would testify that an agent of Unita delivered the bomb that killed Jeanette Schoon and her child in Angola.

"There were elements in Britain that worked with the apartheid police. This will be explained in the testimony," Sompetha said.

Msebe said the TRC had gone a long way to exposing the external operations of the apartheid government, not only concerning bombings but also raids on neighbouring countries.

The amnesty panel comprises Judge Andrew Wilson, Advocate Chris de Jager and Mr Johannes Sibanyoni. The hearing will be held at the Idasa Centre in Pretoria.

# Wimpy bombed to hit at

## Security branch torturers

BY THEMBA SEPOTOKELE

*Spaw 8/9/98 (252)*

A Benoni Wimpy Bar was bombed in 1988 because it was a meeting place for security-branch "torturers" who "inflicted pain" on jailed ANC activists, a former Umkhonto weSizwe commander told the Truth and Reconciliation Commission yesterday.



Former MK member Ernest Sigasa, who headed the guerrilla army's Johannes Nkosi unit, told the TRC's amnesty committee that his unit had monitored the restaurant for some time before placing a limpet mine there. One civilian was killed and 66 other people were injured in the attack, which took place on a Saturday afternoon in July 1988.

Among the 80-odd people who attended the hearing in Benoni's town hall was Vic Serrano, whose daughter Maryanne was the only person killed in the blast. Serrano listened attentively and occasionally nodded his head during the testimony. Safety and Security Minister Sydney Mufamadi attended the hearing to give moral support to the MK members.

A small group of Freedom Front Youth displayed gory photographs portraying the death and destruction caused by the explosion. Sigasa said that while it was regrettable that innocent people

died in the attack, he did not regret having carried out an operation aimed at security personnel.

"It was not ANC policy to target innocent civilians, but we targeted Wimpy because the top brass from the Benoni police and their counterparts frequented the place. People who were inflicting terror on our activists in prison were the first target."

"Civilian casualties were inevitable, and where life is lost, whether black or white, it is a shame," Sigasa said.

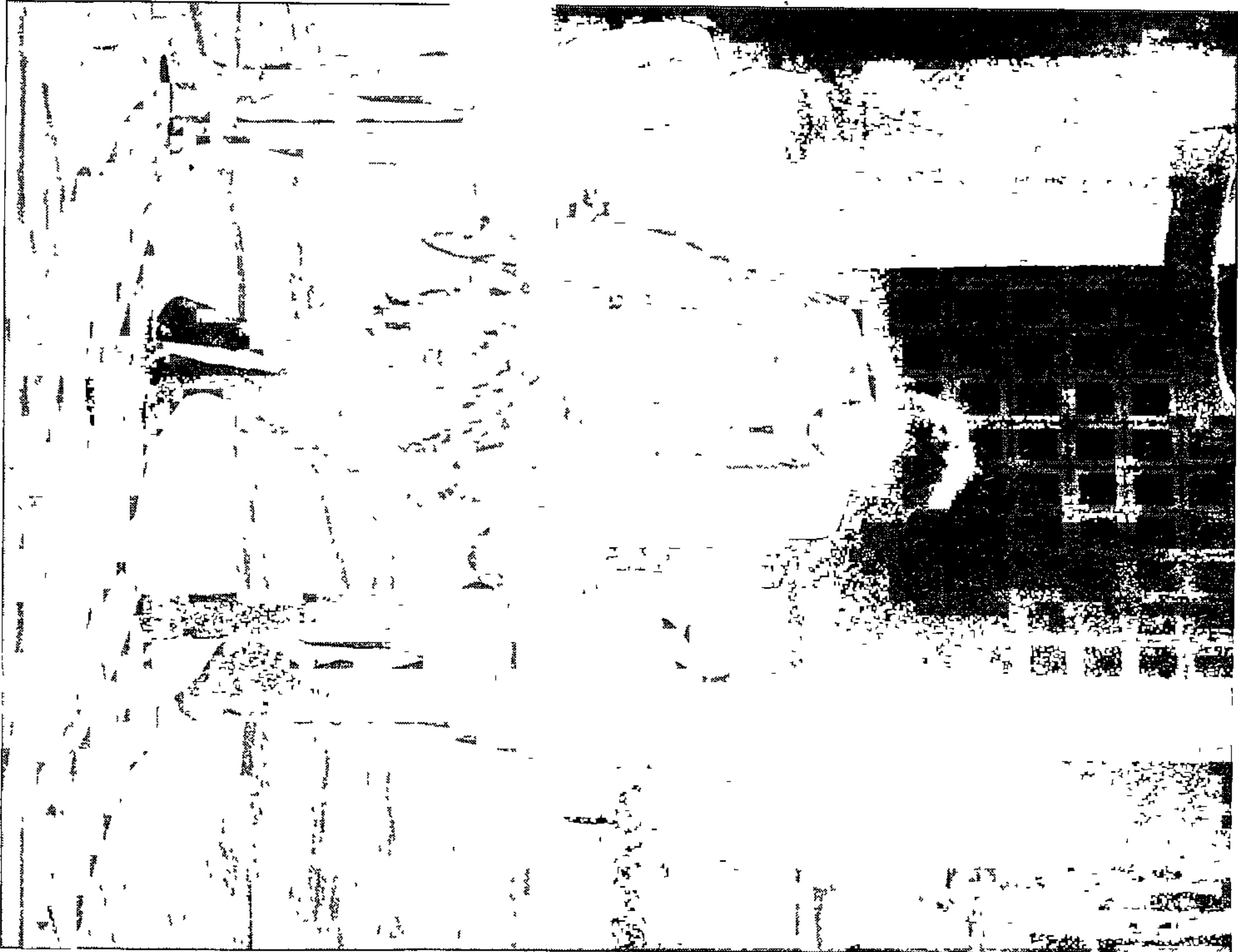
He said Elgas Ndhlovu, a fellow applicant, had monitored the Wimpy and kept tabs on police officers and security branch members who dined and held meetings there.

Sigasa, who is now a businessman, said that while he had not planted the limpet mine, he was party to the decision to plant the device.

Second applicant Tebogo Kebothale, now a senior North West government employee, in his brief testimony said he agreed with everything his commander (Sigasa) had told the commission.

Kebothale is also applying for amnesty for the bombing of the Katlehong railway line, attacks on police barracks and councillors' homes, ambushing of a constable and an attack at a "whites-only" bus terminus. The hearing continues today.

BERNARD GUZENHAUSER



Flashback... three people injured in the Wimpy Bar blast, photographed shortly after the attack in 1988.

*Handwritten mark resembling a stylized 'S' or '8'.*



# Le Grange 'gave direct order for strike on

Stephane Bothma

PRETORIA — Former police minister Louis le Grange had given a direct order to strike at the African National Congress (ANC) in the UK, former police commissioner Johann Coetzee said yesterday.

Coetzee, who applied for amnesty for the crime committed by SA policemen on foreign soil, yesterday told the truth commission's amnesty committee that the bombing was partly a retaliation after an ANC rocket attack on Voortrekkerhoogte in which British citizens residing in SA provided support to the ANC cadres.

Although he had no personal knowledge to support his belief, Coetzee said he was of the opinion that then state president PW Botha had given the order that the ANC offices in London be bombed.

"I doubt whether Le Grange would have decided upon the operation on his own," he testified, adding that the now dead minister "would have been very careful not to damage his own political career."

"The money that was necessary for carrying out the operation came from the National Party (NP) government," he said.

A plan to bomb the SA Communist Party (SACP) offices in London had been called off because of danger to public lives, the commission was told.

The amnesty hearing, in which Coetzee is one of eight policemen confessing to the bombing, is being attended by Scotland Yard detective Inspector Kim Durham, who has been investigating the crime for years.

Coetzee, who was security branch chief at the time of the bombing, said then police commissioner, Gen Mike Geldenhuys, had

been dead set against striking at buildings in the UK.

"Le Grange was, however, adamant about this matter," the commission heard.

"I wish to make it quite clear that the objective of the attack was not the British government, but the ANC/SA Communist Party."

"The secondary accomplishment of demonstrating to the British government SA's disenchantment at allowing the ANC to operate from its soil, was a bonus."

Coetzee said government also wanted to demonstrate to the ANC and the SACP that the organisations were vulnerable in the UK.

Although Coetzee gave no details of the bombing, truth commission documents state that the bomb had been prepared by security policeman Gerry Raven and had

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been sent to London via diplomatic bag. Once in London, the explosives were delivered by Joe Klue of SA military intelligence to an operative, Peter Caselton, for safe-keeping. Others involved in the bombing were police spy Craig Williamson, former Vlakplaas commander Eugene de Kock and security policemen John Adam, James Taylor, Vic McPherson and police technical services chief Wald du Toit.

Coetzee received a coded message from London after the bomb attack on March 14, in which no injuries or deaths occurred.

"The chicken has hatched," Coetzee was told by Williamson.

The message was conveyed to Le Grange, who later decorated the policemen with medals which only Le Grange could bestow. The medal ceremony was attended by Coetzee and also by Geldenhuys.

Coetzee said nobody ever questioned him about the bombing.

Coetzee, who had been security branch chief since 1980, became police commissioner in July 1983 and remained in that position until his retirement on June 30 1987, said the London bombing was the only incident for which he had applied for amnesty. However, he admitted in cross-examination by George Bizos, SC that he had been involved in three other cross-border operations authorised by the State Security Council — attacks in Gaborone in Botswana, in Maputo in Mozambique and in Lesotho. Coetzee supplied no details.

Responding to a question whether there was any mention of murders, attempted murders, conspiracy to murder, torture or any gross human rights violation in his application, Coetzee answered: "No."

The amnesty committee will later this week also hear the applications by policemen claiming responsibility for the murder of Ruth First, the wife of former SACP leader Joe Slovo, and for the murders of Jeanette Schoon and her six-year-old daughter, Katryn. They were all killed by parcel bombs mailed by the police in the early 1980s.

Schoon's husband, Marnus, and their teenage son, Frits, and First's daughters, Shawn, Robyn and Gillian Slovo, who are opposing the amnesty applications, attended yesterday's hearings.

Pik Botha, who had been informed by the amnesty committee that he was being implicated in some of the crimes, and former law and order minister Adriaan Vlok, also attended.

The hearings continue today.

# ANC office in UK



# Ruth First murder

Limpet mine victim 'can't

forgive' four

MK bombers

OWN CORRESPONDENT

## 'Should never have happened'

ART 9/9/98

JOHN YELD  
ON THE TRUTH COMMISSION

The letter-bomb murder of academic and anti-apartheid activist Ruth First by South African security policemen was a "mistake" that should never have happened.

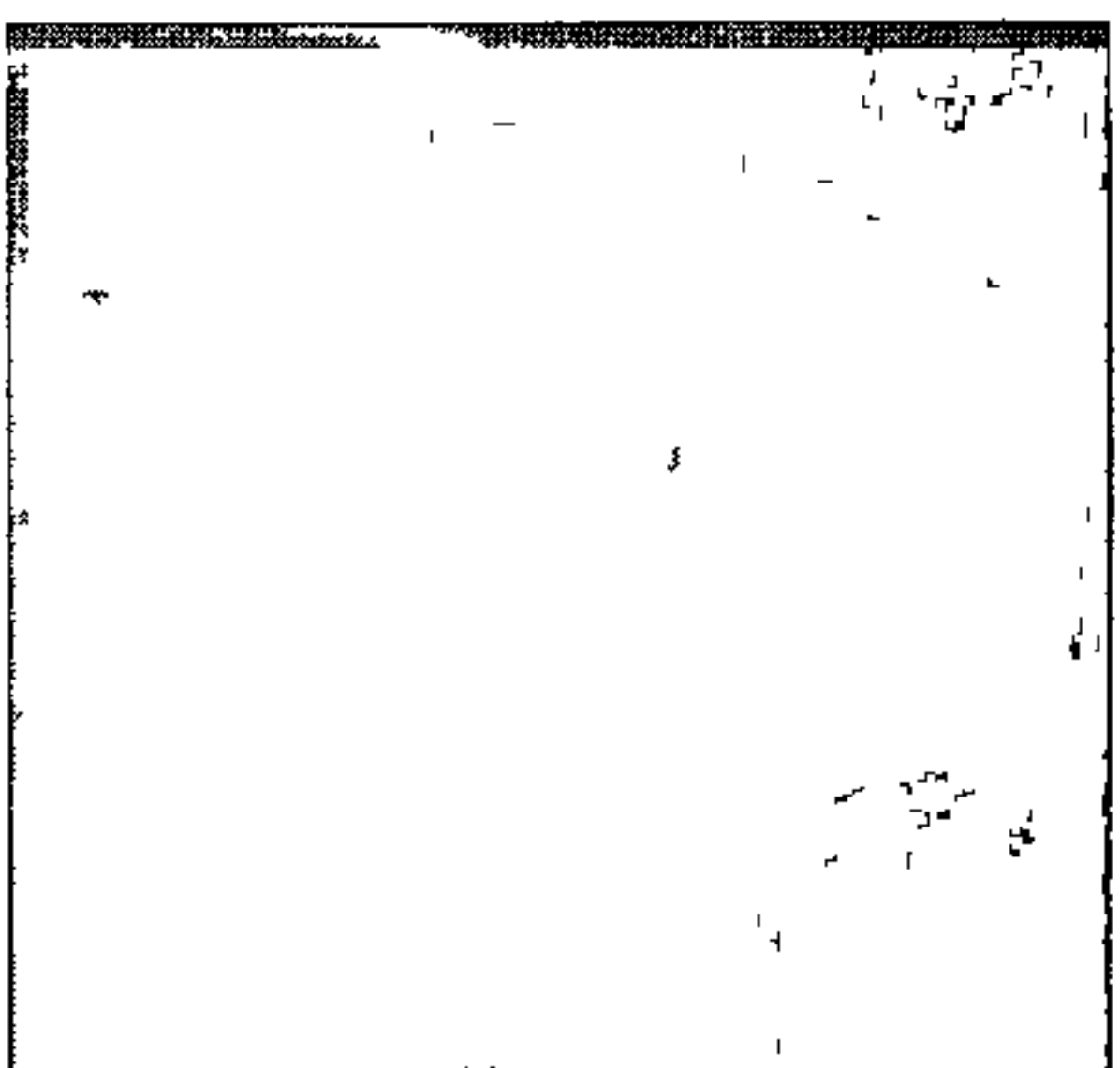
This was testimony to the Truth Commission amnesty panel by former police commissioner Johann Coetzee today

Two former security policemen – so-called "superspy" Craig Williamson and explosives expert Roger Raven – are applying for amnesty for the murder of Ms First, wife of SA Communist Party leader and Umkhonto weSizwe commander Joe Slovo, in Maputo in August 1982

General Coetzee, who was head of the security police at the time, told the committee today "The case of Mrs Slovo, I personally would never, ever have acquiesced to, for personal reasons. As far as I was concerned, it should never have happened"

General Coetzee said he had personally known Ms First and, because of his security police duties, knew all about her life-long involvement in "leftist politics" and the SA Communist Party "I still would not have authorised that bomb," he said

He flatly denied giving orders to kill Ms First, and said it was only 10 years after his retirement that he had learned that South African agents had been involved in her death and in



Ruth First: 'life-long leftist politics'

the 1984 letter-bomb murder of Jeanette Schoon and her seven-year-old daughter, Kathryn, in Angola

General Coetzee was then asked by advocate George Bizos SC, appearing for the Slovo family, how it had been possible for two of his junior officers – Mr Williamson and his immediate superior, Piet Goosen – to have "gone behind his back" and arranged the murder of Ms First

Mr Bizos said "These two junior policemen in your office made elaborate plans to obtain explosives, to enlist the help of other policemen, to subvert the postal authority, to manufacture a bomb, behind your back"

During an often heated and acrimonious cross-examination, Mr Bizos pointed out that in his amnesty application, Mr Williamson claimed

that Colonel Goosen – known as "Biko" Goosen because of his role in the death in detention of black consciousness leader Steve Biko – had authorised the murder of Ms First

Colonel Goosen is now dead

Mr Bizos asked General Coetzee to explain how Mr Williamson and Colonel Goosen would have had confidence that their police careers would not have been "in ruins" if he (General Coetzee) had discovered that they had gone behind his back and acted without his authority

General Coetzee responded that he would have disciplined or possibly even charged the two men if he had known about their involvement

He said it was possible that, because of the prevailing political climate, the two might have believed they had the necessary authority

"They may have, I don't say they did, I don't know How they interpreted it, analysed it, and eventually decided to act – that was their affair"

Mr Bizos suggested that General Coetzee and Mr Williamson were covering for each other, and that Mr Williamson would never have acted without General Coetzee's orders

"We are in possession of evidence, which I will put to this witness which will show clearly that Mr Williamson, who admits he killed our clients, would hardly ever have done anything against the wishes of his mentor, General Coetzee," said Mr Bizos

Facing up to the agonies, page 10

Pretoria – Amanda Jane Clementson was 14 years old when a limpet mine ripped through the Wimpy Bar in Benoni where she was sitting on a Saturday afternoon in July 1988.

She, dad Alfred and his fiancée had just ordered lunch when a bomb exploded, killing one person and injuring 66

Miss Clementson, now 24, said "I cannot forgive or forget because my whole life has been ruined I cannot bear children, I cannot work and I cannot keep a relationship

"I have nightmares and I can still lose my leg because of the injuries" She said she had been undergoing surgery for the past 10 years

She and Vic Serrano – whose daughter, Maryanne, was killed – yesterday opposed the amnesty application of four former Umkhonto weSizwe cadres who have taken responsibility for the attack They are Eifus Ndlovhu, Tebogo Kebothale, Molwedu Mokwena and Ernest Sgasa

Miss Clementson and Mr Serrano told a Truth and Reconciliation Commission hearing yesterday that the attack was not politically motivated because Ndlovhu said he had not seen any member of the security branch in the restaurant at the time

Joseph Elias Makhura, Frans Ting Ting Masango, Obed Masina and Neo Potsane, former members of Umkhonto weSizwe's Special Operations unit, were granted amnesty on Monday for the 1986 murder of one of Bophuthatswana's feared policemen, Brigadier Andrew Molope



# Apla commander says he ordered Eikenhof ambush

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(252)

A FORMER Gauteng commander of the Azanian People's Liberation Army (Apla) told a truth commission amnesty hearing in Kibler Park, Johannesburg, that he ordered the Eikenhof ambush in the Vaal Triangle in March 1993, when a woman, Zandra Mitchely, and two children were killed in a car.

Committee chairman Denzel Potgieter said the amnesty committee had been approached by the Johannesburg High Court to set aside Dolo's amnesty application in relation to Eikenhof, pending certain court proceedings.

The African National Congress has approached the high court to take the matter on review after evidence emerged that apparently implicated former Apla operatives.

Three ANC cadres, Siphso Gavin, Siphwe Bholo and Boy Ndwendi, were sentenced by Judge Curlewis to lengthy jail terms in 1994 for the Eikenhof attack.

Dolo also testified that he ordered and led an ambush in Soweto in May

1993 in which a policeman was killed.

Dolo said the attack was in response to a police swoop on the Pan-Africanist Congress offices a few weeks earlier. Truth commission spokesman Vuyani Green quoted Dolo as saying, "We regarded the raid as a act of aggression by the security police, and I ordered units under my command to identify and attack any police station or member of the security establishment."

Dolo is serving a life sentence for murder, attempted murder, and illegal possession of arms and ammunition, and explosives.

Const Jacob Mabaso was killed and Const Edward Nelushi was wounded in the ambush.

Dolo said he commanded the ambush with three other Apla operatives. He said he fired several shots with an R-4 rifle at a police vehicle before he and his accomplices escaped in a getaway car.

Nelushi told the committee he would not oppose Dolo's application for amnesty — Sapa.

## HRC job candidates examined

David Greybe

CAPE TOWN — The Human Rights Commission (HRC) should help to establish local pressure groups in rural SA to promote a human rights culture, Gladstone Baai, director of ethics at the Public Service Commission, said in an interview yesterday

Baai is one of 10 candidates for three vacant posts at the commission. A parliamentary ad hoc committee also interviewed Lindelwa Ntutela, currently working on a joint justice ministry and commission of equality legislation project, and Richard Lyster, a member of the truth commission

Interviewing continues today

Baai said human rights should be introduced as a subject at schools, beginning at primary level. It should also be taught at "Sunday schools" and in trade unions

With SA not having had a human rights culture for the past 300 years, new ways had to be found "to bring it back to our people"

When looking at the issue of human rights in SA, Baai said he did not dis-

(252)  
tinguish "between black and white, but between the well off and the poor" — which led to a distinction between urban and rural areas.

He said the need to establish pressure groups in rural areas was linked to the fact that some of the most pressing human rights issues, such as the plight of elderly women and the practice of witchcraft, were found there

Ntutela said it was important that HRC members strike "a balance between theory and practice", between working in their offices and being out in the field

Lyster strongly dismissed allegations by Inkatha Freedom Party MP Sue Vos, that in his work at the truth commission he had shown "bias" against the IFP because of a "refusal" to investigate allegations of intimidation by the African National Congress.

He said the truth commission had thoroughly investigated the allegation and "unanimously" concluded that there had been no bias against the IFP

Lyster said that he had never been a member of, or affiliated to, any political party or organisation



## Bar council action within constitutional bounds

(252)  
Jonny Steinberg

2016/9/98

THERE is nothing in the constitution which prevents SA bar councils from bringing disciplinary proceedings against independent advocates who break the bar's rules, the Constitutional Court ruled yesterday.

However, the Constitutional Court did not rule on whether the law which bars advocates from accepting briefs directly from the public without referral from an attorney violates advocates' right to free economic activity.

The court ruled that this matter should be heard by the appeal court first.

The applicants in the case, J de Freitas and the Independent Association of Advocates of SA, were seeking leave to appeal against a high court ruling that De Freitas acted unprofessionally in accepting instructions from members of the public without the intervention of an attorney.

That advocates receive clients only via the referral of an attorney has been a rule of SA bar councils since 1964.

The applicants argued that it was unconstitutional to bind independent advocates to the rules of the bar council, an association to which they do not belong.

However, Judge Pius Langa pointed out that the referral rule was in fact a rule of the court and not the bar council.

De Freitas also argued that since attorneys were given the right to appear in court in 1995, the referral rule effectively forced advocates to rely on a competitor for work. The rule thus violated advocates' right to practise their profession.

The Constitutional Court did not consider the merits of this argument.

# Williamson 'did not deliberately target child'

Stephané Bothma

PRETORIA — Apartheid spy Crag Williamson, who confessed to ordering the manufacture of a parcel bomb which killed a six-year-old girl in 1984, told the truth commission's amnesty committee yesterday he had never deliberately targeted the innocent.

"I am sorry. What I did was wrong, but at the time I believed my actions were justified," Williamson testified. He is applying for amnesty for the killing of anti-apartheid activist Jeanette Schoon and her daughter, Sa-lryn, 6, in Angola in 1984. He also confessed to being guilty of the killing of Ruth First in Mozambique in 1982.

Williamson's amnesty application for the killings is being opposed by Schoon's husband, Marnus, and her teenage son Fritz, who are attending the hearings. First's daughters are also opposing the application.

Last month Williamson sought an assurance from Justice Minister Dullah Omar that he would not be extradited for the murders or for the 1982 bombing of the African National Congress (ANC) offices in London.

"If such assurances are either not forthcoming at all or in any way qualified, then the nature of Williamson's preparation (for his amnesty application) could well change depending upon what circumstances require," Williamson's lawyer, Allan Levin, wrote to Omar.

Omar replied in writing that no as-

surance could be given. Government had to meet its international obligations and consider each application for extradition on its merits.

Williamson told the committee his now deceased commanding officer, Brig Piet Goosen, ordered the parcel bombings, while former security police chief and later police commissioner Gen Johann Coetzee ordered the London bombing after being told by then Police Minister Louis le Grange to do so.

"To question an order from a person one rank above you would have been dangerous, but to question an order from a minister would have been suicide," Williamson said. He believed that all his actions taken during his years as a security policeman had the approval of his superior officers.

To his knowledge, the deaths of the Schoons and First were never questioned by any superior officer or by any National Party government member.

To support his application, Williamson showed video footage of the necklacing of Maki Skosana in Duduza on the East Rand in 1986. Committee chairman judge Andrew Wilson halted the screening, saying it depicted "scenes of mass brutality by crowds going mad" which had no relevance to the acts for which Williamson applied for amnesty, as the necklacing occurred after the bombings.

Williamson, who joined the security police as an undercover agent to spy on university students in the 1970s, left the police in 1985.

He will be cross-examined by George Bizos SC today.



# Escaped death at 2, but he has no mother

(257A)  
Mar 16/9/98

Williamson claims he did not know children were with their parents at the time

By SIMON ZWANE

One day in June 1984, two-year-old Fritz Schoon was with his mother Jeanette and elder sister Katryn when a parcel was delivered to their flat in Lubango, Angola. His father was away in the capital, Luanda, working for the ANC.

As Jeanette opened the parcel a bomb exploded, killing her and her daughter Katryn (6) instantly. Little Fritz miraculously escaped.

A report by the Cuban experts who investigated the scene of the blast could not show conclusively how Fritz had escaped but his father believes his son was "extremely lucky".

This week, 16 years later, Fritz sat with his arms folded in front of him, chewing gum, as the man who was involved in the conspiracy to murder his mother testified before the amnesty committee in Pretoria.

Fritz showed no emotion while his father furiously wrote down whatever the man behind the murder, Craig Williamson, was saying.

Next to them sat the three Slovo daughters, Shawn, Gillian and Robyn. Their mother, Ruth First, was also murdered in Mozambique by a letter bomb sent by the same man in 1982.

Unlike the three women who were much older when their mother was killed, and

knew her personally, Fritz has no memory of his mother.

The only thing he will ever know, which he will no doubt relate to his own children, is that his mother was killed by political demagogues who wanted to maintain an evil system of government at all cost.

Had Williamson not been uncovered as a spy for the government a couple of years earlier, Fritz would have grown up regarding him as a family friend.

**Fritz  
watched,  
showing  
no emotion**

Williamson had cultivated a close relationship with the Schoon family, while at the same time passing information about them to those who were plotting to kill them.

His relationship with the family dated from his student days at the University of Witwatersrand where he first met Jeanette Schoon, then Jeanette Curtis.

When the Schoons were put on trial by the apartheid government, Williamson fraternised with them to obtain information on their defence, which he allegedly passed on to the security police. Later, when they were in exile in Botswana, he visited

them and reported on their activities to his masters in Pretoria.

On Monday, Williamson said he regretted that little Katryn had been killed in the explosion. He said his information was not up to date and he had not known that the Schoons had taken their children with them from London to Lubango in Angola.

But Schoon said he would "never accept his apology because I can't believe him".

Williamson presented as a slimy and calculating character as he gave his carefully crafted evidence.

He showed no emotion when he described how he masterminded the assassination of Ruth First and Jeanette Schoon, two women who posed no military threat to the South African government.

But he fought tears when he explained his reaction to the news that Katryn Schoon had been killed by his bomb.

"When I was told that a child had been killed, it was like being hit with a bucket full of cold water," he said.

His reaction seemed to be a calculated move to convey to the amnesty committee that he was not a merciless murderer who did not care whether his victims were innocent children with no political understanding of the situation around them.

One of the requirements for amnesty is that the action carried out should be propor-

tionate to the objective sought. Williamson also carefully avoided implicating other people, although he presented himself as merely a footsoldier carrying out instructions.

The only people he implicated were Brigadier Piet Goosen, who he said gave him instructions and Warrant Officer Roger Raven, who actually manufactured the bombs.

Goosen has died and thus can not give evidence and Raven has already admitted

**Schoon  
will never  
accept his  
apology**

his involvement when he applied for amnesty.

But by virtue of his success in infiltrating the ANC and South African Communist Party, which earned him the title "super spy", it is unlikely that Williamson would have been simply a "foot soldier".

He had intimate knowledge of the ANC/SACP and made valuable input on the assessment of the security situation in the country. It is unlikely that he would not have been consulted before decisions on intended targets were taken, or that his advice was not sought on ways and means of achieving these ends.

# Omar gets go-ahead for new era of justice

CLIVE SAWYER  
POLITICAL CORRESPONDENT

ARG 16/9/98  
A new era of community participation in administering criminal justice is in the offing, after the final approval by Parliament of reform legislation.

The Magistrate's Court Amendment Bill, which will make it compulsory for a magistrate to be aided by assessors when hearing trials involving serious crimes, was approved unanimously yesterday by the National Council of Provinces (NCOP)

Crimes involved include murder, rape, robbery with serious bodily harm, assault with grievous bodily harm and indecent assault

Justice Minister Dullah Omar told delegates that ways had to be found to build the legitimacy of the justice system and improve public confidence in it

The co-operation of the community in administering justice was vital to combating crime successfully, he said. Involving the community through assessors would promote mutual understanding between judicial officers and society, Mr Omar said

Other legislation approved yesterday included the Sheriffs Amendment Bill, Magistrates Amendment Bill and Criminal Matters Amendment Bill

Mr Omar said the Sheriffs Amendment Bill would rationalise the profession by making 1986 legislation applicable to the whole country, including the former "independent" homeland territories

The composition of the Sheriffs Board was to be changed by the bill to make it more representative, and the disciplinary procedures for the board were to be streamlined

Mr Omar said the bill would allow more than one sheriff in a particular area, bringing in the free market principle by allowing competition among sheriffs.

Mr Omar said the Magistrates Amendment Bill created a new framework for court management, which would enable magistrates to be instructed which work to do, in which court to sit, to render judgments in a reasonable time and to attend training seminars

The Criminal Matters Amendment Bill tightens up rules on the declaration and detention of people as State patients under the Criminal Procedure Act



# Blast - then joke postcard from 'Craig' to Gill Marcus

JOHN YELD  
ON THE TRUTH COMMISSION

Pretoria - So-called superspy Craig Williamson sent Gill Marcus, later to become deputy finance minister, a postcard after he and other security policemen had bombed the African National Congress London office in 1982, saying: "Oh, you're still around?"

Ms Marcus was the ANC's information officer in Britain at the time. But Mr Williamson denied she was the target of the bomb.

This was evidence today at Mr Williamson's Truth Commission hearing, in which he and several other former security policemen are applying for amnesty for a series of bomb attacks, including the London bombing and the letter-bomb murders of anti-apartheid activists Ruth First in Maputo in 1982 and Jeanette Schoon and her six-year-old daughter, Katryn, in Lubango, Angola, in 1984.

Mr Williamson, who was second-in-

command of the squad which blew up the ANC's offices in London, said he did not remember sending Ms Marcus the postcard - signed "Craig" - but acknowledged he could have done.

"It would seem to be the kind of thing that could be done in the circumstances," he said, responding to questions by George Bizos SC, who is appearing for the Schoon and Slovo families.

Mr Williamson said he believed the bomb had been timed to detonate at 6am, with a "window of time up to 8 30am", on a Sunday morning, and that he would have been "extremely surprised" if Ms Marcus or anyone else had been killed or injured.

He denied that Ms Marcus had been the target of the attack, although he conceded he could not deny a claim by one of the other police seeking amnesty that the bomb had been set to detonate at 8 30am and had exploded half-an-hour later at 9am. Mr Bizos asked "Did you know that Gill Marcus had

To page 4

## Postcard from 'Craig' after bomb

From page 1

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a reputation of working at all hours of the day and particularly on Sunday mornings?"

Mr Williamson replied: "I would have admitted it if she was the target of this operation, and she was not the target."

He also denied he had attempted to lure present Transport Minister Mac Maharaj to another country, such as the Seychelles or Swaziland, where South African security forces would have had a better chance of assassinating him without serious political repercussions.

Mr Williamson said that while he had been operating as an undercover police agent in the late 1970s, he had infiltrated the ANC and had pretended to Mr Maharaj, then a senior Umkhonto we Sizwe commander), that he had been operating his own ANC cell in South Africa.

"There were no ANC members, I had only security branch forces in it," said Mr Williamson.

# AWB bombers motivated by

## 'racist hatred'

(257) ET 16/9/98

JOHANNESBURG: Ten Afrikaner Weerstandsbeweging (AWB) members who took part in an April 1994 bombing spree were motivated by "pure racist hatred against black people" and not political objectives, victims of the bombings and their relatives told the Truth and Reconciliation Commission (TRC) yesterday.

Rita Seako, whose cousin Thokozile Fani died in the Bree Street taxi rank blast in Johannesburg, told the TRC's amnesty committee hearing in Boksburg that she opposed the amnesty applications of the AWB men responsible for the spree because the attacks were racially motivated.

The men — Jacobus le Roux, Paulus Steyn, Jan de Wet, Gerhardus Fourie, Johannes Venter, Petrus Nel, Christoffel Fourie, Wilhelm du Plessis, Petrus Olivier and Abraham Vlok — claim they acted on the orders of AWB leader Eugene Terre'Blanche with the aim of disrupting South Africa's first democratic elections.

They have admitted to planting bombs at Johannesburg airport, the Bree Street taxi rank, the Germiston taxi rank and in Randfontein.

Seventeen people were killed and 42 injured in the attacks.

The AWB men are serving lengthy prison sentences for their crimes.

"I oppose the application on the grounds that the applicants have not told the truth. I believe that they acted out of pure racist hatred against black people," Seako said.

Fréeda Ngwenya, who was injured in the Bree Street attack in April 1994, said she was selling fruit and vegetables on the pavement when the bomb exploded.

She suffered severe injuries and regained consciousness five days later.

Ngwenya said an operation to reconstruct her jaw had failed.

"My saliva gland was damaged and had to be removed.

"I have a painful scar on my right thigh which makes it difficult to walk," she said.

"They (the applicants) just looked for black people to fight.

"I oppose the application and want them to remain in jail" — Sapa





**APOLOGETIC:** Former security police operative Craig Williamson, who yesterday apologised for killing three people with letter-bombs, but said it had seemed to be the right thing to do at the time.

## SPY SEEKS OMAR'S ASSURANCE

# Williamson had qualms about killing woman he knew as friend

CT 16/9/98 (252)

**PRETORIA:** Former security policeman Craig Williamson has admitted that it was wrong to kill three people by having letter-bombs placed in intercepted letters, but he denied that he ever targeted the innocent.

**A** PARTHEID spy and self-confessed letter-bomber Craig Williamson apologised for his actions before the Truth and Reconciliation Commission here yesterday, but said he never meant to target innocent people.

"I want to say I am sorry. What I did was wrong," said Williamson, who has admitted before the TRC's amnesty committee that he killed three people by means of letter-bombs.

"I believed at the time that it was justified, but I never deliberately targeted the innocent," he said.

Williamson has applied for amnesty for killing the wife and young child of Marius Schoon in a letter-bomb attack in Angola in August 1984.

He has also applied for amnesty for killing Ruth First in a similar

way in Mozambique in 1982.

After lengthy testimony in support of his application, Williamson apologised for his acts, which he said had been committed when there was a state of war with the ANC/SACP alliance.

Williamson admitted during his testimony that in both attacks he had arranged to have the explosives placed in letters addressed to the victims that had been intercepted by the security police.

Williamson said he had experienced great difficulty in coming to terms with the death of Jeanette Schoon and her daughter Katryn, 6, because he had known her family well while at university, where he worked as a police spy.

He made his apology in a few short sentences and, although his voice wavered slightly, he showed

no signs of emotion.

Marius Schoon, — who Williamson targeted with the Angola letter-bomb that killed Schoon's wife and daughter — and First's three daughters, are attending the proceedings.

During his testimony it emerged that Williamson, through his lawyer Allan Levine, had made an urgent plea to Justice Minister Dullah Omar for an assurance that he would not be extradited for his involvement in any cross-border raids.

Williamson also applied for amnesty for the bombing of the ANC headquarters in London in March 1982. Scotland Yard has sent a detective-inspector, Kim Durham, to observe the amnesty proceedings.

In correspondence handed to the committee, the Justice Department replied that Omar could give no such assurances and each case would have to be treated on its merits.

It also emerged from other cor-

respondence that Williamson and former foreign minister Pik Botha have been implicated in the planning and execution of a security force attack in Gaborone in Botswana in June 1985.

Twelve people were killed in the attack.

Levine told the committee Williamson would deny involvement in the Gaborone attack.

Earlier Levine arranged the playing of video footage depicting scenes of township violence, including the necklacing in 1986 of Maki Skosana in Duduza on the East Rand.

It has subsequently been established that Skosana was killed after being accused of being the girlfriend of Vlakplaas askari Joe Mamasela.

Committee chairman Justice Andrew Wilson interrupted the showing of the videos, saying that all they showed was mass violence after the incidents for which Williamson was applying for amnesty — Sapa.

# Give general amnesty to all

## - Williamson

By Joe Mdhlela

**A** GENERAL amnesty should have been declared for the previous apartheid forces and the forces that were fighting each other during the armed struggle, the Truth and Reconciliation Commission amnesty committee was told, in Pretoria yesterday.

Continuing his amnesty application at the Idasa Building, "superspy" Craig Williamson told Judge Andrew Wilson that his view was that a general amnesty should be given to "non-statutory armed forces such as Umkhonto we Sizwe".

Williamson is applying for amnesty for the role he played in the killing of African National Congress activists Ruth First in Mozambique and Jeanette Schoon in Angola during the early 1980s.

"Although I was of the opinion that there should have been a general amnesty for the armed forces, including non-statutory forces such as Umkhonto we Sizwe, once Codesa decided on the Truth and Reconciliation Commission, I decided to fully cooperate so that in a broader perspective we can bring about an understanding of past conflicts," Williamson said.

### Expressed remorse

Williamson also expressed remorse at his past counter-revolutionary activities which claimed the lives of, among others, First, and Schoon and her six-year-old daughter Kathryn in Angola.

"No words can adequately express how sorry I am. I am sorry. What I did was wrong. I never deliberately targeted people," Williamson said.

After video material was shown, including footage of the brutal killing of Maki Skhosana in Duduza on the East Rand in 1995, Williamson said this served to show the mood of the time, and the "total onslaught" the security forces was prepared to wage in order to repel the ANC offensive on the apartheid state. Despite the negative image South Africa



Former superspy Craig Williamson testifies at the TRC hearing in Pretoria

developed internationally as a result of cross-border raids, Williamson said, the state was prepared to pay the price if only to display to the world that it was prepared to neutralise the ANC and South African Communist Party onslaught on the country.

"I want to say in the absence of doing it in another way, the video footage sought to show how the terrorists would have to deal with the *volle mag* (full might) of the security forces.

"The intention was to drive the ANC over of the borders of South Africa," Williamson said.

In relation to the role he played in the attack on the London offices of the ANC, Williamson's lawyers have sought an assurance from Justice Minister Dullah Omar that "the Ministry of Justice will take such steps as are necessary to ensure that Mr Williamson is not subject to extradition at the instance of any of the states within whose jurisdiction the aforesaid cross-border operations took place".



# Security police killed 'over 200' during apartheid era

BY RYAN CRESSWELL

The South African security police probably assassinated well over 200 people during their long war on behalf of apartheid, and the victims ranged from the children and wives of activists to well trained Umkhonto weSizwe fighters

The weapons used in the killings were letter-bombs, shotguns, assault rifles, pistols, knives and even spanners

Some of the killings stand out for their well documented brutality, but others are still mysteries shrouded in a haze of half-truths and cover-up tactics

The Truth and Reconciliation Commission (TRC) has been in Pretoria, for more than a week looking at assassinations and

bombings in the 1980s that were ordered or organised by 10 former security policemen now seeking amnesty

TRC spokesperson Mdu Leinde said during the cross-examination

## All types of weapons were used

nation of former security police head General Johann Coetzee, figures came out showing that at least 100 people, and possibly up to 200, were killed between 1980 and 1987. But by the early 1970s there were already indications that assassination had become a popular

tool of the security forces

In 1974 former secretary of the South African Student's Organisation Abraham Tiro was killed by a parcel bomb in Botswana and an ANC deputy representative in Zambia was also eliminated

From then on the the death-list grew fast and covered a wide range of people from the children and wives of activists to Umkhonto weSizwe fighters

It included academic and activist Ruth First, welfare worker Jeanette Schoon and her six-year-old her daughter Kathryn, ANC representative in Swaziland Petrus Nyarose and his wife Jabu, United Democratic Front activist Matthew Goniwe, MK member Zwelibandu Nyanda, academic David Webster, Namibian lawyer

and Swapo member Anton Lubowski and Durban human rights lawyer Griffiths Mxenge.

The security police themselves, especially the "askaris" at Vlakplaas, were also sometimes killed

## Terrorism abroad on wide scale

by their own side. Former Vlakplaas askari Joe Mamasela, who helped kill Mxenge, has said that at least one of his colleagues was killed every year to spread an atmosphere of fear. The security police also carried

out international terrorism on a fairly wide scale when they bombed or attacked buildings in other countries.

Some of them may still face conviction overseas even if they are granted amnesty here

But two of the biggest mysteries still to be unravelled are whether apartheid security operations were involved in the plane crash 12 years ago which killed Mozambican president Samora Machel and the shooting of Swedish prime minister Olof Palme around the same time. If all this proves true - and some witnesses claim that it will - then the security police were involved in international terrorism on a truly grand scale and some of the fallout is yet to be felt

# Williamson 'thought killing spree was authorised'

BY SIMON ZWANE

Although his commander warned him not to get involved in illegal activities, former apartheid spy Craig Williamson embarked on a murderous spree believing that he would never be punished.

Testifying before the Truth and Reconciliation Commission's amnesty committee in Pretoria yesterday, Williamson said he believed that everything he was involved in had been approved by his seniors.

He has applied for amnesty for the bombing of ANC offices in London and the killings of

Ruth First, Jeanette Schoon and Schoon's daughter Katryn.

His commander, former police commissioner General Johan Coetzee, and seven other former policemen have also applied for amnesty for the London bombing.

Coetzee told the committee that he had no prior knowledge of the killing of First and the Schoons Williamson yesterday admitted that Coetzee had warned him not to get involved in illegal activities

But he did not believe that the clandestine assassinations he was involved in were illegal "The perception was that when

you engaged in acts which were counter-revolutionary you would not be cast to the wolves"

Yesterday he apologised for his actions because he believed what he did was wrong. "I believed at the time that it was justified but I never deliberately targeted the innocent"

The hearing also heard yesterday that Williamson and former foreign affairs minister Pik Botha have been told that the TRC is contemplating a negative finding about their involvement in the June 1985 raid on Gaborone in which SA security forces killed 12 people.

Sapa reports that William-

son showed the committee a video tape in which police presented to the media a large cache of ANC firearms and landmines discovered on the West Rand. Police at the time said this led to the Gaborone raid.

However, it emerged yesterday that the cache had been established by Vlakplaas security police operatives, led by former commander Eugene de Kock, to justify the raid.

It also emerged that Justice Minister Dullah Omar had refused to guarantee Williamson that he would not be extradited if he gave evidence on cross-border raids.

## Victims oppose amnesty for bombers 'motivated by racial hatred'

BY THEMBA SEPOTKELE

The Afrikaner Weerstandsbeweging members who took part in the April 1994 bombing spree were motivated by "pure racist hatred" and not political objectives, bomb victims told the TRC in Boksburg yesterday

Rita Yalella Seako, whose cousin Thokozile Gloria Fani died in the Bree Street taxi rank blast, told the TRC's am-

nesty committee that, because the bombing spree was racially motivated, she opposed the applications of the 10 men who took part in the attacks

Jacobus le Roux, Paulus Steyn, Jan de Wet, Gerhardus Fourie, Johannes Venter, Petrus Nel, Christoffel Fourie, Wilhelm du Plessis, Petrus Olivier and Abraham Vlok claimed to have acted on orders from AWB leader Eugene TerreBlanche to

disrupt the elections.

They have admitted planting bombs at Jan Smuts Airport (now Johannesburg International), the Bree Street taxi rank, the Germiston taxi rank and in Randfontein.

Seventeen people were killed and 42 injured in the attacks. The men received long prison terms earlier this year.

Freda Ngwenya, who was injured in the Bree Street bomb

in April 1994, said she was selling fruit and vegetables when the bomb exploded

She suffered severe injuries and regained consciousness five days later.

She said she had undergone six operations to restore her jaw "I have a painful scar on my right thigh which makes it difficult to walk

"I want them to remain in jail," Ngwenya stated.

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## Apla members given amnesty

86/19/98  
20/7/98  
THE truth commission's amnesty committee yesterday granted amnesty to two members of the Azanian People's Liberation Army (Apla), the former armed wing of the Pan Africanist Congress

The two were serving life sentences for crimes ranging from murder to the illegal possession of arms, ammunition and explosives (2/2)

Phila Dolo applied for amnesty for his role in the ambush of a police vehicle at Diepkloof, Soweto, on May 28 1993. Constable Jacob Mabaso was killed in the ambush and Constable Edward Nelushi was wounded

Another Apla member, Shakespeare Buthelezi, was granted amnesty for, among other operations, the killing of police Constable Freddie Mashamaitse in Katlehong in January 1993

Buthelezi was serving a 65-year jail sentence.  
— Sapa

## Illegal T-shirt maker gets amnesty

A MEMBER of the former Liberal Party who produced illegal T-shirts during the apartheid era has been granted amnesty for his actions, the truth commission announced yesterday.

Robin Holmes, 53, of Maritzburg, told the commission's amnesty committee he illegally produced, printed and distributed T-shirts reading "We are Everywhere, Even in your Kitchen" and "Mxenge, The Struggle Contin-

ues" He also produced a Steve Biko T-shirt

The committee, giving its decision, said Holmes produced and distributed the T-shirts as an act of non-violent defiance against the apartheid regime

He made no personal gain from his actions He was charged in the Maritzburg Magistrates' Court with the production and distribution of prohibited material, but the case was not heard, the committee found

It said it was satisfied Holmes's application was related to an act associated with a political objective committed in the course of the conflicts of the past and that he had made a full disclosure.

"We are also satisfied that the offence to which the application relates does not constitute a gross violation of human rights and that there is no need for a hearing in this matter," the committee said — Sapa —

(252) PD 17/9/98



# Omar 'reneged on promise'

RD 17/9/98  
Wyndham Hartley (252)

CAPE TOWN — Freedom Front leader Constand Viljoen accused Justice Minister Dullah Omar yesterday of reneging on a written undertaking that those granted amnesty for cross-border raids would not be extradited.

However, Omar said last night that no such assurance was made and that Viljoen was now paying the price for not co-operating with the truth commission, as he had repeatedly been asked to do.

Viljoen's accusation follows Omar's recent announcement that extradition cannot be ruled out for apartheid spy Craig Williamson for the bombing of the African National Congress (ANC) offices in London.

Omar said last week SA would be guided by its "obligations" in international law and did not have powers to grant amnesty for offences committed outside its borders.

Viljoen said he had a letter dated April 24 last year, signed by Omar, which said "I also confirm having ad-

vised that where an offence was committed with a clear political objective, such offence will not be extraditable."

Viljoen said, in light of these assurances, any extradition of people for cross-border offences would be a further demonstration of the ANC government's lack of honour and morality. Freedom Front sources said that, on the strength of Omar's assurances, some security force members had been encouraged to apply for amnesty.

"The Freedom Front calls on minister Omar and the ANC government to be honourable and stand by their word that amnesty applicants would not be extradited," Viljoen said.

Omar said the definition of a political offence in the truth commission legislation was different to that in international law. He said if an application for extradition was received the matter would go before a court and a decision would be made on the basis of the international definition.

He said this is what he told Viljoen a year ago — that a decision would be made on what was extraditable or not.

## McNally declines to prosecute officials

Farouk Chothia

DURBAN — KwaZulu-Natal attorney-general Tim McNally has declined to prosecute provincial government officials over claims by Durban businessman Sateesh Isseri that they were part of a fraudulent scheme to siphon money from official coffers.

McNally hinted, instead, that Isseri

tion programme.

Isseri was placed in the programme last year after police launched an investigation into his allegations that senior KwaZulu-Natal government officials drew him into a scam to siphon money from the government to the Inkatha Freedom Party (IFP).

Isseri claimed the plan was that he would overcharge the government for

# Spying 'is like prostitution'

Stephane Bothma

PRETORIA — Prostitution and spying were the oldest professions in the world and it was difficult to decide which was the least moral, apartheid era spy Craig Williamson told the truth commission's amnesty committee yesterday.

Williamson, who infiltrated the South African student movement in 1971 while a young security policeman, told the committee he had numerous opportunities to kill the prominent African National Congress member and now Transport Minister, Mac Maharaj.

Williamson is applying for amnesty for the 1982 bombing of the ANC offices in London, the 1982 parcel bomb which killed ANC activist Ruth First, and the 1984 parcel bomb which killed anti-apartheid activist Jeanette Schoon and her six-year-old daughter, Katryn.

The amnesty application is being opposed by George Bizos SC, who represents the families of the deceased.

Denying an allegation by Bizos that he had attempted to lure Maharaj to a country where he could have been assassinated in the mid-1970s, Williamson said if he wanted Maharaj dead, he could have killed him.

Williamson was strongly criticised by Bizos for his "history of deception" while a student spy who infiltrated the National Union of South African Students (Nusas).

Bizos referred to an incident during those years when Williamson acted as best man at the wedding of his "friend" Charles Nupen, while reporting Nupen's anti-government activities to the security police which led to Nupen's eventual arrest.

"We can go into a long discussion about the morality of spying. Prostitution and spying are the two oldest professions, dating back to biblical days, and it is difficult to say which is least moral," Williamson said.

The committee heard that in 1975, during the so-called Nusas Five trial, Williamson

had attended the hearing regularly to "show solidarity" with the accused.

During that period Williamson headed a Nusas delegation which visited then Justice Minister Kobie Coetzee to pressure him into releasing the detained students. Williamson said Coetzee had known he was an undercover security policeman. "The minister participated in my deception."

He denied a claim by Bizos that the London bombing was aimed at killing the then ANC information officer and current deputy finance minister, Gill Marcus. Bizos said Williamson mailed a postcard to Marcus soon after the bombing which said "Oh, you're still around" and was signed "Craig".

Williamson said he could not remember the postcard, but conceded it was possible that it could have been sent as part of the psychological campaign against the ANC.

Bizos accused Williamson of being a "master of deception" who was trying to mislead the amnesty committee and the vic-

tims of his actions.

"You wallow in the description of yourself as a super-spy," Bizos said, to which Williamson replied "Quite frankly, I wish I had never heard that term. I am sick and tired of this war I have been fighting for 26 years. I want to get away from the urban legends and half-truths which surrounds my life as a spy."

Williamson earlier told the commission that First had been a "legitimate target" because she was a member of the executive committee of the SA Communist Party and a member of an ANC unit.

However, Bizos late yesterday afternoon disclosed that First had resigned from the SAACP in 1964 — 18 years before her death — and also had serious disagreements with the ANC at the time of her death because of the organisation's stance on the position of women in its ranks.

The hearing continues.

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## Apla members given amnesty



Advocate George Bizos SC, representing the victims' families at the truth commission hearings in Pretoria yesterday. Picture Trevor Sam



# We were pawns in lethal game, says 'superspy'

## Leaders knew security forces were killing apartheid foes, hearings told

JOHN YELD  
ON THE TRUTH COMMISSION

The entire top structure of the apartheid security forces must have known its operatives were murdering members of the liberation organisations

This is the view of so-called superspy Craig Williamson, who was testifying before the Truth Commission's amnesty committee today

He said he believed the security forces - even the top officers - had been used as "pawns" and that the State Security Council of P W Botha's government had been the "chess-player"

But Mr Williamson declined to say directly whether he believed the claim by his former commander and mentor, security police head General Johann Coetzee, that he (the general) had not known that his men were committing murders

SC for the Schoon and Slovo families

Mr Williamson and other former security policemen are applying for amnesty for a series of bombings in the 1980s, including the letter-bomb murders of Ruth First (Slovo) in Maputo in 1982 and Jeanette Schoon and her six-year-old daughter Katryn in Lubango, Angola, in 1984, and the bombing of the African National Congress London offices in 1982

Mr Williamson was closely questioned about General Coetzee's testimony at the amnesty hearing last week, to the effect that the general had not known about any of the murders and bombings, apart from the London attack

## Getting touchy about rank...

JOHN YELD

Pretoria - "Superspy" Craig Williamson is touchy about the rank he achieved while serving in the apartheid security forces, it emerged during an exchange with advocate George Bizos yesterday

Mr Williamson took exception to being addressed as major, his rank on leaving the security police in 1985

He told Mr Bizos, "You can call me Mr and if you want to call me by my

rank, call me by my correct rank."

Mr Bizos asked, "And what's that?"

Mr Williamson, "Colonel"

From January 1986 to April 1987, he was a lieutenant-colonel in the defence forces

Mr Bizos asked if he had been responsible for the "trumped up Stratkom story" that SA Communist Party leader Joe Slovo had been a colonel in Russia's KGB

He replied "I think I had a hand in that"

## Interview with Kruger 'a charade'

JOHN YELD

Pretoria - While Craig Williamson was an undercover police agent, he went with a Nussas delegation to demand that Justice and Police Minister Jimmy Kruger charge or release four detained fellow students

Mr Kruger was aware at the time that Mr Williamson was a police agent and was about to be promoted from war-

rant officer to lieutenant, Mr Williamson told the Truth Commission's amnesty committee hearing here yesterday

"The Minister of Justice knew exactly who I was," he said.

George Bizos SC, who was cross-examining him, asked "So you sat through a charade with him?"

Mr Williamson, "It was regarded as somewhat amusing."



No justification. Craig Williamson says children were not the enemy



Time for answers: George Bizos is seeking to prove Craig Williamson is lying

called him in and told him he was going to be charged for sending the letter-bomb to Ms First, Mr Williamson replied, "I would have been flabbergasted, because I was fighting a war against the ANC and the SACP (Communist Party)"

When the amnesty committee chairman, Mr Justice Andrew Wilson, suggested to Mr Williamson that the surprise would have been because he believed General Coetzee would have already known all about Ms First's murder, he replied "I

believed everyone was aware. "The acts for which I am applying for amnesty were not the only acts that were taking place, they were not happening in a vacuum. There were numerous of these types of attacks going on."

"I repeat, I did not think it was the fabrics, I thought it was the security forces, and it was normal, authorised standard procedures

"I believed our entire top structure knew what was going on"

In response to another question,

Mr Williamson agreed letter-bomb were a "cowardly" way of kill opponents "I'm searching to find word had enough - disgusting - this type of war," he said But on forms of killing opponents - suicide missiles and bombs in Wit Bars - were also cowardly, he said

Referring to the letter bomb ended the life of six-year-old Kat Schoon, he admitted the killing children could never be justified

He told the amnesty committee believed the apartheid government war with the liberation movement would still be continuing had it been for the political decision by security forces members like himself to stop the war

Mr Bizos asked whether he had sense of shame for having killed women and a child

Mr Williamson answered, "I think shame is an adequate word"

"I accept that Ruth First Jeanette Schoon were our revolutionary enemies, but the killing of a child can never, in any form, be justified"

ART BY G. Q. (2072)



# An anomaly who still sees himself as a white knight

ORDNANCE Improved explosive device IED

The former policeman, SA army officer and member of the President's Council is talking about the letter bombs with which two female anti-apartheid activists involved in academic work, Ruth First and Jeanette Schoon, and a six-year-old child, Katryn Schoon, were murdered.

He is also referring to the street bomb that destroyed the offices of the African National Congress in London, injuring one man.

He cannot say the word "bomb", it appears, even though this is his opportunity to make full disclosure to the truth commission's amnesty committee.

Bombs are used by terrorists. Showing a video of the Church Street bombing in Pretoria carried out by the ANC's armed wing, Craig Williamson uses the Afrikaans word "bom".

But speaking of his role in the murders and the bombing in London, Williamson prefers himself in the role of anti-communist gladiator, up there with Ronald Reagan and Margaret Thatcher, the winners of the Cold War.

He expresses contrition in the deep-sighing, expansively reflective manner of the warrior who, magnanimous in victory, can afford to acknowledge the pain of the vanquished.

But as with the bombs, he cannot bring himself to speak the name of his smallest, most defenceless victim. And his imagery is devastating in its banality. "When I heard what the results of this attack had been, that a child had been killed, it was like being hit by a bucket of cold water. I was not aware there were children in Lubango (where the Schoons were killed) — there is nothing in my life I regret more."

While former police agent Craig Williamson grapples with the truth at his application for amnesty, observers grapple with who this man really is, writes associate editor Stephen Lauffer (2/17/98) 00 17/9/98

they meet in front of the amnesty committee. Those who stood on the historically just side are often among the personally vanquished and, as Williamson's former security police chief, Johan Coetzee, proves, the historical losers are often among the jauntiest of state-funded victors.

Marius Schoon, the bereaved husband and father who spent many of his best years in jail for his anti-apartheid activities, is to be found in the ranks of the utterly vanquished. He is among the devastated, the survivors who may never recover from the pain of having lived to see the victory their murdered loved ones did not.

First's daughters have survived too. Theirs is the increasingly quiet pride of a family that has helped shape this country in struggle and in compromise. But it is still shaping them with the compromises requiring that they live with the likelihood that their mother's murderer will walk free.

The emotions the families grapple with as they hear Williamson justify his actions are not new within the truth commission process. Every family group, every mother and father, every child mourning a loved one, has battled to strike a balance between the calm understanding of the need for closure and reconciliation and the pain and anger at the hurt and loss that apartheid and the struggle brought.

But this time it is Williamson on the stand and he is an anomaly. He is unlike the Pretoria security policemen from working class backgrounds who have told of their killing spree, of recruiting young men in Soshanguve and driving them to their deaths at the Botswana border, of electrocuting ANC activists after allowing them

to sing Nkosi Sikelel' Afrika. He is unlike Eugene de Kock, who sits opposite him now, and who has been called "Prime Evil". He does not enjoy the containing insider status of his mentor, Coetzee, who, with the blessing of the brotherhood that is still ensuring that the whole truth remains in the shadows, went on to become police commissioner during apartheid's bloodiest period.

He is not the product of a plateland hoerskool, of the Dutch Reformed Church, of a father and uncle and older cousins welded together by the Broederbond.

He is the product of the finest school's English-speaking Johannesburg had to offer. He is articulate. He is intelligent. He possesses business acumen, as his venture supplying a range of commodities to the Angolan government shows.

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And yet he found it necessary to make a home for himself at the heart of a system declared a crime against humanity by the member countries of the United Nations, a home at the heart of a culture that was not his, a language that was not his.



Former police agent Craig Williamson speaks to former law and order minister Adriaan Vlok at the Pretoria amnesty hearings. Picture: TREVOR SAMSON

added explosives on his orders, were addressed to First or her husband, Joe Slovo, to Jeanette Schoon or her husband, Marius.

The question is more than academic. It requires that an act should stand in some relation to its aim if amnesty is to be granted. Killing Slovo, the chief of staff of Umkhonto weSizwe and head of ANC special operations, would arguably have been an act of war. Killing his wife was an act of naked terror, no matter how radical her anti-apartheid politics.

The death of the Schoons was no less barbaric in its callousness. Rather than providing a justification, the pages of evidence on the density of Cuban anti-aircraft sites around Lubango, where they were murdered, and the suggestion that the young girl and her

mother were somehow assisting the Cuban military against the SA defence force, only underline the terrorist nature of the act.

Williamson admits as much when he says one of the aims of the assassinations was to destabilise the ANC psychologically by hitting its offices and leading figures. Williamson never speaks of the ANC without adding the hyphenated alliance partner, the SA Communist Party, because without it he could no longer claim the status of white knight in the battle against the evil empire. Without it, he could not quote for hours from obscure right-wing US think-tanks on the ANC as the Soviet's surrogate in southern Africa.

Without it, he would have to address what the struggle in SA was really about — a system of racial supremacy shored up by a ruthless security apparatus that masked itself with anti-communist rhetoric. Without harping on the ANC-SACP alliance, where would the justification be found for murdering two women and a young child?

Guarded by two prison warders wearing bullet-proof vests, De Kock passes notes to George Bizos, the tenacious advocate representing the Schoon and Slovo families. He feeds him questions that will help corner Coetzee and the others. He is serving 212 years for many heinous deeds and, even with amnesty, remission of sentence is perhaps the best he can hope for.

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Williamson, on the other hand, is a free man. The only time he spent behind bars was a few days in Angola last year, probably because of differences with a commercial partner.

"We offered him assistance," says the officer in charge of the commission's witness protection programme. "But I suppose he has his own. He can afford it."

His bulk is his protection, another Histener says. Beneath that fat is a thin man in pain.

His size, his deep allegiance to a system that despised his Anglo-Saxon background even while it worked to recruit English-speaking supporters, his videos of ANC attacks to justify his own bombings and his hours of lectures to the committee on communism suggest that something is hiding in there.

De Kock might say it is Prime Evil. Certainly, if Williamson were to tell the whole truth, he would have to delve deep into his own psyche. And that might hurt in a way talking about a little girl one murdered years ago does not.



BEST MAN SPIED ON GROOM

# Williamson branded a 'master of deception'

(252) ET 17/9/98

**PRETORIA:** Super-spy Craig Williamson told the TRC's amnesty committee yesterday that he was tired of the work he had been doing for 26 years and was there to tell the truth.

CRAIG WILLIAMSON, who has been testifying calmly and confidently before the TRC's amnesty committee, paused and took a deep breath yesterday when asked if he was a master of deceit.

"I wish I hadn't been involved in this," he said.

Yesterday he was cross-examined by Slovo family counsel George Bizos, who accused him of deceiving everyone he had come into contact with.

Williamson and seven other police officers are applying for amnesty for the bombing of the ANC offices in London and the murder of Ruth First, Jeanette Schoon and Schoon's daughter Kathryn, 6.

Bizos said Williamson had been deceiving people since registering at Wits University in 1972 when he led

students to think he was fighting apartheid, when he was investigating the ANC and SACP and had been in the police since 1968.

It had taken him only a year to become an office bearer of the student body. He had also infiltrated the National Union of South African Students (Nusas), and had later become its deputy president. This had enabled him to come into contact with the students' international donors.

Bizos said arrested members of Nusas had discussed their defence with Williamson during their court appearances, and he had informed the police.

He had even been Nusas president Charles Nupen's best man while feeding the police information about him.

Williamson admitted that by 1975 he had made contact with the ANC

and that by 1976 he was helping people flee the country. He had helped so that he could continue his infiltration.

Bizos said all these people had been deceived by Williamson, who deserved to be called a master of deceit, and asked why the amnesty committee should believe all he had told them. He said Williamson was continuing to deceive by claiming the circumstances he had worked under had justified the killings.

Williamson said he was sick and tired of the work he had been doing for 26 years and was there to tell the truth. He added that the killing of children could not be justified under any circumstances.

Bizos said Williamson was not telling the truth out of humanity, but to avoid being sent to jail.

Williamson said he was prepared to tell the truth without an assurance from Justice Minister Dullah Omar that he would not be extradited —  
Own Correspondent

## NEWS



**CAPITAL PUNISHMENT CALL:** New National Party leader Marthinus van Schalkwyk waves to cheering party members who marched to Parliament yesterday to call for an immediate reinstatement of the death penalty

PICTURE DENZIL MAREGELE

# New Nats march for death penalty

**ERIC NTAZALILA**

ABOUT 200 New National Party (NNP) supporters marched to Parliament yesterday to demand a reinstatement of the death penalty, better funding for police and the courts and the boosting of policing powers for provincial and local governments

Addressing the marchers, NNP leader Marthinus van Schalkwyk said he had never thought NNP members would

march to Parliament in protest

"It is time the government realised that if you start pushing the people, they will push back. It's time the rights of law-abiding citizens became more important than the rights of criminals

"There are only two parties in this Parliament, the African National Congress and the Democratic Party, who don't want the death penalty brought back. They should change their minds and bring down the rate

of murders in this country," Van Schalkwyk said

He told the placard-waving crowd he was glad the demonstration was organised at lunch time. It showed the NNP was "a disciplined organisation which did not break windows or overturn cars"

The NNP Youth's deputy leader in the province, Andre Gaum, said the march was the first of many more which would be staged around the country

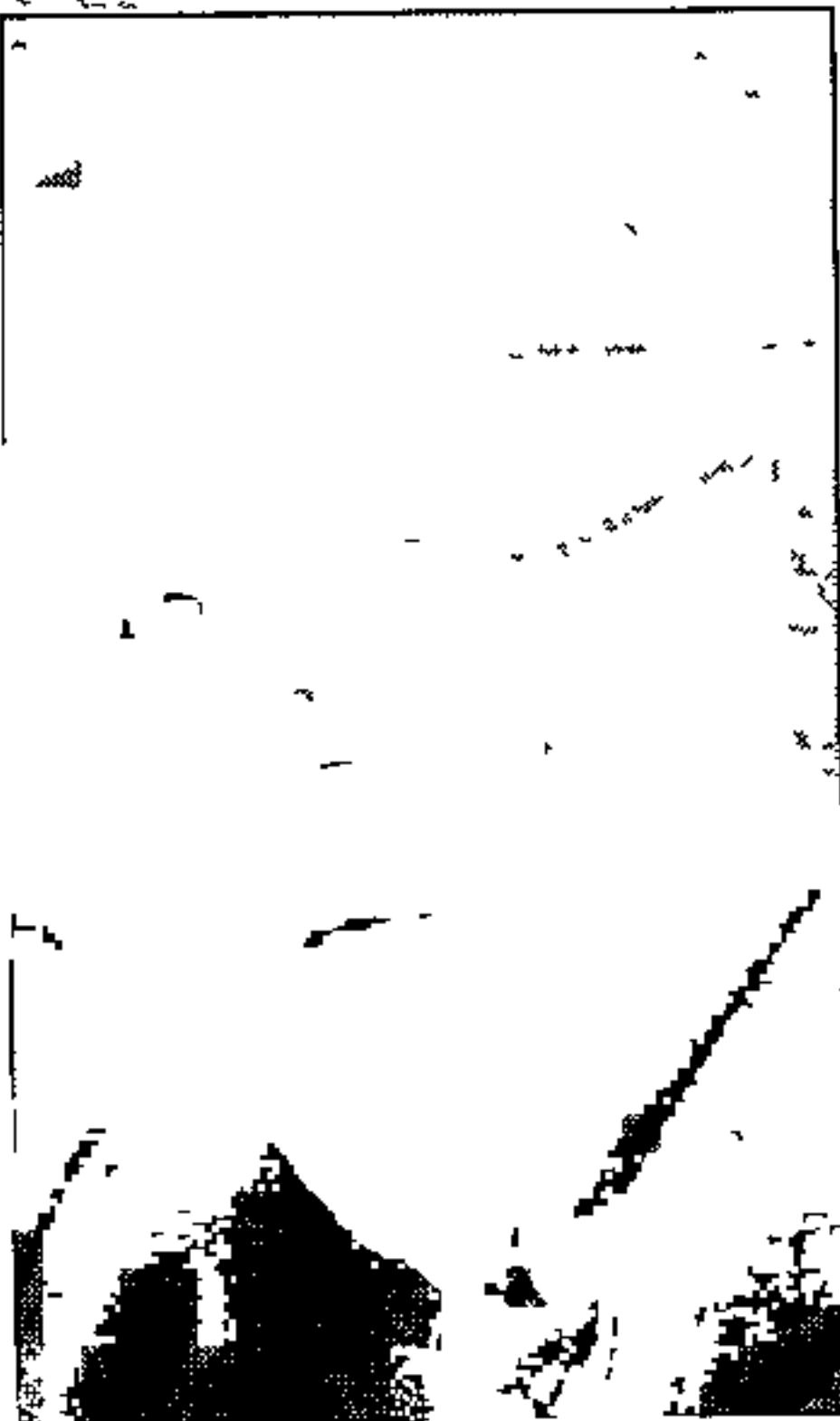
Zindile Pawule of the Khayelitsha NNP branch said "Criminals kill law-abiding citizens knowing they will walk the streets the next morning without any fear of losing their lives

"We are tired of promises that new strategies are in place to fight crime. We want something done now," Pawule said

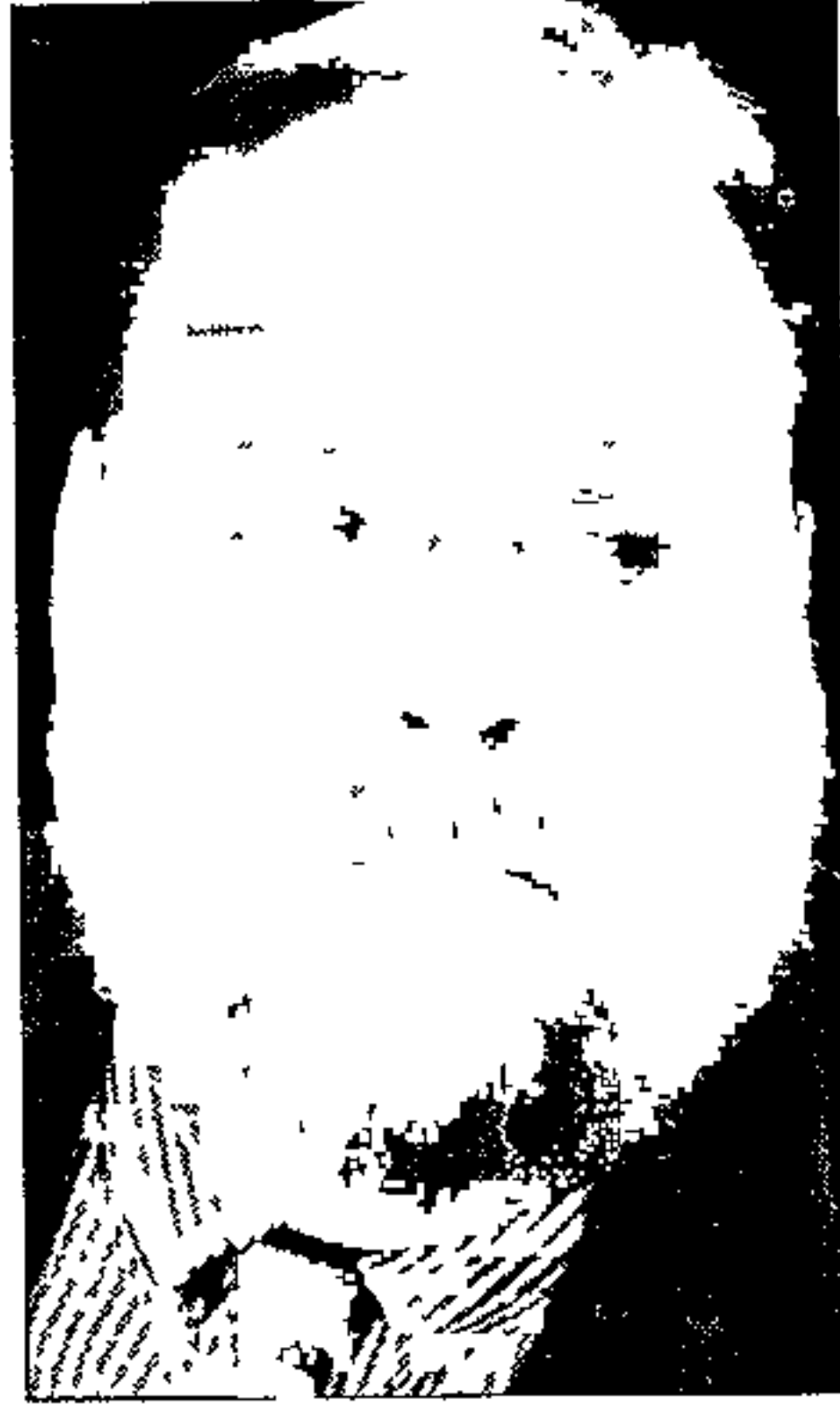
A memorandum was handed to Xoliswa Sibeko of the President's office, who promised she would pass it on to the President

ET 17/9/98 (2/11/98)

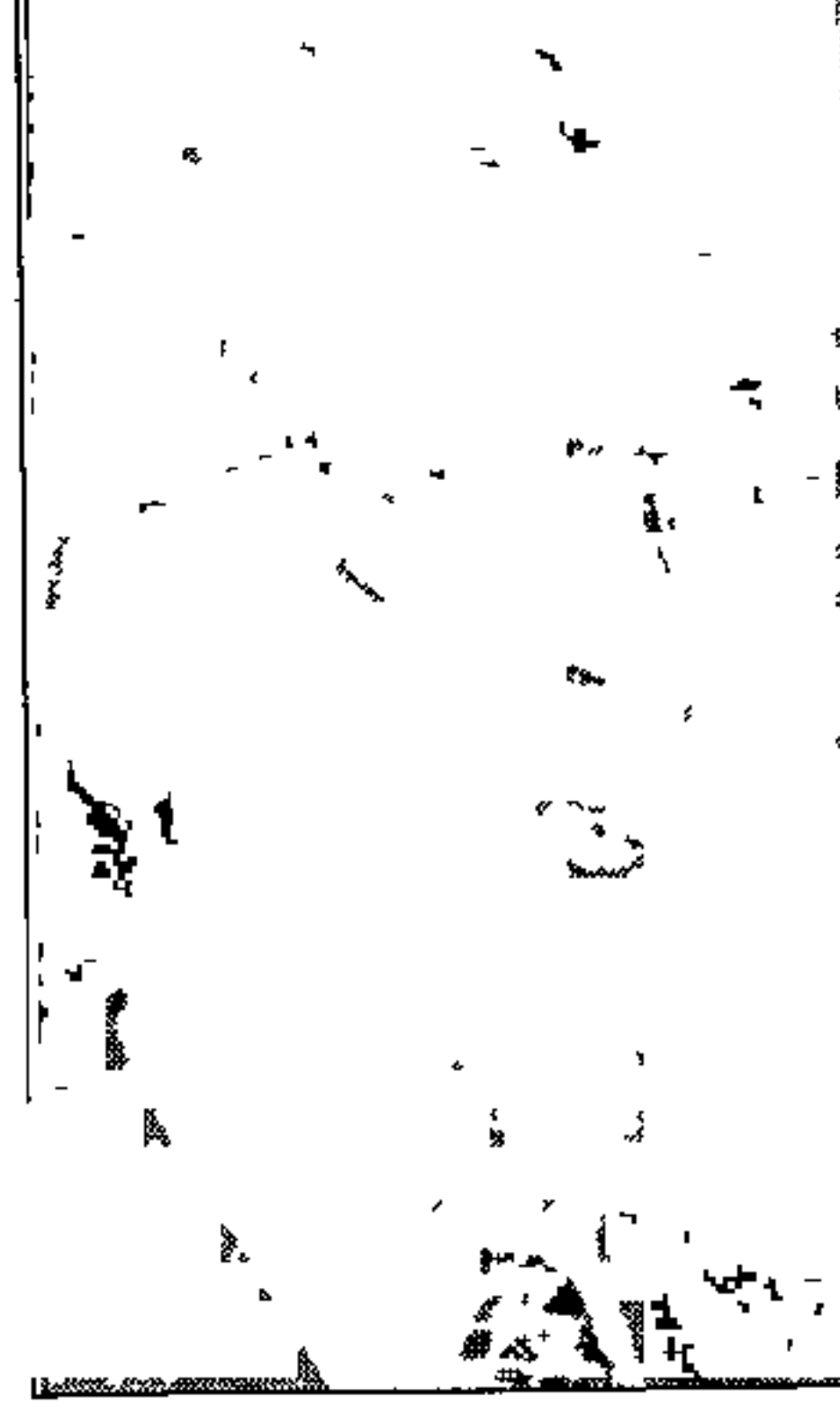




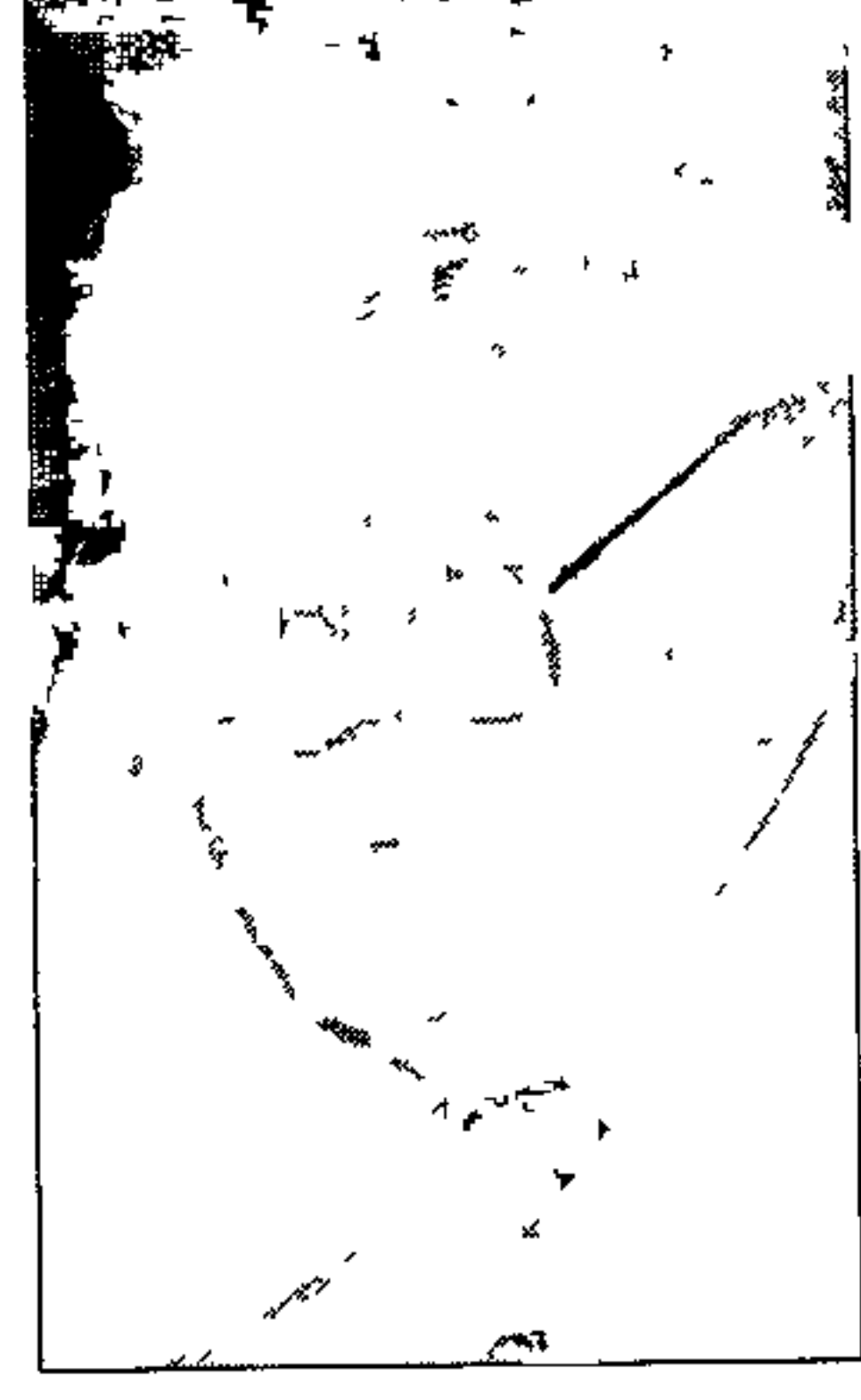
George Bizos ... opposing amnesty application



Craig Williamson .. 'master of deception.'



Mac Maharaj . target of assassination plot.



Joe Slovo ... attempt made on his life

# TRC hears of plot to assassinate Maharaj

By Joe Mdhlela

**A** PLOT by the undercover agents of the apartheid South African government to assassinate Transport Minister Mac Mararaj in London in the late 1970s surfaced at the Truth and Reconciliation Commission amnesty hearing yesterday. The hearing in Pretoria also heard Advocate George Bizos, SC, tell Judge Andrew Wilson how "superspy" Craig Williamson had sent Deputy Finance Minister Gill Marcus a postcard with the inscription "Are you still around" after she had apparently survived the London bombing of the ANC offices in London in 1982.

Williamson, also described as a "master of deception" by Bizos, is applying for amnesty for the role he played in the killing of African National Congress activist Ruth First at the Eduardo Mondlane University in Maputo in 1982, and an attempt on the the life of former South African Communist Party general secretary Joe Slovo.

Williamson is also seeking amnesty for the murder of Jeanette Schoon and her daughter, Kathryn, in their apartment at Lubango in

Angola in 1984.

Opposing Williamson's application on behalf of Schoon's husband, Mr Willem Schoon, Bizos described how Williamson used deception to work his way into a senior executive position at the National Union of South African Students (Nusas).

Bizos said Williamson was so adept in deception tactics he even tried to lure Maharaj to countries which had good relations with the previous regime so that his killing could be effected easily.

All along his relationship with Maharaj, said Bizos, Williamson continued to paint a picture that he was a "comrade" involved in the liberation struggle.

Williamson said if the intention was to kill Maharaj, there were plenty of opportunities between 1976 and 1980 to eliminate him.

"I had plenty of chances to kill Maharaj. If we wanted to kill Maharaj we would have done so, but this had never been our plan."

Williamson also told the committee that in his undercover work for the security forces, Maharaj had been his commander.

Turning to the postcard he sent to Marcus, Williamson said he was surprised that Marcus

had not been killed as a result of the bomb explosion at the ANC offices in London.

He said the intelligence knew that Marcus used the office in London, and that if the bomb was aimed to strike fear, the postcard would certainly achieve the purpose.

Also, Williamson described how he was instrumental in channelling funds from the University International Exchange Fund to various students bodies including Nusas, the South African Students Organisation (Saso) and the Black People's Convention.

"The funds which were sent to an individual project were controlled by the security services," Williamson said.

Responding to Bizos question why he became Mr Charles Nuppen's best man at his wedding when in fact he had been working against his interests at Nusas, Williamson said he did remember whispering to his ears, "I am sorry Mr Nuppen. I am a policeman."

During his years as an undercover agent, Williamson said the object had always been to "create a counterforce" that would weaken left wing student bodies from being "manipulated" by the ANC-SACP alliance.

Sowetan 17/9/98

# Ex-spy denies Marcus, Maharaj were targets

STAFF REPORTER AND SABA

Williamson admits London bomb could have killed ANC official

(2572) *Alan 17/19/98*

**A**partheid spy Craig Williamson, who has applied for amnesty for killing ANC activists Ruth First and Jeanette Schoon, yesterday denied that he tried to murder Gill Marcus and Mac Maharaj.

Testifying before the TRC's amnesty committee in Pretoria, Williamson denied that he tried to assassinate Marcus, now Deputy Finance Minister, and Maharaj, now Minister of Transport.

He is applying for amnesty for his part in arranging the letter bomb attacks that killed First in Mozambique in 1982, and Schoon and her 6-year-old daughter Katryn in Angola in 1984. He has also applied for amnesty for the bombing of the ANC's office in London in 1982.

George Bizos SC, appearing for the families of the victims, suggested to Williamson that the aim of the bomb attack on the ANC's London office had been to kill Marcus, the movement's information officer at the time.

Bizos said the bomb was placed against a wall outside Marcus's office and that Williamson sent her a postcard soon after the blast saying "Oh, you're still around", signed "Craig".

Williamson denied the intention had been to kill Marcus, but said it was possible a postcard had been sent to her as part of the psychological campaign against the ANC.

He conceded the powerful blast, caused by 4.5kg of explosives, would have killed Marcus if she had been in her office. Bizos said Marcus often worked in her office on Sunday mornings and the bomb exploded at about 8am on Sunday March 14 1982.

Bizos said Williamson tried to lure Maharaj to a country where South African security forces could assassinate the senior ANC official. The countries suggested were Swaziland and the Seychelles.

"If I planned to kill him (Maharaj) I had numerous opportunities to do so between 1976 and 1980. It was never planned, suggested or discussed that he be killed," Williamson replied.



# Reconciliation is difficult — Williamson

Stephané Bothma

PRETORIA — The truth and reconciliation process was extremely difficult and painful for members of the former SA security forces, leaving them "with doubts and fears", apartheid-era spy Craig Williamson told the truth commission's amnesty committee yesterday.

"We were scared," the man who admitted to ordering two parcel bombs which left two women and a six-year-old child dead, testified.

"To believe that it is easy to talk about the spilling of blood for years, is clearly a misunderstanding," he said under cross-examination by George Bizos SC who is representing the families of the victims of Williamson's actions.

Williamson is testifying in support of his three amnesty applications for the 1982 bombing of the African National Congress (ANC) offices in London, for the parcel bomb killing of ANC activist Ruth First that same year in Maputo and for a parcel bomb two years later which left anti-apartheid activist Jeanette Schoon and her daughter Kathryn dead.

The reaction (of former colleagues) to

my disclosures did not assist in the reconciliation process," Williamson said. Many people told him he was "dumb".

Williamson, told the committee that he was merely a pawn in a chess game.

"Even members of the top echelon of the security forces were merely pieces on the board, with the State Security Council being the chess master. I believe that everybody (in the security forces) was aware of how the war was fought. These things did not happen in a vacuum and the acts were not committed by the furies. I believed what we were doing was authorised standard procedure and the entire top structure knew about it," Williamson said.

He admitted the mailing of a parcel bomb was a cowardly act but, he said, bombing Wimpy bars, detonating car bombs and planting land mines on farm roads, as done by ANC cadres, were just as cowardly.

"I must concede, it made very little difference to me whether Joe Slovo or his wife Ruth First were killed or whether Marrus Schoon or his wife Jeanette were killed (by the parcel bombs), but I never deliberately targeted a child," he said.

Discussing attempts on the life of Slo-

BD 18/9/98

(252)

vo in the early 1980s, Williamson said he was not frustrated when the attempts failed. "I had a sneaking admiration for the grey fox and professionally had the greatest respect for his ability to avoid the security forces all his life."

Reaching to a question by Bizos, Williamson said it had occurred to him that mailing parcel bombs was contrary to normal human behaviour. "That is why I resigned from the police in 1985. I changed the nature of my job by joining the Directorate Covert Collection of Military Intelligence." He said that at the time he had turned down an offer to join the notorious Civil Co-operation Bureau.

Williamson, who after leaving the SA Defence Force, joined the National Party (NP) as a politician, told the committee he was also the first NP politician to publicly call for negotiations with the ANC in 1989.

"You are once again giving yourself too much credit," Bizos responded, adding that in 1989 negotiations between the NP and the ANC had been going on for three years.

Answering questions about the 1984 bomb which killed the Schoons, Williamson said he had not been aware

of the fact that the two Schoon children were with their parents in Lubango, Angola, where the bomb was delivered.

Asked by Bizos if he knew that the Schoons were in Angola to teach young students, Williamson said all he knew was that they were in a town where 30 600 Cuban soldiers were stationed.

"The Schoons were such a clear target that I do not believe any resources would have been spent on establishing more details about them," he said.

Earlier, a war of words erupted between commission chairman Judge Andrew Wilson and Louis Visser, representing former police commissioner Gen Johann Coetzee at the hearing.

Visser, who objected to the cross-examination of Williamson by Bizos about Coetzee's possible knowledge of the parcel bombs, said Coetzee had only applied for amnesty for the London bombing and therefore it was wrong to continue probing Coetzee about other unlawful acts committed by the general.

Visser's objection was dismissed by Wilson who said "If Bizos wants to prove that Coetzee is a habitual liar he has all the right in the world to do so". The hearing continues.



# Superspy's life: 'We were

## scared, we had doubts'

### Williamson lifts lid on security forces

Part 18 19/9/88

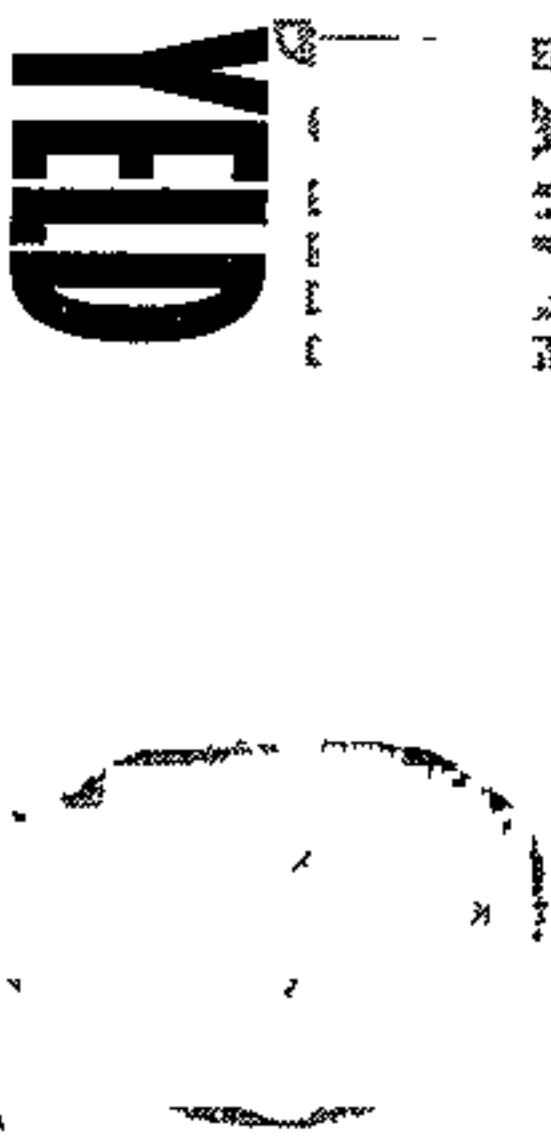
Pretoria - So-called superspy Craig Williamson has told the Truth Commission that the apartheid security forces were frightened, angry and bitterly divided over whether to apply for amnesty

Mr Williamson also said he acted as a messenger during exchanges between the highest echelons of the African National Congress and generals in the former security forces over their participation in the Truth Commission process, and that some of his former colleagues had strongly abused him for deciding to speak out

Mr Williamson and other former security police are applying for amnesty for a series of bombings in the 1980s, including the letter-bomb murders of anti-apartheid activists Ruth First (Slovo) and Jeanette Schoon, and the bombing of the ANC's London office.

George Bizos, SC, for the Schoon and Slovo families, disclosed that Mr Williamson was interviewed twice by Ms First's daughter Gillian in 1995

The interviews were in the wake of a report in the Observer newspaper in London disclosing details of security police "dirty tricks". The article quoted Mr Williamson



#### ON THE TRUTH COMMISSION

Mr Williamson was pressed by Mr Bizos to say why he refused to disclose to Ms Slovo the names of colleagues who had taken part, other than those already named by former Vlakplaas commander Dirk Coetzee

Mr Williamson said he had taken "a lot of flak" by speaking publicly, and would never participate in any witch-hunt

Apparently stung by Mr Bizos's questions, he launched into what was probably the frankest admission made yet to the commission by a former security forces member

"If anybody thinks it's easy to have been an officer in the South African security forces for a number of years, and to have seen the war come to an end, and to see our enemy become the government and achieve something we had been shedding

blood - other people's and ours - for decades, there's a problem in understanding human nature," he said

dehumanised. He said "Well, if I look at a lot of what the press says about me, yes, I probably have been dehumanised and especially by my enemies." He also agreed that he had dehumanised his enemies

"We were involved in an extremely painful situation, one in which we had to confront our past and we had to decide what we were going to do about our futures."

Mr Williamson said he had not been able to "turn a switch" and change his political allegiances to the ANC overnight, betraying his former colleagues "I am who I am, and I am what made me over a number of years. What I did was a calculated process which perhaps I didn't do entirely correctly. I know a lot of the things I did angered my former friends. We were scared, we had doubts, we had fears"

"A lot of people said to me 'Craig, *Jy's n dom doos*, and they're going to nail you to the cross. You should have shut up. That's the rule of intelligence."

He said he could understand that there were still people in South Africa - "and many people in this room" - who could not believe he was participating in the TRC process openly and honestly

Mr Bizos asked Mr Williamson whether he believed he had been

"It would have been better if Joe Slovo was killed, but if it was Joe Slovo or Ruth First or Jeanette Schoon or Marius Schoon, it made no difference. But I never in my life targeted an innocent child."

Mr Williamson denied being "trus-trated" that Mr Slovo had managed to avoid many attempts on his life by the security forces

He said he used Mr Slovo's commitment to his "tradecraft" - such as changing his sleeping place sometimes twice a night - as an example for his own staff

"Professionally, I had the greatest respect for that. I had a sneaking admiration for the grey fox," he said. The hearing continues

## 'My guilt at child's death saved ANC lives'

Pretoria - Certain African National Congress members are alive today only because of "superspy" Craig Williamson's guilty conscience at the death of six-year-old Katryn Schoon, the commission's amnesty hearing was told yesterday

Mr Williamson conceded during cross-examination that he had not checked whether Jeanette Schoon and her husband Marius had taken their children with them to their new home in Lubango, Angola in 1984 before the letter bomb was sent

Mr Williamson said he had thought about the death of Katryn "virtually every day" since. Because of this, he had gone out of his way to ensure that any houses containing children were removed as targets during the SA Defence Force's raid into Gaborone, Botswana in 1985, which he had helped plan. Twelve people - eight of them South Africans - were killed in the raid.

"And there are certain ANC people who are alive today as a result of that decision," he said

SO



WILLIAMSON: I WASN'T THE ONLY ONE

# Top brass 'knew of police role in letter-bombings'

**PRETORIA:** Former super-spy Craig Williamson said yesterday he would have been "flabbergasted" if his chief had threatened to charge him. Everyone had known how the war was being fought

**A** PARTHEID-ERA spy Craig Williamson told the Truth and Reconciliation Commission yesterday that he believed the top security structure knew of police involvement in the letter-bomb attacks on Ruth First and the Schoon family.

Williamson, who is applying for amnesty for his part in the murder of the ANC activists, told the TRC's amnesty committee here he had no doubt that the "upper echelons" of the security forces knew of his actions.

Williamson has admitted arranging for the letter bombs that killed First, the wife of SA Communist Party leader Joe Slovo, in Mozambique in 1982, and Jeanette Schoon and her six-year-old daughter Katryn in Angola in 1984.

He has also applied for amnesty for the bombing of the ANC offices in London in 1982.

Williamson said he would have been "flabbergasted" if after the First or Schoon attack he had been called into the office of the then head of security police Johann Coetzee and told he was to be charged.

He was replying to a question by George Bizos, SC, who is appearing for the Slovo and Schoon families.

Bizos had put it to Williamson that during his testimony in the amnesty hearing, Coetzee had said he would not have allowed such an attack and would have charged the policemen concerned.

"I believed that everyone was aware of the way in which the war was being fought. My acts were not

the only ones of this nature taking place at that time," Williamson said.

"I also believed the entire top structure knew the police were involved in the deaths of First and the Schoons."

He said it came as a great surprise to him that there were other high ranking officers who did not think the same way.

Williamson said he was under no illusions about the meaning of the words that were conveyed to policemen by the commanders at the time.

"As far as I was concerned, there was absolutely no misunderstanding of the strategy being used by the state," he said.

Asked whether he thought the use of a letter bomb was a cowardly means of killing an enemy, Williamson said he saw no difference between booby-trapping the enemy's arms caches and booby-trapping their communications.

The hearing continues — Sapa

OT 18/9/98

(252)



Holding their peace ... Gillian, Robin and Shawn Slovo listened to the TRC hearings in Pretoria this week as former spy Craig Williamson told how he killed their mother, Ruth First, to get at their father, Joe Slovo.

# It was tough, says Williamson

Stan 18/9/98 (257)

'We were involved in an extremely painful situation'

By JOHN YELD

So-called superspy Craig Williamson has told the Truth and Reconciliation Commission that the apartheid security forces were frightened, angry and bitterly divided over whether to apply for amnesty after political negotiations led to the new government in 1994.

He also revealed in Pretoria yesterday that he had acted as a messenger during exchanges between the highest echelons of the ANC and top generals in the former security forces over their participation in the Truth Commission process, and that some of his former colleagues had criticised him for deciding to speak out.

His revelations came during the amnesty hearing at which he and other former security police are applying for amnesty for a series of bombings in the 1980s, including the letter-bomb murders of anti-apartheid activists Ruth First (Slovo) in Maputo in 1982 and Jeanette Schoon and her 6-year-old daughter Katryn in Lubango, Angola, in 1984, and the bombing of the ANC's London office in 1982.

Advocate George Bizos SC, for the Schoon and Slovo families, revealed that Williamson had been interviewed twice by First's daughter Gillian in 1995.

The interviews had been conducted in the wake of an article in Britain's *The Observer* newspaper, which had revealed details of some security police's dirty tricks such as letter-bomb attacks.

Williamson was pressed by Bizos to say why he had refused to reveal to her the names of his colleagues who had taken part, other than those already revealed by former Vlakplaas commander Dirk Coetzee.

Williamson said he had taken a lot of flak by speaking out publicly, and would never participate in any witch-hunt.

Apparently stung by Bizos's questions, he then launched into what is probably the frankest admission yet made to the Truth Commission by any former security force member.

"If anybody thinks that it's easy to have been an officer in the security forces for a number of years, and to have seen the war come to an end, and to see our enemy become the government and achieve some-

thing we had been shedding blood for - other people's and ours - for decades, then there's a problem in understanding human nature," Williamson said.

"We were involved in an extremely painful situation, one in which we had to confront our past, and we had to decide what we were going to do about our future."

Williamson said he had not been able to "turn a switch" and change his political allegiances to the ANC overnight, betraying his former colleagues.

"I am who I am, and I am what made me over a number of years. What I did was a calculated process which perhaps I didn't do entirely correctly.

"I know that a lot of the things I did angered my former friends. We were scared, we had doubts, we had fears."

Williamson said he did not want to blame anyone for their response to his decision to reveal details about past security police operations. "But the reaction to my disclosures did not assist the Truth and Reconciliation Commission process in this country, because a lot of people laughed at me

"A lot of people said to me 'Craig, jy's 'n dom doos (you're stupid) and they're going to nail you to the cross. You should have shut up. That's the rule of intelligence'."

Williamson also said he could understand that there were still people in South Africa - "and many people in this room" - who could not believe that he was participating in the TRC process openly and honestly.

Bizos then asked. "So you didn't care whether the right victim was killed, or his wife, or his child?"

As Gillian Slovo, sitting behind Bizos, bowed her head and wept, Williamson replied: "I have to concede that whether it was the victim or his wife, it made absolutely no difference to me ...

"It would have been better if Joe Slovo was killed, but if it was Joe Slovo or Ruth First or Jeanette Schoon or Marius Schoon, it made no difference.

"But I never in my life targeted an innocent child."

► 'My own private hell'

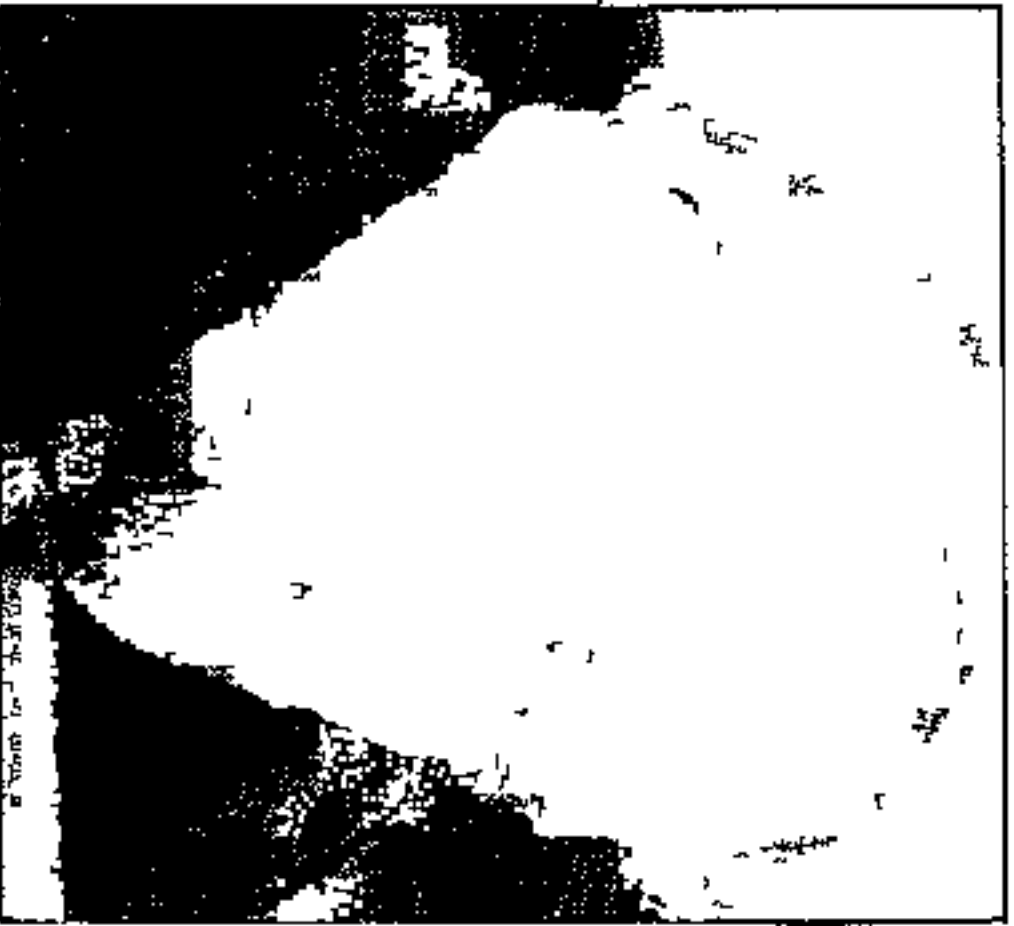


# Williamson reveals he spoke out for fear of being branded 'an individual lunatic' (2/5/98)

BY JOHN YELD

Superspy Craig Williamson has revealed to Gillian Slovo, daughter of letter-bomb victim Ruth First, that he had decided to speak out about security police operations partly because he did not want to be branded as an "individual lunatic".

This is apparent from the tran-



FULL DISCLOSURE: Craig Williamson believed it was the only way to go

script of a tape recording made during the second of two interviews which Slovo had with Williamson in 1995

The interviews were conducted in the wake of an article in Britain's *The Observer* newspaper, which revealed details of some security

police's dirty tricks such as letter-bomb attacks

The article was based on leaked information which Williamson had given to the Pretoria government.

During their interview, Slovo asked Williamson why he was speaking out. He replied that some National Party politicians had decided, during the Codesa negotiations for a new political order, that they were "fireproof" and far enough removed from the actions of the apartheid security forces not to be affected by any later revelations of wrongdoing.

"I got a very clear impression that it was going to be a sink-or-swim operation, and good luck, if you sink, you sink, if you swim, you swim. It's up to you," he said.

Williamson added that from a personal point of view, there had been two motivations for speaking out. "The one was that I didn't want to end up in a situation where I end up being branded as some sort of an individual lunatic that was solely and completely responsible for all sorts of things that I wasn't solely and completely responsible for."

The second motivation was that he believed President Mandela's remarks had to be taken seriously. Asked by Slovo to explain this, he said, "That he (Mandela) feels we can only build a future if we achieve

reconciliation, and that this can only be done completely if there's what he calls full disclosure and that this is a two-way street

"He doesn't see it as a one-way operation, that it applies only to the security forces of the past National Party government."

Asked by Slovo whether his work weighed on his conscience, Williamson responded that he wanted to get it over with. "You can wish or regret or whatever, as much as you like, but you can't change what happened

"What's done is done, and if you try and analyse why and how, and what the strategy behind it was... it becomes very difficult to believe it could have been done, but it was"

Williamson also said it was very difficult to explain the anger and emotion that had driven him and his security police colleagues

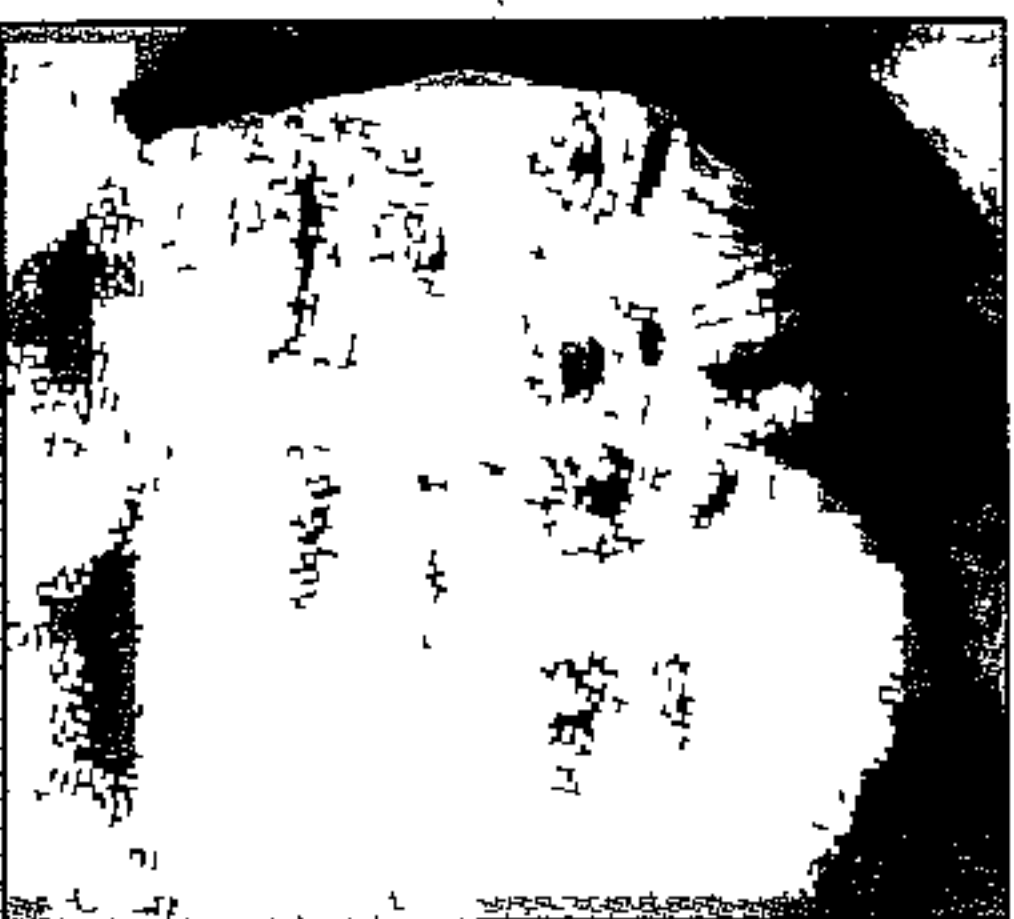
"You're involved in a war which has huge dimensions. I mean, we're fighting a superpower that wants to destroy us, wants to destroy our country and is being assisted by our own people who are helping this superpower monster to destroy us..."

"It's just virtually impossible to tell you how... I want to use the word 'hate', I don't think it was hate, but how totally and utterly deter-

mined we were to win the war and eliminate and destroy the enemy.

"It was an obsession, and the guilt we felt every time handbombs went off or bombs went off... because it was our responsibility to make sure it didn't happen, and when it did one felt personally and organisationally responsible

"You've been outwitted or you



SEEKING ANSWERS: Gillian Slovo (pictured left)

know, well, nobody said to you 'You've failed, you haven't done your job' I mean, you felt this was maybe what they were thinking.

"We were very, very serious about what we were doing... Sometimes it's a little surreal, it really is."

# I have few regrets, says maker of Ruth First bomb

ARGUS 25/9/98

## ARGUS CORRESPONDENT

Pretoria - Amnesty applicant and explosives expert Roger Jerry Raven told the TRC Amnesty Committee that it was never his duty to select targets to be eliminated by the security police.

Mr Raven, who manufactured the bombs that killed Joe Slovo's wife Ruth First, and Jeanette and Kathryn Schoon, said it was not his decision to have them killed and that the decision came from the powers that were in control at the time.

He said he manufactured bombs following instructions from his commander, Craig Williamson, and there was never a need to ask who the target was.

Mr Raven said it did not matter whether the bomb would be sent to lawyer George Bizos, Archbishop Desmond Tutu, former politician Helen Suzman or Helen Joseph - if a decision was taken his duty would only be to manufacture the bomb.

He told the committee that he did not bother to find out who was going to receive the bomb placed in the letter because according to him that person would have been identified as a target, and that was enough.

Mr Raven said even if the letter bomb that killed Ruth First had been addressed to him (Raven), he could not have known and it could have also killed him.

He said he has no regrets about his role as a security policeman, but only regretted that his bomb killed six-year-old Kathryn Schoon.

The applicant said he was not religious and the sending of fatal bombs to people did not worry him after he saw the May 1983 Church Street bombing and the attack on Volkskas Bank.

He denied that there was ever a full discussion before a bomb could be manufactured or a target identified.

If that was done, it could have been done at the top and he would not have known who was involved as he was not allowed to ask questions.

He denied that Soviet explosives were used in the murder of Ruth First and said Mr Williamson had no authority to talk about explosives as he knew nothing about them.

Mr Raven told the committee that the security forces were used to fuel violence in black areas to influence white voters into believing the forces were winning the war and thereby to vote for the National Party.



# IFP starts petition for death penalty

Farouk Chothia

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20/19/98  
THE Inkatha Freedom Party (IFP) launched a campaign at its youth brigade conference at the weekend aimed at collecting a million signatures on a petition for the return of the death penalty for specific crimes.

The launch of the campaign, under the slogan Sign against Crime, is seen as an attempt to muster support among voters in the run-up to next year's general election.

IFP KwaZulu-Natal MP Arthur Konigkramer said the party wanted to test the "will of the people" on the

question of the death penalty.

Members of the public would be asked whether they wanted the death penalty to return as a discretionary sentence that judges could impose for heinous crimes such as rape and murder without extenuating circumstances.

The IFP did not believe that the death penalty should be a mandatory sentence, nor should it be imposed for murder with extenuating circumstances.

He said that once the signatures were collected, they would be presented either to Parliament or to President Nelson Mandela.

## Human rights body 'lacks clout'

CAPE TOWN — The SA Human Rights Commission (SAHRC) has petitioned Parliament to assist it in strengthening its independence and clout for promoting and protecting human rights in SA.

SAHRC chairman Barney Pitsoa Moseneke said the situation seemed to be deteriorating, with even Cabinet ministers and MECs taking the commission for granted.

Although there was no government interference in the SAHRC's work, the commission's independence might be compromised because of issues related to financial autonomy, he said.

In a nine-page report to Speaker Frene Ginwala, the SAHRC proposes that Parliament — and not the justice department — exercise a direct supervisory function over it.

Pitsoa listed concerns about the budgetary process and said it appeared the commission would no longer be accountable to the auditor-general for its finances, but to the director-general of the justice department.

People would not have confidence in the commission unless they could see and believe that the institution was truly independent of government, he said — Sapa

20 22/9/98





Former foreign affairs minister Pik Botha speaks to advocate Louis Visser, who is representing General Johann Coetzee, during the amnesty hearings in Pretoria yesterday. Coetzee is applying for amnesty for the 1982 bombing of the ANC's offices in London. Botha questioned senior superintendent Vic McPherson about the foreign affairs' department's knowledge of the bombing. Picture TREVOR SAMSON

## McPherson says Coetzee had known of Lusaka blast

Taryn Lambert (252)

SENIOR superintendent Vic McPherson, who is applying for amnesty for his role in the bombing of the African National Congress' (ANC's) offices in London in 1982 and in Lusaka in 1985, yesterday contradicted the testimony of former police commissioner General Johann Coetzee, who said he had no knowledge of the Lusaka bombing.

McPherson said Coetzee had told him to record a conversation in which an informer was asked to plant the Lusaka bomb so that nobody was injured. Coetzee, who is also applying for amnesty, had told McPherson to switch the recorder off and to then offer the informer R20 000 to kill or injure Joe Slovo.

Coetzee has told the amnesty committee that he knew nothing about the Lusaka blast and that he had never heard of the informer, a businessman referred to as "Ah".

McPherson said Coetzee subsequently suggested he pay the informer only R15 000 because Slovo had not been injured or killed and that the op-

eration had not been "a success".

The 4,5kg bomb used to blow up the ANC's London offices was hidden inside radio equipment and transported to London via a diplomatic bag, he said.

Because the policemen involved in the operation were unable to take "too many weapons" through customs, former head of the police's forensics department General Lothar Neethling had made them teargas canisters in the form of aerosol deodorant sprays.

McPherson said he arrived in London two weeks early for "surveillance" purposes. He drove past the London homes of Slovo and the present Deputy Defence Minister Ronnie Kasrils, "for interest sake, just to see where they lived", he said.

Former Foreign Affairs Minister Pik Botha grilled McPherson briefly about his department's knowledge of the blast and asked McPherson if he knew that the Foreign Affairs department was not the only organ of state to have a "diplomatic bag". Botha said the transportation of explosives in a diplomatic bag was irresponsible, highly risky and dangerous.

BD 22/9/98

# TRC: Germ warfare files 'missing' from SANDF

*Cover-up alleged*

JOSEPH ARANES  
STAFF REPORTER

The Truth Commission is having an urgent meeting with top defence force officers in Pretoria today about crucial files relating to South Africa's biochemical warfare programme that seem to have disappeared.

At least 119 files, most marked top secret, were removed from the army's counter-intelligence centre or GS 2 in Pretoria, allegedly by a brigadier who apparently disobeyed military procedure and refused to sign for them. The Cape Argus has the brigadier's name.

The files could throw light on some of the darkest secrets of the apartheid regime's biochemical warfare programme.

Although the commission had asked to see all files relating to the programme, codenamed Project Coast, these were never handed to the commission.

A defence force spokesman said he could not comment on why the files were not sent to the commission, nor on the circumstances surrounding their removal from the intelligence centre, nor the identity of the brigadier.

At commission hearings in June, biochemical weapons programme head Wouter Basson was at pains to explain the programme was intended for defensive purposes only.

The TRC has an inventory of the names and contents of the missing files. Their names indicate that tests

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were conducted with 155mm and 120mm artillery shells as part of the biochemical programme.

According to defence analyst and retired defence force brigadier Bill Sass, the 155mm shells are fired by either the G5 or G6 canons which have a range of 40km. The 120mm shells are fired by mortars.

Commission investigator Zenzile Khoisan discovered the existence of the files in May during an in-camera hearing with a senior Civil Co-operation Bureau operative on the use of biological and chemical substances during the apartheid era.

At the end of July, TRC investigative unit head Dumisa Ntsebeza wrote to Defence Minister Joe Modise, with copies to President Mandela, Deputy President Mbeki and head of the Defence Force General Siphwe Nyanda, "urgently requesting" the files.

He said the commission had gone through all official channels in trying to get the files, including representations to the defence force's "nodal point", a structure established to facilitate communication between the force and the TRC, to no avail.

"The nodal point, as in many other cases, has acted in a manner which suggests that there is something contained in those files which needs to be covered up," said the letter.

The inventory, numbering the files RK1 to RK119, gives details of various tests carried out on the G5 canon firing 155mm shells and mortars firing 120mm shells.



SPEAKER HANDED REPORT

# Independence under threat — rights group

22/9/98  
(252)

**GROUPS SUCH AS** the Human Rights Commission believe their independence could be undermined by government. **CHARLES PHAHLANE** of our Parliamentary Bureau reports.

**T**HE South African Human Rights Commission (SAHRC) said the independence of institutions which keep "checks and balances" on government was under threat from government unless legislative amendments were made to rectify the situation.

SAHRC chairperson Barney Pitjana said they had handed a report to the Speaker of the National Assembly Frene Gkwala because of the increased pressure by government on institutions to "forfeit" their independence.

This threat emerged in relation to the way finances are dished out

to the institutions including the public protector, the auditor-general and the Electoral Commission. Finances are allocated for in the Budget and handed over to the justice department for distribution.

Pityana said an amendment of the Finance Bill now provides for the funds to be handed over to the justice department which will then decide how much will be distributed between the institutions. Pityana said this was "unacceptable" and would be a "serious breach of independence".

"We owe it to South Africa that these institutions do not lose their

independence," Pityana said.

Pityana said they recommended that the SAHRC Act should be amended or augmented to say that the accounting functions of the commission should be the responsibility of Parliament.

A memorandum of understanding should be drawn up to explain what independence of these institutions meant, he said.

He urged that an amendment, sent to the finance ministry, be approved soon to allow the institutions to raise funds from outside government. A commission which will make recommendations on the remuneration and allowances of such institutions should be set up. It was now nearly five years since such a commission was supposed to have been established.

## Coetzee okayed payment to kill Slovo, TRC hears

(2/22) ET 22/9/98

PRETORIA: National Intelligence Services senior superintendent John McPherson told the TRC amnesty committee here yesterday that former police commissioner General Johann Coetzee approved a R20 000 payment for a man who offered to kill former top SACP member Joe Slovo in June 1985.

McPherson, 50, who is applying for amnesty for his involvement in the bombing of ANC offices in Lusaka and for an attempt on Slovo's life, said he was with his senior Kobus Pretorius, a captain, when they approached Coetzee with the Slovo plan.

He said the informer was an Indian businessman who provided the police with information about the ANC and the SACP as he was travelling regularly from Swaziland to Zambia and Maputo.

McPherson said his informer was useful and he offered to meet him at a hotel in Swaziland where instructions were given to him.

He said the agreement was that the informer would be paid R20 000 if he could injure Slovo,

but he (the informer) went as far as saying he would kill him.

McPherson said he later heard that the ANC offices in Lusaka had been bombed, but that there were no injuries.

He went and told Coetzee. Because their informer was very important to them, Coetzee authorised that he be paid R15 000 as he could still be used in future, he said, adding that this was partly to buy his silence.

When asked why he went straight to Coetzee when he himself was a junior, McPherson said it was because the amount involved could only be approved by Coetzee.

He said in such operations it was normal for a junior officer to talk directly to the commissioner.

McPherson said the motivation for the initial payment was that the R20 000 was for services rendered over a long period.

He said his informer tried to lie to him, claiming he killed Slovo so he could get the R20 000, but said he was finally only paid R15 000.

— Own Correspondent



# Rights commission wants more clout

**T**HE South African Human Rights Commission (SAHRC) has petitioned Parliament to assist it in strengthening its independence and clout in promoting and protecting human rights in the country

SAHRC chairman Dr Barney Pityana told reporters in Cape Town the situation seemed to be deteriorating, with even Cabinet Ministers and MECs taking the commission for granted

Although there was no government interference in the SAHRC's work, the commission's independence might be compromised because of issues related to "financial autonomy", he said

In a nine-page report to Speaker Dr Frene Ginwala, the SAHRC proposes that Parliament - and not the Justice

Ministry - should exercise a direct supervisory function over it to ensure its independence

Pityana listed concerns about the budgetary process and said it appeared the commission would no longer be accountable to the auditor-general for its finances but to the director-general of the Ministry of Justice. On whether he feared that a two-thirds majority by the African National Congress would threaten the independence of the commission and that of similar bodies enshrined in the Constitution, he said

"That is a serious breach of independence, there doesn't seem to be enough sensitivity about what this does to the independence of the commission. It has absolutely nothing to do with the complexion of the government of the day. We need to secure the independence of those institutions forever"

"People would not have confidence in the commission unless they could see and believe that the institution was truly independent of government". Pityana also called for a memorandum of understanding clarifying the relationship between it and government to be signed

Pityana said the commission was expecting Ginwala to table its proposals in Parliament and hoped that there would be real debate on how best to it - Sapa

(258) 20/9/98  
Newspaper

# AWB men shot dead to protect Bop, TRC told

**T**HE THREE Afrikaner Weerstandsbeweging (AWB) members killed during the 1994 uprising in the former Bophuthatswana were victims of a war situation that prevailed once the militant right-wing group invaded Mafikeng, the Truth and Reconciliation Commission's amnesty committee heard yesterday

Testifying before the committee in Mafikeng, Sergeant Bernstein Menyatswe, who was then a constable, said he killed Alwyn Wolfaardt, Fanie Uys and Nico Fourie to defend the former Bophuthatswana nation

He said during the invasion on March 10 1994 AWB members killed and injured many defenceless people

Addressing AWB leader Eugene Terre-Blanche, Menyatswe said this angered and hurt him so much that he felt he "had to defend them against your soldiers, Mr Terre'Blanche"

Menyatswe said while he was driving

around Mafikeng he saw AWB members shooting randomly at people. On arrival at police headquarters he found a large group of terrified people who came to ask for police protection

"I shot your soldiers because they brought war to Mafikeng," he said. He asked the families of the slain AWB men to forgive him for the pain his actions had caused

### A war situation

"It was a war situation and I had nothing else to do but to shoot them as one of your men threatened to kill me," he said

Menyatswe asked Terre'Blanche to pardon him "because I shot your soldiers in a war situation", repeatedly stressing that AWB members had angered him by trying to protect former Bophuthatswana leader Chief Lucas Mangope

He said Mangope was preventing Bophuthatswana citizens from taking part in

South Africa's first all-race elections. Menyatswe also asked the family of his former colleague, Philemon Nare, who was blamed for the murder of the AWB men, to forgive him.

"I'm here today to tell the whole world that Nare did not kill your soldiers. He has suffered due to my action and was even suspended from police duty. I ask him to forgive me"

During cross-examination Menyatswe stressed that the three members were killed because they were a threat to the people of the former homeland

Asked why he shot them when they had already been disarmed, Menyatswe replied "As far as I'm concerned, they were armed and I saw them shoot one person next to me. When I approached them, one of your soldiers moved his hands and I thought he was pulling his gun

"I shot them all at once in protection of the defenceless people," he said - Sapa

(252)

Sowetan 22/9/98





# 'Assassin' got R15 000 for job he never did

(252)

## SAPS superintendent Vic McPherson seeks amnesty for bomb-in-briefcase scheme to kill or injure Joe Slovo

SAPA

Police paid R15 000 to an informer even though he misled them with a claim that he had killed Joe Slovo in a bomb attack in Lusaka in 1985, the Truth and Reconciliation Commission heard in Pretoria yesterday

Senior superintendent Vic McPherson, who still serves in the SA Police Services, is applying for amnesty for his part in the failed attempt on Slovo's life in Lusaka and the bombing of the ANC offices in London in 1982.

He told the TRC's amnesty committee of an elaborate plan to kill or injure Slovo, then chief-of-staff of the ANC's military wing, Umkhonto we Sizwe, in the ANC's Lusaka offices in May 1985

An Indian businessman, known as "Ali" and who worked as a police informer in Swaziland, agreed to co-operate with

the police by carrying a bomb in a briefcase into the ANC offices in Lusaka

McPherson said he took the informer's battered briefcase, which he claimed was well known at the ANC headquarters, and arranged to have a bomb fitted into it

An expert packed the cover and inside of the case with sheets of explosives which resembled A4 pages. They were to be set off by a detonator inside a felt pen, which in turn would be triggered by a pocket calculator into which a code number had to be punched

McPherson said he returned the case to the informer and recorded a conversation with him in which he told him to ensure that the bomb was to be planted in a way that nobody would be killed

He said that former security police chief General Johan Coetzee had told him to do this to protect himself from

future repercussions

He then switched off the tape recorder and told the informer that he would be paid R20 000 if he killed or injured Slovo

Later he heard there had been an explosion at the ANC headquarters and "Ali" telephoned the police and said Slovo had been killed. However, the bomb apparently exploded outside the gates of the ANC headquarters at 9pm without injuring anybody

McPherson said he later confronted "Ali", who persisted in his claim that he had killed Slovo. "He took a chance and hoped that by the time we found out that Slovo had not been killed he would have got away with the money"

McPherson said he handed him R15 000 for his efforts because he believed "Ali" was still a valuable source of information to the security police

The hearing continues

# AWB threatened everyone, truth

MAFIKENG — The arrival of heavily armed Afrikaner Weerstandsbeweging members (AWB) in Bophuthatswana increased tension and made the situation even more dangerous for reporters covering riots, Sunday Times reporter Peter de Ionnno told the truth commission yesterday.

Before the arrival of a large contingent of white men who appeared to be AWB members, there was relative calm in the area of Mafikeng/Mmabatho.

“Although there was general rioting in and

around the University of Bophuthatswana, tension increased when the armed men arrived in the area, and the situation became dangerous.

De Ionnno said the AWB men were abusive and threatening to everyone, and shot at a reporter's vehicle.

While driving around the area with other journalists, they saw bodies lying around and “whenever we got closer to these white men in their bakkes, they threatened us with their weapons”

De Ionnno said the killing of AWB members Fanie Uys, Alwyn Wolfaardt and Nico Fourie by Bophuthatswana police happened while ambulances waited to take the injured men to hospital.

A Bophuthatswana policeman arrived at the spot and shot one of the men in the back of his head, and the other as well. He said a Bophuthatswana defence force soldier had hurled abuse at the injured AWB men.

Former Bophuthatswana policeman Const Bernstein Menyatswe, now a sergeant in the

SA Police Service, earlier yesterday attacked the line of cross-examining by advocate Gerhard van den Berg, for Uys's family.

Menyatswe is seeking amnesty for the killing of the three men.

He became angry at being repeatedly asked to explain why he shot dead Uys, Wolfaardt and Fourie when they were already injured and disarmed.

“As I've already said many times, the March 10 1994 events in Bophuthatswana were of a war situation, and in a war situation

you act to defend yourself first.” Van den Berg showed Menyatswe a newspaper picture of the shooting, and asked him to reconcile with it his action of killing disarmed men.

“I think it is unfair for you to ask me to tell what these pictures are saying, because they are frozen pictures,” he said.

The AWB claimed it had been invited to the homeland by then president Lucas Mangope, who opposed the homeland's incorporation into SA. Sixty people were killed in the uprising. The hearing continues. — Sapa.

Commission hears  
30 23/9/98



# Sobbing witness tells of shooting

Mafikeng - A witness to the March 10, 1994 Bophuthatswana uprising wept at the Truth and Reconciliation Commission's amnesty hearings here as he relived his experiences on that day.

Gobusamang Lawrence Lebotsoe said that while walking with a friend in the town's industrial area they were attacked by khaki-clad white men he believed to be Afrikaner Weerstandsbeweging members

He was called before the committee by lawyers representing amnesty applicant former Bophuthatswana Constable Bernstein Menyatswe, now a sergeant with the SA Police Service.

Mr Menyatswe shot dead three

ARC 23/9/98 (211) (202)  
AWB men - Fanie Uys, Alwyn Wolfaardt and Nico Fourie - at the height of the riots in the former homeland.

He earlier testified that he killed the trio because they had brought war to Mafikeng.

About 60 people were killed and scores injured when armed AWB members invaded the area, claiming to have been invited by former Bophuthatswana president Lucas Mangope.

Mr Mangope was blocking Bophuthatswana's incorporation into South Africa prior to the country's first all-race election on April 27 1994.

The sobbing 38-year-old Mr Lebotsoe told the committee "While walking along a road in the

industrial area, a white Ford Cortina suddenly pulled up and an Afrikaans-speaking man said 'Here are two kaffirs', and another said 'Shoot them.'"

One of the two white men got out of the car and told them "Today you are going die", he said

"We pleaded for mercy, but the white man continued with his threats and shot me in the neck. My friend and I fell .. stayed there for a long time so that they could not finish us off."

Mr Lebotsoe told the committee that the white men then trampled on them with their boots

Mr Menyatswe's evidence was concluded late yesterday and closing argument was to begin early today. - Sapa

# Farm basement prepared for Slovo, says Williamson

ARG 23/9/98

Pretoria - Security policemen planned to imprison former SA Communist Party leader Joe Slovo in a basement in a farmhouse near Pretoria if they ever captured him, the Truth and Reconciliation Commission has heard.

Apartheid spy Craig Williamson is applying for amnesty for his part in murdering Mr Slovo's wife, Ruth First, by letter bomb in Mozambique in 1982.

He admitted yesterday under cross-examination by George Bizos SC, appearing for the Slovo family, that he and other policemen had referred to the basement at Daisy Farm as "Slovo's suite".

Mr Bizos said witnesses would testify that in the basement there had been a steel ring to which police said Mr Slovo would be shackled with a chain just short enough to prevent him killing himself in the way black consciousness leader Steve Biko had done.

Mr Williamson said he could not remember making these remarks but said it was possible that they were made at the time.

Mr Bizos said this showed Mr Williamson's vindictive attitude towards Mr Slovo. The former spy replied that if the remarks were made, they were in jest.

Mr Williamson has admitted that Daisy Farm was bought with funds he received from the International University Exchange Fund under false pretences while he was a spy who had infiltrated the organisation. He told the IUEF the farm was to be used for youth development but instead was used to train security policemen.

Mr Bizos accused Mr Williamson of being a "calous killer" who acted out of hatred towards the people on whom he had spied at university while working as an undercover policeman.

"You derived malicious pleasure at having them killed," Mr Bizos said.

Mr Williamson rejected the statement.

He has also applied for amnesty for the murder of Jeanette Schoon and her daughter Katryn, 6, in Angola in 1984. Mr Williamson attended Wits University with Mrs Schoon and her husband Marius before the couple left to join the African National Congress.

He has also applied for amnesty for his part in the bombing of the ANC offices in London in 1982. He rejected a suggestion by Mr Bizos that his aim had been to attack ANC personnel in the building. - Sapa



# R15 000 paid for Slovo 'hit'

(259)

By Joe Mdhlela

APARTHEID security forces paid an informer R15 000 to have SA Communist Party leader Joe Slovo assassinated in Lusaka in 1985, the Truth and Reconciliation Commission amnesty committee heard yesterday

Testifying before the committee at Idasa House in Pretoria, former security branch officer John McPherson said a decision was taken to "injure" or even kill Slovo as part of a drive to destabilise the African National Congress

Like Craig Williamson, who testified before the same committee last week, and who is due to finish his amnesty application this week, McPherson is applying for amnesty for the part he played in the bombing of ANC's London offices in 1982

He is also applying for a pardon for his attempt on Slovo's life in Lusaka in 1985 when the bomb that exploded in the ANC offices failed to achieve the desired results

McPherson said the security branch did not have a moral problem in using "cheats and liars", to track down ANC activists in foreign countries

Testifying before Judge Andrew Wilson, McPherson said a decision had been taken at the highest government level to target the ANC

"During 1981 and 1982 several policemen were killed by the Umkhonto we Sizwe insurgents. A decision was taken at cabinet level that punitive actions be taken against the ANC," McPherson said in his testimony

### Symbolic targets

He said his boss at the time - General Johan Coetzee - had received instructions from then-minister of police Louis le Grange that the ANC offices be earmarked as "symbolic targets"

McPherson said he had been approached by Williamson "as part of a selected group of policemen to bomb the ANC offices in London"

He said the country's Communist Party

offices in London should also be targeted "My task would be to do surveillance," he told the committee

Describing how an Indian informer would use the "improvised bomb" to injure or if need be to kill Slovo, McPherson said "There would be a compensation of R20 000 to be paid to the informer"

The bomb that was used in Lusaka resulted in minimal damage and failed to injure or kill Slovo

"Because the informer had not succeeded in injuring or killing Joe Slovo, he only received R15 000 for services rendered to the police," McPherson said

McPherson said the informer wanted to give the impression that Slovo had been killed in the explosion and managed to extract from the police the entire R20 000 promised him

McPherson had shown him an article in a daily newspaper that reported that minimal damage had been inflicted on the ANC's Lusaka offices and that Slovo had in fact not been killed as he had claimed

Source can be traced to 1982

# HRC head slams Govt inactivity

By Ido Lekota

SOUTH African Human Rights Commission head Dr Barney Pityana has thrown down the gauntlet, accusing the Government of failing to put in place mechanisms that will enhance the independence of his commission

Pityana told the media in Parliament this week that the Government had failed to sign a "memorandum of understanding" with the commission. Such a memorandum would have clarified the relationship between the two, especially with regard to the commission's independence

On the other hand, Minister of

Finance Mr Trevor Manuel had failed to pass an amendment to the Human Rights Commission Act which would give it powers to raise its own funds and establish a human rights fund

"In October 1996 the commission invited the Government to sign a memorandum of understanding to regulate relations between itself and the Government

Nearly a year later the Office of the Deputy President is still considering our representation," Pityana said

This failure, Pityana said, had led to unfortunate situations in which the actions of certain Government officials had undermined the work done by the commission

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# AWB presence fuelled Bop crisis, TRC told

Star 22/9/94 (252)

Mafikeng - The arrival of armed AWB members in Bophuthatswana increased tension and made the situation even more dangerous for reporters covering riots, *Sunday Times* reporter Peter de Ionno told the Truth and Reconciliation Commission yesterday.

Testifying before the TRC's amnesty committee, he said that before the arrival of a large contingent of white men, who appeared to be AWB members, there was relative calm.

"When armed men arrived in the area, the situation became very dangerous."

De Ionno said the AWB men were abusive and threatened reporters and everyone they came across, and even shot at one reporter's vehicle.

While driving around with other journalists, he saw bodies lying around.

Asked about the killing of three AWB

members by Bophuthatswana police, De Ionno said it happened while ambulances were waiting to take the men to hospital.

"A Bophuthatswana policeman shot two men in the back of the head."

Former Bophuthatswana policeman Constable Bernstein Menyatswe, now a sergeant in the SA Police Service, earlier attacked the line of cross-examining by advocate Gerhard van den Berg, for the family of one of the slain AWB trio, Fanie Uys.

He expressed displeasure at being repeatedly asked to explain why he had fatally shot Uys, Alwyn Wolfaardt and Nico Fourie when they were already injured.

"As I've already said many times, the March 10 1994 events in Bophuthatswana were of a war situation, and in a war situation you act to defend yourself first." - Sapa

# Sifting fact from lies

IT WOULD have been easy for so-called superspy Craig Williamson to have switched allegiance, as many of his former colleagues have done, and position himself in the African National Congress camp as proof of his change of heart

That would have made him politically correct in the eyes of many democratic institutions

But Williamson has told the Truth and Reconciliation Commission amnesty hearing over the past few days that the road of "political correctness" was not a road he was prepared to travel

Rather, he felt duty-bound to "come to this committee" and disclose, often in unpalatable detail, the "mindset" that existed when he committed atrocious acts against the opponents of apartheid

The mindset of the time refers to the 1970s and the 1980s when he infiltrated institutions – including the University of Witwatersrand student movement, the African National Congress and the Black Consciousness movement – as a covert operator for the apartheid state

However, this position did not appear to impress Advocate George Bizos, SC, who is opposing Williamson's amnesty application on behalf of the families of his victims

"You seem to be giving yourself too much credit, Mr Williamson," was Bizos' response to Williamson's suggestion that he had taken a turn in his life

Williamson (49) is applying for amnesty for the role he played in the murder of ANC activist Ruth First at the Eduardo Mondlane University in Maputo in 1972, and in an attempt on the life of her husband, former South African Communist Party general secretary Joe Slovo

He is also seeking amnesty for the assassination of Jeanette Schoon and their daughter Katryn in their apartment in Lubango in Angola in 1974

No doubt the turncoats Williamson has in mind includes former colleagues at the security branch, like Dirk Coetzee, and a host of other apartheid policemen now serving the democratic state

The "conversion" of Williamson started eight years ago after the unbanning of the ANC by former state president FW de Klerk in 1990

During that year Williamson confessed to having betrayed and spied on high-ranking ANC leaders, including Transport Minister Mac Maharaj, Deputy Defence Minister Ronnie Kasrils and Deputy Foreign Minister Aziz Pahad, in Europe during the late 1970s

While spying on the three, Williamson worked for the Geneva-based International University Exchange Fund (IUEF) which funded some ANC and other anti-apartheid projects

Superspy Craig Williamson hangs on to his explanation that the atrocities he committed were the result of his views being blurred by patriotism, writes **Joe Mdhlela.**

*Sowetan 24/9/98*

*(252)*



**Craig Williamson, who claims to have had a change of heart, during his amnesty application before the Truth and Reconciliation Commission.**

PIC PAT SEBOKO

Political analysts believe that Williamson indirectly contributed to the death of Black Conscious leader Steve Biko in 1977

While based in Europe, Williamson apparently tipped off his superiors about an impending meeting planned between Biko and former ANC president Oliver Tambo in Gaborone

Owing to the fact that the IUEF funded both the ANC and the Black People's Convention, of which Biko was a leader, the security police believed that the leader had something to do with the ANC – hence the detention which led to his death

Williamson's seeming change of heart once more manifested itself at the TRC amnesty hearing last week when he said he was sorry that a young child (Katryn Schoon) had been killed

However, even at the TRC amnesty hearing Williamson was still adamant that the security branch at the time believed that South Africa was under siege from the alliance of the ANC and South African Communist Party, and sup-

ported the idea that it was necessary to eliminate the enemy

Williamson found himself able to accept "even the death of Joe Slovo and Jeanette Schoon" for his country's wellbeing – to secure the apartheid state from communist invasion

However, Bizos was not impressed. He is opposing the application on the basis that Williamson's actions were not politically motivated

Bizos argued that Williamson's entire life had been characterised by deception and that even his application for amnesty was full of deception and he should be seen as an unrepentant "master of deception"

Williamson admitted under cross-examination that his perception of the ANC today had changed and that his behaviour in the 1970s and the 1980s was blurred by patriotism for his country

"Now I see the ANC in a different light," Williamson told amnesty panel chairman Judge Andrew Wilson, who in time will determine his fate with his colleagues

In the next few days a number of former special branch policemen come forward to testify about their dastardly behaviour in the early '70s and the '80s

They include convicted mass murderer Eugene de Kock, explosives expert Jerry Raven, and Jimmy Taylor and John Adam

All of these operatives played a role in the bombing of the ANC's headquarters in London in 1982 and were responsible for a variety of cross-border operations in the guise of protecting the South African state against so-called "terrorists" from the ANC and Black Consciousness formations

Former head of the African desk and high-ranking security branch officer John McPherson, who finished his testimony this week, implicated former police commissioner and head of security General Johan Coetzee in many of the illegal operations carried out by the apartheid state

Whether superspy Williamson will be able to get amnesty will depend on whether Wilson accepts that his behaviour towards his apartheid opponents was politically motivated

But as far as Bizos is concerned, Williamson was simply an evil man who with impunity carried out acts which defy comprehension, against people whose genuine desire was to work for a democracy in South Africa



N 11115

# UK police halted bombers at roadblock

24/9/98

## Officers let SA policemen through on their way to destroy ANC offices, TRC hearing is told

(2177)

SAPA

A squad of South African policemen were almost apprehended by British police while on their way to bomb the ANC offices in London in 1982, the Truth and Reconciliation Commission heard in Pretoria yesterday.

Thus emerged during testimony by Roger Raven, one of eight policemen who took part in the bombing, which they described as a symbolic attack aimed at demoralising the ANC.

Raven, who is applying for amnesty for his role, admitted assembling the bomb, which demolished a section of the building.

He said they were stopped at a police roadblock while he and Peter Casselton were driving with the bomb on the back seat of a hired vehicle.

A policewoman asked Casselton to state the car's regis-

tration number. "Fortunately for us he was able to do that and she waved us on," Raven said.

Casselton has since died in a vehicle accident.

Raven, who entered the United Kingdom under the false name of Jeremy Raven and has since been called Jerry, said the bomb was planted and he later heard that it had exploded.

Raven's testimony contradicted estimates made by British police that the bomb had been about 4.5kg. He said he used four 250g blocks of explosives in the bomb, which he detonated with a timing device made from an alarm clock.

He said the original plan had been to bomb both the offices of the ANC and the SA Communist Party, for which he would have used equal amounts of explosives.

The idea to bomb the SACP offices was abandoned because it was in an urban area and the

full 1kg of explosives was used on the ANC offices.

The other policemen who have applied for amnesty for the London bombing are Craig Williamson, Eugene de Kock, John Adam, James Taylor and

66

## He knew the car's number plate, so she waved us on

99

Vic McPherson.

The man who led the squad, Brigadier Piet Goosen, has since died.

Raven has also applied for amnesty for the death of Joe Slovo's wife Ruth. First and ANC activist Marius Schoon's

wife Jeanette and daughter Katryn (6). They were killed with letter bombs made by Raven.

First was killed in Maputo and the Schoons in Angola.

Raven denied knowing who the bombs were intended for when he was ordered by his commander, Williamson, to insert explosives into intercepted letters.

He said he found out only later when Williamson congratulated him for successfully detonating the bombs, resulting in the deaths of First in 1982 and the Schoons in 1984.

At yesterday's hearing he apologised to First's children, Shawn, Gillian and Robyn, and to Marius Schoon.

He said his heart went out to them and he hoped the amnesty process would clear the air so that the country could go forward into a new future.

Earlier he gave a graphic

demonstration of how he constructed the devices primed to explode on opening of the letters.

In the First incident, he said Williamson gave him an official envelope containing a letter which had been intercepted en route from Lesotho.

He inserted layers of sheet explosives, which had the appearance of blotting paper, and an electrical circuit into the envelope. He said he did not see who the letter had been addressed to.

"I understood that the powers that be had decided on a legitimate target. It was for them the only feasible way to injure, destroy or intimidate the person concerned."

Referring to the attack on the Schoons, he said the bomb had been assembled in the same way and that he did not know the identity of the recipient at the time.

The hearing continues.

# Killer was angry, says AWB leader

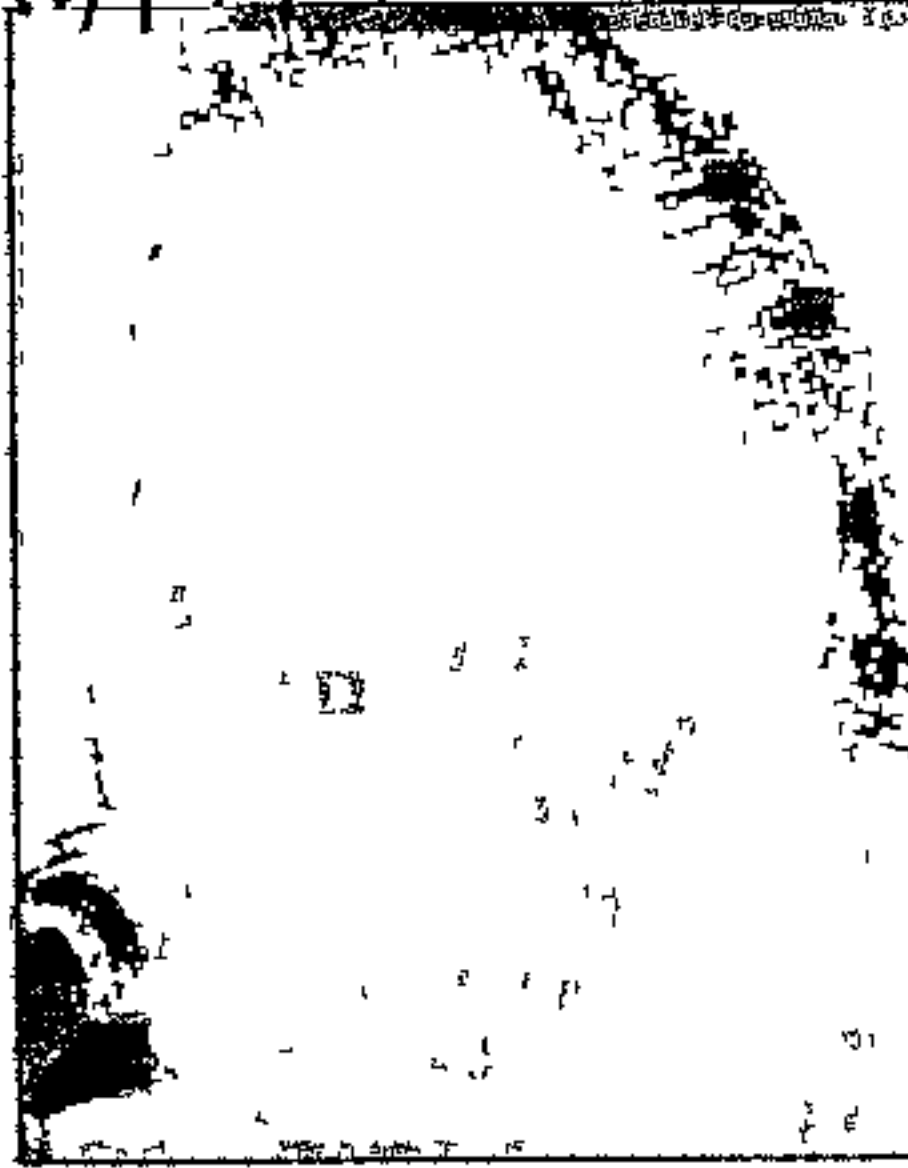
(257) 8/24/98  
Mafikeng - Granting amnesty to a former Bophuthatswana policeman for killing three Afrikaner Weerstandsbeweging members during an uprising in the homeland in 1994 would be like telling the world that the Truth and Reconciliation Commission process had become "a squatter camp for criminals"

AWB leader Eugene TerreBlanche said this yesterday in his closing argument against Bernstein Menyatswe's application for amnesty before the TRC amnesty committee in Mafikeng

He said Menyatswe feared that, because he killed three wounded and dying men, he would have been sentenced to three life imprisonments

Menyatswe, now an SA Police Service sergeant, shot dead AWB members Fanie Uys, Alwyn Wolfaardt and Nico Fourie at the height of the riots on March 10 1994

TerreBlanche said Menyatswe's action had not been politically motivated because he was not and never had been an ANC supporter. He was now assuming the guise of an ANC



**TerreBlanche ... says amnesty seeker wanted to be a hero.**

sympathiser in his time of need.

TerreBlanche said Menyatswe's killing of the men happened after the AWB had withdrawn from Mafikeng following a request from the homeland government. "There was no longer a war situation and the political upheaval had also been brought under control"

TerreBlanche said Menyatswe acted out of anger and that he also wanted to be a hero "He is now trying to use the spirit of reconciliation for selfish reasons By granting him amnesty

the TRC will be sending a message to the world that the TRC process has become a squatter camp for criminals"

Gerhard van den Berg, for the Uys family, said Menyatswe's evidence did not warrant his being granted amnesty "He lied through his teeth he had no political motivation for his action"

Menyatswe's lawyer Ronnie Hendrickse submitted to the committee that his client had made a full disclosure and should therefore be granted amnesty

He said Menyatswe's actions should be considered in light of the political environment of the time, when Bophuthatswana's people revolted against the homeland being incorporated into SA.

The committee reserved its decision on the application and the proceedings were adjourned.

■ A scuffle broke out between TerreBlanche and police at the hearing yesterday morning The AWB leader clashed with police officers when they wanted to search him as he was entering the hall - Sapa



# UK police halted bombers at roadblock

Officers let SA policemen through on their way to destroy ANC offices, TRC hearing is told

SAPA

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*SAW 24/9/98*

*(JMA)*

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Vic McPherson

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The hearing continues

# Rights bill seen as obstacle to prosecution of commercial crime

Jonny Steinberg

SUN CITY — The new Bill of Rights was one of the greatest obstacles to the prosecution of serious commercial crimes in SA, Office for Serious Economic Offences director Jan Swanepoel told an international audience this week.

Swanepoel told delegates to the World Conference on Organised Crime in the North West that investigating fraud under the new constitution was like walking through a mine field.

“The stipulation that a suspect be charged within 48 hours of arrest effectively destroys complex time-consuming investigations,” Swanepoel said.

“We do not make an arrest because we know we will not be ready for another year. Meanwhile, the suspect goes on pilfering before our eyes, or skips the country.”

Swanepoel also stated the rule which allows the defence unfettered access to the prosecution's case files.

He said the manner in which the new constitution was applied to existing legislation seemed designed to entrap investigators in the course of their work.

“Parliament decided not to repeal unconstitutional statutes. Instead, the court re-

peals them one by one, in response to individual litigants. The result is that investigators do not know whether any of their existing methods are constitutional. The field seems laced with booby traps.”

“Our criminal justice system is lumping along,” he said.

“The number of crime syndicates has doubled in the past four years. And now the national directorate will rob the Office for Serious Economic Offences of its autonomy. This is the end of regional independence for public prosecution.”

He stated the government's decision to establish a National Directorate of Prosecutors if they know how to use it,” he said.

“The number of crime syndicates has doubled in the past four years. And now the national directorate will rob the Office for Serious Economic Offences of its autonomy. This is the end of regional independence for public prosecution.”

# commercial crime

PD 25/9/98

(252)

10/2



# Eikenhof Three sit as 'killer' walks free

(252) M+G 25/9-1/10/98

Wally Mbhele

**A**zaman People's Liberation Army commander Phila Dolo was granted amnesty last week by the Truth and Reconciliation Commission for killing a policeman and possession of a firearm and ammunition. He had been serving a life sentence.

But the commission postponed a decision on Dolo's plea for amnesty in the 1993 Eikenhof massacre in which three people were murdered.

Dolo says he was responsible for the massacre, not three African National Congress activists serving jail sentences for the killings.

Sources have revealed this dramatic turn by the truth commission followed "an informal meeting" between Transvaal Attorney General Jan d'Oliviera and amnesty committee chair Judge Hassen Mall, where it is believed D'Oliviera negotiated postponement of the Eikenhof matter.

The ANC activists have appealed their convictions. They have not applied for amnesty because they maintain they are not guilty.

Sources said D'Oliviera wants to prevent the truth commission from granting Dolo amnesty for the Eikenhof massacre so he can protect his prosecution that led to the conviction of the ANC activists. If Dolo were to be granted amnesty for the massacre, the

decision would have the effect of declaring the ANC activists innocent.

Despite numerous attempts by the *Mail & Guardian* to reach D'Oliviera, he did not respond to requests for comment.

Following the meeting between D'Oliviera and Judge Mall, it is understood the judge suddenly advised the amnesty committee, which had already scheduled Dolo's Eikenhof application, to remove the hearing from the list of violations for which Dolo was seeking pardon.

The ANC activists — Siphwe Bholo, Boy Ndweni and Sipho Gavin — were convicted in 1994 for the murder of Zandra Mitchely, her son Shaun and his friend, Claire Silberbauer.

Their bail application pending appeal was postponed indefinitely three weeks ago. Their application was opposed by D'Oliviera as the Eikenhof trial prosecutor.

The decision by the truth commission to postpone the Eikenhof matter is in stark contrast to its decision last year to press ahead with the amnesty application of former police hit-squad chief Dirk Coetzee and two of his lieutenants, Almond Nofomela and David Tshikalange, while their trial for the murder of human rights lawyer Griffiths Mxenge was proceeding.

With the exception of Nofomela, who is serving a sentence for a murder unrelated to the killing of Mx-



Jan d'Oliviera: Protecting his prosecution in the Eikenhof matter. PHOTO: SUNDAY TIMES

enge, Coetzee and Tshikalange were not jailed as the truth commission granted them amnesty.

This week, the commission failed to respond to enquiries from the *M&G* about the postponement of Dolo's plea in the Eikenhof case. Although a commission staffer confirmed amnesty committee secretary Martin Coetzee had been notified of the *M&G*'s inquiries, Coetzee did not bother to return calls.

Sources within the commission said they believe the matter was postponed because D'Oliviera is keen to defend his prosecution in the Eikenhof matter. They added that had the commission decided to go ahead with the matter, it was possible D'Oliviera would have opposed it in the public forum.

"The tragedy about the truth commission's decision," said Oupa Kulashe, a relative of one of the Eikenhof Three, "is that besides compromising itself, it has inadvertently become part of the conspiracy to perpetuate the misery of the activists. It's like they've postponed their freedom while the self-confessed killer is walking free."

Dolo's lawyer, Lungelo Mbandazayo, said he had written a letter of protest to the truth commission about delaying his client's application in the Eikenhof case.

Mbandazayo said he found it strange the commission only deemed it fit to postpone the matter after meeting D'Oliviera. "As applicants, we feel we should have been present at a meeting where this decision was taken. Both the police and the attorney general feel embarrassed because they worked together to convict wrong people for the Eikenhof massacre."

Mbandazayo added "There's indisputable evidence the AK-47 that was confiscated from my client [Dolo] at a roadblock is the same one which was used at Eikenhof. It was ballistically linked to the massacre when Dolo was arrested."

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A665

**T**HE government is planning to turn its controversial R15-billion spending binge on arms into SA's biggest ever foreign investment windfall

The value of the counter-trade expected to flow from the purchases was this week put at more than R50-billion by Shamin Shaikh, Defence Force chief of acquisitions

It is also expected to create about 30 000 jobs in the manufacturing sector

Shaikh said Defence Minister Joe Modise and Trade and Industry Minister Alec Erwin had set out to use the defence purchase to leverage foreign investment

"It's been a good gamble by the two ministers which has paid off," said Shaikh.

Cabinet is expected to make a final decision next month on what will be the biggest purchase of foreign-made equipment to date

The extent of the investment, which Shaikh says far exceeds SA's expectations, is expected to weigh heavily in favour of Cabinet giving the Defence Force's acquisition plan the go-ahead

This week's stronger rand, coupled with political instability in southern Africa, are others factors which have strengthened the hand of the Defence Force, which considers the proposed procurements as its best shot at modernising SA's defence capability

SA plans to buy three submarines, four corvettes, five maritime helicopters, 40 light utility helicopters, 38 advanced fighter aircraft, 24 trainer aircraft and 54 main battle tanks

In return it is expecting the biggest injection of direct investment yet into the new SA

The industrial participation deals on offer from the countries vying for the Defence Force contracts are expected to provide a boost to the beleaguered SA defence industry and industrial manufacturing sector

Shaikh said the Defence Force had already made its final recommendations about which offers Cabinet should accept

However, Trade and Industry was "fine tuning" the investment value of the industrial participation deals on offer

# Arms deal conjures up investment billions

ST(BT) 27/9/98 (254)  
Government is projecting a counter-trade windfall of about R50-billion in the wake of an arms binge, writes HENRY LUDSKI

In a significant departure from its original intention, government has steered clear of linking the industrial participation deals to social development programmes

Instead, it has gone for a broad range of hard manufacturing industries focused on exports. These include stainless steels and titanium mills, the manufacture of clothing, textiles, jewellery, cellular phones, chemicals and commercial helicopters, automotive, electrical, satellite industry and aircraft engine components

Shaikh said the industrial participating deals would "take care of the local defence industry" — 40% of the work and sourcing equipment would be done in SA.

Since arms manufacturers from shortlisted countries Britain, Canada, France, Sweden and Spain and Italy submitted their final offers about four months ago, the rand has lost about 20% relative to the dollar, the currency denomination of all procurement deals.

This, together with a slashed defence budget, has already led to

the Defence Force substantially scaling down its force requirements and purchasing plans

Shaikh said one of the purchases had already been dropped from the list of purchases being proposed to Cabinet, but refused to disclose what had been shelved

Jakke Cilliers, defence analyst, said many of the purchases the defence force proposed a year ago in terms of its "preferred force design option" had now become unaffordable. Although the industrial participation deals were legally binding agreements, figures about their investment value "had to be taken with a pinch of salt"

The industrial participation proposals on new investment, job creation, technology transfer and black economic empowerment were evaluated against a list of 22 priority areas compiled by the Department of Trade and Industry

Companies were required to show how they would commit at least 50% of the value of the tender to the defence industry and the rest to non-defence industries



## Govt to draw up plans to promote human rights (757)

David Greybe

BD 28/9/98

CAPE TOWN — Government departments would have to draw up plans from next year to promote socio-economic rights, Justice Minister Dullah Omar said at the weekend.

Omar is to address the issue at a "Parliamentarians for Global Action" conference in New York on Thursday, where he will deliver the keynote address.

The United Nations' 1993 Vienna Declaration and Programme of Action calls on member states to devise action plans to give greater priority to the promotion and protection of all human rights.

Omar said the government plan was being finalised to coincide with the 50th anniversary of the Universal Declaration of Human Rights on December 10. It declared that all human beings, wherever they lived and whoever they were, had rights that must be respected in all circumstances.

The action plan also coincided with Parliament's ratification of the most important international human rights conventions, which dealt with, among others, the prohibition of torture, racial discrimination, discrimination against children, women, as well as genocide and refugees.

"Now the plan is to implement them," Omar said. While, for example, the Open Democracy Bill dealt with a person's right to information and the crime prevention strategy tackled the issue of crime, realising socio-economic rights was "a very different area." It included the right to social security, work, an "adequate" standard of living — including food, clothing, housing and medical care and necessary social services, free education and special care for mothers and children.

"Each department will have to focus its activities with the Universal Declaration of Human Rights in mind," he said. "It accords with the reconstruction and development programme, but we are restructuring our approach to be more focused."

The implementation of such rights in departmental plans would be based on a progressive realisation of these rights linked to available resources, Omar said.

Pre-trial services have resulted in reducing over-crowding in South African jails.

# Why didn't we think of this system before?

By Bennie Bunsee

It was so simple that it was a wonder that it was not tried or thought of before. All it involved was to undertake a computer link up, fill in the details and on the basis of this decide whether a person genuinely deserved bail. But it took an organisation from the United States, the Vera Institute of Justice, to import it to us. So much for our own sense of originality and ingenuity.

Since its introduction at various magistrates courts around the country – in Mitchells Plain, Cape Town, Durban, Central Johannesburg, Pretoria and Port Elizabeth – pre-trial services (PTS) has resulted in radical changes.

It has helped to reduce overcrowding in prisons, and tightened bail conditions so that serious offenders are not allowed out easily. Its success heralds its introduction throughout the country and is a high water mark in the Justice Ministry's blueprint for transformation – Vision 2000 – which spells out what the Ministry hopes to achieve by the end of the century.

Pre-trial services as it came to be known, was the result of public demand that serious offenders were being let off too lightly, only to repeat their criminal activities once they were out.

There was a general public outcry against it – from the community itself, the courts and prison officials. But through a system of information gathering, the simple use of IT, and witness protection it has helped to overcome a once chaotic bail situation to manageable proportions and assisted in reducing overcrowding in jails.

The Justice Ministry itself was also deeply concerned about the matter. A National Crime Prevention Strategy investigation into the matter led to proposals that there should be intensive training for detectives and prosecutors on all aspects relating to bail, the establishment of an integrated bail information system, the creation of better bail courts where possible, and the better management of investigations and court cases.

The issue was also linked to the serious overcrowding of our jails, which violated the constitutional rights of inmates incarcerated under inhumane conditions.

The overcrowding often led to convicted prisoners being released on parole before their full terms of sentence and categories of prisoners being released *en masse*, much to the dismay of the public. Pollsmoor Prison, for example, was 220 percent full with 3 600 inmates when it could only accommodate 1 619.

Many awaiting trial prisoners were granted bail but had to be detained because

**Through a system of information gathering and witness protection it has helped to overcome a once chaotic bail situation to manageable proportions.**

they could not afford to pay. This was problematic because their incarceration contributed to costly overcrowding, despite the fact that the interests of justice meant that they should not be detained, pending the outcome of their trial.

It was also a form of discrimination against the poor, since those who remained detained were too poor to afford the bail money.

With the introduction of PTS both problems were more effectively confronted. It offered the courts an alternative to money bail.

Those accused could now be released pending the outcome of their trial. But this depended upon a number of conditions that PTS established.

By means of its system the accused is released on warning and closely monitored by full-time supervision officers. Proper supervision ensures that the accused returns to court for trial. In several countries under this system of supervision many returned to court compared to those who paid their bail but were unsupervised.

A major problem confronting courts in the past was that evidence about bail was anecdotal. The concern of witnesses and victims over the granting of bail used to be ignored.

They often knew the identity of dangerous criminals who often intimidated witnesses, but the courts ignored this.

When the Vera Institute of New York stepped in to attempt to resolve this problem it devised a simple computer data base that utilised digitalised photographs of IDs and electronic fingerprinting on the data base to firmly establish identity and enable comparative matching with previous records.

The accused are then interviewed, and demographic information of their residence and workplace collected together with at least two references.

PTS officers check this information, making phone calls to members of family, friends, and visiting homes to check on addresses and jobs. The verified information is given to the courts where computers make it possible for prosecutors and clerks to resource the data.

This also means that charge sheets are stored in computers, which cuts down the loss

of dockets, a major problem in the prosecution of cases.

The PTS system also made it more difficult to defraud. Diverse forms of defrauding used to be prevalent. For example, in the past, prisoners would evade roll calls. They would fail to reply, and after a period of three to four months the case would be dropped as witnesses would also usually disappear.

In other cases some would stand in for those accused for serious crimes. When time for verification came, the courts would find that the wrong person was being accused. PTS has put paid to this form of fraud through its more accurate and verifiable record keeping.

PTS services are also linked to the South African Police Service's Criminal Records Centre in Pretoria in order to provide information about previous convictions before a bail decision is made.

This information through computer link-up is obtained in a matter of three hours, whereas in the past it took six to eight weeks. Thus sentencing is helped by knowing an accused's previous convictions. It also enables the prosecution services to gain more information about the accused.

PTS is the first bridge in a national justice information system, and described as the first automated tracking system in the country. It also points the way to an integrated justice system which is the long-term plan of fighting crime and embracing Justice, Police, Correctional Services and Welfare.

The effectiveness of PTS has meant that when magistrates consider petty offences, they set conditions for bail, rather than monetary amounts. It has also meant that dangerous persons are less likely to be released on bail, and petty offenders are released on warning or affordable bail.

On this basis in Mitchells Plain and Pollsmoor in the Cape the bailees have been reduced from 75 percent to 32 percent, thus also reducing overcrowding (Previously over 60 percent of violent cases were granted bail).

Those released must report to police stations, turn in their passports, stay away from witnesses and must attend work everyday to ensure that the courts know where they are. Previously no conditions were attached.

Integral to PTS is a witness services and protection. The effectiveness of the criminal justice system is totally dependent on the witness system.

Waiting rooms are now provided for witnesses, whereas in the past they loitered in the corridors. Staffed by community volunteers, witnesses are welcomed and their needs attended to.

(Bennie Bunsee is the public relations officer for the Ministry of Justice.)

Download 28/9/98

(252)



# Truth still not out, says Gillian Slovo

Taryn Lamberti PD 29/9/98

THE daughter of slain anti-apartheid activist Ruth First told the truth commission yesterday the amnesty applications of the security policemen who killed her mother with a letter bomb in Mozambique in 1982 changed her views about her mother's death. Gillian Slovo, the daughter of First and former SA Communist Party leader Joe Slovo, said that before coming to her life to the struggle against apartheid. However, after sitting in on the hearings she now thought her mother's life had been taken away. Slovo said her feelings about the commission were "complicated". "I understand why it was set up ... to give the victims of apartheid a voice, so that the pain of the country could be heard in public. In general terms I sup-

port it," she said. However, it was difficult to "sit in a room with the people who killed your mother and who are still not telling the truth about it".

Slovo and her two sisters, Shawn and Robyn, had expected to gain a "sense of peace" by attending the hearings and listening to the truth, which would have enabled them to "put it in the past. But I have been shaken up in that belief. I do not think we have heard anything of the truth. I cannot believe that my mother, not even in their terms, was a legitimate target." Slovo said her mother had been an ordinary member of the African National Congress (ANC) who used her "passion, considerable intellect and eloquence" to argue against a barbaric system. She believed the security forces had killed her mother because they had been unable to kill her father. Slovo said former police spy Craig

Williamson, who is applying for amnesty for ordering the bombing, had a hatred for her father and her family that was still evident at the hearing. Asked by Williamson's counsel whether he had not been "the essence of decorum, patience and good manners" throughout cross-examination, Slovo admitted he had been controlled, except for one morning when he became bad-tempered and red-faced, glaring at her with a look of "triumph" when she was accused of doctoring tapes of interviews she had with him. "He hated my father. He told journalists on the day he (Joe Slovo) died when it was hot in Johannesburg that they had forgotten to close the door (to hell) after him." Her father had suffered feelings of guilt over the way his wife died: "Can you imagine how my

Continued on Page 2

## Slovo (952)

Continued from Page 1

BP 29/9/98  
father must have felt, knowing that they killed his wife because they could not get to him?"

Former Vlakplaas commander Eugene de Kock, applying for amnesty for his involvement in the 1982 bombing of the ANC offices in London, said yesterday he had once considered launching a spontaneous attack on Joe Slovo

in Brussels. After placing the bomb in London he had flown to Brussels, where he heard an airport announcer calling Slovo "In my youthful foolishness I thought about going to look for him and, if the opportunity arose, attacking him if he was alone." However, he had been unable to locate Slovo.

De Kock said he had willingly participated in the bombing "We all participated with enthusiasm. People would have had fist fights to be first in line. Today, of course, they want to be last in line."

# Slovo says applicants are lying

ROBB NORTHEY ET 29/9/98

PRETORIA: Gillian Slovo told the Truth and Reconciliation Commission (TRC) amnesty committee yesterday that she did not believe apartheid spy Craig Williamson and police bomb expert Roger Raven had told the truth regarding the murder of her mother, Ruth First.

Slovo said that there had been a time, before the current hearings, when she would have believed amnesty applicants who said they were just following orders and believed that there was a 'red threat'.

"But now I can't believe they created the lies of the 'red threat' and then also believed it," she said.

Raven and Williamson have applied for amnesty for manufacturing and sending, respectively, an A4-sized buff envelope containing an explosive device to First. She was killed when she opened it.

Slovo said her mother had never taken up arms but had used her considerable intellect and skill as a writer and teacher to oppose apartheid.

Earlier she told the committee that Williamson created and leaked to the press the story that her father, Joe Slovo, had been a colonel in the Russian KGB. She said this

(252)  
was completely untrue

"I thought that coming here would give me — and my two sisters — some sense of completion and that the applicants would tell the truth," she said.

"I've been quite shaken up in that belief because we have not been told the truth."

Slovo said that she did not believe Raven's testimony that he had not checked the name of the person who would receive the letter bomb he made and he did not know that it would be sent to First.

She also did not believe that the bomb had been addressed to Joe Slovo, as Williamson testified, because her mother would not have opened an envelope addressed to her father.

"My mother was a feminist in her own way and would have respected my father's privacy and not have opened a letter addressed to him," she said.

She said her mother had never been part of the armed struggle and did not believe it would succeed, preferring mobilisation.

First and Slovo had often discussed and argued about political matters. But being married to the chief of staff of the ANC's armed wing, uMkhonto weSizwe, did not make First a valid target, even in Williamson's eyes, she said.



# Williamson killed 'out of hate for Slovo'

*Sowetan 29/9/98 (252)*

By Joe Mdhlela

APARTHEID superspy Craig Williamson killed political activist Ruth First because he hated her husband Joe Slovo with a passion, the Truth and Reconciliation Commission heard in Pretoria yesterday

Now in its fourth week at the Idasa Conference Centre, the TRC's amnesty committee heard Ms Gillian Slovo testify that it was because of the deep-seated hatred Williamson harboured for her father Joe Slovo, the former chief of staff of Umkhonto we Sizwe, that "he killed my mother"

The act by Williamson to help plant the letter bomb that killed her mother at Eduardo Mondlane University in Maputo in 1982 made her decide to join the ANC, she told the committee

"My mother's death made me more angry, with a resolve to join the ANC. Up to that time I had nothing to do with the ANC," the United Kingdom-based Slovo said. She is opposing the amnesty application by Williamson which includes the part he played in the assassination of First in Maputo in 1982 and the killing of Jeanette Schoon at Lubango in Angola in 1984.

Williamson is also asking to be pardoned for his role in the bombing of the ANC offices in London in 1982.

Slovo said it would be naive to believe that Williamson had expressed

contrition for the killing of her mother.

She said the fact that Williamson had remarked to a journalist on the day of her father's funeral that the reason it was scorchingly hot was because "they had forgotten to close the gates of hell" This indicated that he hated her father "with a passion"

"Craig Williamson killed my mother because he could not kill my father," an emotional Slovo told the committee. Slovo said it was a falsehood to claim, as Williamson had done in his evidence last week, that the letter bomb that was sent to kill First was addressed to Joe Slovo.

"I don't believe that my mother would never have opened a letter meant for my father," she said.

She also told the committee that in principle her mother had been opposed to the Nkomati Accord which among other things forced the Mozambican authorities to flush out activists who had sought refuge in that country.

She said attempts were made by the apartheid state to demonise her father, and create an impression that "my father was a KGB agent. This myth was put out by Stratcom to scare the white constituency in South Africa."

Slovo said Jerry Raven who had been instructed by Williamson to construct the bomb that killed First was not telling the truth when he said he had "merely" made a bomb.



Craig Williamson ... made up a story claiming that Joe Slovo was a colonel in the former KGB and leaked it to the media.



Gillian Slovo ... listens attentively as Williamson is seeking the TRC's amnesty for sending the letter bomb that killed her mother.

## We have not been told the truth, says Gillian Slovo

(252)

SAW 29/9/98

### PRETORIA CORRESPONDENT

Gillian Slovo has told the TRC's amnesty committee she did not believe arch apartheid spy Craig Williamson and police bomb expert Roger Raven had told the truth regarding the murder of her mother, Ruth First.

Testifying yesterday before the committee in Pretoria, Slovo said there had been a time, before the current hearings, when she would have believed amnesty applicants who said they were just following orders and believed that there was a red threat from "Marxist/communist terrorists".

"But now I can't believe they created the lies of the 'red threat' and then also believed them," she said.

Raven and Williamson have applied for amnesty for manufacturing and sending, respectively, an A4-sized envelope containing an explosive device to First. She was killed when

she opened it.

Slovo said her mother had never taken up arms but had used her considerable intellect and skill as a writer and teacher to oppose apartheid.

Earlier she had told the committee that Williamson had created and leaked to the press the story that her father, SA Communist Party leader Joe Slovo, had been a colonel in the Russian secret police, the KGB. She said this was completely untrue.

"I thought that coming here would give me - and my two sisters - some sense of closure and that the applicants would tell the truth.

"I've been quite shaken up in that belief, because we have not been told the truth.

"I wish Roger Raven had told the truth."

Slovo said she did not believe Raven's testimony that he had not checked the name of the person who would receive

the letter bomb he made, and he did not know that it would be sent to First.

She also did not believe that the bomb had been addressed to Joe Slovo, as Williamson testified, because her mother would not have opened an envelope addressed to her father.

"My mother was a feminist in her own way and would have respected my father's privacy and not have opened a letter addressed to him."

At one point during the proceedings, Slovo was asked if she could move to another seat, but the committee heard that she felt very uncomfortable at the way Williamson looked at her.

She said First had believed that mobilising the people of South Africa politically was the right route and had been quite outspoken regarding the armed struggle.

First and Joe Slovo had often discussed and argued about

political matters, but being married to the chief of staff of the ANC's army, Umkhonto we-Sizwe, did not make First a valid target, even in Williamson's eyes.

Slovo told the committee she found it very difficult to make a distinction between the killing of her mother and the ANC bomb which blew up outside the South African Air Force's headquarters in Church Street in 1983, killing numerous civilians.

Former Vlakplaas commander Eugene de Kock took the stand briefly yesterday and began describing his part in the operation which led to the explosion at the ANC's office in London in March 1982.

This attack, the committee heard, was partly in response to the Church Street bombing.

He said he was withdrawn from his Koevoet unit in the former South West Africa and was briefed by Williamson before flying to London.



# Coetzee's application seems on rocky ground

Jonny Steinberg

EF 100 30/9/98

FORMER police commissioner Johann Coetzee's amnesty application to the truth commission appears to be on rocky ground following testimony by former Vlakplaas commander Eugene de Kock yesterday that Coetzee had lied in denying knowledge of human rights abuses

De Kock said Coetzee had intimate knowledge of the activities of the Koevoet battalion in the early 1980s when Koevoet operatives tortured and killed dozens of captured South West African People's Organisation (Swapo) intelligence operatives.

"The prisoners were laid out on a concrete floor for months, their feet were chained together and bags were placed over their heads," De Kock said

De Kock said that some of the Swapo prisoners became Askaris, while others were executed over a period of several months

He testified that Coetzee, who paid regular visits to Koevoet, was aware of the capture and subsequent detention

of the prisoners

(2/5/7)

In his testimony to the amnesty committee earlier this month, Coetzee denied knowledge of human rights abuses committed by the SA security forces

Coetzee's counsel, Louis Visser, objected to de Kock's testimony, arguing that none of his allegations were put to Coetzee when he gave testimony, and that he was being accused of lying without being given the opportunity to respond.

Asked whether it was likely that a policeman would have assassinated a target without the consent of high ranking officials, De Kock replied "You could not blow someone up, or kill someone, without clearance — all the way up to commissioner level I once went over the border without an order to do so, and my action nearly cost me my career"

"Coetzee asked if I could stand firm He said he was behind me All that was nonsense He could have gone to Harms with the truth I reiterate Gen Coetzee is a liar," De Kock said

## English urged as sole official court language

PRETORIA — Afrikaans would have to yield to English as the sole official court language, according to Johannesburg attorney Harry Barker.

In an article in the October edition of the SA attorneys' journal De Rebus, he said four high court judges have come out in favour of using one official language, mostly for practical reasons.

"The administration of justice and the development of law in one court language would reduce the demands upon practitioners and the law's inevitable delays," Barker wrote.

He said the will of the majority of South Africans excluded Afrikaans from being the language in question

"And the expectation that the lesser-known indigenous languages would enjoy parity of esteem with a world language is surely destined to be merely a pious hope," he said.

The official language should, he said, be one understood by all court officials irrespective of their mother tongue.

"Despite its pithy strength, its liveliness and its adaptability, Afrikaans will have to yield to English as the language of the courts," Barker said.

In an editorial, De Rebus questioned the lack of female representation on law society councils.

"The reason could be that women are reluctant to make themselves available for nomination, or the perception may exist that male-dominated councils may be hesitant to accept women as members

"We hope restructuring will go some way towards rectifying the gender imbalance." The journal also proposed the creation of a human rights institute under the auspices of the SA Law Society. — Sapa.

BO 30/9/98



# Security man believed PW ordered bombing

ARGUS CORRESPONDENT

**Pretoria - One of the security branch policemen who bombed the African National Congress's London offices in 1982 told the Truth and Reconciliation Commission amnesty committee he believed orders for the attack came from then prime minister P W Botha and the cabinet.**

But retired Colonel James Taylor, who was born in England, admitted under cross-examination by Mr Botha's legal advisor, Advocate Ernst Penzhorn, that he had no evidence to support this assumption.

He admitted he had never been given direct orders by Mr Botha or any other cabinet member and had not been told by any of his senior officers who had given the orders.

Colonel Taylor was testifying before the amnesty committee in Pretoria yesterday for his part in the bombing of the ANC offices in March 1982.

He said the bomb was set to go off on a Sunday morning when there would be no one in the offices as most people

would be attending an anti-apartheid rally outside South Africa House.

He told the committee he entered Britain as a book dealer on his way to a book fair in London. He said letterheads and business cards were made for him to support his false identity.

He had not been told the purpose of the mission was to blow up the offices until after he had arrived in London. He thought they would be going to break into the offices.

"Even if I had known before leaving South Africa, I still would have gone. I considered it an honour to be part of the operation and was proud of what was achieved," he told the committee.

He said he and the others were later decorated for their work (252)

"I believe it was the second highest award in the South African Police. But what was important was that it was the first time it had been given to anyone below the rank of general."

A decision to fly directly back to South Africa had meant that the team had to pay in extra money to fly home.

The hearing has been postponed to November 2.

ARGUS 30/9/98

DETAINED BY UK CUSTOMS

# Bombers came close to exposure

**PRETORIA:** Eugene de Kock told the TRC amnesty committee that the bombers of the ANC's London offices were under suspicion by Customs. The amnesty hearing of the eight has been postponed to November 2.

**T**HE squad of policemen who blew up the ANC offices in London in 1982 ran into a number of hitches that almost jeopardised their mission, the Truth and Reconciliation Commission (TRC) amnesty committee heard here yesterday.

This emerged during testimony by former Vlakplaas police base commander Eugene de Kock, who along with seven other former policemen is applying for amnesty for the blast.

De Kock told the amnesty committee that he and John Adam were stopped at Heathrow by suspicious customs officials. He said they both had false names and documents, but customs suspected they were dealing in drugs or contraband because they had large amounts of cash with them.

De Kock said they were detained and intensely interrogated for about three hours before being released. They were then kept under surveillance for a few days.

De Kock said this had not worried him much, but Adam was nervous. He described how the leader of the operation, Piet Goosen — who has since died — was robbed by pickpockets while walking in the streets of London. Goosen was also stopped when leaving the country because he bought a collection of axes that he planned to use for wood carving. This made customs officials suspicious, but he was eventually allowed to leave.

"Goosen and I were like country bump-

kins, but Craig Williamson was streetwise and really knew his way around," De Kock said.

Another member of the squad, James Taylor, told the committee that he travelled as a book dealer on his way to a book fair in London. He said the necessary letterheads and business cards were made for him to support his false identity.

Taylor said he and the other police agents drove around London for several days to acquaint themselves with the routes to and from the ANC offices and the airport.

The hearing, in which Williamson is also applying for amnesty for his part in the letter bomb attacks that killed Ruth First in Mozambique in 1982 and Jeannette and Katryn Schoon in Angola in 1984, has been postponed to November 2.

The postponement followed lengthy argument by legal representatives about the sequence the hearing of testimony should take. Some lawyers told the committee they had difficulties in making their witnesses available over the next few days.

Louis Visser, SC, for former security police head Johan Coetzee, said he needed time to consult the former general about some of the testimony heard by the amnesty committee this week.

Committee chairperson Judge Andrew Wilson then agreed to adjourn the hearing to November 2. — Sapa





De Kock - said he shot four or five people while Coetzee was in charge Koevoet.

# 'Coetzee lied about Koevoet'



Coetzee - well aware of Koevoet's activities, says De Kock.

## De Kock tells TRC former police chief ran operation

By Joe Mdhlela

**F**ORMER police chief General Johan Coetzee lied to the Truth and Reconciliation Commission amnesty committee when he suggested there was no cooperation between the security forces and Koevoet in Ovamboland, Namibia, during the apartheid years, the TRC was told yesterday.

In his testimony before the amnesty committee at the Idasa Conference Centre in Pretoria yesterday, convicted mass murderer Eugene de Kock said Coetzee was in charge of Koevoet and had played a part in the killing of apartheid opponents in the early '80s.

De Kock, like Coetzee, is applying

for amnesty for the bombing of African National Congress offices in London in 1982.

De Kock said he had shot and killed four or five people when Coetzee was in charge of the Koevoet operation.

He told Judge Andrew Wilson and his commissioners that Coetzee had kept files of people killed by Koevoet and had expressed "a lot of joy" about the killings.

There was no doubt in his mind that Coetzee was in charge of the Koevoet operation. Insurgents captured by the unit were subjected to inhumane treatment.

De Kock said it was the general practice of the security forces in Ovamboland that the seriously

wounded would not be allowed to die from their wounds but would be "finished off by those who detained them".

"I would venture to say that not only Coetzee knew about Koevoet but the knowledge had trickled down to all members of the security forces," he said.

De Kock said the captured "prisoners of war" had sacks pulled over their heads while in detention - sometimes for as long as six months.

As a result the prisoners developed a "fungus on their faces".

"This was done with the knowledge of General Dreyer. I don't know if General Coetzee knew about it," he said.

De Kock said detainees were not

kept at police stations but at "reconnaissance" bases.

The atrocities perpetrated by Koevoet on detainees were similar to those in ANC camps in Quatro, Angola.

"I don't think their detention differed much from those in Quatro camps," De Kock said.

On the bombing of the ANC's London offices, De Kock said the instructions they received from their superiors were that they should not "buy things like knives" as these would expose them to scrutiny from British customs officials.

About his knowledge of London and its surroundings, De Kock said he could at best have described himself as a "country bumpkin" as far as his

knowledge of the city was concerned. Former British citizen and now a naturalised South African James Taylor is also applying for amnesty for the bombing of the ANC's offices in London.

Taylor said he was motivated by a desire to "protect the integrity of the previous government and to ensure that the community does not lose its confidence in the National Party as a result of fear and intimidation created by acts of terror".

A former security branch officer, Taylor said he did not know before leaving for London that the "mission" was to attack the ANC's offices.

He said once in London they had to create the impression they were businessmen attending a book fair

*(252) Source Jan 30/19/98*

# A life changed forever

CAROL CAMPBELL  
SPECIAL WRITER

Viola Shackleton's life has been irrevocably changed by the two years she spent as a "briefer" working for the Truth and Reconciliation Commission in the Western and Northern Cape.

Everyday worries don't plague her any more. No problem is so big it cannot be solved. "The whole experience was incredibly humbling. I have been left a richer person by listening and helping people who have suffered so much."

Her job as a briefer was to prepare, support, debrief and refer (for counselling) the victims of apartheid atrocities who gave evidence at TRC hearings.

"One of the basic rules of psychology is that the counsellor should never have physical contact with a client. I threw that rule out at the very beginning."

People wept on her shoulders as they recounted their experiences. She held their hands as they gave evidence and picked them up when they thought they couldn't take any more.

Although young and white, Shackleton was accepted and trusted by the mostly



LEON LESTRADE

Viola Shackleton: 'I'm a richer person'

black and often ageing victims who came forward to tell their stories. "Nobody judged me on the colour of my skin."

There were individuals who found their way into her heart and whose stories kept her awake at night. One man, who died of cancer a month after he appeared before the

TRC, taught her that despite terrible suffering the human spirit can survive.

"Yes, there were people who were broken by the things that happened to them and slowly they are coming back now, a year, sometimes more, after giving evidence, for counselling."

She believes the healing of the nation began when the TRC hearings began. Full reconciliation between black and white could still take many years. "I once heard a Rwandan woman give a talk and she said the scars would only fade when victims became reconciled with their own humanity. I agree with her. First we must learn to co-exist and then, after a long, long time maybe there will be reconciliation."

Right now Shackleton is working at the Trauma Centre for victims of violence in Woodstock. Next year she will begin a masters programme in psychology at the University of Cape Town - the last step in fulfilling her dream to become a community psychologist. "I was so naive before all this began but now, more than ever, I know what I have to do with my life. The past two years have been hard but they have taught me a great deal about the human spirit and for that I am grateful."

Argus 11/10/98 (252)



# Mbeki blamed for fallout over TRC report

CHARLENE SMITH

Deputy President Thabo Mbeki ignored President Nelson Mandela's feelings and led the African National Congress's charge to try to prevent the handing over of the Truth and Reconciliation Commission's final report.

Mr Mandela was happy to release the report complete with references to ANC camps in Angola where inmates were allegedly tortured and killed, but Mr Mbeki and the ANC leadership went ahead with their failed court bid to stop publication.

Mr Mbeki's stand has alienated many of his comrades in the ANC's national executive committee, a number of whom have phoned commission chairman Archbishop Desmond Tutu and commissioners to apologise for the ANC leadership's conduct.

Some commissioners said the difference between Mr Mandela and Mr Mbeki's attitudes was disturbing. Mr Mbeki, the country's future president, was essentially seen as trying to suppress sections of a public inquiry because it would have damaged his

organisation's image.

Although the ANC's national working committee agreed in principle on Monday to take the matter to court, many of the ANC's executives were only informed of the decision to go to court late on Wednesday night.

The decision followed a telephone conference on Wednesday afternoon between Mr

**Where do we go from here? recommendations from the final report - page 21**  
**FW de Klerk wants to launch his own reconciliation centre - page 21**  
**Dumisa Nisebeza rides the storm in the search for truth - page 23**  
**'I think we have done enough,' says Archbishop Tutu - page 24**

Mbeki in Cape Town, ANC deputy president Jacob Zuma in Durban and secretary-general Kgalema Motlanthe, deputy secretary-general Thenjwe Mtshntso and treasurer Mendi Msimang in Johannesburg.

Not all members of the NEC agreed with the decision. One member said "That decision has damaged us, we should rather have held a press conference and strongly made our point."

Many ANC sources believe panic overrode

prudence by attempting to suppress information in the report, the ANC has damaged its image as "an international moral authority".

It was evident that Mr Mandela did not agree with the ANC leadership. A senior Mandela aide said "The decision was Thabo Mbeki's as head of the ANC, Mandela gave

his input but it was ignored."

On receiving the report, Mr Mandela told Mr Tutu that he accepted the report in its entirety.

ANC chairman Patrick Lekota, who is overseas and was not consulted on the decision to take the commission to court, phoned Mr Tutu on Thursday night to apologise and to praise the work of the commission.

Commissioners said they had been inundated with phone calls from ANC executives

and members, apologising for the decision to take them to court and saying, according to one truth commission executive, that "even though aspects of the TRC judgments were painful, they are issues the ANC knows it has to deal with and has, in instances, made efforts to come to terms with". Premiers, Cabinet ministers, NEC members and parliamentarians were among those who apologised.

The commission's recommendations on gross human rights violations will go to Cabinet for a decision on whether to prosecute offenders.

Ivan Fallon, the CEO of Independent Newspapers, said the group welcomed the commission's recommendation for less media regulation. He endorsed the call for "a review of all laws which impact on the free flow of information, freedom of expression and diversity of opinion".

He said the group also took seriously "the recommendations on cases of journalists who were paid or are still paid by state agencies, and will be discussing this with editors' staff to develop a proper process."

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# Exposing a web of lies

**N**O ONE wants to jump the queue now. The enthusiasm the apartheid security forces showed when they were called on to commit acts of terror against opponents of the National Party led government is missing today.

Such was Eugene de Kock's closing testimony at the end of the Truth and Reconciliation Commission amnesty hearing in Pretoria this week.

In De Kock's view, no one wants to jump the queue and volunteer information that will help the TRC understand the clandestine operations of the security forces under the apartheid government at a time when it went to extreme lengths to maintain its grip on political power.

But the former Vlakplaas commander wants "to be first in line" to volunteer the information that will assist the TRC.

Nonchalantly, De Kock described to amnesty panel chairman Judge Andrew Wilson how a plan to bomb the African National Congress offices in London was hatched with the apartheid government and former police chief General Johan Coetzee's blessing.

Certainly, Major Craig Williamson was an important link in this whole operation strengthened by the expertise of bomb disposal expert Jerry Raven, along with John McPherson, John Adam, Waal du Toit, James Taylor and De Kock himself.

The world, and the superpowers including Britain and the United States, had to be given a taste of what the apartheid state was capable of doing when its system and the preservation of the status quo were under siege from the "communist threat", according to De Kock.

The South African state was waging its own blend of psychological warfare on an international scene, using foreign soil to express its abhorrence of communism.

Also, the apartheid state wanted to display to the world that it was capable of crushing the African National Congress-South African Communist Party (ANC-SACP) alliance.

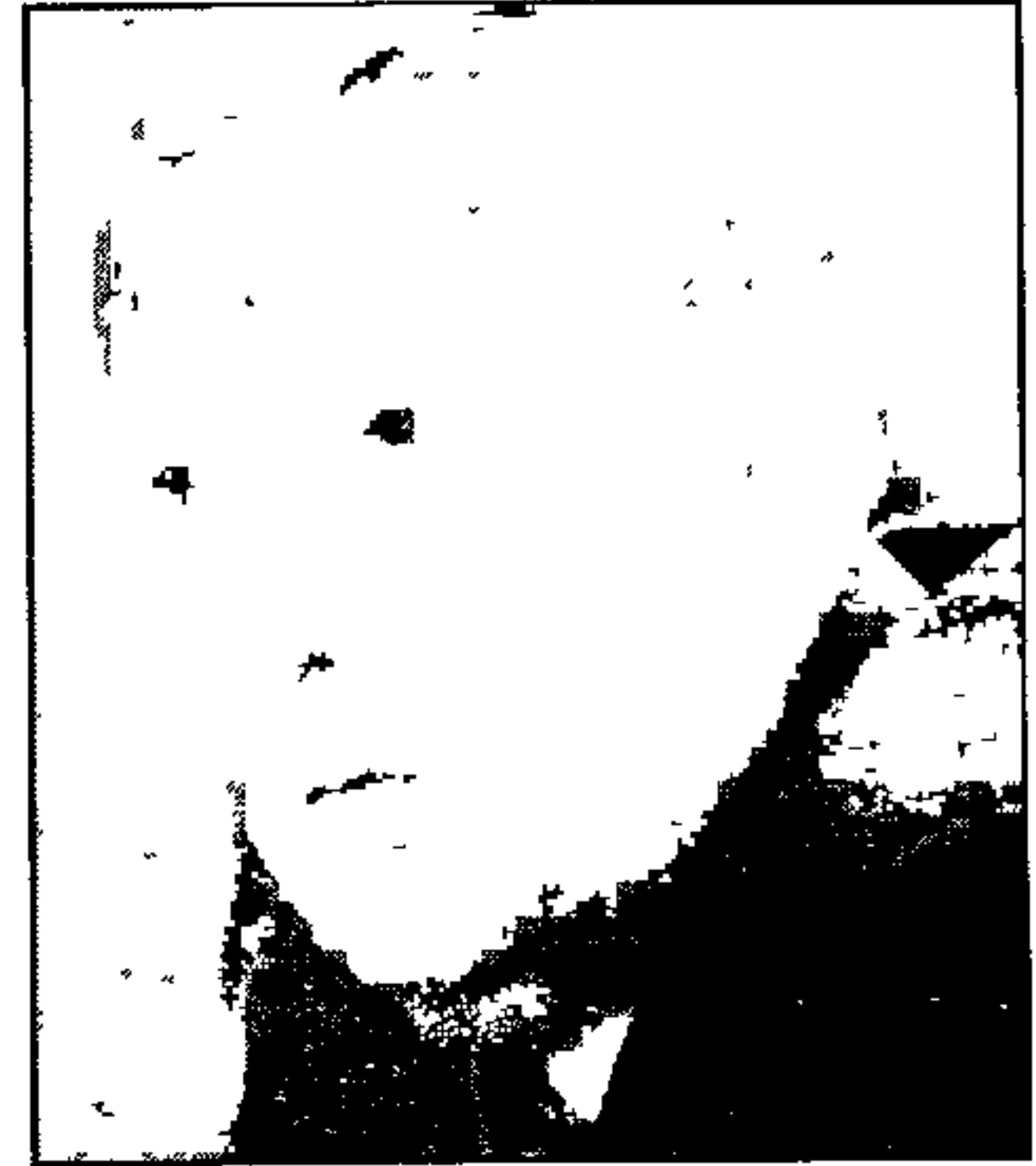
Almost without emotion, and with clinical precision, De Kock went about detailing how a master plan to weaken the ANC-SACP alliance unfolded with superspy Williamson.

He was acting in his capacity as a "second-in-charge" to the real spymaster, former head of the security police and former police commissioner Coetzee.

A web of lies, right from junior officers to the top echelons of the police force, became the order of the day.

Take the example of how retired policeman Colonel Taylor hid his true intentions while in London to plant a bomb that would destroy the ANC headquarters.

The next chapter to be drawn from the TRC hearings will be the apartheid state's involvement in Koevoet in the former South West Africa, predicts **Joe Mdhlela**.



Prisoner and apartheid assassin Eugene de Kock (left) and his former boss, ex-security police chief Johan Coetzee. PICS PAT SEBOKO

British-born Taylor strode the London streets leaving everybody who saw him with the impression that he was a top business executive solely in the City to clinch a business deal for his book company.

Yet in his attache case he carried weapons of destruction, the bomb devices that were to blow up the ANC offices.

Taylor (51), now a naturalised South African, told Wilson that he travelled all the way from Pretoria without knowing that the purpose of the journey was to blow up the ANC offices.

His view, he told the TRC hearing, was that they "were going to break into the ANC offices".

"Even if I knew the ANC offices would be blown up, I would have gone. I saw it as an honour to be part of the operation and was proud of what was achieved," Taylor told the TRC hearing.

Even Wilson was clearly surprised by Taylor's seemingly incredible claim that he travelled all the way from South Africa to Britain without appreciating the fact that the reason behind their journey was to attack the ANC offices.

Could De Kock's analogy of people refusing to jump the queue fit Taylor's claim of ignorance and Coetzee's refusal to align himself with Koevoet's atrocities in the former

South West Africa.

Coetzee hopes to go to his grave without the world knowing the extent of his involvement in Koevoet, the killing of dozens of South West African People's Organisation operatives.

When the amnesty hearing resumes next month, Coetzee's lawyers have indicated they want to disprove the myth popularised by De Kock that Coetzee was involved in bloody atrocities in Ovamboland while directing notorious Koevoet operations in the early 1980s.

Laid out on the floor, the "prisoners of war" captured by Coetzee's unit, were chained together with bags placed over their faces so that they "developed fungus" on their faces, according to De Kock.

This week the former assassin and convicted murderer was emphatic that Coetzee directed a Koevoet battalion, something the general failed to disclose to the amnesty committee hearing.

Whether Coetzee lied, as De Kock claimed at the TRC hearing on Wednesday, is a matter that Wilson will have to decide in due course.

Political analysts believe De Kock may as well sing like a canary as he has nothing to lose. He is already serving a long jail term.

The next few months will tell if Wilson will believe or disbelieve what he has heard during the past few weeks in Pretoria.

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## Victims to see handing over of truth report

Nomavenda Mathiane

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MORE than 200 guests, including 40 victims who suffered gross human rights violations during the apartheid era, will witness the handing over of the truth commission's report to President Nelson Mandela on October 29.

Commission chairman Archbishop Desmond Tutu will present the five volumes made up of 3 500 pages to Mandela at a solemn ceremony at Mandela's Pretoria residence, Mahlambandlovu.

Official sources could not say anything about the cost of the exercise yesterday, but it was learnt that air fares alone could run to at least R200 000.

The sources said the organisers initially aimed at throwing a huge gala affair in Cape Town to mark the end of three years of hard work unearthing SA's painful past. Robben Island was one of the venues explored for the function.

However, objections from staff resulted in the organisers planning a less extravagant affair.

Commission spokesman Mdu Lembede said the government would invite 100 guests and the commission 130. These would include 30 commissioners and their partners, three Amnesty Committee judges and their partners, 11 reparation and rehabilitation and amnesty committee members, 15 commission portfolio heads, five victims from each province and donors to the commission.

Lembede said he was not aware of any overseas dignitaries who would attend. Tutu and his deputy Alex Borraime are overseas at present and will attend the ceremony at the commission's expense.

Lembede said the function was being organised by the commission, together with the justice and finance ministries.

# Committee rejects 'apartheid policing' claims

David Greybe

CAPE TOWN — Parliament's justice committee has rejected claims by lawyers and human rights campaigners that tough new legislation aimed at stamping out organised crime was so draconian it could result in a return to apartheid-era policing.

The National Association of Democratic Lawyers (Nadel) said yesterday the Prevention of Organised Crime Bill undermined a number of fundamental freedoms in the Bill of Rights and should be withdrawn or risk

challenge in the Constitutional Court.

The real problem with organised crime was that the police were often in cahoots with gang leaders. Nadel's strong opposition to the bill came under attack from committee members from the African National Congress, the majority Nadel members

Committee chairman Johnny de Lange, a Nadel member, was adamant the bill would be enacted this year. "We will make sure the legislation we ultimately pass is constitutional." The Human Rights Committee was an-

other opponent. The bill can criminalise an entire segment of society without any criminal actions being recorded. A pair of tacks, Levi jeans and a handshake can potentially incriminate a young person.

The Western Cape Anti-Crime Forum agreed "There is very real potential for the state to abuse this law with a return to the draconian style of law enforcement under the old regime. This can be done through harassment and unjustified arrests."

However, most of the approximately 30 submissions to the portfolio committee sup-

criminalise gang membership, but gang activity which is criminal," De Lange said. "I do not want to make any apologies — I want to disrupt gangs."

Nadel's Michael Blake said the bill could be used by sections of the police to incriminate or intimidate people for narrow self-interest or against legitimate government opponents.

De Lange said the issue of implementation was crucial to the success of the bill, which was why an SAPS delegation was told this week to present a detailed "imple-

PD 1110 Pgs

ported the bill, with some amendments. These included the Banking Council, various attorneys-general, judge presidents and magistrates, law societies, and the SA Police Service (SAPS).

Yesterday was the last of a two-day public hearing on the bill.

De Lange said it was simply not true that mere membership of an organisation known to be involved in criminal activities would be an adequate basis for prosecution under the bill.

"I want to make it clear, the bill will not

mentation plan" to the committee prior to it meeting in a fortnight to finalise the bill.

He said it was also suggested the SAPS conduct polygraph tests, as soon as possible, on about 580 specially trained investigators in 24 specially trained police units dealing with gangs.

Blake said the legislation was a knee-jerk reaction to a climate of near hysteria about crime in SA, and was being rushed through ahead of next year's elections while avoiding addressing the socio-economic causes of crime.

on anti-crime bill



# State security told SA is a 'failure'

SA's prosecutors and detectives gathered at a conference at Sun City this week, but their political bosses were missing Jonny Steinberg reports

(297) BD 2/10/98

ON THE fourth day of the marathon World Conference on Organised Crime held at Sun City last week, Dutch academic Hans Werdmölder told 300 delegates that SA was a "failed state".

In the post-Cold War world, Werdmölder said, state security forces around the world, including SA, had lost their monopoly over the exercise of organised violence to vigilante groups and organised criminals.

When private forces implement private laws by violent means, as has happened with the advent of organisations like Pagad in the Western Cape, the state has lost control over the most rudimentary of its functions.

During question time, an earnest young official from SA's justice department took Werdmölder to task.

"SA's government has more legitimacy now than it has had for the entire twentieth century," the angry young official said. "Crime rates are down. Your statement that ours is a failed state was off the mark."

A murmur of discontent swept through the audience at the mention of crime rates.

"I was expecting your question," Werdmölder said. "SA has 25 000 murders a year. By any standards, that represents a failure of your state. If you cannot see that, I worry for you."

At this point, the audience burst into deafening and prolonged applause.

But just who was in this audience? Not Pagad, not a populist rabble of angry citizens, but, aside from a few dozen foreign guests, scores of SA detectives and public prosecutors.

The operational leadership of SA's criminal justice system was gathered together that day and their heartiest and most grateful applause was for a visitor who told them that the apparatus they managed, SA's crime-fighting institutions, had failed. The spectacle was as chilling as it was bizarre.

Away from the public gaze of the auditorium SA's criminal justice officials vented a great deal of anger about their new political bosses. Public prosecutors grumbled at the audacity of being robbed of their autonomy in favour of a national director who had little experience in prosecution.

"Under apartheid, where attorneys-general had regional independence, there was nothing government could do to someone who refused to prosecute violations of the Group Areas Act," a disgruntled prosecutor said. "Now we are answerable to an African National Congress (ANC) party hack."

At a tea break, a veteran detective gestured towards the crowd of delegates and asked "Where the hell is the political leadership? Where is the lead-

ership of the safety and security secretariat?

"This was their golden opportunity to show they were behind us. We are all here, all the operational leaders, for the first time. We can talk strategy until we are blue in the face. But it is pointless if the people who call the shots are not listening."

Many of those who run the daily business of SA's criminal justice system feel that government does not support them. By proxy, they feel that their task, fighting crime, is being neglected too. Are they right?

On the one hand, their view is both jaundiced and short-sighted. In his conference speech, Canadian policing analyst Irvin Waller likened the fighting of crime to killing crocodiles.

"You can either club each crocodile to death," Waller told his audience, "in which case you will be beating the crocodiles until kingdom come, or you can drain the swamp."

A fair chunk of those who attended the conference are in the business of crocodile clubbing. Infiltrating crime syndicates, recruiting informers, offering witness protection, gathering sound evidence and then prosecuting the offenders, is an expensive, time-consuming business. At the end of this tedious process, the reward is a handful of convictions. Meanwhile, the swamp is spawning baby crocodiles.

Draining the swamp, for Waller, means that in addition to locking criminals behind bars, government acts to deny potential felons the opportunity to offend.

To its credit, government is showing a lively commitment to swamp draining. Under the auspices of the National Crime Prevention Strategy, a hitech project to block illicit access to SA's vehicle registration system will soon be in place.

If local vehicle manufacturers rise to the occasion and commit themselves to a standardised system of visible vehicle identification, the combination of the two measures should make hijacked cars stick out like sore thumbs.

Government is also in the process of furnishing border and port officials with an array of technology, skills and



Insp William Verral holds up cocaine found being smuggled into SA during a drug bust at Johannesburg International Airport.

personnel it has never had before. If the risks attached to the transport of contraband goods is significantly raised, the risk premium for criminal organisations will rise.

Nonetheless, the crocodile-clubbing business remains sacred and indispensable. There will always be felons, no matter how successful the plans spun by crime prevention funds and no society can for a moment contemplate abandoning the task of putting criminals behind bars.

That our crocodile-clubbers are an angry and demotivated bunch is a problem of the utmost severity.

Indeed, there is both an unfortunate and lamentable story behind their current distress.

In April 1994, the new government faced a dilemma in regard to SA's criminal justice officials. It inherited a highly armed generation of personnel who only a few years back were defending apartheid from its foes. Government pondered how wise it was to leave its erstwhile adversaries in charge of the state's most powerful institution.

"The ANC had two options," a senior detective said in an interview this week. "It could either throw out the criminal justice system's leadership and train its own people to take over the system. Or it could take a leap of

faith, recruit a new leadership from an experienced pool in the old school and give us their full backing."

"But it did neither. It did not throw us out, yet it did not put its trust in us either. The national commissioner was chosen simply on the basis that his hands appeared to be clean. A number of inexperienced people received fast-track promotions, right to the top of the system, while those who were respected among their peers for their leadership soon realised that their careers were stonewalled."

"We are still here, but our past is an albatross around our neck, we are constantly watching our backs."

"Many of those in command simply do not enjoy respect or authority," the detective said. "We face a frightening prospect: the organisation has lost the sort of culture which will create a new generation of leaders. Whether there will be a detective service to speak of in 10 years is questionable."

Herein, perhaps, lies the source of the perception that government is not being serious about fighting crime.

Its relationship to its crime-fighters is an ambivalent and hesitant one, and this ambivalence is beginning to show. Disturbingly, it is an ambivalence which is leaving its mark on the criminal justice system itself.



# Human rights watchdog wants a longer leash and

BY THAMI NGIDI

South Africa's Human Rights Commission is fighting for its life, according to HRC chairperson Barney Pitsoana.

And its biggest threat is the government of President Nelson Mandela.

Launched in 1995, the HRC is one of several bodies created in terms of chapter 9 of the country's interim constitution.

Apart from the HRC, other so-called chapter 9 institutions are the Public Protector and the Commission on Gender Equality.

The HRC is tasked with monitoring compliance with the Bill of Rights as enshrined in the constitution. It is supposed to monitor so-called horizontal relationships - between individuals - and also vertical relationships - between institutions - by making sure the government does not infringe on the human rights of the individual.

In a document submitted to Speaker of Parliament Frene Ginwala recently, the

HRC argues that these bodies have to be independent of the government if they are to serve their true purpose to maintain a culture of human rights in the country.

Pitsoana warns that these institutions should not be linked to the life of a government and that such structures should not be answerable to the head of government.

But, at present, the commission is answerable both to the president as well as to the minister of finance, who controls the HRC's budget.

Pitsoana proposes that the HRC should be accountable to Parliament, in other words, to the people.

He argues that there are moves within the government to sacrifice the independence of the HRC through the control of funding.

The practice, over the past three years, has been that the commission's finances are allocated within the budget of the Department of Justice. The commission has had the right, however, to present its own budgetary needs directly to the

minister of finance.

But there are moves to alter this situation, and the body is worried that this may hamper the commission's work.

Says Pitsoana: "Late-ly, the minister of finance and the Department of State Expenditure have refused to deal directly with the HRC on budget issues. Even the limited right to have a budget allocation dedicated to the commission, we are informed, is about to be changed."

"From next year, the (national) Budget will make a global allocation for the state institutions in its care. This insistence is demonstrably



CONCERN Barney Pitsoana says the HRC should be answerable only to the people.

the commission found itself in a similar situation with the Department of Education. When it was already investigating racism and human rights abuse in Gauteng schools, the MEC for education set up another inquiry.

In October 1996 the commission invited the government to sign a memorandum of understanding in order to regulate relations between it and the government. "Nearly a year later, the office of the deputy president is still considering our representations," Pitsoana says. Pitsoana, former chairperson of the World Council of Churches' committee to combat racism, is remembered for his role in the struggle for the liberation of South Africa and the time he spent in and out of prison.

He is also remembered for the passion with which he took on academic Professor Dennis Davis, now a judge, for his broad-side at the commission and the aspersions he cast on the organisation. Pitsoana wants to bequeath to South Africa a legacy where human rights are never maintained at the whim of a government.

contrary to the law," says Pitsoana.

He says he wants a debate on the matter in Parliament because it affects the way the commission conducts its work and hence the promotion of human rights. "The HRC's budget is shrouded in secrecy. The commission never knows what it is to receive from one year to the next. The situation may improve now that the government has adopted the three-year medium-term expenditure estimates."

"The present situation renders the commission susceptible to political interference. As part of its independence, the commission needs to be able

In its search for independence, the commission has asked Finance Minister Trevor Manuel to incorporate a provision of the interim constitution and give the commission, among other things, the ability to raise its own finances from extra-governmental sources by establishing a human rights fund. "After a year, the minister has yet to explain his silence," Pitsoana says. "The commission is also worried that ministers and government departments appear to be undermining the body. Pitsoana says, for instance, that when the body was investigating racism within the police recently, the Department of Safety and Security decided to institute its own probe, effectively duplicating the HRC's work. The commission found itself in a similar situation with the Department of Education. When it was already investigating racism and human rights abuse in Gauteng schools, the MEC for education set up another inquiry."

# lots more teeth

to function effectively, regardless of the complexion of the government of the day," says Pitsoana.



ARG 5/10/98

# Chaos at courts after <sup>(252)</sup> 15 quit

## ARGUS CORRESPONDENT

Pretoria - Today will be another day of sweat and postponements for the remaining prosecutors and magistrates at the Magistrate's Court here

Last week, it became evident that personnel could not keep up with the workload, when some cases were postponed by more than 12 months to November next year

These included rape and fraud cases where victims would go through another year of uncertainty, while those not granted bail would languish behind bars until they could apply for it.

The delays were partly due to the resignation of six magistrates in the regional court and nine in the district court over the past year

Some courts were without magistrates and the cases were referred to other courts where the magistrates and prosecutors couldn't cope and postponed most cases for long periods

Some prosecutors were glad about the postponements, saying it gave them time to handle other cases

Naomi Humphreys, a senior prosecutor in the regional court, said there were 2 424 outstanding cases in July 1997. In July, this year such cases rose by more than 1 000 to 3 664

Although the outstanding cases had increased since the magistrates resigned, prosecutors had put shoulder to the wheel. Usually, there were about eight dockets to each prosecutor. Most now had 15 dockets to handle

# Surprise turn in Weakley TRC hearing

Murderer deviates from written  
testimony and implicates local AWB

SAPA  
East London

*Blon* *AKA 7/10/98*  
(252)

In a surprise move yesterday, an amnesty applicant told a Truth and Reconciliation Commission hearing here that a prominent Port St Johns resident was part of an AWB group in the town.

The applicant said the alleged activities of the right-wing group led ANC members to murder Alastair and Glen Weakley in 1993.

The Port St Johns resident, businessman John Costello, said in a telephonic interview yesterday that he was apolitical and denied any link to alleged right-wing activities in the area.

Pumelele Hermanus, a convicted murderer who is one of four men applying for amnesty in connection with the Weakley murders, did not include any references to Costello in his written application for amnesty, but in what may have been an eleventh-hour change of plan, made mention of the businessman in his oral testimony.

His oral testimony was originally expected to mirror his written application, as had largely been the case when his fellow applicants, Mlulamsi Maxhayi and Lungile Mazwi, gave evidence earlier.

Advocate Izak Smuts, counsel for the victims' families, suggested during cross-examination

that Hermanus may have altered his planned oral testimony so that it tallied with the written application made by Fundisile Guleni, the last of the four amnesty applicants, who was to give evidence today.

Yesterday, Hermanus said ANC members in the region suspected Costello was conspiring with right-wing elements and stockpiling weapons in 1992. He also claimed ANC members in Port St Johns suspected Costello of disturbing the inaugural meeting of the South African Communist Party's Port St Johns branch.

Following the assassination of SACP general-secretary Chris Hanu on April 10 1993, the applicants had resolved to launch a retaliatory attack against "anti-democratic whites who were infiltrating our area", Hermanus said.

Initially the applicants had planned a strike against the "anti-democratic whites" in Port St Johns but had been dissuaded by fears that the alarm would be raised and that the police and nearby Transkei Defence Force troops would intervene, Hermanus claimed.

The applicants, it was claimed, therefore shifted their attention to the remote area near Mpande where they killed the Weakley brothers three days after Hanu's death.

The hearing continues today.



# Mother pleads for

## TRC's 'forgiven'

(2/2) ARG 9/10/98

The mother of a victim of the 1993 Heidelberg Tavern massacre yesterday called on political parties to fund counselling for their members who had received amnesty for gross human rights violations.

Ginn Fourie, whose daughter Lyndi died in the shooting, told a Parow conference on mental health and the truth and reconciliation process that political parties had inspired and instigated violence, and provided backing, infrastructure and weapons for this purpose.

She suggested that all parties show accountability by providing funds for debriefing their members who had received amnesty, and ensuring that all perpetrators were encouraged to attend counselling.

Ms Fourie fought off tears as she described how, during amnesty hearings, one of the three Apla operatives involved told her he would welcome counselling "and rather with the survivors, so that true reconciliation can take place".

She said she had discovered earlier this year that although the TRC had provided for the counselling of survivors, nothing was available for perpetrators to "face their own demons and to integrate into a society where there are mixed feelings about perpetrators of violence being granted amnesty".

TRC research director Professor Charles Villa-Vicencio said that while priority had to be given to healing victims, it was in the interests of those victims, and society, to heal the perpetrators as well.

Asking what in South Africa had created the "fertile environment" for such dreadful deeds, he said any thoughtful person looking back would say it was a period driven by a war psychosis and by a spirit of authoritarianism.

"We came out of a society that was shrouded in secrecy and silence. There was a culture of non-inquiry," he said - Sapa

# Resignation of Suzman another blow for HRC

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MAG 9-15/10/98

David Beresford

**T**he Human Rights Commission (HRC) has suffered another body blow with the resignation of Helen Suzman, the fourth commissioner to walk out of the prestigious body headed by the controversial lawyer and theologian, Dr Barney Pitso Moseneke.

Suzman said on Thursday that her resignation would take effect at the end of the year. "I don't feel I'm serving any purpose," she said. "They need somebody younger and possibly less cynical."

Her resignation comes in a week when the commission — already subject to attack as a waste of taxpayers' money — has been laid open to further criticism by a high court judgment supporting the rights of 11 immigrant doctors to practise in the private sector.

Earlier this year the HRC supported the government and the National Interim Medical and Dental Council against the doctors, ruling that — although they were being discriminated against — such discrimination was justifiable under the Constitution.

This week Pretoria High Court Judge NM McArthur dismissed the restrictions as entirely arbitrary. He painted a picture of extraordinarily blatant discrimination against the doctors, some of whom appear to have been making a major contribution towards the shoring-up of the public health sector.

When the HRC made its original finding it was embarrassed by a statement of dissent issued by Suzman.

In a bizarre development this week, the commission refused to release the text of Suzman's statement, saying that the finding had been made unanimously by the panel

which heard the complaint and as such was binding on the commission.

The HRC, under the chair of Pitso Moseneke, has been the subject of long-standing rumours of unhappiness among staff which have been fuelled by a number of resignations.

The case brought by the 11 doctors against the Minister of Health, Dr Nkosasana Zuma, and the medical council, was fought around a requirement that doctors from most foreign countries have to practise for a period in the public sector — supposedly under South African supervision — and then pass an examination before they are allowed into the private sector.

The doctors, pointing out that their medical qualifications abroad were comparable or superior to the South African qualifications, complained that these requirements were "both professionally and morally unjustifiable".

In coming down on the side of the doctors Judge McArthur cited the example of one of them, Dr Jan Szczygielski, who had qualified in Poland in 1976 and had specialised in internal medicine. He came to South Africa in 1990.

He now works at Germiston hospital which caters for a population of 250 000 people. There he runs the department of internal medicine. The hospital superintendent is a Bulgarian, who is also limited to public sector work as an immigrant.

"Only one South African qualified doctor comes a few days in the week as a consultant in the paediatric department," notes the judge. In their capacity as specialists, Szczygielski and the other plaintiffs have to teach South African interns and then they have to sit the same examination as their pupils to qualify for private practice



Statement of dissent: HRC member Helen Suzman

The doctors argued that their treatment was clearly discrimination, because — in an attempt to accommodate returning political exiles who had qualified in medicine abroad — the medical council had granted exemptions to South African citizens who registered before the end of 1991.

The judge noted that "citizenship can never be a criterion for assessing the professional competence of an individual".

"It bears no relationship to a person's ability to practise medicine and if he carries out his duties in a responsible manner it is because he is a good doctor and has nothing to do with being a South African citizen."

Lawyers submitted the requirements for the foreign doctors were "cynical" and designed to discourage them from leaving the private sector. The judge said the evidence did not show an "improper motive" on the part of the medical council, but he noted that out of about 30 000 doctors registered with it, about one-third were involved in the public sector, which catered for at least 75% of the country.



# ANC, TRC clash over final report

MTG 9-15/10/98

Wally Mbhele (252)

**A** major clash looms between the ruling African National Congress and the Truth and Reconciliation Commission over the commission's final report to be made public at the end of this month.

Behind the scenes, a volcanic war of words has already erupted between the two organisations. The truth commission accuses the ANC of attempting to influence its findings. The ANC has described the commission's concerns as "utter rubbish".

The dispute was sparked by the commission's decision to serve several high ranking ANC officials with notices informing them they would be implicated in acts of gross human rights violations when it makes public its report.

The ANC's anger stems from a perception that in making its final findings on gross human rights violations, the truth commission is "casting the same shadow between freedom fighters and apartheid masters".

According to sources, the ANC is convinced the morality of those who violated human rights in the liberation struggle cannot be equated with those who fought to preserve apartheid.

In anticipation of the report, the ANC assembled a team of senior officials to formulate a response to the commission's findings implicating some of the party's leaders.

One of the senior party officials, Mpumalanga Premier Matthew Phosa, confirmed the ANC is drafting an explanation of the commission's findings against the ANC leadership. He expressed concern at what he saw as the commission's "minority" view on ANC human rights violations.

He said a majority of the truth commission staff members involved in drafting the report did not share the adverse findings on the ANC.

He said — unlike a court of law where a judgment carries weight only when supported by the majority of the Bench — the commission's findings on the ANC only represented a minority view.

Truth commission sources said differences existed among its staff on the final report.

More than 200 notices to individuals across the political spectrum have been issued, warning that they would be named in the final report. Some of the high-profile names implicated in the report include senior ANC Cabinet ministers.

The warnings prompted the ANC to seek a meeting with the commission. However, a letter written by the commission's head of investigations, Dumisa Ntsebeza, rejected the proposed meeting and tersely suggested the ANC wanted to influence the outcome of the final report, sources told the *Mail & Guardian*.

Phosa said of reports that the ANC sought to influence the findings: "It is absolute and utter rubbish, which is as big as Kilimanjaro mountain." He said the ANC discussed the matter and saw no logic in the commission "distorting" the ANC's response to its document.

While the ANC refused to disclose the date it planned to release its response to the report, speculation within ANC circles is rife that it will either be released shortly before or after the commission's handing over of its document to President Nelson Mandela.

This would have the potential to pre-empt the damaging implications against the ANC leadership, sources said. Alternatively, such a political step — if well calculated — would minimise damage if it could portray the ANC members as victims who operated under hostile conditions.

"We'll have no business to unduly influence the truth commission. Previously when they sought meetings with us, we never said they want to influence our perceptions," said Phosa. "It's an unfortunate and unfounded interpretation of the ANC's intentions that when we ask for a meeting, the truth commission should say we're trying to influence their findings."

Among those named in the report, according to informed sources, include Deputy Minister of Intelligence Services Joe Nhlanhla, Winnie Madikizela Mandela, Deputy Minister of Defence Ronnie Kasrils, former apartheid regime presidents FW de Klerk and PW Botha, and Min-

ister of Home Affairs Mangosuthu Buthelezi, also leader of the Inkatha Freedom Party.

The final report will be in five volumes of more than 35 000 pages. The head of the truth commission's research unit, Professor Charles Villa'vicencio, supervised preparation of the report.

Most truth commission officials this week remarked about how "interesting" it was for the ANC to start formulating a response even before party leaders had seen the truth commission's report.

A senior truth commission official this week said the ANC leaders are angry because "they feel bad that history will judge them in the same light as apartheid moguls. The fact remains human rights violations were committed across the political spectrum."

"Determining a political motive as reasons

for human rights violations as required by the Act governing the truth commission did not mean that there would be certain politically correct motives for such violations.

"While it's not for us to apportion blame, people must understand that where people suffered and died, and whoever was responsible, the commission cannot shirk its responsibility and seek to attach political significance to actions of certain individuals."

"We are unable to say certain people were angels, ours is to give an unbiased report in terms of what happened in the past."

Truth commission representative Mdu Lembede said the final report would remain a classified document until the commission hands it over to Mandela on October 29.

Regarding the ANC's misgivings about the final report, Lembede said the fact that peo-

ple's names were never mentioned in public hearings does not mean they would not be named in a final report.

Elaborating on this, he said the truth commission had used a wide range of sources to gather useful data for the purpose of fulfilling its mandate. For instance, he said, the commission collected information from public documents such as the ANC-appointed Motsuenyane and Skweyiya commissions into atrocities that occurred at ANC camps in exile.

Stressing that their investigations were not necessarily targeting the ANC, Lembede pointed out that the commission also made use of, among others, the Legal Resources Centre, Harms and Goldstone commissions' reports "and all the relevant information to further enhance our investigations using our own resources".

# War of words over

## 'English-only in courts'

### Move to establish one language of record 'unconstitutional'

PIETER MALAN

A controversial proposal to establish English as the only language of record in South African courts has outraged language lobbyists - especially those groups looking after the interests of Afrikaners.

The move to force judges and magistrates to use only English in court documents was given new impetus by an article in the latest issue of De Rebus, the South African attorney's journal. In the October issue, Johannesburg lawyer Harry Barker quoted two "epoch-making judgments" which strengthen the case for English as the only language of record in the country's courts.

Referring to these judgments Mr Barker said South Africa's indigenous languages would have to yield to English as the language used in South African courts. He also quoted China and India, as well as South Africa's neighbouring states, as examples of multilingual societies

where only one language of record was used in the courts.

A workshop organised by the Department of Justice earlier this year to discuss the language issue also came out very strongly in favour of English as language of record.

This would mean that all court records be kept in English, although it would not influence an accused or witness's right to testify in the language of his or her choice.

The National Party and the Stigma vir Afrikaans, a Stellenbosch-based Afrikaans lobby group, have reacted with alarm to these proposals, slating them as unrealistic and unconstitutional.

Such a proposal would be especially hurtful to Afrikaners which is widely used as language of record in the country's courts.

In one of the cases quoted by De Rebus, a Vryheid magistrate refused a Zulu man accused of stealing a car permission to have his trial conducted in Zulu.

The man, a local teacher who could speak English, then sought a declaration from the High Court that the refusal was unconstitutional and asked for an order that he be tried in the official language of his choice.

Judge J. P. Howard, however, refused the application on purely practical grounds, even though the judge admitted that 98% of cases in the Vryheid Regional Court involved Zulu-speaking accused and witnesses.

Judge Howard also pointed to the fact that, if a case heard by a lower court would have to be reviewed by the High Court, it would mean that only Zulu-speaking judges could review it or the complete record would have to be translated.

At the moment only one of the 22 judges in KwaZulu Natal is Zulu-speaking and none of the others could read or deal with a court record in Zulu.

Mr Barker said: "The will of the majority of South Africans excludes Afrikaans because of its ombre

record as the 'voertaal' (effective language) of apartheid."

He argued that the impact of the recent judgments and pronouncements by the country's courts "unavoidably" pointed towards English as official court language.

"Despite its pitiful strength, its liveliness and its adaptability, Afrikaans will have to yield to English," Mr Barker noted.

But critics to his proposal point out that it would be senseless, for instance, to conduct a court case in the Northern Cape in English where everybody is able to understand Afrikaans and, if the case is set for review, the High Court judges would also be able to read the transcript in Afrikaans.

Department of Justice spokesman David Porogo said at the moment they had no definite policy on the matter.

He said in the meantime the status quo, in which Afrikaans and English were both regarded as the only languages of record, remained.

RAU 10/10/98

(252)

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# Big Brother is watching from cradle to grave

JEAN LE MAY

Big Brother is watching you from the cradle to the grave — and even newborn babies face having to be fingerprinted in South Africa.

Proposed new birth and death certificates will contain intimate and confidential details about the lifestyle of the country's citizens — and these will be entered into Population Register computers.

A hundred years from now, a curious descendant may find out from official state archives that great-grandmother was an habitual drunk — and, moreover, that her children were illegitimate.

Human rights lawyers said information required for the new birth certificates could be an invasion of privacy and human dignity.

Human Rights Commissioner Jody Kollapen told Saturday Argus that "citizens could be entitled to

complain that there has been an invasion of their privacy."

"The issue of a birth certificate is a central right which entitles a citizen access to benefits."

"But giving additional information to support applications for birth or death certificates may be an invasion of privacy."

"The state has a legitimate interest in obtaining reasonable data to enable it to plan efficiently but it should not be linked to the issuing of birth and death certificates."

"In my view, another way should be found to get the information," said Mr Kollapen.

A Cape Town lawyer said "I doubt whether the provision requiring confidential information could be enforced by law. The request for fingerprints could also be challenged."

Another lawyer commented, "This is approaching the con-

trolled society George Orwell wrote about in his book, 1984. He told how an amorphous presence, Big Brother, watched over people to the point where they surrendered their identities to the state."

For instance, the new birth certificate will say how many drinks the mother consumed every day and how many cigarettes she smoked. The newborn baby must be fingerprinted. The person filling in the request for a birth certificate has to find out what race the parents are, what their educational standards are, what work they do, whether they are married — and, if so, whether they were married in a civil or religious ceremony or whether it is a customary union.

The form provides for an acknowledgement of paternity by the baby's father. Both parents must sign the form and provide their identity numbers.

Weekend Argus disclosed last month that controversial new death certificates were already in use in several provinces. Doctors said that the information they were asked to obtain from the deceased's relatives was "insensitive" — this included information such as whether the deceased had smoked in the past five years.

A report from the National Health Information System (NHIS) says the South African Nursing Council (Sanc) has objected to a provision which allows registered nurses to fill in and sign the new birth and death certificates. The council is quoted as saying this added to nurses' workload and they were not qualified to diagnose.

However, Sanc acting registrar Grace Ramade told Saturday Argus she could neither confirm this nor say whether a decision had been made on the issue.

The South African Medical Association (Sama) apparently also objected to the new certificates, saying they were an add-on workload for doctors. However, Sama legal adviser Braam Volschenk assured Saturday Argus that such complaints were "nonsense."

He said he was not concerned that confidential information in the birth certificates would be sent to the Department of Home Affairs for entry in the Population Register computers.

Documents sent to the Saturday Argus state that the departments of Health and Home Affairs were working together to gather statistics for the compilation of a "vital register" of all South Africans.

The information was necessary to improve the quality and completeness of information needed for social and economic planning, said the NHIS report.

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(2/12)

# Frustrated Suzman quits human rights commission

ARC 10/10/98  
MARCO GRANELLI  
POLITICAL CORRESPONDENT

Pretoria - Helen Suzman, a veteran human rights campaigner and former Democratic Party MP, has resigned as a commissioner on the SA Human Rights Commission, citing her frustration as a reason.

Mrs Suzman, who quits her post at the end of the year, said yesterday her resignation was nothing dramatic.

"I've simply had enough," she said. "It's time I should be withdrawing from this type of thing."

However, Mrs Suzman admitted her resignation was because of her differences with the commission, which was established in terms of the Constitution to promote and protect human rights.

In August, Mrs Suzman distanced herself from the commission's finding that regulations restricting 11 foreign doctors to working in government hospitals only were justifiable.

Mrs Suzman gave evidence on behalf of the doctors in a civil case in the Pretoria High Court. The court decided in the doctors' favour this week.

Mrs Suzman said, "I issued a very strong dissenting opinion. I was very angry with the commission's hearing and I was delighted by the court's decision to allow the doctors access to private practice," she said.

The commission said it regretted Mrs Suzman's decision to resign and thanked her for her services.

Mrs Suzman said she would not be quitting public life: "I'm still involved in a number of things including the Education Trust and I'm doing quite a bit of writing."

"And I hope to be involved in some electioneering for the DP next year."



# Bringing back noose, say

## ANC voters

### Supporters see the return of capital punishment as the only way

MOSES MTHEHELI MACKAY

Some African National Congress supporters in the Western Cape are beginning to add their voices to the call for the reinstatement of the death penalty as a way of fighting violent crime in South Africa.

While the National Party has called for the return of capital punishment, the ANC is sticking to its anti-death penalty stance.

Sylvester Mooli, of Mfuleni, said the death penalty should be re-

instated because many people committed crimes knowing they would not be hanged.

Mr Mooli, who is an ANC supporter, said crime levels were high in most areas, including Mfuleni.

"Mfuleni used to be a quiet place but now you cannot go out alone at night. It's too risky. Serious crimes such as murder, rape and robberies are common."

Mr Mooli said that last month a woman was arrested by police after she allegedly killed her three-month-old baby but was released a

few days later. He said the police were still investigating the murder.

He said the Burundi informal settlement near Mfuleni had been turned into a danger zone by armed youths who robbed the residents.

He said that in the past people seldom killed each other but now democracy was being misused by criminals.

"The ANC-led government is adamant it will not bring back capital punishment and now it has become a laughing stock because it cannot combat crime," he said.

*AKG 10/10/98*

Mr Mooli said he had supported the ANC policy on the death penalty but, because of the high crime rate, he had changed his attitude.

"I supported the ANC policy in the past, not knowing the consequences of it on crime levels," he said.

An ANC member from Khayelitsha, who asked not to be named, said she believed the death penalty should be reinstated.

"I feel very strongly that it should be brought back. During the apartheid era blacks were the vic-

tims of the hangman's noose because of political struggle. Often criminals who committed serious crimes such as rape were not sent to the gallows.

"Crime has escalated and the only solution is to reinstate capital punishment," she said.

Peter Roman, a Pan Africanist Congress supporter and provincial organiser of the SA Chemical Workers Union, said "There should be a joint approach by all communities to act and demand the reinstatement of the death penalty."

Mr Roman said many people, especially blacks, had been hanged because of the colour of their skin.

Appeals had been unsuccessful because of lack of funds as many victims were from disadvantaged backgrounds.

Mr Roman blamed the courts and justice system for granting bail and not prosecuting criminals.

He said that he too had supported the ANC policy against the death penalty but had changed his mind because of the rising crime.

ANC MP Willie Hofmeyr said

no one had been able to show that the death penalty was a deterrent to violent criminals.

Mr Hofmeyr said the level of crime and especially violent crimes, was dropping.

"From 1987 to 1993, when there was a death penalty, the number of murders increased by 100%. Since 1994, the number of murders decreased by 8%."

Mr Hofmeyr said that since 1994 there had been a slight decrease in the number of all crimes, except for rape.

of fighting crime in SA

# Jitters ahead of TRC findings

BY CHARLENE SMITH

Other than Winnie Madikizela Mandela, several South African leaders, including General Constand Viljoen, could face prosecution here and outside SA once Truth and Reconciliation Commission findings are made known later this month.

The military and former president P W Botha will be cited, by the TRC in its report, for being obstructive to the commission's tasks.

President Nelson Mandela will be asked to allow certain aspects of TRC work to continue in an altered form - in particular, investigations into the role of the military under apartheid, including its "dirty war" within and beyond SA's borders.

Commissioners are perturbed that, but for brief hearings into chemical and biological warfare, the military evaded a concerted probe into its activities, and, as an example, allowed TRC staff only a brief glimpse of already "doctored" material, and restricted or denied access to certain personnel files.

Least the findings throw the court-try into further gloom and have a negative effect on already fragile markets, the government is racing to find ways to boost morale and find ways to cut crime and corruption as well as create jobs - major summits are being held to deal with

farm killings, crime in cities, corruption, morality and jobs

ANC leaders and staff have been asked not to apply for holidays before December 24 to cope with increased workloads. Ten days ago, ANC leaders who form part of a special committee to assess the TRC report and its impact on the organisation met to discuss how to respond to likely TRC findings against the ANC in several key areas, including its landmine campaign and the torture and execution of some of its members at its Quatro camp in Angola from 1981 to 1984.

They include Mpumalanga Premier Mathews Phosa and Mineral and Energy Affairs Minister Penuell Maduna. The latter has in the past been part of ANC investigations into excesses in its camps in Angola.

The ANC has already in a submission to the TRC, acknowledged its landmine campaign was arbitrary and that "mutinous behaviour which had occurred (in its Angolan camps) by February 1984 could not be described as an organised act of conspiracy on the part of the enemy", and that their own punishment and discipline often overstepped accepted ANC behaviour codes

But it also implied that "those who have already been severely punished should not continue to be punished endlessly".

Individuals in the ANC leadership who could face criminal or civil charges include Madikizela Mandela, for the circumstances around the disappearance and deaths of several young people in 1988 and 1989. Deputy Defence Minister Ronnie Kasrils could also face action, for the Bisho march on September 7 1992 that saw Ciskeian troops open fire on marchers, killing 29 and wounding 200.

General Andrew Mafiso might have to answer for alleged torture and murder at the Quatro camp Masondo, who was tortured on Robben Island before going into exile in the 1960s, has not applied for amnesty.

In terms of Section 30 of the TRC Act, all those who are named in the report for human rights violations have been told. A TRC commissioner has been assigned to liaise with the ANC about the matter, which the TRC describes as "very sensitive". The ANC, according to a member of its committee, is "split between those who say we must oppose the



**CONSTAND VILJOEN**  
Could be extradited by Angolans

findings, and those who say we must accept them and point out that we are the first victors after any war anywhere in the world to allow our own conduct to be probed".

The IFP also faces charges in the TRC findings and so does the Freedom Front FF leader Viljoen, who failed to apply for amnesty, could face extradition and charges by the Angolan government for his role in the battle of Cassinga. SA claimed it had hit a key Swapo military installation at Cassinga in southern Angola on May 4 1978, but Swapo has long claimed the base was a refugee camp filled mainly with women and children.

On October 30, Archbishop Tutu will hand the TRC report to President Mandela, which will signal the virtual end of TRC work. A further 1 000 amnesty hearings are expected to be concluded by mid-1999, a month or two after the election. According to a TRC official, "75% of the amnesty applications are from the ANC, and only 25% from the former police, right wing and Inkatha, which shows the ANC is trying to come to terms with its past better than the others". It will be up to Mandela to okay any further TRC-type work or refer dockets to the attorneys-general for prosecution - or for foreign courts or private individuals to decide whether to take legal action

SMITH 10/10/98

(2/5/2)



## Plan for court papers to all be in English

BY PIETER MALAN

(2/17) (4) 10/10/98  
A controversial proposal to establish English as the only language of record in South African courts has angered language lobbyists – especially those groups looking after the interests of Afrikaans

The move to force judges and magistrates to use only English in court documents was given new impetus by an article in the latest issue of *De Rebus*, the attorneys' journal, in which Johannesburg lawyer Harry Barker quotes two "epoch-making judgments" that strengthen the case for English as the only language of record in the country's courts.

Barker also quotes China and India, as well as South Africa's neighbouring states, as examples of multilingual societies where only one language of record is used in courts.

A workshop organised by the Department of Justice has also come out strongly in favour of English as the language of record. This would mean all court records would be kept in English, although it would not influence the right to testify in the language of choice.

The National Party and the Stigting vir Afrikaans, a Stellenbosch-based Afrikaans lobby group, have reacted with alarm to the proposals

# TRC's 'devastating' thumbs-down

Findings against her in many of the most publicised cases, implying that she participated in assaults and abductions and

BY PETA THORNYCROFT

The Truth and Reconciliation Commission has made "devastating" findings against Winnie Madikizela-Mandela in its final report which will be published at the end of this month.

In many of the most publicised cases involving Madikizela-Mandela, the TRC has made a finding against her.

However, *The Saturday Star* has established that the TRC made no finding in the case of the murder of Soweto medical practitioner Dr Abu-Baker Asvat, who was shot dead in his surgery in 1989.

The TRC discounted the statement

(PETA) *Winnie Mandela*

made last year by one of Asvat's killers that he murdered the popular doctor on the orders of Madikizela-Mandela. In addition, a document obtained by TRC investigators throws serious doubt on the theatrical version of the murder of activist Stompie Seipei given by Katiza Cebekhulu in a book published in Britain last year.

Without naming any individuals, the chapter on recommendations in the TRC's final report says those implicated in gross human rights violations who did not apply for amnesty should be prosecuted. Madikizela-Mandela made no application for amnesty.

The implications of the TRC findings on Madikizela-Mandela, de-

scribed by some associated with the TRC as "devastating," are that she participated in assaults, abduction, committed perjury and was aware of several killings.

A number of witnesses who were not available to the TRC last year, or who temporarily disappeared during the hearings into the Mandela United Football Club, have since made statements to TRC officials.

The TRC report has no legal standing. It did not have to apply the same criteria as a criminal court, which would have to prove its case beyond reasonable doubt. The report is the result of a collective view based on a balance of probabilities.

However, even though the TRC report uses untested evidence, detec-

tives believe it will contain useful pointers for many subsequent or ongoing investigations. A police task unit has been quietly investigating several cases connected to the notorious Mandela United Football Club and Madikizela-Mandela.

The new police inquiry was ordered by Witwatersrand Attorney-General Andre de Vries and has been in process since January. The unit has collected vast numbers of statements, court records and published reports and has begun assessing them.

The TRC itemised more than 20 different incidents in which Madikizela-Mandela was allegedly involved, but the task unit has combined several and is now investigat-

ing 14 cases and will begin collecting evidence before the year-end.

When that process is complete, De Vries will decide whether the evidence collected has a fair chance of leading to a successful prosecution.

Madikizela-Mandela was served a Section 30 notice several weeks ago informing her of the TRC's findings, and she was given an opportunity to reply. The TRC is not obliged to include her responses in its final report if the commission decides they add nothing material to the findings.

Advocate Ismael Sememba, representing Madikizela-Mandela, said yesterday "Unless this is a misplaced display of divine wisdom, it is an oxymoron for any process which admits rumour, gossip,

hearsay sentiment to talk of a factual finding. One would have hoped the TRC would have helped posterity to learn from the folly of our past rather than to score passing political points. One would wait to see if any of the facts ever get judicial validation. If no such validation ensues, history will be the worst casualty."

The families of two missing Soweto youths, Lolo Sono and Siboniso Tshabalala, are among those anxious to know what the TRC has said about Madikizela-Mandela. They believe the State has had sufficient evidence for nine years to charge her with kidnapping their children.

The last time Sono was seen by his parents was when he arrived home in a van in the company of

Madikizela-Mandela, and appeared to have been beaten.

Michael Seakamela, the driver who took Sono, in the company of Madikizela-Mandela, to his parents' home, made a statement about the alleged kidnapping soon after Sono disappeared in 1988. He has confirmed the statement on several occasions, both to the attorney-general's office and to TRC officials.

But his original sworn statement disappeared from police files and he failed to make an appearance at last year's TRC hearings.

Both Sono and Tshabalala were allegedly accused by Madikizela-Mandela of being police spies.

SEE PAGE 6

perjured herself  
**for Winnie**



# Homosexual sex no longer illegal under SA law, Constitutional Court rules

Star 10/10/98 (277)

The Constitutional Court yesterday decriminalised homosexual sex in a landmark case brought by the National Coalition for Gay and Lesbian Equality.

The court upheld an earlier judgment in the Johannesburg High Court which found the common-law offence of sodomy and Section 20(a) of the Sexual Offences Act – which prohibited contact with sexual connotations between two men at a party – to be unconstitutional and invalid.

The Constitutional Court judgment went a step further by allowing men who were charged with sodomy since the constitution came into effect to have their convictions overturned.

The ruling distinguished between consensual sex and rape, which could be dealt with under provisions in criminal law such as indecent assault.

Kevan Botha, legal counsel for the coalition, said the judgment would have an impact not only on gays and lesbians, but on all minority groups struggling for equality in SA.

Speaking at the court after the ruling, coalition national director Zackie Achmat said: "I think this is one of the most well-reasoned judgments on the question of equality to come out of the courts."

He said the ruling recognised the rights of gays and lesbians to equality, dignity and privacy. "The court has stated for the first time that sex-

ual orientation includes homosexual, lesbian, bisexual and transsexual."

Achmat said the ruling could impact on issues like adoption by gay or lesbians couples, partner benefits and the right to marriage.

"It makes it possible to argue that the court will defend the right to equality in every sphere of life," he said.

A summary of yesterday's court judgment stated that the court was required to decide whether the laws governing sodomy were constitutional. These laws included the common-law offence of sodomy, its inclusion in certain statutory schedules and a section of the Sexual Offences Act.

The court also chose to address whether sodomy should be considered a criminal offence.

Judge Laurie Ackerman, who wrote the main judgment with a concurring judgment, by Judge Albie Sachs, found that the offences violated the right to equality in that they unfairly discriminated against gay men on the basis of sexual orientation.

Such discrimination, Judge Ackerman said, was presumed to be unfair since the constitution expressly stated that sexual orientation could not be used as a means of discrimination. Judge Sachs said the decision of the court should be seen as part of a growing acceptance of difference in an increasingly pluralistic South Africa. Sapa

## TRANSFORMATION

# Shake-up looms for judges

ET 12/10/98

(257)

**WHITE MALE** control over South Africa's judiciary could take a pounding this week when the Judicial Service Commission convenes in Pretoria. Black judges have been nominated for three key positions, including Judge President of the Cape **ROGER FRIEDMAN** reports.

**T**HE names of 192 permanent judges are listed in the September 1998 edition of the *South African Law Reports*. Twenty-eight are black. There is only one black judge president of a provincial division and that is in the Transkei. The chief justice of the Supreme Court of Appeal is black, he presides over a bench of whites.

Transformation of the judiciary is not an overnight process. The next three days could, however, bring something of a turning point.

"The need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered when judicial officers are appointed," is what the Constitution of the Republic of South Africa states in Chapter 8, Section 174 (2).

This requirement will weigh heavily on the minds of members of the Judicial Service Commission when they consider the claims of Justice John Hlope for the position of Judge President of the Cape, Justice Bernard Ngoepe for the position of Judge President of the Transvaal and Justice Vuka Tshabalala for the position of Deputy Judge President of KwaZulu-Natal.

In their public interviews this week, the trio must counter the considerable claims of senior white judges.

The Deputy Judge President of the Cape, Justice Edwin King, has been nominated in competition with Judge Hlope following the retirement of Justice Gerald Friedman.

Judge Ngoepe is involved in a four-way tussle with the two incumbent Deputy Judges President of the Transvaal, Justice John Myburgh and Justice Piet van der Walt, and the Judge President of the Labour Court, Justice John Myburgh.

Judge Tshabalala is vying with Justice Willem Booysen, Justice Brian Galgut and Justice Jan Hugo for the KwaZulu-Natal position.

The commission must also make recommendations to President Nelson Mandela on how to fill two ordinary vacancies on the Cape bench, three in Johannesburg/Pretoria, one in Kimberley and three in KwaZulu-Natal.

The commission comprises 24 people (a 25th seat is vacant): Chief Justice I Mohamed; Constitutional Court president A Chaskalson; Judge President of KwaZulu-Natal A Howard, Minister of Justice A Omar, two advocates appointed by the President, W Trengove and M T K Moerane, two attorneys appointed by the President, A Pinnock and P M Mojapelo, professor of law John Milton, six representatives of the National Assembly, J de Lange, L Ngwane, N Mahlangu, R H Groenewald, D Gibson and K van der Merwe, three members of the National Council of Provinces, N L Mushwana, R Radue and I W Direko, four people designated by the President, G

Bizos, D Gordon, K D Moroka and J H Ernstzen, the Judge President of the province whose vacancy must be filled, and the premier of that province.

Thirteen votes are required, a simple majority, for a candidate to be recommended to fill a post. Should no candidate attract 13 votes, as happened in April when Judges Tshabalala and Booysen went head-to-head for the deputy judge presidency of KwaZulu-Natal, new nominations are called for.

The Booysen-Tshabalala contest proved one of a pair of low points for the judiciary this year. Fourteen of 19 sitting KwaZulu-Natal judges signed a petition supporting Judge Booysen, a former executive member of the Afrikaner Broederbond. The petition split the KwaZulu-Natal legal fraternity along racial lines.

The second low point was the South African Rugby Football Union case, where Justice William de Villiers' stinging attack on the credibility of Mandela and Sports Minister Steve Tshwete was matched in ferocity by the outraged response it elicited. People believed that Judge De Villiers' conduct was symptomatic of the white male-dominated judiciary.

Which is not to aver that all white male judges are the same or that all white judges support white candidates who are interviewed by the Judicial Service Commission. Take the Western Cape judge-presidency contest, for example. Judge King, 69, nominated for this post by Jeremy Gauntlett, SC, in his personal capacity, can be regarded as one of the more liberal appointments by the previous government. He was a former leader of the Cape Bar. He took silk in 1977 and was appointed to the Cape High Court in 1987. He has enormous experience and as Deputy Judge President could be considered next in line for the job. He is to retire next year.

Judge Hlope, on the other hand, is only 39 years old. He was nominated by Transkei attorney H M Lusu.

When Judge Hlope was appointed to the Cape bench in 1994, he became the first black judge and possibly the youngest judge in South Africa's history.

His is an academic background. He completed a doctorate in laws at Cambridge University and is a former vice-dean and acting dean of the law faculty at the University of Transkei. He has not practised as an advocate or attorney.

Judges King and Hlope have support among their colleagues, who are not split along racial lines. While appointing Judge Hlope would boost transformation and transformation would boost the credibility of the judiciary, members of the commission may decide that King is deserving of the position after his many years of service.

But then there's that clause in the Constitution



# HRC tackling a variety of issues affecting locals

(252) sametan 12/10/98

By Edwin Naidu

FOUR years after democratic rule South Africa is taking the lead in promoting and protecting human rights

However, eradicating four decades of apartheid ideology and its vast influence on the psyche of the South African people is far more difficult than one can imagine

Just over two weeks ago, when it was agreed that I would be heading off to the South African Human Rights Commission (HRC) for three months, an editorial executive, almost gleefully, suggested I carry out an audit of what the HRC does

"Nobody knows what they have been doing," he remarked. My colleague suggested that if people in the media knew little of the commission's workings, then surely the public knew even less

The abbreviation HRC has peppered media reports consistently since the commission opened shop in June 1996, but little is known about its day-to-day operation

The HRC was established in 1995 in terms of the Human Rights Commission Act signed into law by President Nelson Mandela on November 2 1994

The interim Constitution of 1993 stated that there should be a human rights commission as evidence of the new democratic republic's commitment to reverse the wrongs of our apartheid past and assure all South Africans of protection

The commission's chief role is to promote observance of fundamental human rights, promote respect for these rights and to protect them in accordance with the Bill of Rights – as laid out in the Constitution

While perusing enormous amounts of files, it was evident that there was a great deal going on and there was an enormous amount of interaction between the commission and the public

The commission received 2 200 complaints from December 1996 to last November. A large number of the complaints centred on equality, while others were about discrimination on the grounds of race, disability, marital status and health

Evident from the volumes of reports available is the fact that the HRC has a massive challenge in helping to eliminate the "don't care" attitude of the past

**While perusing many files it was evident that there was a great deal going on and there was an enormous amount of interaction between the commission and the public**

Taboo topics such as racism and discrimination have now come under the sharp public microscope of the commission

Under chairman Dr Barney Pitso, the HRC is promoting the observance of fundamental human rights, respect for fundamental rights and protection of those rights

The commission has certain legal powers of investigation, can subpoena witnesses and has powers of search and seizure

So what does this translate into for ordinary South Africans?

Inadequately funded and understaffed – in comparison to the heavy workload – the commission is a big

**The commission also spent considerable time and resources investigating the conditions of prisoners and looking at conditions in hospitals**

Brother of some sorts, whom Joe Khumalo can turn to when no one else is there to offer a sympathetic ear.

A study of the list of complaints in 1996 revealed that the commission was perhaps the first organisation in the country to hear from people on a variety of issues, exploring wider undercurrents which permeate our nation

It heard from parents, the Congress of South African Students and the South African Democratic Teachers Union about the discriminatory admission policies of Hoerskool Vryburg in North West

After extensive discussions between the school and the commission it was agreed that the former would commit itself to equality and an integration process. Vryburg was the focal point of serious racial tension earlier this year

The commission also investigated racial clashes at Mafikeng High, Elandsport High in Pretoria, Springs Boys' High and Kgotlatshego in Free State

A Durban City policewoman claimed she was discriminated against on the grounds of race and sex. Another complainant was helped by the commission to reach agreement regarding an insurance premium payout

Political parties, including the National Party and Democratic Party, also turned to the HRC for help on certain matters

The commission also spent considerable time and resources investigating the conditions of prisoners, looking at conditions in hospitals or old age homes and the plight of farmworkers in several provinces

While the commission has been at the forefront of conflict, it has not managed to spell out its role as one of the integral mechanisms to promote democracy

A major part of the commission's work since 1996 has focused on racism, including investigations at five universities: Pretoria, Free State, Potchefstroom, Durban-Westville and the University of South Africa

One of the significant challenges facing the HRC is ensuring that all South Africans, not only those at places of learning and teaching, embrace the United Nations Convention on the Elimination of all Forms of Racism

The convention requires all state parties to take appropriate steps to end discrimination. In addition, the SA Bill of Rights in the Constitution guarantees the equality of all people

But, having such laws does not necessarily mean violations do not occur. Tackling racism is a key human rights issue, which should not only be handled by the HRC, but also by all South African people committed to creating a better country

(The writer is a journalist currently on a three-month secondment in the media office of the HRC)

# Human rights body looking at integration in schools

(252)

Start 12/10/98

Racism is a countrywide problem and  
lack of change needs to be explained

By **JACQUI REEVES**  
Education Reporter

**T**he desegregation of schools has, in many parts of the country, not been followed by racial integration in the classroom

Over the past three years, large numbers of complaints about racism in schools throughout the country have been directed to the Human Rights Commission. In response to this, the commission recently began an investigation into racial integration at schools, hoping to offer detailed explanations for the lack of change which is evident.

Although schools in towns like Vryburg, Potgietersrus and Phalaborwa have had high-profile cases of racial tension in their schools,

HRC commissioner Pansy Tlakula, director of the investigation, said racism in schools was a countrywide problem

"Schools from all the provinces, except the Northern Cape, have brought cases of racial problems to the commission. This is a widespread issue, which is why we decided to look at the problem proactively," Tlakula said.

The reported cases are often very specific and, according to Tlakula, frequently relate to different punishments being meted out to different pupils -

depending on their race.

"We have also had a few cases where racial tension has caused fights between pupils," she said.

The investigation will take the commission to 10 schools in each province where questionnaires will be answered and discussions will be held on the racial integration at the school.

Two schools have already indicated they will face difficulties dealing with some of the questions raised by the commission because they did not keep adequate records dealing with race issues or integration.

HRC chairperson Dr Barney Pitso said the commission was undertaking the study in terms of its constitutional mandate that requires it to monitor and assess the obser-

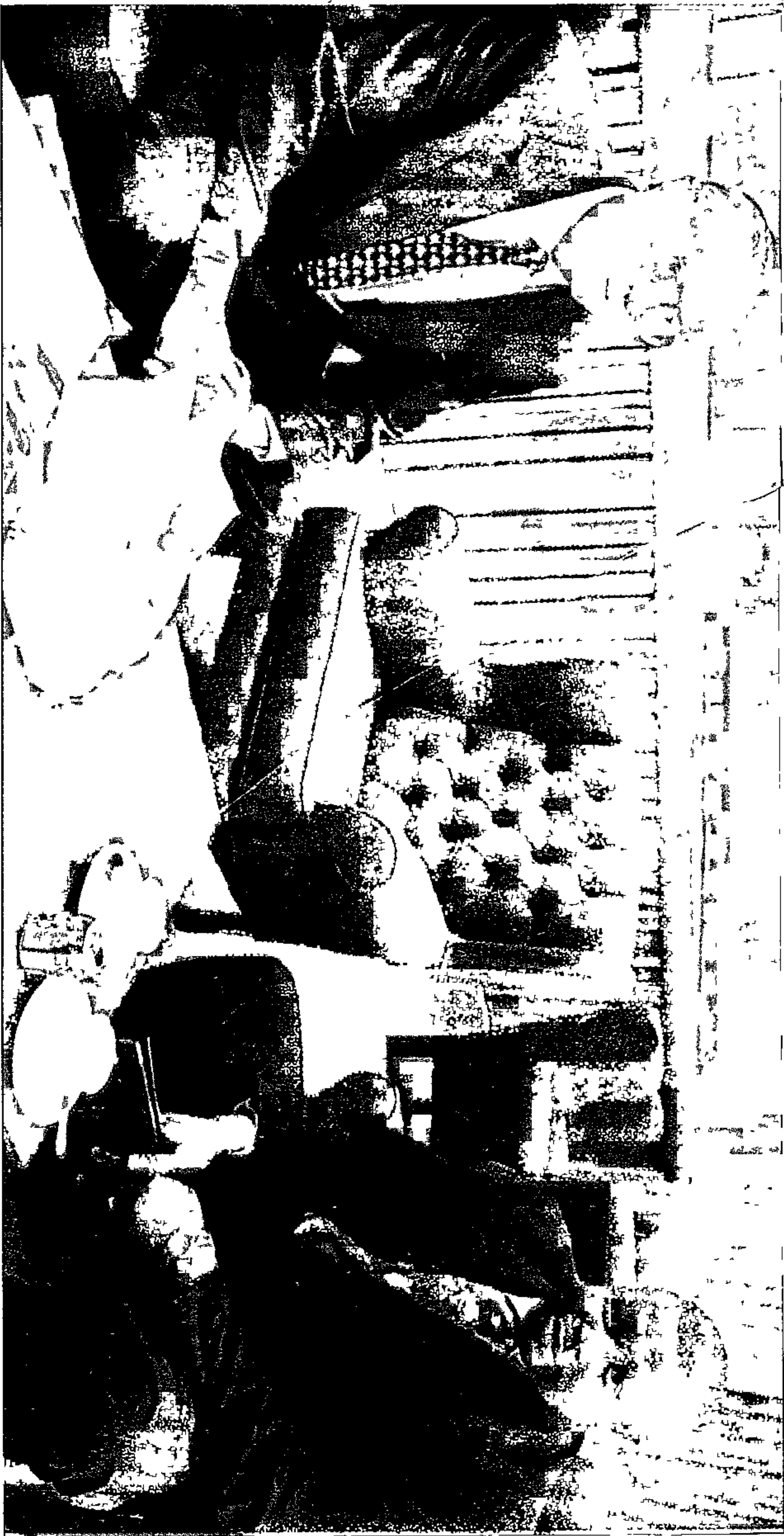
vance of human rights in the country.

Tlakula said the investigation would consider how teachers, pupils and parents felt about integration, how well integration appeared to have occurred and how much assistance the Department of Education had lent to schools in the integration process.

The commission plans to have completed all the school visits by the end of the month and hopes, before Christmas, to submit a report to Parliament and the schools interviewed.

66  
**Tension has  
caused fights  
between  
pupils**  
77





**CANDIDATES:** Cape High Court Judges Edwin King (left) and John Hlope, wait to be interviewed by the Judicial Service Commission yesterday for the vacant post of judge president of the Cape

# Rift between Donen, Bar Council revealed

**ROGER FRIEDMAN and BENNY GOOL**

**PRETORIA** While the most important part of yesterday's Judicial Service Commission (JSC) proceedings were the interviews of the candidates for the position of judge president of the Cape, the interview of Michael Donen for an ordinary position on the Cape bench unleashed the greater controversy and the bigger secrets.

Donen — a Cape Town advocate with a proud human rights record — was prodded by JSC members Justice Minister Dullah Omar and ANC MP Johnny de Lange into revealing the reasons for and the extent of his rift with the General Council of the Bar, which led to the council's not supporting his nomination. The Bar has told the commission Donen lacks judgment.

A reticent and seemingly uneasy Donen was also persuaded to provide details for the first time in public of his prosecution of Tokyo Sexwale in the mid-1970s, and subsequent elevation to the rank of captain in the South African Air Force. These "consentising experiences" led to his fleeing to England for a few years, where he ended up cleaning public toilets.

Asked by Omar why he appeared to be in pain, Donen said it was probably because he still felt a lot of guilt "I'm geared to play law-law, not true confessions". Donen is perhaps best-known for the high-profile political cases he handled in Cape Town in the 1980s. He defended the Yengeni and the Forbes trialists.

(957) CT 13/10/98

He revealed yesterday that he had just accepted the nomination for the interview when he was approached by a senior member of the Cape Bar and asked to withdraw.

Three other candidates — Jolyon Knoll, Ray McClarty and Abdul Motlala — were interviewed after Donen.

● See Page 6





**HEAVYWEIGHT PANEL:** President of the Constitutional Court Justice Arthur Chaskalson, Chief Justice Ismael Mohamed and Minister of Justice Dullah Omar consider the candidates for the judge presidency of the Cape at the sitting of the Judicial Service Commission in Pretoria yesterday.

## STRONG CASE FOR BOTH CANDIDATES

# Rivals to head bench face peers

CT 13/10/98 (297)

**PRETORIA:** The two candidates for the vacant position of judge president of the Cape, Judges John Hlope and Edwin King, presented themselves as eminently suitable for the ongoing job of transforming the judiciary. Special Assignments Team **ROGER FRIEDMAN** and **BENNY GOOL** report.

ON Thursday, the Judicial Service Commission will announce who is to replace retiring Justice Gerald Friedman as judge president of the Cape. Its deliberations were scheduled to take place late last night behind closed doors, but the announcement must wait until after the completion of its three-day sitting tomorrow night.

Yesterday, the commission interviewed the two very different candidates. One old enough to be the other's father, one who boasts a distinguished legal career, the other, a distinguished academic, one appointed by P W Botha, the other by Nelson Mandela, one white, one black.

Both are democrats, and both declared themselves committed to changing the face and outlook of the white male-dominated judiciary.

Justice John Hlope, 39, who in 1994 became the first black person appointed to the bench, was interviewed first. His cross-examination was scheduled to last 35 minutes but endured for more than twice that time.

Justice Hlope had some definite ideas on how to accelerate transformation.

His masterplan included the active recruitment of suitably qualified black academics with the necessary potential to become judges, ongoing training and retraining for all judges, encouraging

judges to learning new official languages, improving communication between the office of the judge president and the bench, and placing young and/or relatively inexperienced judges on the various administrative committees established at the Cape High Court by the retiring judge president.

Perhaps his most radical proposal was computerised monitoring of each judge's work — including his or her workload, speed at delivering judgments, and the complexity of cases — so as to be able to continuously appraise their development and performance.

On the contentious issue of the allocation of cases — some black judges believe they are being kept away from the best cases by white judges president — Hlope believed new judges should not be confronted immediately with the most difficult cases. The allocation of cases should largely be decided by roster, but a judge president should retain the discretion to decide who sits on difficult or highly specialised cases.

And in doing so, the judge president should take care not to create a perception that new judges are being unnecessarily shielded, Justice Hlope said.

Justice Hlope said the Cape Provincial Division was a "happy" bench, and that he had the "overwhelming support" of his

colleagues. If certain of his older colleagues were not prepared to accept him because of his age or relative lack of judicial experience, he would try to persuade them to work with him.

Transformation of the judiciary was a "painfully slow" process, he said, and it was entirely necessary for the reputation and perception of the judiciary that people other than white males were elevated into positions of leadership.

Justice Edwin King's interview spanned 55 minutes, and included an endorsement of his pro-democracy credentials from no less than Minister of Justice Dullah Omar, who assured the candidate "I know you as a person who is prepared to swim against the tide. I think you spoke about transformation long before it became fashionable."

Chief Justice Ismael Mohamed said "There can be no doubt about your very distinguished record as a jurist."

Justice King has been the deputy judge president of the Cape for about a year. He said he believed experience was an essential ingredient in a judge president. This, combined with his vast network of contacts and friends in the profession, was what he could offer.

He did not believe his retirement in 15 months should work against him, but that it would offer an opportunity for someone to learn the ropes as deputy judge president for that period. It was easy for him to pronounce himself totally committed to transformation, he said, so "I hope it is not what I say that will persuade this commission, but what I have done."

He then read from a speech he made 35 years ago at a meeting to protest against the introduction of the country's detention-without-trial law, in which he called for all discriminatory laws to be abolished, and for all people to have equal access to the courts.

Asked whether he supported the notion of appointing black people to positions purely on the basis of their potential, Justice King agreed "totally".

"If there are people who have the potential, that potential must be exploited and nurtured," he said, adding it was the duty of a judge president to ensure new recruits were not thrown into the deep end. It was vitally important that the transformation process succeeded.

In this regard he believed the judge president should have sufficient experience. He said it could do someone a disservice if that person was appointed to a position purely because of the colour of his or her skin.

Asked by Justice Mohamed whether he would be willing to continue serving as deputy judge president should Justice Hlope be appointed, King admitted he would have to "grapple with that", though he would like to answer yes.

Justice King said he had the trust and respect of his colleagues, and did not believe there was a single judge who would not support him.

Today, the commission interviews candidates for the vacant position of judge president of the Transvaal, and tomorrow, candidates for the deputy judge presidency of KwaZulu Natal.



## Former Fawu man seeks amnesty

A FORMER member of the Food and Allied Workers' Union (Fawu) applied for amnesty yesterday for his part in two murders which occurred during conflict between rival unions on the East Rand in 1992.

Zandisile Patrick Kondile told the truth commission's amnesty committee in Johannesburg that he had been employed by the Langeberg Food Company in Boksburg.

He said he belonged to Fawu, which was affiliated to the Congress of SA Trade Unions.

During this period, the Inkatha Freedom Party-aligned United Workers' Union of SA was seeking recognition in the company and this led to conflict between the two unions.

Kondile told the committee that the conflict often became violent as opposing members taunted each other and threats and counter-threats were made. During one of these encounters, he had become involved in a fight with IFP members and had stabbed Busan-

(252)  
BD 13/10/98  
gani Mbatha, who later died, he said.

Kondile told the committee that he also took part in a shootout in which another rival unionist, Alfred Mantyi, was killed. He said he had been armed with a 9mm pistol while another man who was with him at the time, had used an AK-47.

Kondile was later arrested and sentenced to 20 years' imprisonment.

The director of the Centre for the Study of Violence, Graeme Simpson, told the hearing the situation at Langeberg had been extremely tense at the time of the conflict between the two unions.

He said workers had feared for their safety and had taken firearms to work for their own protection.

Simpson, who conducted research into the situation at Langeberg at the time, said there had been a suspicion of collaboration between management, the IFP and the police in support of the IFP-aligned United Workers' Union of SA — Sapa

# Police murders 'were defensive'

BD 13/10/98 (253)

PORT ELIZABETH — A former Azanian People's Liberation Army (Apla) cadre told the truth commission yesterday that he was involved in two attacks on policemen in Port Elizabeth in 1990 in order to defend people from attacks by police in townships

Kwanele Msizi, 33, and another Apla cadre, Pakamle Ciske, are applying for amnesty for their role in the murder of two policemen and a suspected informer and the attempted murder of four other policemen.

Msizi, who is serving a 25-year sentence in St Albans prison, told the amnesty committee he joined the Pan Africanist Congress (PAC) in Port Elizabeth in 1984.

In 1990 he was recruited by Apla unit commander Jabu Mdingi to join the organisation's armed wing. He, Ciske, Mdingi and others from Port Elizabeth and Uitenhage were sent for training at a camp at Sterkspruit

Msizi said he, Mdingi, Ciske and deputy unit commander Mongezi Cakata returned to Port Elizabeth

with arms, intending to attack members of the riot squad to protect people in the townships from their attacks

Msizi said the police patrolling Port Elizabeth's townships were targeted because the security branch was "killing" political activists in custody and people in protest marches

He said his unit's first operation was carried out on November 18 1990 under Mdingi's command

The unit used a stolen vehicle to search for police patrolling in the townships

While on their way to the Algoa Park and Louis le Grange police stations to attack the police, they saw a police bakkie at a stop sign in Spondo Street

Msizi said they followed the vehicle towards the Dora Ngnza Hospital into Bertram Street. They switched their car's headlights off and drove along another street to waylay the vehicle.

When the police vehicle approached them in Mahomana Street in Zwide, they opened fire

Two policemen and another man, who was wearing a police overcoat and a balaclava and whom they suspected of being an informer, were killed

The three people killed were Const Johan Steven Gerber, Sgt Cornelius Jansen de Wet and Mtutuzeli Gotyana

Their next operation took place on the night of December 26 1990

Armed with an AK-47 and hand grenades, they went looking for policemen in the township and came across two police vehicles

The police stopped their vehicle and a policeman armed with a machine gun approached them. Mdingi opened fire, but Msizi and the others had difficulty firing their weapons. Mdingi threw a hand grenade at the cars. Four people were injured in the attack

Msizi said the operations were carried out with the aim of overthrowing the apartheid regime in line with the aims and objectives of the PAC and were carried out in accordance with orders given to Apla operatives — Sapa



# Perpetrators need counselling too

On the long journey to healing and reconciliation, a woman hugged the killers of her daughter

By JENNY VIALI  
Cape Town

In January Ginn Fourie hugged the three men who killed her daughter Lyndi at the Heidelberg Tavern in 1993.

The embraces symbolised for her the men's acceptance of her forgiveness, the next step in her long journey from tragedy to healing

But the healing is not yet over, says Fourie, who has asked that political parties take responsibility for providing counselling for all perpetrators of gross human rights so they may have a chance to heal.

At a Medical Research Council conference on "Mental Health Beyond the TRC" last week, she said she was concerned that those who were given amnesty would be released without counselling.

She believed counselling was necessary to help them face their demons and integrate into a society where there were mixed feelings about their amnesty

Her second meeting with the Heidelberg three, Humphrey Gqomfa, Vuyisile Madasi and Zola Mabala, took place on the last day of the TRC hearings, at their request.

At their previous meeting at a TRC hearing in October, the men showed no convincing evidence that they were sorry for what they had done, she said. In January they thanked her for her forgiveness and said they would take a message of peace and hope into their communities, whether or not they were given amnesty

"I was profoundly moved



Painful moments ... at the TRC amnesty hearing into the Heidelberg massacre, Mrs Ginn Fourie makes a point. Behind her is victim Quentin Cornelius

by their acceptance of my gift of forgiveness," she said. The meeting ended with a hug for each man.

After this meeting Fourie found out that while the TRC provided counselling for victims, it made no provision for psychological help for perpetrators who were often victims of their social circumstances, and needed help.

The potential for violence resided in all of us and what happened in South Africa could happen again, TRC commissioner Charles Villa-Vicencio told the conference.

One antidote to this was to put energy into perpetrators.

"If we are to heal the nation we must pay attention to the healing of perpetrators. We have to ensure that those who were perpetrators are somehow enabled and equipped to become useful members of society."

He said it was important to ask questions about what made people commit abuses, what circumstances created fertile ground for evil

Don Foster, a social psychologist at the University of Cape Town, said above all in

the South African context politics, not psychology, was responsible for the atrocities.

Except for a small subsection of sadistic killers who got pleasure from taking life, it was not true that evil was inherent in human nature: this behaviour was learned

Nor was it true that people were evil because of psychological abnormalities. People committed violations because of a particular social identity in a particular social time.

These identities included Christian nationalism, masculinity and militarism

These intertwined to make up a "volatile cocktail" of identities which played themselves out in specific situations, such as obedience to authority enabling the joining of organisations like self-defence organisations.

"We cannot afford to wait for second, third and fourth generation descendants to deal with traumatic and ongoing violence," Fourie said.

"We must take the initiative in trying to understand the other and so start the process of reconciliation and healing in our broken land"

(252)

draw 14/10/98 LEON MULLER

# Joburg

# Judge slams 'filthy, unsafe'

Morale at High Court at all-time low, nominees for top legal post say

BY ZELDA VENTER

(2012) Stan 14/10/98

Morale among Johannesburg High Court judges is plummeting because of poor resources, the filthy conditions in their building and the dangerous circumstances in the city centre where the court is situated, Labour Court Judge President John Myburgh said yesterday.

Painting a picture of shambolic conditions in the country's busiest courthouse, Judge Myburgh told a panel interviewing him for the position of Transvaal judge president that judges' working conditions were very poor.

Judge Myburgh was one of four nominees interviewed by the Judicial Service Commission for the position.

The other nominees are Johannesburg Deputy Judge President Monas Flemming, Mr Justice Bernard Ngoepe, an acting judge at the Bloemfontein Appellate Division; and Pretoria Deputy Judge President Piet van der Walt.

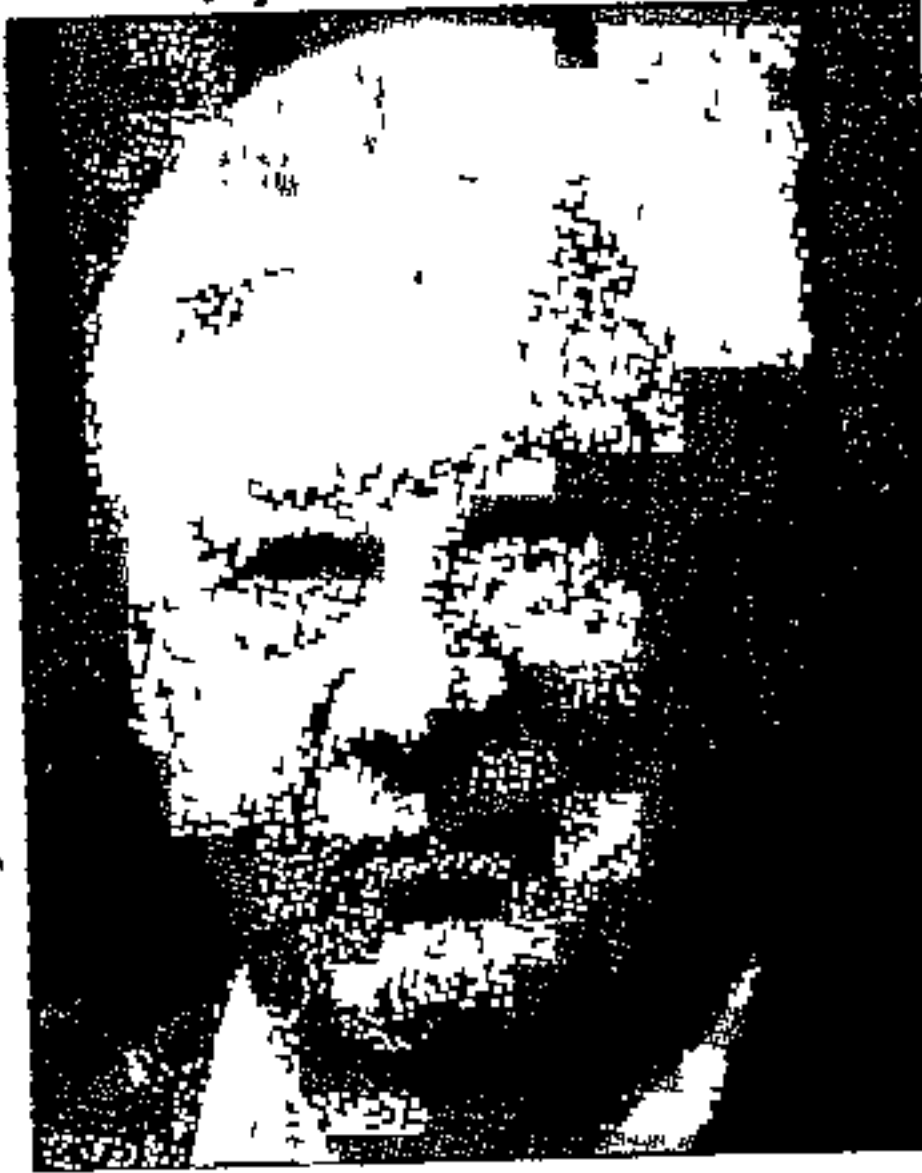
Three of the nominees interviewed yesterday claimed that one of the biggest problems in Johannesburg was a lack of proper administration.

Judge Myburgh told the panel that judges complained about their heavy workload, and the lack of security and facilities. They had only one typist for 26 judges.

He also said crime in the vicinity of the Johannesburg High Court was a major factor in driving down morale, adding that judges felt their grievances had not been addressed.

He said that, apart from the state not being able to compete with private sector incomes, the lack of leadership and poor management made it difficult to attract people from private practice to serve as High Court judges.

Asked why the Pretoria



Pretoria Deputy Judge President Piet van der Walt.

High Court was better managed than the Johannesburg High Court, he answered: "That is very difficult. One will have to get personal."

Judge van der Walt, who was grilled mainly about his past membership of the Broederbond, also spoke of the poor conditions at the Johannesburg High Court.

He said the Johannesburg Bench lacked the necessary team spirit and that there was a jockeying for position which had led to problems. "In Pretoria, judges are older and all know each other from their days at the Bar."

Judge Flemming also told the panel that morale among Johannesburg judges was low. Some acting judges even refused to sit in Johannesburg as a result, he said.

The only African nominee, Judge Ngoepe, said he would work towards restoring credibility in the judicial system and would "take the court to the people" if he were appointed.

He said that while he believed he could fill the judge president position, he would abide by the commission's decision.

"I, however, don't believe I must wait simply because of old traditions," he said.



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On the long journey to healing and reconciliation, a woman hugged the killers of her daughter

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Painful moments ... at the TRC amnesty hearing into the Heidelberg massacre, Mrs Ginn Fourie makes a point. Behind her is victim Quentin Cornelius

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## Johannesburg judges express concern over low morale

Taryn Lamberti

A LACK of leadership, poor working conditions and the deterioration of the inner city had caused a serious drop in the morale of judges in the Johannesburg High Court, the Judicial Services Commission heard in Pretoria yesterday.

The commission interviewed four candidates for the position of judge president of the Transvaal provincial division, to replace Judge Frakke Eloff who is to retire. Three judges expressed concern over the lack of "team spirit" and the unhap-

piness of many Johannesburg judges. Johannesburg deputy judge president Hermanus Flemming said the high court had "serious staff problems" and some of the judges "did not get on".

Flemming said a major problem was the dishonesty of staff. Attorneys had to wait up to three weeks for orders from the registrar who did "his private business from his office" instead of his work.

Flemming said he did not think the unhappiness had harmed the running of the courts, although newly appointed acting judges had refused to work in Johan-

nesburg and had moved to Pretoria.

The judge president of the labour court and labour appeal court, John Myburgh, the second candidate to be interviewed, said the judges' morale appeared to be low because of a "lack of leadership and hands-on management".

The massive workload, particularly in the civil courts, the condition of the court building; and the fact that items had been stolen out of judges' chambers had added to the dissatisfaction.

Myburgh said unless there was a sense among Johannesburg judges that

their problems were being addressed "quite quickly" it would be difficult to attract the same sort of judges to Johannesburg. There was one typist serving 26 judges in the high court.

Judge John Ngoepe, a judge of the Pretoria High Court since February 1995 and a former chairman of the truth commission's amnesty committee, is the only black nominee. Ngoepe said he was unaware of the problems.

He said there was a perception that the Transvaal division was very conservative and had little credibility.



MYBURGH

ADVANTAGES



# Buthelezi advocates general amnesty

Farouk Chothia

(752)

BD 14/10/98

DURBAN — Inkatha Freedom Party (IFP) leader Mangosuthu Buthelezi said yesterday the idea of a general amnesty for perpetrators of the low-intensity civil war in KwaZulu-Natal needed to be taken seriously.

Making the call at the launch of an antipoverty project on the KwaZulu-Natal south coast, Buthelezi said peace and reconciliation between the IFP and African National Congress (ANC) was "immediately" attainable.

He said the truth commission might have shed some light on conflict between whites and blacks, but it was "ineffective in comprehending the dimension and tragedy of the black-on-black conflict".

For peace to take root and for wounds to heal in KwaZulu-Natal, a general amnesty should be considered.

The ANC mooted the idea of a special amnesty about two years ago, but the initiative faltered because the IFP feared it was an attempt to bring it into the truth commission — which it opposed — through the back door.

With the commission coming to an end, Buthelezi now seems willing to negotiate an amnesty deal. ANC KwaZulu-Natal spokesman Dumisani Makhaye said the party was not surprised by Buthelezi's stance as he had never attacked the ANC's proposals. He declined to comment further.

Buthelezi and President Nelson Mandela visited IFP-dominated Izngolweni and ANC-dominated Shobashobane yesterday to launch an R8m antipoverty project in the areas.

Addressing the Izngolweni crowd, Mandela said: "You are showing that you have understood the lesson of our times — that peace is the most pow-

erful weapon that any community has to bring stability and development."

More than 1 000 IFP supporters launched an attack from Izngolweni on Shobashobane on Christmas Day 1995 in one of most gruesome massacres in the province. Eighteen ANC supporters were killed. Thirteen IFP members were convicted, and two of its local leaders were given life sentences.

Peace monitor Danny Chetty described Buthelezi's visit to Shobashobane as a "very historic and symbolic" gesture of reconciliation.

A small crowd gathered to welcome the two leaders, who were presented with a portrait of graves.

The ANC leader in Shobashobane, Anderson Nyawose, welcomed the visit. A relative of Nyawose was killed in the massacre. "I am very happy that they are walking together. It will change the minds of people," he said.

# Arrest of taxi leader may herald new era

Jonny Steinberg

(752)

BD 14/10/98

THE arrest last week of a high-profile taxi leader on a murder charge could prove a turning point in the industry's troubled history, sources in the taxi industry said yesterday.

William Sindane, the public face of the Federated Local and Long-Distance Taxi Association, was arrested in a swoop on the association's Waterkloof offices last Thursday.

Three other taxi men were arrested in Soweto earlier the same day, Gauteng Taxi Conflict Union head Robbie Robertse said yesterday.

The association has been involved in a protracted and violent dispute with a rival association over the control

of the taxi rank in the Pretoria township of Soshanguve. The two associations pledged publicly last month to end the feud and share the rank.

"Sindane has one of the highest profiles of taxi men in the Pretoria area," a source said yesterday. "With the establishment of a national representative structure in the industry last month, there are serious moves afoot to put the industry on a developmental and peaceful footing. The trick is to get those who wield power through the barrel of a gun onto the peace train."

"There are two ways of doing this. First, show them that there is money in a regulated and above-ground future. Second, show them that if they carry on running things in the old way, they

will get nailed. Last week's arrest of a very big figure is the first open and public sign that the writing may indeed be on the wall."

The recently formed SA Taxi Council has greeted the news of Sindane's arrest with caution and a spokesman said the council would wait to see precisely what the charges were about.

Government has come under heavy pressure from the taxi industry in recent months over its failure to act against the industry's hitmen.

A taxi association leader said yesterday: "The moment it is clear that killing means going to jail, the tables will have turned."

Sindane's association could not be contacted for comment.

Key Market Movements — 12/10/98 — 12/10

# 'Govt to oversee work of human rights body'

(272) PD 14/10/98

Nomavenda Mathiane

GOVERNMENT has been asked to appoint a parliamentary committee to oversee the work of the Human Rights Commission after the resignation of one of its commissioners, former Democratic Party MP Helen Suzman.

Sources, including officials who have worked for the commission, maintain that lack of proper management and vision at the commission have resulted in staff disillusionment.

Since its inception in 1995 more than 40% of its senior staff have resigned.

In addition to Suzman, commissioners Rhoda Kadalie, Brigalia Bam and Anne Rottier have left.

Chief officer Louisa Zondo, chief director of communications Jon Mojapelo, deputy director (communications) Sheila Hughes, senior legal officer Lissel Gernt-holtz, legal officers Modidima Manye and Ron Paschke and senior administration officer Judith Hendricks have also gone.

Many former commissioners interviewed said a human rights commission in the new SA was es-

sential to protect and promote the rights of citizens.

However, the commission as it currently operated was not doing the job, they said.

They complained that the commission was too close to government and thus unwilling to tackle thorny issues involving it, and too scared to question officialdom.

They pointed to the commission's silence on SA's intervention in Lesotho.

## Complaints

Sources said it spent most of its time discussing financial issues pertaining to the commission.

There were also complaints that the commission did not seem to know how to go about its job.

Two examples cited were the Vryburg High School incident and the High Court application by foreign doctors.

"With the court ruling in favour of the doctors, the commission ended up with egg on its face," said a former staffer.

The commission was also criticised for failing to assist its parliamentary officer, by not scrutinising legislation and com-

menting on it.

Most of the commissioners who were interviewed were not prepared to be quoted.

"The trouble with the white commissioners is that they keep quiet even when they know things are wrong, because they fear being called racist," a source said.

However, Rhoda Kadalie said she had left the commission because of poor management and a lack of vision.

Kadalie also said that it was a pity that peoples' nominations were based on their political affiliations rather than on human rights activism.

Commission director Barney Pitso was adamant that the organisation had a mission and a vision that was embodied in the Human Rights Commission Act and the constitution.

He said he had personally made comments on legislation and had advised the parliamentary officer on policy.

On the question of the exodus of staff, he said all the people who had resigned had taken senior positions elsewhere for better salaries. "People have choices to make," he said.



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(252)

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# King welcomed as new Cape judge-president

LENORE OLIVER  
HIGH COURT REPORTER

Mr Justice Edwin King's recommended appointment as the new judge-president of the Western Cape has been welcomed by the legal fraternity as well as his rival for the post, Mr Justice John Hlope.

The two candidates were interviewed by the Judicial Services Commission in Pretoria this week. The commission recommended today that Judge King be made judge-president. The recommendation will be presented to President Mandela for approval, but this is a formality.



Edwin King

Mr Justice King, 69, who has been the deputy judge-president for a year, is due to retire in 15 months.

Mr Justice Hlope said he had personally congratulated Mr Justice King and would "very happily" work with him. "There are no bad feelings from my side and I will abide by the commission's decision," he said.

Judge Hlope, 39, said he did not yet know whether he would become deputy judge-president. Judge King was in a meeting with Judge Friedman today and could not be reached for comment.

Vincent Saldanha, general secretary of the National Association for Democratic Lawyers (Nadel), said the association was pleased with Mr Justice King's appointment. "We hope the president upholds the commission's recommendation."

He said Nadel wished Mr Justice King well and was committed to co-operating with him and the new challenges facing him.

"He is a wonderful man with a strong human rights record and he is well respected in the legal fraternity," said Mr Saldanha.

RR 15/10/98

(957)





# Jo'burg judges call for own judge president

slaw 15/10/98

Belief that senior appointment will solve chaos at High Court

By CATHY POWERS (2072)

Johannesburg High Court judges believe the solution to the institution's administrative problems and improvement of their working conditions lies in having their own judge president.

Several judges yesterday concurred with Labour Court Judge President John Myburgh and two other senior judges who this week told a Judicial Service Commission interviewing panel that filthy conditions, administrative chaos and inner-city crime were driving the morale of Johannesburg judges to rock bottom.

Judges canvassed yesterday said there was a groundswell of support for the implementation of the Hoexter Commission's recommendation that Johannesburg and Pretoria be split into two divisions. At present both fall under the Pretoria-based Transvaal judge president.

"They want a judge president they can go to and who says 'this is our problem, we need to sort it out'," said one judicial source. Another said a Johannesburg-based judge president would be able to dedicate time to "getting it right".

Although most of the Hoexter recommendations were accepted in principle by the Government, there are fears that the proposal to separate Johannesburg and Pretoria into two divisions has been quietly shelved.

Judges said yesterday the grim picture painted by Judge Myburgh was just the tip of the iceberg. The problem was bigger than the grimy High Court building, lax security and lack of administration.

One said: "Everything that was said about the low morale of (Johannesburg) judges was an understatement. They are depressed!"

The sources described a judge's working life

On a Friday afternoon, judges collect the case files for the following week. If they are assigned to the second motion court (where evidence is presented in the form of affidavits), they may be given as many as 150 cases which have to be researched over the weekend and on the Monday.

On Tuesday, the judge will hear the cases. That night, he or she will begin preparing for six to 15 new cases, heard Wednesday to Friday.

Judgments are written at night and research is done at

nights and on weekends. Often, judges give verbal judgments or spend valuable research hours typing their own judgments because one typist cannot cope with work from 32 judges.

Judges' clerks have no legal qualifications and cannot do the research. "We work until we are absolutely exhausted," a source said.

"It would not be surprising if judges didn't do the research and looked for a quick option," one source said. The net result of this was that judgments were reserved. "We work at the biggest, busiest court and often hear the most significant cases, but with no facilities. There is a point at which the machine grinds to a halt."

Security was another big issue. One judge said he was confronted weekly by members of the public entering judges' chambers and demanding to discuss their cases, or by prisoners in the court's underground garage on their way to prison.

"These could be people I tried and sentenced," the source said, adding it was inadvisable to be in this kind of situation for "obvious reasons".

► Judge rues objection

# TRC's road to healing

**H**OW can we measure the success of the Truth and Reconciliation Commission (TRC)? This question is once again pertinent on the eve of the presentation of the TRC's final report to President Nelson Mandela this month

To get an idea of how painful the process was, some point to the tears shed by chairman Archbishop Desmond Tutu at several hearings

The tears of Tutu – and the rest of the nation – were certainly one result of the TRC's attempts during the past three years to unravel in minutest detail the atrocities and human right abuses perpetrated under apartheid

This road to reconciliation was the route chosen by the African National Congress-led Government because it strongly believed that South Africans needed to tell their stories of pain and suffering

Although these stories were painful, it was argued, they would in the end evoke a sense of contrition on the part of wrongdoers, which in turn would lead to healing

On the other hand, some argued that the perpetrators of evil should face the full might of the law and that the architects of apartheid should be hounded in the same way Nazi torturers were tracked down

## Chilling accounts

While the Government was reluctant to go the retribution route, the TRC nevertheless achieved a lot by placing under public scrutiny the gross human violations of the apartheid past

The episodes of how security police bosses at Vlakplaas entertained themselves with a braaivleis while blowing up their captives were among the chilling accounts brought to the fore by the TRC

The TRC also heard former security policeman Lieutenant-Colonel Adriaan van Niekerk confess to the torture and killing of former Mamelodi civic leader Stanza Bopape

The hearings also unearthed the destruction of buildings belonging to the Congress of Trade Unions of South Africa and the South African Council of Churches in Johannesburg

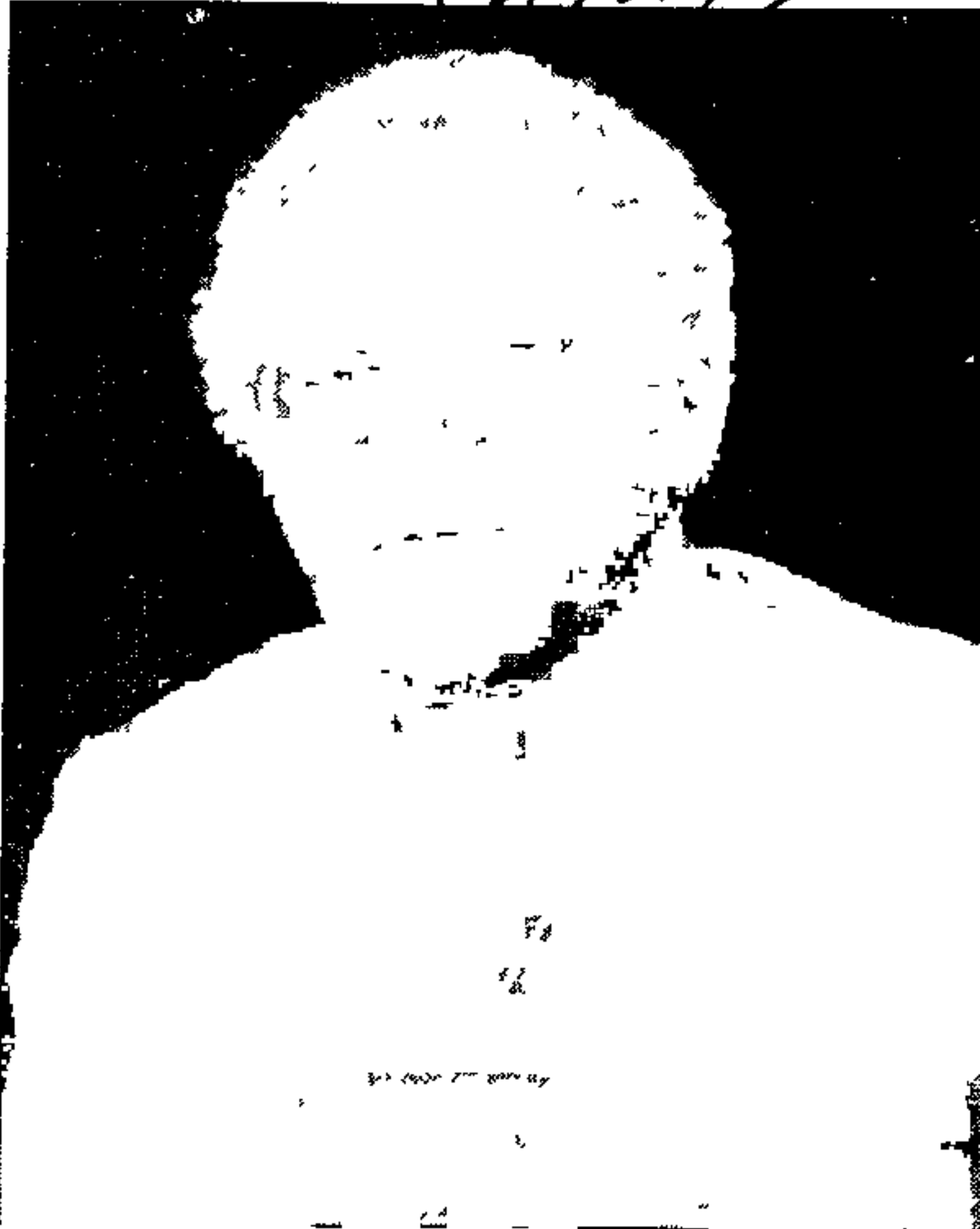
No doubt the TRC also helped to implicate characters such as former president PW Botha in the torture and murder of apartheid opponents

Botha, in turn, rejected the allegations and even defied a subpoena calling him to testify before the TRC. He flatly denied that the National Party regime had ever sanctioned any actions against its opponents

But the evidence of various former apartheid operatives, including convicted mass murderer Eugene de Kock, pointed to the role of top National Party leaders in most atrocities against apartheid opponents

The TRC's report to President Nelson Mandela in a fortnight will mark another milestone in SA's liberation from apartheid, writes Joe Mdhlela

(252) *Lawetan 15/10/98*



TRC chairman Archbishop Desmond Tutu at one of the many hearings of the commission during the last three years

Equally, the TRC brought into focus the tactics of the liberation movement to weaken the apartheid structures, particularly those against the so-called black "puppet leaders" used by the regime to bolster its discredited system

The testimony of the liberation movement made it possible for the world to gain an in-depth understanding of why its underground structures operated the way they did

At the heart of their activities was the desire to bring down the apartheid regime, if only to give black people the franchise denied them by successive apartheid governments since 1948

But there can be no question that the liberation movement was badly hurt in the course of the TRC hearings

In her testimony to the TRC last year, ANC Women's League president Winnie Madikizela-Mandela denied any involvement in the death of 14-year-old activist Stompie Sepele

However, during a two-week TRC hearing witness after witness claimed that she played a part in Sepele's death and that she used the noto-

rious Mandela United Football Club to commit some of the most dastardly abuses, including kidnapping and torture

Nicodemus Sono claimed before the TRC that his son Lolo, who went missing without a trace in the late 1980s, was kidnapped by Madikizela-Mandela and certain members of her football club

As this evidence was led, the tears began to well and many women, particularly Sepele's mother, Joyce Sepele, wept uncontrollably

As if that was not enough, one of Madikizela-Mandela's bodyguards, jailed killer Jerry Richardson, claimed that she worked "hand in hand" with the security police between 1986 and 1989

Last week acting TRC chairman Dumisa Ntsebeza indicated that the commission's report may have negative effects on at least 200 individuals, believed to include Madikizela-Mandela and Inkatha Freedom Party president Chief Mangosuthu Buthelezi

Already there also appears to be disagreement between the ANC and the TRC on the commission's approach to the human rights abuses committed by the organisation during the struggle and violations by the apartheid regime against its opponents

The ANC believes its abuses should be treated differently since they were motivated by the prevailing situation in which black people were oppressed, while the apartheid regime's violations were based on an unjust ideology bent on maintaining the status quo

And so, as Tutu prepares to hand over the report to Mandela within the next two weeks, there is likely to be varied views on the effectiveness of the TRC in addressing human rights abuses

As to whether total healing has occurred as a result of these hearings, the matter remains within the realm of subjectivity

But it is indisputable that the process has helped many victims come to terms with their past, and it developed a deeper appreciation of how divisive the Frankenstein monster called apartheid was



# CAPE ARGUS ISSUES

# Here ends the first lesson - unlearned!

## The unscored goal of the TRC was to restore moral order in SA society

### INSIDE STORY

Has the moral order in South Africa been restored? Definitely not, contends



Contributing Editor  
**FANIE DU TOIT**

Jose Zalaquet, the Chilean human rights activist who was instrumental in setting up the Truth and Reconciliation Commission, warned at the outset that the ultimate and exclusive goal of this exercise was nothing less than the restoration of moral order in South Africa.

Forgiveness and punishment were no goals in themselves, he said, but instead they should serve the founding of a morally just order.

Today, in South Africa, we have to face the harsh truth that moral order and respect for truth have not been restored as we had hoped.

This, I would argue, is not the fault of the TRC, as is often implied, but is the result of an inaptitude of ordinary South Africans to learn the important lessons from our past as it is emerging in the work of this commission.

These lessons, for example, that lies inevitably precede violence and that violence always breeds poverty, are being carved out in the psyche of those who follow the proceedings of the TRC closely.

Yet so many grassroots citizens of this country seem strangely unaffected

On the other hand, you find new leaders clapping their hands in glee watching the former perpetrators suffer in the spotlight, while pocketing huge salaries and blaming the past for all the current ills of the country.

Both these are responses that threaten to undermine the work of the commission - a job, I would argue, that was definitely necessary, inevitably gruelling and well done within the political constraints present in South Africa.

Has reconciliation been furthered? I believe, maybe naively, yes. Has the moral order in South Africa been restored? Definitely not!

The context within which the commission has been doing its job is exactly also its biggest threat, namely a context of continued and thinly-veiled anarchy in many parts of our country.

It is no argument to say that the current publicity about the violence is because whites are only now being exposed to violence, and since the townships have had this all along, whites should just shut up and put up. The new South Africa is not the

old South Africa, and the main difference is that we have adopted human rights as our constitutional philosophy.

Violence is therefore no longer a white/black issue but a question of whether the new South Africa is succeeding in producing citizens who are morally mature, respectful of human life and committed to democracy.

As I am writing this from the safe haven of Britain, where I stay for a few months, I am struck by the insanity of the violence in South Africa, of the decapitated bodies with unmatched body parts, the pipebombs in restaurants and the highways of murderous cowboys defying all traffic laws or common sense.

I am also struck by the total lack of accountability by leaders of the previous government, or even of the media that supported these people, even to this day.

To these people, one would like to say that negotiating the new South Africa does not mean an automatic redemption and amnesty; nor can it ever mean this.

I am struck as well, by the apparent proliferation of corruption in the new Government.

Have no lessons been learnt, or is fighting apartheid not necessarily the same as fighting for human rights?

To these leaders who are not faithful to their constituents, one would like to say that restoring a moral order is an essential part of reconstructing South Africa. Ignore it at your own peril.

South Africa is struggling with a moral crisis. The adoption of a morally just political order has not translated into the transformation of morally responsible citizens.

In much of Government rhetoric one hears a fundamental assumption that I would like to challenge: economic growth will ensure moral restoration.

Once people are fed and clothed and secure, they will stop stealing, murdering and raping.

Well, with all due respect, where does the astronomical white collar crime come from then, and why is it that the lords of death that reign supreme in the townships as gang

leaders are all very well off indeed, and making lots of money (illegally)? Of course poverty and crime are inextricably linked, and of course sustainable economic growth and job creation are crucial.

Yet I believe the time is right for Government to at least debate the following paradigm switch. It is not economic stability that will produce good, moral citizens, instead, the restoration of moral order will in fact lure money back to South Africa.

With the fluidity and volatility of world markets as they are, it need not be long before money starts flooding back to South Africa when investors see a society where moral order and justice reign.

Oh so easily said, yet I believe very attainable, too, if only the Government in the first place can be seen to be vigilant and even fanatical in rooting out corruption. Corruption and lying among leadership in and outside Parliament have to be dealt with remorselessly.

The body language of the Government should be one of zero tolerance towards any breach of public trust.

However cynical the Clinton saga has been to foreigners, to ordinary American citizens it has been about the breach of public trust, and before we deride this process to easily, we must take home this lesson: public trust should be guarded vigilantly.

The African National Congress has a tendency to deal remorselessly with those challenging party authority, and we, the voters, would like to see them being equally remorseless with anyone being found even remotely guilty of deceit, regardless of whether that person happens to be a political friend.

Only then will we see that the message from the TRC is taken seriously, namely that public truth is indeed vital for peace and prosperity. It is how valuable a common memory and a truthful public discourse could have been for South Africa.

This message must permeate public offices and we need to see symbolic actions that confirm the value of public trust and truth.

■ *The Rev Fanie du Toit is a Stellenbosch based theologian.*





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# Top posts for black judges

By Themba Molefe

**T**HE face of South Africa's judicial system changed yesterday with the historic appointment of the first black judge president and deputy judge president.

As predicted in legal circles, Gauteng's Judge Bernard Ngoepe (51) is the new judge president of Transvaal after his appointment was announced by the Judicial Service Commission in Pretoria.

Also, after a raging controversy around his nomination, Judge Vuka Tshabalala (61) of the Cape division was appointed deputy judge president of Natal.

The appointments brought to an end a process in the transformation of the judiciary which began in April but hit snags when candidates were nominated.

Tshabalala, whose 14 white colleagues opposed his nomination, was relieved yesterday that it was all over.

He told *Sowetan* from the Eastern Cape "I feel relieved that I will now put the whole thing behind me and look to the future, and see to it that democracy works to ensure this does not happen to any person of colour again."

In another turn of events, two Durban High Court judges on Wednesday refuted some remarks in the letter they co-signed earlier this year opposing the nomination of Tshabalala for the Natal post.

Judges Brian Galgut and Jan Hugo told the JSC at the offices of the South African Law Commission in Pretoria that the submission sent to the body six months ago had been a mistake.

Both said they had not foreseen the consequences of the letter signed by 12 other Durban judges.

The signatories stated, among other things, that Tshabalala would not enjoy their support because he lacked experience.

In fact, the 14 had earlier supported the nomination

of Judge Willem Booysen, who admitted he was a member of the Afrikaner Broederbond until 1993.

On Wednesday Galgut said the word "support" was ill-chosen. The letter also emphasised the wrong things, he said.

Meanwhile, Tshabalala said he was already working in his new role although he will only take up his new post early next month.

Ngoepe told *Sowetan* from Pretoria that he regarded his appointment as part of "an evolution that is taking place in South Africa's judicial system".

"This is indeed a very big challenge which needs dedication. Hopefully, it will take us in the right direction," he said.

## No quick-fix solution

"What we need to do is to try to win the confidence of the people in the administration of justice. This is of course a long-term plan as there is no quick-fix solution to the application of justice."

● Judge Ngoepe rose through the ranks, becoming a senior counsel in 1994. He was appointed to the Bench as acting judge in 1995 and as judge in July that year.

● Judge Tshabalala has 30 years' legal experience and became a judge in 1996.

● Judge Edwin King has been appointed judge president of the Cape.

The commission resolved to recommend only the appointment of Advocate Abdul Motlala at this stage for the Cape provincial division.

Those recommended for the Transvaal division are Advocate T Matilda Masipa, Professor Johann van der Westhuizen and Nigel P Willis, SC.

For the Northern Cape, Advocate Frans Kgomo has been recommended.

President Nelson Mandela is expected to confirm

# Transvaal Division's first black Judge President appointed

(2/2) Star 16/10/98

## PRETORIA CORRESPONDENT

Pretoria's first black Judge President is elated at being appointed and says he is looking forward to taking up the challenge when he assumes office

Judge Bernard Ngoepe (51), an acting Judge of Appeal of the Supreme Court in Bloemfontein, said yesterday he had accepted the job because "it is something that has to be done".

"I am looking forward to the challenge I think this is a step towards the fulfilment of oneself. But then, I think it is also a step towards the fulfilment of the ambitions, hopes and expectations of all those people who share the same views and ideas," Judge Ngoepe said

"It is a culmination of many years of dedication to, and love of, the profession."

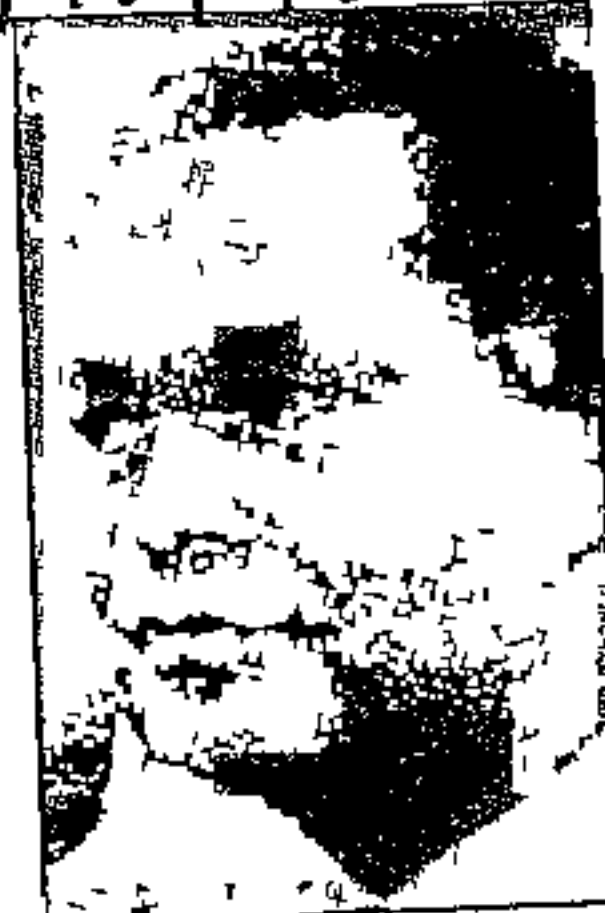
The appointment of Judge Ngoepe to head the Transvaal Provincial Division of the High Court (Pretoria and Johannesburg) was made yesterday by



Judge King



Judge Tshabalala



Judge Ngoepe

the Judicial Services Commission in Pretoria after a series of hearings earlier in the week

The commission announced yesterday it would recommend to President Nelson Mandela that he confirm Judge Ngoepe, Judge Vuka Tshabalala as Deputy Judge President of the Natal Division, and Judge Edwin King as Judge President of the Cape to these positions

Normally this is a mere formality

Judge Ngoepe said justice

had to be accessible to all people in the country. He was referring to the fact that the Transvaal Division has to serve Mpumalanga and Northern Province as well

It was costly and inconvenient to travel all the way from Messina to Pretoria for a 10-minute divorce, he said

"We should try to have provincial divisions or permanent circuit courts in an attempt to reach as many people as we can."

Judge Ngoepe said he had no problem with Johannesburg having its own Judge President "If the judges in Johannesburg want it, so let it be. After all, there is enough work to do in that court."

Johannesburg judges have been calling for the splitting of the Johannesburg and Pretoria divisions

Judge Ngoepe said he expected to have the support of judges based in both cities

Judge Ngoepe is married to a paediatrician who works at Medunsa and GaRankuwa Hospital, and has three children and a grandson

He obtained a BJuris from the University of the North and an LLB degree from Unisa. He joined the Pretoria Bar in 1984 and 10 years later took silk

He was appointed Acting Judge of the Supreme Court of Appeal in July, but will end this stint next month when he returns to his post on the Pretoria bench



# Revolution on the Bench

*The Judicial Services Commission this week signalled the end of the old boys' club on the Bench, writes Mungo Soggot*

**T**he judiciary was shaken to its roots this week when the commission which regulates appointments to the Bench selected junior black judges for key posts instead of senior white candidates.

The Judicial Services Commission sent out the strongest signal yet that judges will no longer be promoted on the basis of seniority or experience, and that race will be the most important factor shaping the judiciary.

The Bench is the only branch of government effectively unscathed by South Africa's negotiated revolution, remaining almost exclusively the preserve of white males.

The commission recommended that President Nelson Mandela appoint Judge Bernard Ngoepe judge president of the Transvaal and Judge Vuka Tshabalala deputy judge president of KwaZulu-Natal. Both men have little experience as judges.

During three days of public interviews in Pretoria this week, commission members questioned the judiciary's slavish adherence to a hierarchy based on seniority — a defining feature of both the Bar and the Bench.

Commissioners criticised members of the KwaZulu-Natal Bench for their apparent unwillingness to sacrifice promotion according to seniority for the appointment of less experienced black judges.

The commission, which is charged by the Constitution with fashioning a judiciary that reflects the racial make-up of South Africa, adopted a less controversial strategy where the appointment of the Cape's new judge president was concerned.

It selected Judge Edwin "Sharkie" King, who retires in 18 months, instead of Judge Humphrey Hlope, who has sat on the Cape bench for two years. One of Judge Hlope's most prominent rulings was to reverse the decision of the National Assembly to suspend Pan African Congress firebrand Patricia de Lille.

The latest round of judicial appointments coincides with a considerable degree of tension between the ANC and the judiciary following the recent watershed judgement by Judge William de Villiers attacking Mandela.

Chief Justice Ismail Mahomed heads the 23-person commission, about half of which is staffed by politicians. Judge Mahomed was flanked this week by Constitutional Court president Arthur Chaskalson and Minister of Justice Dullah Omar.

Judge Tshabalala's appointment in KwaZulu-Natal concludes one of the ugliest rows to have hit the judiciary since scores of judges effectively tried to block Judge Mahomed's appointment as chief justice last year.

Fourteen of KwaZulu-Natal's judges petitioned the commission in April to select Judge Willem Booysen, formerly a member of the Broederbond, as deputy judge president.

They wrote that Judge Tshabalala, appointed to the Ciskei Bench after 29 years at the Bar, would not be able to "command the respect" of the other judges because of his lack of experience. The commission subsequently failed to select either Judge Booysen or Judge Tshabalala after a deadlock over the vote.

Mandela's office said at the time the petition constituted an attempt "to preserve whatever remains of white domination" in the judiciary — a sentiment effectively echoed by members of the commission.

Two signatories of the petition were interviewed for the post this week — judges Brian Galgut and Jan Hugo. Both conceded the petition was a mistake.

Under cross-examination, both questioned

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**Judge Ngoepe said his vision for the division was to restore its credibility and take the court to the people**

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the decision of Judge Jan Combrink to say this week the commission could not claim to be politically independent. Judge Combrink also suggested members of the commission and the press had twisted the words of the petition.

"Speaking personally, I believe the reaction by, notably the political members of the JSC, reflects poorly on the objectivity with which the commission is supposed to select judges," Judge Combrink said in the KwaZulu-Natal media.

Judge Galgut gave an ambiguous explanation about the petition which incurred the wrath of the Democratic Party's Douglas Gibson.

"Would you agree courage and integrity are absolutely essential elements for appointment to high judicial office?" Gibson asked Judge Galgut. "Would you say that you have displayed those in your evidence this morning?" he continued.

"I want to put it to you that you haven't. At best you have been disingenuous and at worst you have been untruthful. You haven't had the courage to say that what you wrote in submission to [the commission] was what you believed. The impression is that you have neither the honesty nor the courage to say that is what you believed."

Judge Booysen was grilled for having been a member of the Broederbond — an institution, he insisted, which was not political.

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Although the fight over KwaZulu-Natal has dominated debate on the judiciary for several months, the post of judge president of the Transvaal Provincial Division is regarded in legal circles as far more important.

Judge Ngoepe faces the challenging task of reversing the degeneration of the Johannesburg High Court, which, the commission heard this week, is dilapidated and badly managed.

Judge Ngoepe was appointed to the Pretoria Bench in 1995. Since then he has also worked for the Truth and Reconciliation Commission and had temporary stints on the Constitutional Court and the Supreme Court of Appeal.

The nominees Judge Ngoepe trounced to secure the post included Labour Court head John Myburgh — a widely respected judge who received praise from several commission members for having built from scratch an efficient, representative court.

Even Judge Mahomed noted that Judge Myburgh had been "particularly successful in recruiting black judges to the Labour Court" and asked him to explain how he did it.

Judge Myburgh outlined how he personally sought out candidates — part of a supremely professional performance which seemingly impressed all the members of the commission.

He said he had met with several judges to discuss problems facing the Johannesburg High Court after making himself available for the post.

Judge Myburgh said the judges were demoralised and the court was badly equipped and badly managed. He said there were comparatively few problems at the Pretoria High Court.

Judge Ngoepe said he was not aware of any difference in morale between Johannesburg and Pretoria or of the widespread unhappiness at the Johannesburg court. He said his vision for the division was to "restore its credibility" and "take the court to the people."

The outgoing Judge President of the Transvaal, Judge Frikkie Eloff, said he was concerned Judge Ngoepe might not have sufficient experience. He said one of the duties of the judge president was to manage the court roster, which meant it was essential the incumbent was familiar with the various competencies of his judges. "All judges are competent. That is why they are there," replied Judge Ngoepe.

One commissioner, advocate George Bizos, SC, read from a letter drafted by the Pretoria Bar council backing the current Deputy Judge President of the Pretoria High Court, Piet van der Walt, for the position. The body suggested Judge Ngoepe be made deputy to Van der Walt, who was also interviewed this week, with a view to assuming the presidency at a later stage.

Judge Ngoepe said it was difficult to debate the matter because the Bar council had not given reasons. "If, in terms of that letter, to appoint me as judge president is a bold decision, then so be it."



# ANC keeps pressure up on TRC

Wally Mbhele

**T**he African National Congress says the credibility of the Truth and Reconciliation Commission's final report will be questioned if the commission continues to refuse to meet the party before it releases its findings.

ANC officials are demanding a meeting with the commission to discuss the report's implications for the party.

The commission has refused the meeting on grounds it would be illegal to discuss the report with the ANC — or others — before it is handed to President Nelson Mandela at the end of the month.

ANC representative Thabo Masebe confirmed his party has been given notification by the commission that it may be implicated in the final report.

Masebe indicated that the ANC would "insist" it be granted a hearing in the form of a meeting. "We are ready to present our submission to them as the Act allows us to do. We would want to have a meeting with them to address those issues that may adversely affect us."

Despite the truth commission's refusal, Masebe remained optimistic it would give ANC officials an audience.

He stressed the ANC did not want to discuss the entire report but those aspects "that will negatively affect the organisation. We are convinced we deserve an opportunity for such a hearing."

"If they don't, it would be unfortunate as it would bring into question the credibility of the commission's final report."

At a meeting this week, the truth commission reaffirmed its position that it "should not meet with individuals or organisations to discuss the final report".

Commission sources say they insisted that "whoever" wants to respond to Section 30 notifications can do so by making a written submission for the purpose of incorporating it into the report.

Commission insiders said this was done for the purpose of giving the report a required balance.

"While they've been investigated and allegations corroborated, we would like to give them an opportunity to reply because the allegations have not been tested in a court of law," said a commission source.

This, sources agree, is meant to give those implicated an opportunity to "put forward their side of the story and be in a position to counter allegations if they feel they have been unjustly implicated."

Commission officials said the report is "a classified document and it

would be illegal for the commission to discuss it with anybody before it is handed to President Mandela"

A senior commission official said this week "It is illegal to influence the findings. We are not leaving room for discussions. This does not only apply to the ANC, but to everybody who is implicated."

Sources say the ANC is unhappy the commission has given the im-

pression that as a party it is guilty of human rights violations. For instance, it is understood the commission feels that besides alleged abuses at the ANC camps in exile, the party is also guilty on some aspects of its armed struggle that took place inside the country.

"The essence of our position is that we conducted a just war in terms of international conventions. Our guerrilla warfare followed each and

mission "has laid out a process that's applicable to everybody who is implicated." She said she was not prepared to argue with particular individual positions and reiterated the commission's insistence that only written submissions would be considered.

ANC insiders this week predicted that once the ANC has submitted its written response, the commission may be prepared to meet the organisation.

The *Mail & Guardian* last week reported ANC officials describing the commission's findings as representing a minority viewpoint and said its assertion that the party sought to influence its final report "was utter rubbish".

every international protocol," said an ANC source close to negotiations with the truth commission.

Party insiders said they feel that in formulating an opinion about the ANC, the commission failed to put the party's armed struggle into proper perspective, thereby placing it in the same league as apartheid hit squads.

Truth commission acting deputy chair Yasmin Sooka said the com-

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Judicial heavyweights Chief Justice Ismail Mahomed (left) and Minister of Justice Dullah Omar. PHOTOGRAPH. RUTH MOTAU



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They wrote that Judge Tshabalala, appointed to the Ciskei Bench after 29 years at the Bar, would not be able to "command the respect" of the other judges because of his lack of experience. The commission subsequently failed to select either Judge Booysen or Judge Tshabalala after a deadlock over the vote

Mandela's office said at the time the petition constituted an attempt "to preserve what ever remains of white domination" in the judiciary — a sentiment effectively echoed by members of the commission

Two signatories of the petition were interviewed for the post this week — judges Brian Galgut and Jan Hugo. Both conceded the petition was a mistake

Under cross-examination, both questioned

**Judge Ngoepe said his vision for the division was to restore its credibility and take the court to the people**

the decision of Judge Jan Combrink to say this week the commission could not claim to be politically independent. Judge Combrink also suggested members of the commission and the press had twisted the words of the petition.

"Speaking personally, I believe the reaction by, notably the political members of the JSC, reflects poorly on the objectivity with which the commission is supposed to select judges," Judge Combrink said in the KwaZulu Natal media.

Judge Galgut gave an ambiguous explanation about the petition which incurred the wrath of the Democratic Party's Douglas Gibson

"Would you agree courage and integrity are absolutely essential elements for appointment to high judicial office?" Gibson asked Judge Galgut. "Would you say that you have displayed those in your evidence this morning?" he continued.

"I want to put it to you that you haven't. At best you have been disingenuous and at worst you have been untruthful. You haven't had the courage to say that what you wrote in submission to [the commission] was what you believed. The impression is that you have neither the honesty nor the courage to say that is what you believed."

Judge Booysen was grilled for having been a member of the Broederbond — an institution, he insisted, which was not political.

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Although the fight over KwaZulu Natal has dominated debate on the judiciary for several months, the post of judge president of the Transvaal Provincial Division is regarded in legal circles as far more important.

Judge Ngoepe faces the challenging task of reversing the degeneration of the Johannesburg High Court, which, the commission heard this week, is dilapidated and badly managed

Judge Ngoepe was appointed to the Pretoria Bench in 1995. Since then he has also worked for the Truth and Reconciliation Commission and had temporary stints on the Constitutional Court and the Supreme Court of Appeal.

The nominees Judge Ngoepe trounced to secure the post included Labour Court head John Myburgh — a widely respected judge who received praise from several commission members for having built from scratch an efficient, representative court.

Even Judge Mahomed noted that Judge Myburgh had been "particularly successful in recruiting black judges to the Labour Court" and asked him to explain how he did it.

Judge Myburgh outlined how he personally sought out candidates — part of a supremely professional performance which seemingly impressed all the members of the commission

He said he had met with several judges to discuss problems facing the Johannesburg High Court after making himself available for the post.

Judge Myburgh said the judges were demoralised and the court was badly equipped and badly managed. He said there were comparatively few problems at the Pretoria High Court.

Judge Ngoepe said he was not aware of any difference in morale between Johannesburg and Pretoria or of the widespread unhappiness at the Johannesburg court. He said his vision for the division was to "restore its credibility" and "take the court to the people"

The outgoing Judge President of the Transvaal, Judge Frikkie Eloff, said he was concerned Judge Ngoepe might not have sufficient experience. He said one of the duties of the judge president was to manage the court roster, which meant it was essential the incumbent was familiar with the various competencies of his judges. "All judges are competent. That is why they are there," replied Judge Ngoepe

One commissioner, advocate George Bizos, SC, read from a letter drafted by the Pretoria Bar council backing the current Deputy Judge President of the Pretoria High Court, Piet van der Walt, for the position. The body suggested Judge Ngoepe be made deputy to Van der Walt, who was also interviewed this week, with a view to assuming the presidency at a later stage.

Judge Ngoepe said it was difficult to debate the matter because the Bar council had not given reasons. "If, in terms of that letter, to appoint me as judge president is a bold decision, then so be it."

# Truth body tells Nkabinde it will make an adverse finding

Farouk Chothia

DURBAN.— United Democratic Movement secretary Sifiso Nkabinde said yesterday the truth commission had written to him saying it intended to make an adverse finding against him

Nkabinde said a member of the former SA Defence Force had claimed in his amnesty application that he had once supplied Nkabinde with about 2 000 AK-47 rifles, and had also carried out "hits" on African National Congress (ANC) and Inkatha Freedom Party members on his behalf

Nkabinde said the allegations were untrue. However, he would not respond to the commission because it was an ANC "tool"

Nkabinde was acquitted earlier this year on charges of murdering ANC supporters

The correctional services department has dismissed as "empty" allega-

BO 16/10/98 (252)  
tions that a plot was hatched to kill Nkabinde while he was in prison awaiting trial on the murder charges

The Sowetan reported earlier this week that Liberty Mgobhozi, a leader of a gang at Westville prison, claimed that three department officials offered him R400 000 to kill Nkabinde. The alleged plot was hatched in March, when Mgobhozi and Nkabinde were both awaiting trial prisoners

However, it was not carried out because fighting broke out between rival prison gangs, Mgobhozi claimed

The department's KwaZulu-Natal legal services head, Makhubalo Ndaba, said an internal inquiry was held at the time to probe the claims. No substantial evidence to corroborate the allegations could be found, he said

Nkabinde said the UDM wanted an independent inquiry into the allegations, and the suspension of the officials Mgobhozi had implicated.



## subpoena for Matanzima

THE truth commission amnesty committee yesterday announced that it had withdrawn a subpoena requiring former Transkei president Kaizer Matanzima to testify before it in connection with the 1985 death of a former student of the University of the Transkei.

The decision followed an agreement between the committee and the deceased's family, commission spokesman Vuyani Green said.

The committee's decision relates to the death of Bathandwa Ndondo, who was shot dead by police at Cala on September 24, 1985. Ndondo was a cousin of commissioner Dumisa Ntsebeza.

A few weeks after Ndondo's death, Matanzima allegedly made a public statement justifying the killing.

The committee issued a subpoena ordering Matanzima to appear before it to answer all those questions relating to his alleged statement.

However, he failed to appear before the committee, citing ill-health. He later applied for a court order to set aside the committee's decision to force him to testify.

After considering the matter the committee decided to withdraw the subpoena. — Sapa

## Amnesty applicant tells how he killed woman with a spade

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PORT ELIZABETH — Pan Africanist Congress (PAC) member Arthur Tshikila told a truth commission amnesty committee in Port Elizabeth yesterday, that when a farmer's stepmother, Andriesa Slabbert, screamed for help, he hit her with a spade and she became quiet.

Tshikila, 22, of Uitenhage, said he then left her to assist his co-applicant, Willy Latho Snoek, 36, who was involved in a struggle with the farmer, Phillipus Sharp.

They are applying for amnesty for their involvement in the murder in 1990 of Slabbert and the possession of firearms. Snoek is also applying for amnesty for robbery, housebreaking and escaping from custody.

Tshikila said he joined the PAC as a member of its student organisation, the Pan Africanist Students' Organisation, in 1989.

At that time there was political conflict in Uitenhage between a group called Ama-Afrika and the United Democratic Front, and pupils were being killed and injured. He was involved in the conflict which had affected every pupil and which arose from the ill-treatment of Ama-Afrika mem-

bers by members of the Congress of SA Students.

Tshikila said he approached Snoek to get them firearms to defend themselves. Snoek told him he had been trained as an Azanian People's Liberation Army cadre in Transkei and had information from a former Steytlerville farm worker that there were weapons on the farm.

On November 4 1990, he and Snoek were taken by Mathews Vusani to the farm Gertskraal in Steytlerville. They arrived on the farm at midnight and waited till morning for Sharp to leave the house, but Slabbert came out first.

When she went into the garage, Snoek pointed a firearm at her. He threw her to the ground and placed a bag of mealies on top of her to keep her quiet.

Tshikila managed to remove the bag and he tried to persuade Slabbert to keep quiet, but she would not. He then hit her with a spade and she became quiet.

Tshikila said by attacking farmers they were trying to undermine the security of the racist regime by crippling the people who were the backbone of the economy. — Sapa



# After some lagging behind, it's a new benchmark for the Bench

With the appointment of a black Judge President of the Transvaal, a fresh breeze has begun to blow through the rather staid corridors of the South African judiciary, writes SEKOLA SELLO.

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**T**HE South African judiciary - described by some as the last bastion of ultra conservatism - took another bold step towards removing the image that it is resisting transformation. The appointment of Judge Bernard M Ngoepe (51) as Judge President of the Transvaal provincial division (Pretoria and Johannesburg) and Judge Vuka Tshabalala (61) as Deputy Judge President of the Natal provincial division is likely to see more profound changes waiting through the rather staid corridors of the judiciary.

The Judicial Services Commission also recommended the appointment of Advocate Abdul Motlala for the Cape provincial division and Advocates Frans Kgommo and Matilda Masipa for the Northern Cape and Transvaal provincial divisions respectively.

Justice Department spokesman Paul Setsetse says while they are determined to bring about transformation, they are not working on the principle of having a quota of blacks or women in the department.

"We are implementing the provisions of the constitution which demands that the judiciary must achieve race and gender representivity."

Two years ago the judiciary was embroiled in arguably one of its ugliest public controversies when President Nelson Mandela nominated Judge Ismael Mahomed for the job of Chief Justice. Mandela's confidantes said at the time that he felt that if Mahomed was not nominated it was inevitable that Judge Henne van Heerden, the only other contender, would get the plum job and transforming the judiciary would take a long time.

In recent months the judiciary has come under severe criticism from the ruling African National Congress for allegedly failing to successfully prosecute some people alleged to be involved in politically motivated crimes.

This criticism surfaced again four months ago when United Democratic front leader and Natal Midlands strongman Sifiso Nkabinde was acquitted on multiple murder charges.

The ANC in the province reiterated its earlier charge that the "Bench was still locked in the apartheid past" and that as long as the judiciary was still predominantly white the acquittal of people alleged to have committed crimes against ANC members "would continue."

Mandela's nomination of Mahomed and the ANC criticism of some high court decisions exposed the racial cun political fault-lines of South African society.

A number of white judges and the predominantly white political parties like the National Party criticised Mandela's decision and said this was likely to undermine the independence of the judiciary.

On the other hand, the Black Lawyers Association and the ANC aligned National Democratic Lawyers applauded Mandela and said it was about time the judiciary reflected the demographic composition of the country.

The question of the race composition of the judiciary must have weighed heavily on members of the Judicial Services Commission when they sat

this week to consider the nominations for the Judge Presidents, deputy Judge President and new members of the Bench.

After all, these divisions had once more entered the public domain. Fourteen judges in Natal opposed the appointment of Judge Tshabalala as Deputy Judge President of the provincial division contending that he lacked experience.

The 14 judges took the unprecedented step of writing to the JSC saying that if Tshabalala was appointed Deputy Judge President, he would not enjoy their support.

This triggered accusations that the authors of the letters were racist - a charge which Mr Justice Brian Galgut, an unsuccessful nominee for the Deputy Judge Presidency, said stung him badly.

He and another unsuccessful nominee, Mr Justice Jan Hugo, publicly expressed regret for writing the letter.

Although Mr Justice Hugo was a candidate he had expressed a preference for Mr Justice Booysse, a position which was also taken by the other 13 authors of the letter to the JSC. Mr Hugo's second choice was Justice Galgut.

This further drove a wedge between blacks and whites in the legal fraternity. Blacks said the nomination of Galgut and Hugo was merely a "ploy to split the vote" and weaken the chances of Tshabalala.

The president of the Black Lawyers Association, Advocate Jake Moloi, said they were "reluctant with the appointments" which he said vindicated their position that the argument of experience in the South African context was invalid.

Moloi depicted the judiciary the world over as always the most impervious to change. He said when Franklin Delano Roosevelt introduced the "New Deal" which would have helped the lot of African Americans, the strongest resistance came from the judiciary.

Again, when Jawaharlal "Pandit" Nehru wanted to transform India, it was the judiciary wanting to protect the interests of the elite who stood in the way of the changes he wanted to bring about. "I can quote examples until the cows come home of how the judiciary has always lagged behind in any transforming society," said Moloi.

Moloi said it was important that these appointments were made because at the moment the judiciary is still seen by many blacks as being dominated by white, male Afrikaners whose loyalties belong to the old apartheid order.

He said some of the judges did not want to embrace the new political dispensation. He said given the history of South Africa where the previous regime excluded blacks for political reasons from the Bench, it would be unreasonable to expect blacks to have long experience as judges.

He also pointed out that merit was not always the sole criterion of appointing people to the Constitutional Court, Judge Arthur Chaskalson, as a glaring example.

"Because of his political disposition to the previous regime, he could never be considered for the Bench. But, look where he is today."

## Tshabalala biography



BY ZOLILE NGAYI

SEVERAL months of controversy came to an end this week when Judge Vuka Ellakim Maswazi Tshabalala's appointment as deputy judge president of the Natal division was recommended.

The Judicial Services Commission, headed by Chief Justice Ismael Mahomed, recommended that President Nelson Mandela appoint Tshabalala to the post ahead of judges Jan Hugo and Brian Galgut, two signatories of the petition.

Tshabalala, the first black advocate to practise in Natal, was petitioned against by 14 white judges from the Natal provincial division but he said he has no axe to grind against the 14 judges.

The letter said Tshabalala lacked the requisite experience to command the respect of his peers in the division.

"Some of it was false, written out of personal feelings which are understandable in a situation where things happen which haven't happened before," said Tshabalala.

Tshabalala, currently serving a term as a judge at the Bishop High Court, became a judge in 1985. He had practised as an advocate at the Natal Bar from 1969 to 1994.

He serves on a number of boards, holds numerous directorships and was a member of the Skeyweya Commission which investigated financial irregularities in the former Bophuthatswana government.

In 1997, Tshabalala was appointed member of the Special Electoral Court and early this year became a member of the Judicial Remuneration Committee that looks at the merit of judges.

## Ngoepe biography



BY ZOLILE NGAYI

THE new judge president of the Transvaal Provincial Division's concern will not only be about accessibility of justice, but also the low morale among judges working in the degenerating inner cities of Johannesburg and Pretoria which falls under the division.

The division's new and first black president, Judge Bernard Makgabo Ngoepe (51), is an acting judge of appeal of the Supreme Court in Bloemfontein.

"I am looking forward to the challenge I think this is a step towards the fulfilment of oneself. But then, I think it is also a step towards the fulfilment of the ambitions, hopes and expectations of all those people who share the same views and ideas," he said. Ngoepe, who has also worked at the Truth and Reconciliation Commission and the Constitutional Court, was appointed to the Pretoria Bar in 1983.

"He was admitted as an advocate in 1983 and ten years later was appointed a Senior Counsel. He practised as an advocate until January 1995 when he was appointed a judge of the High Court. From early 1996 he served as the head of the judiciary in the South African National Defence Force and as a member of the Amnesty Committee which hears and considers amnesty applications. In response to concerns that he may not be sufficiently experienced to run the division effectively, Ngoepe said, "All judges are competent. That is why they are there."

Ngoepe, a married father of three, studied through the University of the North and the University of South Africa (Unisa)



**S**O MUCH dirty linen was on display at the Judicial Service Commission hearings in Pretoria this week that the atmosphere often resembled a laundromat. The washing basket was overturned in full public view during a series of 23 interviews conducted over three days by the commission.

The faulty air-conditioner provided tumble-drier sound effects, but only partly accounted for fluctuating temperatures — hot topics and heated debate conducted in unusually frank language were also to blame.

Not that the commission is complaining: problems hung out for inspection are easier to address than those hidden at the bottom of the basket.

Some issues will have to be addressed by the commission, others by the new appointees themselves, and some by the Minister of Justice, Dullah Omar, a member of the commission who no doubt found the hearings a useful source of information about what is going on around the country.

The laundry list began with the interview of Judge Monas Flemming for the post of judge president of the Transvaal Provincial Division (spanning both the Johannesburg and Pretoria High Courts).

Speaking of the difficulties at the Johannesburg High Court, where he serves as deputy judge president, he complained of staffing difficulties as well as other "ugly problems": there was dishonesty; staff were charging the public to serve them; documents were falsified, and the registrar's staff had been moonlighting in their office, doing private rather than court work.

Asked about the morale of Johannesburg judges, Judge Flemming said he might be the last to hear about problems. Pushed for more, he said the interview was a public meeting and he was not sure he should go on. Then he spoke darkly about someone who had "organised a lunch" preparatory to the interviews, and that those who did not attend the lunch "were phoned".

Judge John Myburgh, formerly of the Appeal Court, and now head of the Labour Court and the Labour Appeal Court, was less



OH BROEDER: Judge Willem Booyesen



LEFT SMARTING: Judge Piet van der Walt



DARK ALLUSIONS: Judge Monas Flemming

# Dirt sticks to top judges in rush for jobs

The hearings of the Judicial Service Commission bare more than ambitions

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coy about the difficulties he had identified in Johannesburg.

Judge Myburgh, also a candidate for the post of judge president, said he had discovered that morale among the Johannesburg judges was low. They felt their many concerns were not being addressed.

These ranged from the filthy condition of the city around them, to the condition of the High Court building and the security of their chambers, where thefts constantly occurred. There was also a lack of computers and other resources, including support staff in the registrar's office.

The judge, who spoke of a "crisis" in the Johannesburg court,

said that until these problems were addressed it would not be possible to attract people of the right calibre to the Bench.

The next candidate, Judge Bernard Ngoepe, an acting judge of the Appeal Court and a member of the Truth and Reconciliation Commission's amnesty committee, contributed to the heat when he heard of the Pretoria Bar Council's suggestion that he be appointed deputy judge president, and the present deputy, Judge Piet van der Walt, become judge president.

If a good reason were put forward for him to wait, he would think about it, he said. But if it was simply a question of old traditions, these should not be fol-

lowed. He added: "Some of us are becoming weary of being associated with an institution which does not enjoy credibility".

He thought he could make a contribution to this problem, but there seemed to be "retrogression" in some cases, he said.

In their next interview, the commission discovered that a judge they had appointed as deputy judge president of the Pretoria High Court in 1996 had formerly been a member of the Broederbond.

Judge Piet van der Walt, who was applying for the post of judge president, had not previously been asked whether he was a member of a secret organisation. When the question was put to him by commissioner Marumo Moerane, the judge's acknowledgement of his membership caused a stir.

Moerane probed the issue and discovered that Judge van der Walt had joined the society when he was recruited shortly after appointment to the Bench in 1977, and only resigned from the organisation six years ago.

The judge said he had had no problem about being a member at the same time as serving on the Bench. He said he had previously been critical of the organisation, but when he joined

## Transformation is the name of the game

A TOTAL of six new High Court judges have been announced by the Judicial Service Commission and three other judges have been promoted to higher office.

During a three-day session in Pretoria earlier this week, the commission interviewed 23 candidates nominated to fill 11 vacancies. However, the commission has decided to fill only nine of these posts, leaving

one vacancy unfilled at the High Court in Cape Town and one in KwaZulu-Natal.

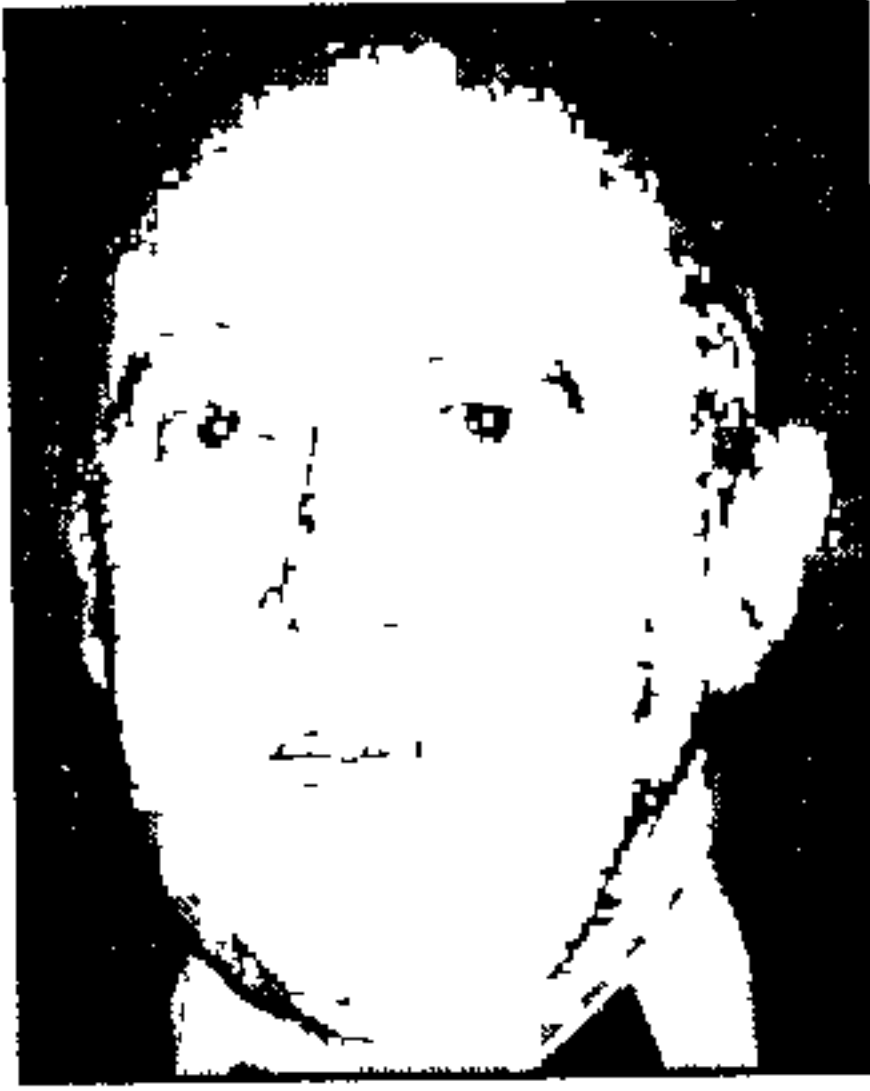
The three senior candidates are Judge Edwin King (Judge President of the Cape Provincial Division), Judge Bernard Ngoepe (Judge President of the Transvaal Provincial Division), and Judge Vuka Tshabalala (Deputy Judge President of the Natal Provincial Division).

The six new members of the High Court are advocates Thokozile Mathilda Masipa, Nigel Willis SC and law professor Johann van der Westhuizen (Transvaal Provincial Division), advocate Frans Kgomo (Northern Cape Division), advocate Abdul Motala (Cape Provincial Division) and attorney Thumba Pillay (Natal Provincial Division).

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SHINE: Judge Piet van der Walt

DARK ALLUSIONS: Judge Monas Flemming

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the Judicial Service  
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w members of the... are advocates... Masipa, Nigel... and law professor... der Westhuizen... Provincial Division),... Frans Kgomo... Cape Division),... Motala (Cape... Division) and attorney... (Natal Provincial

lowed He added "Some of us are becoming weary of being associated with an institution which does not enjoy credibility" He thought he could make a contribution to this problem, but there seemed to be "retrogression" in some cases, he said In their next interview, the commission discovered that a judge they had appointed as deputy judge president of the Pretoria High Court in 1996 had formerly been a member of the Broederbond Judge Piet van der Walt, who was applying for the post of judge president, had not previously been asked whether he was a member of a secret organisation When the question was put to him by commissioner Marumo Moerane, the judge's acknowledgement of his membership caused a stir Moerane probed the issue and discovered that Judge van der Walt had joined the society when he was recruited shortly after appointment to the Bench in 1977, and only resigned from the organisation six years ago The judge said he had had no problem about being a member at the same time as serving on the Bench He said he had previously been critical of the organisation, but when he joined



PLOT SURVIVOR: Judge Vuka Tshabalala, who was named Deputy Judge President of the Natal Provincial Division

he found "nothing harmful, it was a discussion group". He said he left when he was appointed advocate-general (the forerunner of the present public protector), since he did not want the position to be prejudiced "by association" Gauteng premier, Mathole Motshekga, said that any new judge president should have "internalised the new constitutionalism" Judge van der Walt had not attended key human-rights law conferences He had been ac-

tive in the Dutch Reformed Church and the Broederbond, both of which promoted the rigorous separation of races "You may be very qualified in terms of administrative skills," Motshekga declared, "but not in terms of the required human-rights jurisprudence". In the wake of such comments, Judge van der Walt may have been smarting but, compared with the candidates from Durban, he was let off lightly on the Broederbond issue.

Three senior judges from KwaZulu-Natal, candidates for the vacant position of deputy judge president, were given the most thorough going-over by the commission Judge Willem Booysen, a former senior member of the Broederbond, was again questioned about the fact that he had continued his membership after accepting judicial appointment, Judges Brian Galgut and Jan Hugo were grilled about why — along with 12 other judges — they wrote and signed a letter to the commission saying they would neither support nor respect Transkei Judge Vuka Tshabalala, should he be appointed The answers left the commissioners unsatisfied By the end, it was quite clear that the strategy to ensure that Judge Booysen would be appointed — and Judge Tshabalala kept out — had completely backfired

But it was not all dirty linen A major theme of the hearings was the need for judicial transformation As Omar pointed out, this meant more than broadening the range of colour on the Bench and appointing women, although these were important changes

But even the appointment of more women is proving exceptionally difficult, and just two female candidates applied. The careers of both show just how difficult it is for women to make it to a judicial post

Only one was successful Johannesburg advocate Thokozile Matilda Masipa She started out as a cashier and counter hand, then spent some years as a journalist and as a Unisa student of social work and law, before joining the Bar at the relatively late age of 44 Her CV shows a street-wise realisation that if she followed the tradition of the Bar, and simply waited for work to come her way, she might reach retirement and still not have built up a practice comparable with those who had joined the Bar at the usual age.

So, armed with the chutzpah belied by her mild manners, she went out to look for experience. For example, she sits as a commissioner in the small claims court, as an assessor in criminal courts, in the Labour Appeal Court and the Land Claims Court She heads the disciplinary committee of the Estate Agents' Board and chairs the Air Service Licensing Council

Masipa also works with community organisations, teaches law students, mothers her family — and does the regular work of an advocate. She speaks nine of the 11 official languages and has spent a term as an acting judge in Johannesburg — and five judges of the Johannesburg High Court nominated her for the job

As far as the commission was concerned, this story of rags to riches, of dedication and initiative, was transformation on a plate — and the South African High Court will soon have its seventh woman judge



# Ngoepe's pledge: justice for all

By Themba Molefe

**A**ND justice for all. No, this is not a slogan but the title of a popular American movie in the mid-1970s which attempted to expose the injustices of the American judiciary against its own black citizens.

The opening scene of *And Justice For All* shows a young black man who faces a white judge on a petty charge. He tries to protest his innocence but the presiding officer, interrupts him in mid-sentence, looks at the wall clock and warns the accused. It does not matter what you say, but in the next five minutes you will be guilty. When the clock strikes, the young man is dragged kicking out of the court, guilty.

Many black South Africans can identify with that scenario as it was in the courts where the horrors of apartheid were felt, where all presiding officers and prosecutors were white, mostly Afrikaner and enforcing apartheid laws — and the accused mostly black.

Last Thursday the Judicial Service Commission, as part of transforming the judiciary, completed its process of appointing provincial judges-presidents deputy judges-president and judges.

At the weekend *Sowetan* spoke to Mr Justice Bernard Ngoepe (51), South Africa's first black Judge-President of the Transvaal division of the High Court.

Considering that he has made history by his appointment Judge Ngoepe, remained relaxed and calm during the interview.

This humble-looking father of three, feels his appointment is just one step further in the transformation of the judiciary. He believes that representation rather than colour should play a major role in transforming the judiciary.

"The ultimate objective is that the judiciary reaches a stage when it is able to reflect the demographics of South Africa. It should be able to accommodate everybody in the administration of justice."

Prior to his appointment Ngoepe was an Acting Judge of the Supreme Court of Appeals which sits in Bloemfontein.

"For the Bench to be truly credible it has to represent all population groups



South Africa's first black Judge-President Mr Justice Bernard Ngoepe believes the judiciary should regain the confidence of the people it serves.  
PIC MOTLAPELE SEGALE

so that people will have confidence in the administration of justice.

"I want to see more of such appointments, especially female judges — black or white.

Emphasis should indeed be on representation."

The Judge-President of Transvaal assumes his new role cautiously, with no immediate haste to overhaul the system.

"From the first day, one has to go step by step. This is a process which one can only accelerate but you can still relax it.

"I cannot go into any specifics about short- or long-term goals except to say I have a vision, which of course, I must stress, is to build the public's confidence in the courts," says Ngoepe.

He says that while the purpose of the judiciary is to maintain law and order, it is also necessary to push the

courts into reducing the levels of crime.

However, he argues, "Personally, I think the courts are doing their best in reducing the level of crime. The police and the office of the Attorney-General must play a role. Members of the public must also avail themselves to give evidence in court."

**False perception**  
But Ngoepe points out that the courts do not have control over the attorney general's office which is independent and decides whether to prosecute. The courts also have no jurisdiction over police work.

"It is only when cases are brought to court that the judiciary will play its part.

Also significantly, Ngoepe touches on the contentious question of sentencing, especially the perception that often criminals get away with light

punishment for serious crimes. He admits that this perception exists.

"I agree that people must get sentences they deserve for the crimes they have committed. But people should refrain from comparing cases superficially."

He explains. Often cases and facts before the courts differ. For example, someone convicted of attempted murder in a black crime might get a more severe sentence than someone who killed his father in the heat of the moment during an argument."

On sentencing generally, and careful not to raise any controversy around the issue, Ngoepe says "A criminal must get a suitable sentence, which is appropriate and in the interests of justice."

Asked why the divisions of the High Court were still referred to in terms of the old apartheid names, for

example, Transvaal, Ngoepe says it is presently convenient for the purposes of administration and that it needs an Act of Parliament to alter these references.

The Transvaal division of the High Court includes Johannesburg, Pretoria (which stretches up to Mpumalanga) and part of North West.

● Born in Ga-Matshaba, Pieterburg, Mr Justice Bernard Ngoepe is married to a paediatrician who works at Medunsa and Garankuwa Hospital, and has three children and a grandson.

He obtained a BSc from the University of the North and LLB degree from Unisa. He joined the Pretoria Bar in 1984 and 10 years later took silk.

He was appointed Acting Judge of the Supreme Court of Appeal in July, but will end this stint next month when he returns to his post on the Pretoria Bench.

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# Ngoepe's pledge: justice for all

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Many black South Africans can identify with that scenario as it was in the courts where the horrors of apartheid were felt, where all presiding officers and prosecutors were white, mostly Afrikaner and enforcing apartheid laws - and the accused mostly black.

Last Thursday the Judicial Service Commission, as part of transforming the judiciary, completed its process of appointing provincial judges-presidents deputy judges-president and judges.

At the weekend *Sowetan* spoke to Mr Justice Bernard Ngoepe (51), South Africa's first black Judge-President of the Transvaal division of the High Court.

Considering that he has made history by his appointment, Judge Ngoepe, remained relaxed and calm during the interview.

This humble-looking father of three, feels his appointment is just one step further in the transformation of the judiciary. He believes that representation rather than colour should play a major role in transforming the judiciary.

"The ultimate objective is that the judiciary reaches a stage when it is able to reflect the demographics of South Africa. It should be able to accommodate everybody in the administration of justice."

Prior to his appointment Ngoepe was an Acting Judge of the Supreme Court of Appeals which sits in Bloemfontein.

"For the Bench to be truly credible it has to represent all population groups."



South Africa's first black Judge-President Mr Justice Bernard Ngoepe believes the judiciary should regain the confidence of the people it serves. PIC: MOTLAPELE SEGALE

so that people will have confidence in the administration of justice.

"I want to see more of such appointments, especially female judges - black or white.

Emphasis should indeed be on representation."

The Judge-President of Transvaal assumes his new role cautiously, with no immediate haste to overhaul the system.

"From the first day, one has to go step by step. This is a process which one can only accelerate, but you can still relax it.

"I cannot go into any specifics about short- or long-term goals except to say I have a vision, which of course, I must stress, is to build the public's confidence in the courts," says Ngoepe.

He says that while the purpose of the judiciary is to maintain law and order, it is also necessary to push the

courts into reducing the levels of crime.

However, he argues "Personally, I think the courts are doing their best in reducing the level of crime. The police and the office of the Attorney-General must play a role. Members of the public must also avail themselves to give evidence in court."

**False perception**

But Ngoepe points out that the courts do not have control over the attorney general's office which is independent and decides whether to prosecute. The courts also have no jurisdiction over police work.

"It is only when cases are brought to court that the judiciary will play its part."

Also significantly, Ngoepe touches on the contentious question of sentencing, especially the perception that often criminals get away with light

punishment for serious crimes. He admits that this perception exists.

"I agree that people must get sentences they deserve for the crimes they have committed. But people should refrain from comparing cases superficially."

He explains often cases and facts before the courts differ. For example, someone convicted of attempted murder in a hijack crime might get a more severe sentence than someone who killed his father in the heat of the moment during an argument.

On sentencing generally, and careful not to raise any controversy around the issue, Ngoepe says "A criminal must get a suitable sentence, which is appropriate and in the interests of justice."

Asked why the divisions of the High Court were still referred to in terms of the old apartheid names, for

example, Transvaal, Ngoepe says it is presently convenient for the purposes of administration and that it needs an Act of Parliament to alter these references.

The Transvaal division of the High Court includes Johannesburg, Pretoria (which stretches up to Mpuhalanga) and part of North West.

● Born in Ga-Matlati, Pieterburg, Mr Justice Bernard Ngoepe is married to a paediatrician who works at Medunsa and Garankuwa Hospital, and has three children and a grandson.

He obtained a B.Litt from the University of the North and LLB degree from Unisa. He joined the Pretoria Bar in 1984 and 10 years later took silk.

He was appointed Acting Judge of the Supreme Court of Appeal in July, but will end this stint next month when he returns to his post on the Pretoria Bench.



By RAPHAEL BANDA

## Parties react ahead of TRC report

The Truth and Reconciliation Commission is facing a wave of 11th-hour objections to the contents of its final report to be completed on October 30

TRC spokesperson John Allen said yesterday the commission had sent about 200 organisations and individuals notices outlining the findings made against them

Many of those informed had subsequently raised objections to the findings, and some had claimed factual errors in those parts affecting them directly

Among the organisations

set to confront the TRC is the ANC, which said yesterday it had discovered factual errors in some of the findings and that it wanted these to be corrected

ANC secretary-general Kgalema Motlanthe said his party would respond to "unanswered questions and concerns of the TRC"

The PAC said it would tell the TRC this week that it had depicted the party as "blood-suckers"

"It was mischievous to ignore all our submissions about

the struggle. They continue to put the liberation movement on the same pedestal as the perpetrators of apartheid," PAC secretary general Ngila Muendane said "They say we are gross violators of human rights. They don't say the war we fought was a just war"

Muendane said his party would hand over a written submission this week responding to the findings "We are going to repeat what we have said a submission of how we went to war" The TRC had not men-

tioned "more than 200 of our people executed by apartheid"

An ANC committee recently met to consider how to respond to possible findings against the organisation in areas including its landmine campaign and alleged torture and executions in Angola in the 1980s

Former NP leaders FW de Klerk and PW Botha and General Magnus Malan have also received notices from the TRC

NP spokesperson Jacko Maree said yesterday the party had not received a notice, but a number of its members had reported getting letters from the TRC

Star 19/10/98

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# Blanket amnesty bombshell

*Leaders face court action*

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ARG 20/10/98

CLIVE SAWYER  
POLITICAL CORRESPONDENT

Deputy President Thabo Mbeki is to be asked to step in to enable a last-minute rewrite of the Truth Commission's amnesty process to protect politicians and top-level commanders from both sides of the struggle from prosecution.

The amnesty process, and the way the Truth Commission's Act is written, rule out blanket amnesties for politicians and commanders whose speeches and orders may have led to gross violations of human rights.

The ironic twist is that they could face prosecution for complicity in crimes, committed in the name of apartheid or liberation, of which they were not aware.

There is concern that a way should be found to allow commanders not to have to face the consequences of acts inspired by speeches or commands given by them.

A significant part of the pre-1994 landscape in which human rights abuses were committed was the climate created by leaders who left those they led with the impression that the cause justified the method.

Heading approaches to Mr Mbeki and other senior African National Congress figures on the issue is National Party leader Marthinus van Schalkwyk.

The NP's Jacko Maree, the party's spokesman on the TRC, wrote a series of three articles, published last week in the Afrikaans daily press, urging a reworking of the amnesty process for the sake of closing loopholes and contradictions in the process.

Mr Maree said in an interview that he presumed that Mr Mbeki would wait until the final report of the TRC was published before committing himself to a response to the NP request.

Mr Maree said defects in the TRC Act included leaving the way open to prosecutions of commanders for specific human rights abuses of which they were unaware, and the fact that it did not cover cross-border operations.

The act was "full of loopholes" and a solution had to be found, Mr Maree said, at the same time conceding that remedying the provisions of the act or reopening the

## Nat call to change TRC amnesty law

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From page 1

amnesty process were sensitive issues. But he said that the defectiveness of the Act could open it to challenge in the Constitutional Court.

Mr Maree also challenged TRC chairman Desmond Tutu to carry out his threat to resign should the "ANC 37" not apply for amnesty in terms of the prescriptions of the Act.

Archbishop Tutu issued the warning after the overturning of amnesties granted to the ANC 37, whose applications were couched in terms deemed too vague to comply with a requirement of full disclosure.

Several other prominent pre-1994 leaders, including PW Botha, have not applied for amnesty.

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# Legal aid cuts fear amid Boesak row

## *System in line for overhaul*

ART 22/10/98 (252)

**GLYNNIS UNDERHILL**  
SPECIAL CORRESPONDENT

The Legal Aid Board, which is involved in a long-running dispute over funding Allan Boesak's legal costs, has had to face budget cuts, according to its director, Chris Pretorius.

The board was no different from other state and semi-state bodies which were dependent on public funding, he said.

"The minister of justice recently informed Parliament that South Africa could no longer afford the current legal aid system, which involves the appointment of private legal practitioners to act on behalf of legal aid recipients.

"At the national legal aid forum in January, there was a general consensus among lawyers that more cost-effective ways of providing legal aid had to be found, including the use of salaried staff in the form of public defenders, civil lawyers, candidate attorneys and law graduates providing community service," Mr Pretorius said.

A legal aid transformation team had been appointed to hear submissions from professional bodies and others on possible ways to improve the system, he said.

While it had been necessary in the past for the board to apply for additional funds, it had always been able to meet its financial commitments.

Accusations that the board was tardy in paying lawyers had been addressed, he said.

"The rapid increase in the demand for legal aid services has resulted in the board being inundated with accounts from legal practitioners.

"Each of these has to be taxed and checked for correctness, which is a time-consuming exercise and the board's personnel have been hard put to cope.

"Every effort has been made to address the rate of payment, which is much improved of late," Mr Pretorius said.

It was not a concern that Dr Boesak's case would set new precedents for legal fees paid by the board.

"The Legal Aid Board's tariff of fees for criminal cases, as approved by the minister of justice, allows for special fees to be determined for complicated cases, such as the trial of Dr Boesak.

"Doing so does not set a precedent as each case is considered on its own merits," he said.

The board had not, to date, paid for Dr Boesak's senior counsel, Mike Maritz.

"It is, however, possible for any legal practitioner to be funded by the board, provided that a rate of remuneration acceptable to the board can be agreed upon."

Mr Maritz had asked for R6 000 a day, including Fridays, when the Cape High Court does not sit.

The board offered him R3 000 a day but drew the line at paying for days on which the court did not sit.

Mr Maritz was briefed after Dr Boesak received R1-million from an anonymous donor to pay for senior counsel.

When these funds ran out, the trial was adjourned until a second anonymous donor volunteered to help pay for Dr Boesak's defence.

# Ministers fail to delay truth report

DD 22/10/98 (252)

Stephen Laufer

GOVERNMENT will release the truth commission's final report next Thursday immediately after it is handed to President Nelson Mandela — despite apparent efforts by some cabinet ministers to delay its publication.

Chief government spokesman Joel Netshitenzhe said last night there was a "very, very clear decision" to make the report public immediately.

Truth commission sources said earlier in the day that there had been "delicate negotiations" with government after some ministers suggested making use of legal provisions which allow the president to keep the report confidential for two months. Some commissioners were notified by the truth body's head office yesterday that there was some opposition to releasing the report immediately.

Presidential spokesman Parks

Mankahlana said some had taken the view that Mandela should have time to study the report before releasing it. But Mandela, whose decision it was alone, had been adamant that he wanted it made public immediately.

Netshitenzhe said yesterday's cabinet meeting had confirmed a decision by Mandela to make the report available immediately.

None of the government or commission sources approached was able to say whether the opposition to immediate publication was substantive or merely about protocol. The law requires Mandela to forward the report to Parliament within 60 days.

Acting commission chairman Dumisa Ntsebeza said he understood that some cabinet members felt "uncomfortable" with an immediate release, but he did not know "what they are after". He had gained the impression that "there may be reason for some cabinet

members who want the report delayed". But delay was pointless. The report had been finalised and could no longer be changed.

Another commission source said Mandela had insisted on releasing the report immediately.

Hundreds of journalists from around the world are expected in Pretoria when the 3 500-page report is handed to Mandela by commission chairman Archbishop Desmond Tutu.

Meanwhile, **Nomavenda Mathiane** reports that Khulumani, the body representing victims of gross human rights violations, said yesterday that victims who had received interim reparation grants had complained that the amounts would not settle debts they had incurred over the years. The justice department has paid between R2 000 and R6 000 to 800 of the estimated 25 000 victims in terms of the act governing the truth commission.



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# Judging those who'd judge

ST 27/10/98

Commission lifts the veil on the secrecy shrouding appointments to the Bench

CARMEL RICKARD

SOUTH Africa's judge-makers, members of the powerful Judicial Service Commission, made an important gesture towards transparency this week when they allowed the media access to their normally confidential discussions.

Their debate gives candidates important information about its criteria for deciding who should be appointed.

Usually all the commission's business is closed, except interviews with candidates. But at the end of last week's session, members decided that the discussion on the transformation of the judiciary was so important they would permit journalists to listen to tape recordings of the proceedings.

Chief Justice Ismail Mahomed, who chairs the commission, said the Constitution's demand for transformation implied that commissioners had to ask three broad questions about potential appointments to judicial office:

- Was a particular candidate "appropriately qualified"?
- Was she or he "fit and proper" to be appointed? and
- Would the appointment help to reflect South Africa's racial or gender composition?

The last point was important, given that there were 194 full-time judges of the superior courts, sitting in 13 divisions, of whom 30 were black and 10 were women.

But this was not the only criterion. Was the candidate a person of integrity with the necessary energy and motivation? And was he or she technically competent with the ability to give expression to the Constitution's values?

They should inquire into the candidate's technical experience, and whether the person was experienced in the values and needs of the community in which he or she would serve.

If candidates lacked technical experience, commissioners should ask whether they had the potential to make up for it by intensive training. They should also question the symbolic value of any appointment.

Commissioners supported Judge Mahomed's distinction between "personnel transformation" — merely replacing white judges with blacks and women — and "intellectual transformation", which involved looking at the candidates' value systems and related attributes.

Constitutional Court President Judge Arthur Chaskalson said that within about 10 years, apartheid-created imbalances would be rectified and a far larger pool of experienced black lawyers

from whom to choose judges would have been created.

But the commission had to act now to change the profile of the Bench, both because the Constitution required it and because it was wrong that the public should be able to dismiss the courts as dispensing "white man's justice".

Judge Chaskalson said about half the commission's appointments had been white and half black. This was not good enough. What was good in judicial structures should be preserved, and changes should not undermine the structures.

"That focuses the debate on technical competence, and it is here that I have struggled with myself over a number of years. I have wondered whether, when I evaluate people, I place too much weight on technical competence," Judge Chaskalson said.

In response, a number of members suggested that the emphasis should be less on technical competence and more on "potential and integrity".

Some speakers were concerned that the interviewing process did not allow the commission to assess technical ability, and that the reports on candidates were often unhelpful.

Commissioners asked how to prevent promising black women from leaving the Bar because they did not receive work. They also worried about the fact that the best candidates, black and white, were not applying for appointment.

Poaching raids by commerce and industry, appointments to head commissions and positions in politics were all blamed for enticing black candidates away from the Bench. Whites were said to be unwilling to apply since the impression had been created that they would not stand a chance of appointment, and that they risked being humiliated during the interviews.

As far as potential candidates are concerned, the discussions clarify two important issues.

Black and women candidates will not automatically get jobs on the Bench merely because they belong to "formerly disadvantaged groups". The commission will also want to know about their attitudes, their world views, their backgrounds and whether they are intellectually and emotionally committed to the values of the Constitution.

But if the commission is being selective about black and women candidates, this is not necessarily great news for white male lawyers who feel they have the advantage of technical expertise.

With an emerging consensus that integrity and potential are the yardstick, "technical competency" is not the magic wand it used to be.

# FW acts to block report

TRC set to publish finding on his role in covering up of bombings

RAY HARTLEY

FORMER President F W de Klerk has launched a last-ditch court bid to stop the Truth and Reconciliation Commission publishing a damning report implicating him in the covering up of state-sponsored terror bombings

De Klerk is to ask the Cape High Court tomorrow to stop the commission publishing its finding that he was "an accessory after the fact" to the bombing in the '80s of Khotso House and Cosatu House

If the commission goes ahead with the finding, it will pave the way for the prosecution of De Klerk, who has not sought amnesty in connection with the bombings of the buildings

De Klerk's spokesman, Dave

Steward, said the decision to apply for an interdict was taken after his lawyers "exhausted all the alternative avenues"

They met the commission's lawyers in Cape Town this week in a bid to persuade the commission to excise the damaging finding, but were unsuccessful. They were also denied a meeting with a member of the commission

In its final report, to be released on Thursday, the truth commission is set to say that although De Klerk did not order the bombings, he subsequently came to know about the roles of former law and order minister Adriaan Vlok and former police commissioner Johan van der Merwe in the blasts, but failed to report this to the police

His lawyers are expected to contend that when De Klerk came to know about the bomb-

ST 25/10/98  
ings, Vlok and Van der Merwe were already in the process of applying for amnesty, and he did not think it necessary to report the matter to the police

However, the commission's report is believed to include evidence that De Klerk made a statement before this which showed he knew of the roles of Vlok and Van der Merwe prior to their amnesty applications

De Klerk's lawyers are believed to have persuaded the commission to drop another claim from the report, to the effect that De Klerk was present when former state president P W Botha allegedly congratulated Vlok on the bombings

The commission would not comment publicly on De Klerk yesterday.

De Klerk is among 200 high-profile figures who have been is-

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sued with a notice warning that the report contains damaging allegations against them

Others are believed to include ANC Women's League president, Winnie Madikizela-Mandela, former defence minister, Magnus Malan, and Deputy Defence Minister, Ronnie Kasrils

John Allen, spokesman for commission head Archbishop Desmond Tutu, would not confirm these names, saying that to do so would be unfair to those who might still prove their innocence

All have been offered an opportunity to submit a written response stating why they should be treated more leniently

The report is believed to ask the ANC to take "collective responsibility" for the human rights violations committed by its members



Extraordinary tale of love and surrogate motherhood. Shasha, a rattweiler belonging

# FW set for court fight as TRC points finger over blasts

From page 1

heard the same day. But the TRC has not had any notice from Mr De Klerk's lawyers about possible court action

The commission's finding could pave the way for the prosecution of Mr De Klerk, who has not sought amnesty in this connection

Mr Steward said Mr De Klerk's lawyers met their TRC counterparts

in Cape Town last week in a bid to persuade it to excise the damaging finding, but were unsuccessful. His lawyers are expected to contend that when Mr De Klerk came to know about the bombings, Mr Vlok

and General Van der Merwe were already applying for amnesty, and he did not think it necessary to report the matter to the police.

In other developments, the Pan Africanist Congress commended the

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TRC for its sterling work. But PAC secretary Mike Muten-dane confirmed the PAC had also been sent a Section 30 notice that it was likely to be named as responsible for gross human rights violations.

# Big battle starts over TRC report

## Leaders indicted

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JOHN YELD  
ON THE TRUTH COMMISSION

Amnesty lies at the heart of the TRC deal. .... page 10

High drama is developing ahead of Thursday's hand-over of the Truth Commission's final report to President Mandela, with political parties and individuals scrambling to limit the potential damage expected to be inflicted by its critical findings.

At the forefront is former president F W de Klerk, who is applying for an urgent interdict in the Cape High Court on Wednesday to stop the TRC from implicating him in connection with state-sponsored terrorism

The report is understood to say that Mr De Klerk was aware that the then Law and Order Minister, Adriaan Vlok, and police commissioner Johann van der Merwe were involved in the bombings that destroyed Cosatu House and Khotso House in the late 1980s, but did not report this to the authorities, making him an accessory to the crimes

In what appears to be another attempt at damage control, the ANC has apparently leaked a copy of the seven-page "Section 30" notice sent to it by the TRC recently, setting out the anticipated finding about the ANC in

the final report and giving it two weeks to respond. The notice was one of about 200 sent by the TRC to parties and individuals across the political spectrum, informing them they were likely to be implicated to their detriment and asking for a response

According to a radio report today, the TRC stated in the Section 30 notice that it was contemplating a finding the ANC was morally and politically responsible for gross human rights violations. These included torture in its camps in Angola, the planting of landmines in border areas of South Africa which killed farmworkers, the blurring of distinctions between civilian and military targets in bomb attacks, and orders by military tribunals for the execution of alleged spies convicted without due process

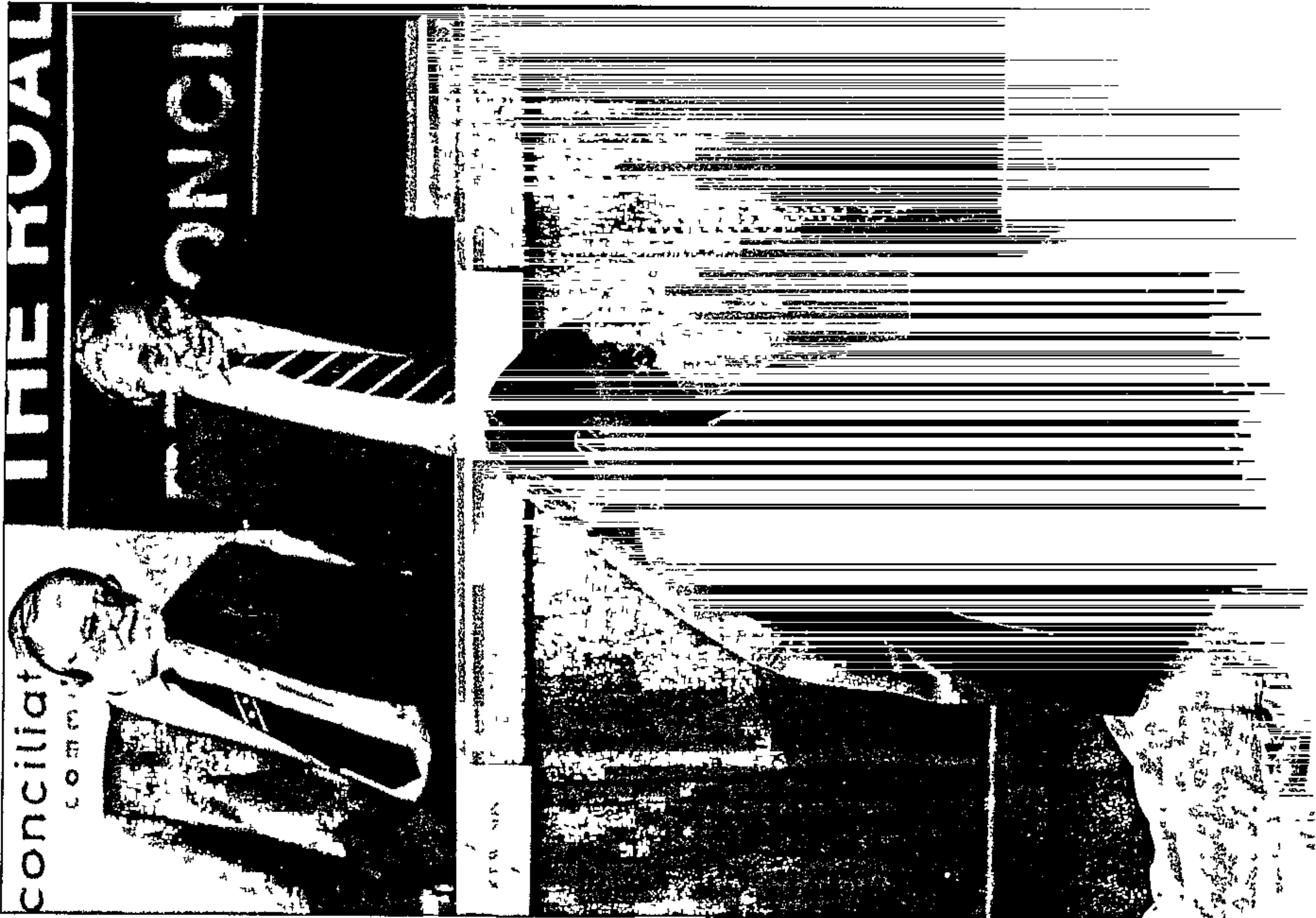
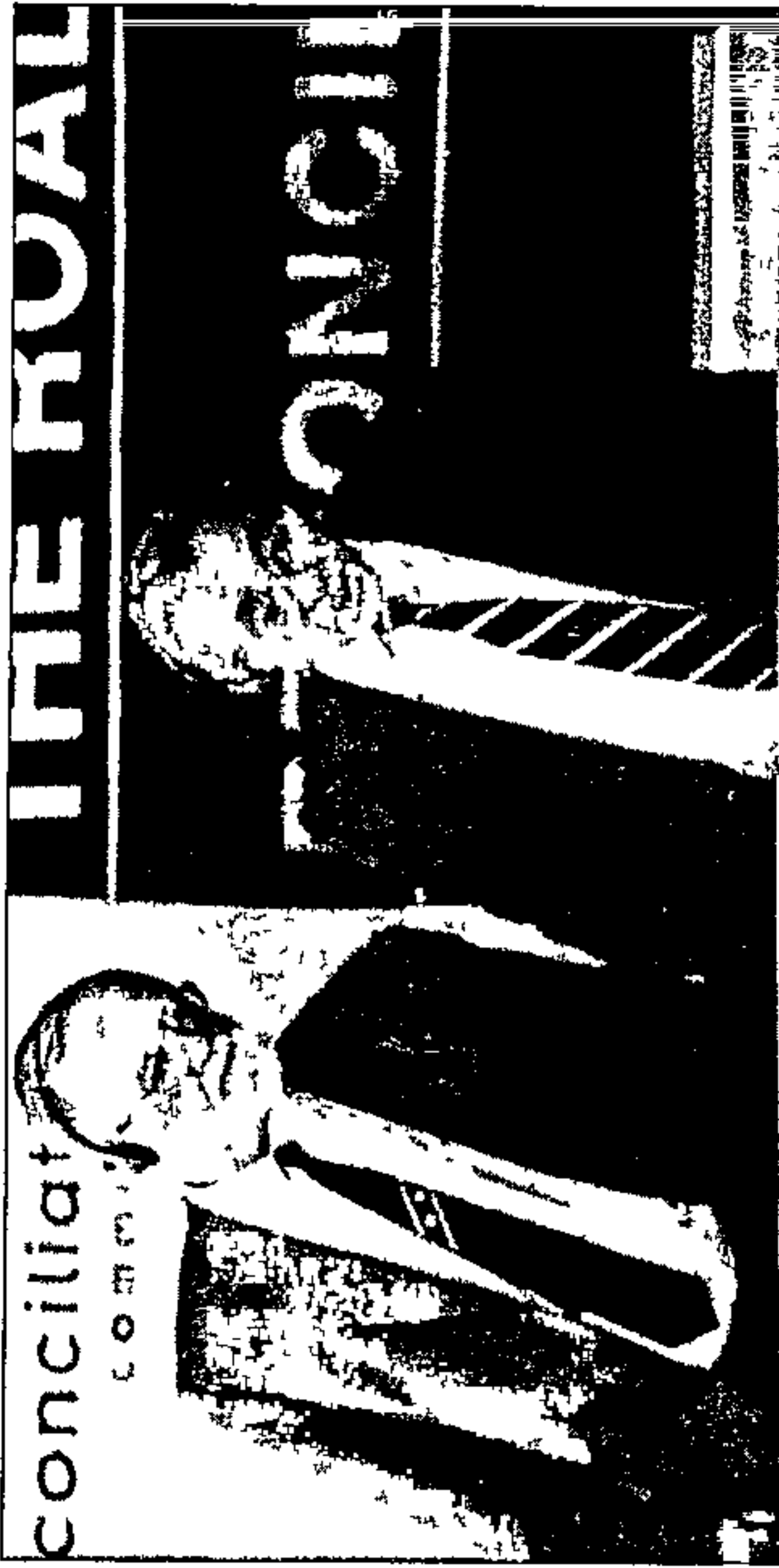
Mr De Klerk's spokesman, Dave Steward, said he expected papers applying for an urgent interdict to be lodged with the Cape High Court tomorrow, Sapa reports

It was possible that the case would be

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# SPECIAL REPORT: THE TRC



# Amnesty lies at the heart of the TRC ideal

*President gets Final Report this week*  
 ARG 26/10/98

## INSIDESTORY



It was the philosopher George Santayana who remarked nearly a century ago "Those who cannot remember the past are condemned to repeat it." After more than two-and-a-half years of public hearings and private deliberations, the controversial Truth and Reconciliation Commission will this week present to President Mandela its Final Report, in which it outlines how South Africans should deal with their grim memories and avoid repeating the deeply painful and tragic mistakes of their past — mistakes that emerged during TRC hearings with brutal and shocking clarity. This is the first part of a four-part series on the TRC by senior writers **ROBERT BRAND** (left) and **JOHN YELD**.

South Africa's Interim Constitution, adopted in 1993 after nearly four years of painstaking negotiations, was described by its framers as "an historic bridge" between a past characterised by oppression and a future based on respect for human rights.

The epilogue to that constitution, which laid the basis for the first democratic elections in the country's history, stated simply, but powerfully: "The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society."

National unity Reconciliation Reconstruction. Noble words, noble ideals. And easier said than done.

South Africa's transition enthralled the world because it proved that seemingly intractable enemies could work out their differences and co-exist in peace. Or could they?

Apparently insurmountable obstacles had been overcome one by one during the long, tortuous negotiations, until only the last remained. And that was the most difficult of all: making the whole deal work.

Hence the establishment of the Truth and Reconciliation Commission, due to present its long-awaited final report to President Mandela on Thursday.

The TRC had two essential goals: to promote reconciliation and reconstruction, and to grant amnesty to people guilty of crimes committed in the course of the apartheid conflict.

It was this latter provision that was the crucial element in the negotiated solution.

The point has been made repeatedly by TRC chairman Archbishop Desmond Tutu and others during the past three years: without this amnesty provision, it would not have been possible to reach the

hatred, fear, guilt and revenge

"These can now be addressed on the basis that there is a need for understanding, but not for vengeance, a need for reparation, but not for retaliation, a need for ubuntu, but not for victimisation."

"In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past."

"To this end, Parliament under this constitution shall adopt a law providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with."

In June 1994, the new Minister of Justice, Dullah Omar, announced

countries, which were experiencing a transition to democracy

In Argentina, a truth commission was created in 1983 to investigate human rights abuses under the preceding dictatorship. It handed the government the names of more than 1 000 offenders.

The Chilean Truth Commission was created in 1990 to investigate the deaths or disappearance of more than 3 000 people during the military rule of General Augusto Pinochet.

In El Salvador, a similar commission was established in 1992 to investigate "serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth"

In many cases, amnesty was granted to the identified offenders in these countries, which were experiencing a transition to democracy

While debate raged over the secrecy clause, a bombshell dropped hours before departing the corridors of power, Mr De Klerk's government had attempted to grant amnesty to more than 3 000 people, including high ranking police and military officers and some cabinet ministers, without disclosing what the amnesties were for

These amnesties were subsequently declared illegal, and the episode strengthened the hand of those who wanted all proceedings of the TRC to be in public.

become an instrument for division. A truth commission, Mr De Klerk claimed, would "tear out the stitches from wounds that are only now begun to heal."

When the first draft bill was published, there were also strong objections from several quarters about a provision that amnesty hearings would be held in secret — a compromise that had been designed to meet the NP's objections

While debate raged over the secrecy clause, a bombshell dropped hours before departing the corridors of power, Mr De Klerk's government had attempted to grant amnesty to more than 3 000 people, including high ranking police and military officers and some cabinet ministers, without disclosing what the amnesties were for

These amnesties were subsequently declared illegal, and the episode strengthened the hand of those who wanted all proceedings of the TRC to be in public.

Other obstacles included the way in which amnesty would be granted by the commission. Some including

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Jeffrey Berzen demonstrates the wet-bag torture to a TRC hearing



Lighter moment: TRC chairman Archbishop Desmond Tutu and his deputy, Dr Alex Boraine

**The time for repentance is past. The time for confession is past. The time for reconciliation is past. The time for justice is past. The time for truth is past. The time for reparations is past. The time for acknowledgment is past. The time for forgiveness is past. The time for healing is past. The time for peace is past. The time for reconciliation is past. The time for justice is past. The time for truth is past. The time for reparations is past. The time for acknowledgment is past. The time for forgiveness is past. The time for healing is past. The time for peace is past.**

**I feel like I'm going mad. I don't know where my son is. Maybe I know where he is but I can't find him. I don't know where he is but I can't find him. I don't know where he is but I can't find him.**

**Unless we know what crimes were committed against innocent people, there will never be reconciliation in the proper sense of the word. To forgive is to know exactly what happened. — President Mandela, speaking after an interview with a TRC hearing.**

**My heart is sorry, sorry, sorry... I don't think this pain in my heart will ever come out. The mother of a young Swaziland student shot dead by police.**

**After they forgave me I feel — how can I put it? — there was a load off my shoulders, and I'm happy for that. It's a very difficult thing they're doing, to forgive a person for killing your child. It's unbelievable. — Security policeman Thapelo Mphahlele being forgiven by the families of the "Gangulu Seven" for his role in their killing.**

**Many of those who gave these orders had never had the experience of pulling the trigger. To do it yourself is a very different matter. It's very difficult to go home afterwards and lead a normal social life. It's a battle. — Former security policeman, Welgasse commander and convicted killer Expresso de Kock (right) or his superior officers to court.**

# How 17 South Africans set out on quest for truth about apartheid

After criticism for the delay in setting up the TRC, President Mandela finally announced in mid-September 1995 the appointment of a panel that would all for nominations for people to serve as commissioners.

After public hearings lasting no more than an hour for each candidate, the panel would select a shortlist of 25 names from which Mr Mandela, in conjunction with the Cabinet, could select between 11 and 17 commissioners.

The panel was chaired by Nicholas "Frank" Hayson, Mr Mandela's legal adviser and a former partner in a prominent human rights law firm. The other members of the panel were former SA Council of Churches SACC president and Lufelwe under Peter Storey, trade unionist and National Economic Development and Labour Council chief Jayendra Radoo, Freedom Front senator

nomination by the Anglican synod of bishops.

By early October, more than 100 people had been nominated, and the deadline was extended to October 14.

After the deadline, the selection panel revealed the names of 299 nominees, who included SAOC leader Frank Chikane, Anglican priest Michael Lapsley, who was named in a letter-bomb attack by apartheid security forces, academic lawyer and television personality Dennis Donald Woods, the former SA ambassador to the United Nations, Kurt von Schrunding, and Deputy President Thabo Mbeki's legal adviser, Moganu Gumbi.

After considering 160 of these nominations, the panel drew up a short-list of 46 prospective commissioners who would be subjected to public interviews, saying it had looked at the candidates' track records and the need to ensure that the list was representative of South Africa's population with regard to gender, race and profession.

On November 20, after interviews in Johannesburg, Cape Town and Durban, Mr Mandela was handed the short-list of 25 names.

Professor Hayson said the selection panel had been concerned that KwaZulu Natal, which was still seriously affected by violence, had not been adequately represented on the short-list, and that it had asked Mr Mandela to also consider candidates respected in that province.

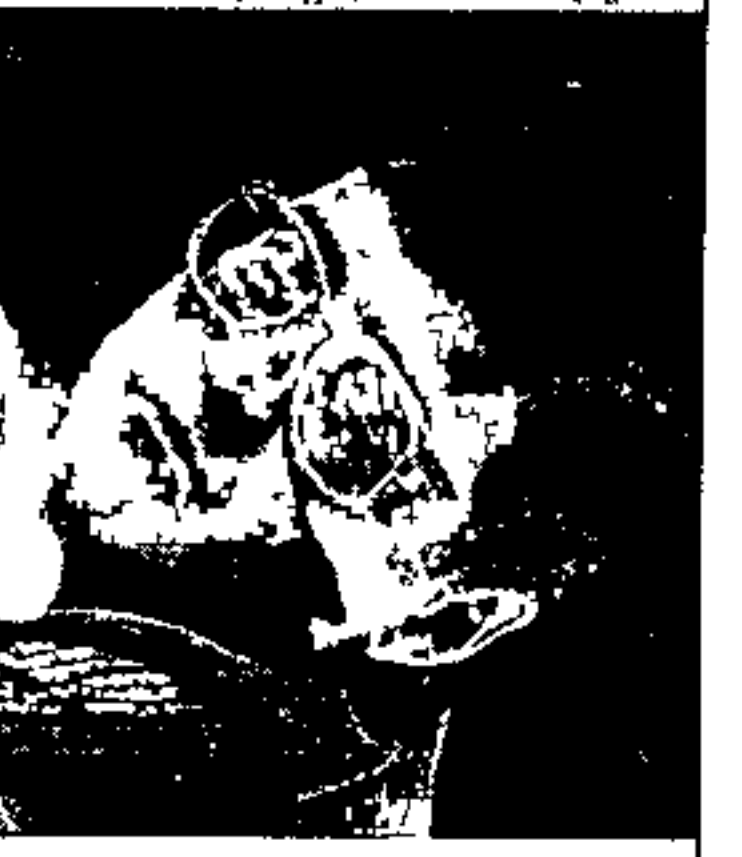
On November 30, after a Cabinet meeting the previous day, Cabinet secretary Jakes Gerwel announced the names of the 17 people to serve on the TRC 15 from the short-list, and two additional appointments.

As expected, Archbishop Tutu was appointed chairman, and his deputy was Alex Boraine, former Progressive Federal Party MP and later executive director of the Institute for Democracy in South Africa.

The others were:

- Mary Burton, Black Sash leader and outspoken critic of apartheid.
- Chris de Jager, an advocate, former Conservative Party MP, member of the Freedom Front and the Volkstaat Council and a member of the Human Rights Commission. On appointment he resigned from the FF and the Volkstaat Council.
- Bongani Funca, president of the Eastern Cape Provincial Council of Churches and appointed Ciskei administrator after the collapse of Brigadier Oupa Gqozo's administration.
- Sisi Khampene, a member of the Black Lawyers' Association.
- Richard Lyster, a lawyer and director of the Legal Resources Centre in Durban.
- Wynand Malan, one-time verligte National Party MP, who later resigned to start the National Democratic Movement, which in turn merged with the PFP to form the present Democratic Party.
- Hlangwe Mkhize, a psychologist and national director of Mental Health and Substance Abuse.
- Dumisa Ntsebeza, an attorney, one time political prisoner, former president of the Black Lawyers' Association and chairman of the Prisoners' Welfare Programme.
- Wendy Orr, a medical doctor who shot to prominence in the mid 1980s when she successfully applied for a Supreme Court interdict to prevent the torture of Eastern Cape political detainees.
- Mapule Ramashala, a clinical psychologist and former Fulbright

**Many of those who gave these orders had never had the experience of pulling the trigger. To do it yourself is a very different matter. It's very difficult to go home afterwards and lead a normal social life. It's a battle. — Former security policeman, Welgasse commander and convicted killer Expresso de Kock (right) or his superior officers to court.**



**In all my experiences in this hot-rod, there is no such thing as "clean killing". People were killed brutally, they died worse than animals. That is a fact. — Joe Mamasela on the experience as an "Askari" (armed ANC member) at the security police's notorious Vlakplaas unit.**

**All in all, the loss of our son cannot be measured in financial terms, as he wasn't just a statistic to us but a son we loved dearly. — Cheryl Kondile, on the murder of her son by security police.**

**Before this meeting, I thought that I would never have the ability to forgive my son's murderers for what they did. In my wildest dreams, I never thought that this meeting would end with a situation where I was the one comforting my son's murderer and his wife. — Nelson Poppyana on his meeting with right-winger Cornelius Peyer who had killed his son in an attack on a TRC hearing.**

in which amnesty would be granted by the commission. Some, including lawyers for Human Rights, maintained amnesty could be granted only after an offender had been found guilty in a court of law.

In May 1995, the Promotion of National Unity and Reconciliation Act — was finally approved by the National Assembly's Justice Committee after a marathon 130 hours of deliberations, months of public hearings and submissions, seven drafts and more than 300 amendments.

The Freedom Front voted against every clause, in protest at the retention of the December 5, 1993, cut-off date for offences for which amnesty could be granted.

The Inkatha Freedom Party, which had boycotted the last committee meetings, abstained. Finally, on July 19, 1995, President Mandela signed into law the Promotion of National Unity and Reconciliation Act.

Announcing that the Act's passage had marked a moment of enormous significance in South Africa's history, President Mandela added: "We can now deal with our past, establish the truth that has been so long denied us, and lay the basis for genuine reconciliation."

Scholar who joined the Medical Research Council after years of exile in America.

- Fazal Randera, a medical doctor and committee member of the National Medical and Dental Association.
- Yasmin Sooka, a lawyer and National President of the World Conference on Religion and Peace.
- Glenda Wildschut, a psychiatric nurse with links to the University of the Western Cape and the Woodstock-based Trauma Centre.

The two additional appointments were KwaZulu Natal Methodist clergyman Khoza Mgojo, and advocate Denzil Potgieter.

President Mandela later revealed that he had not approved of all 17 commissioners, but had appointed them in the interests of national unity.

"There were names that I did not like. But in order to unite the nation, I had to bring them in," he said.

Umair, announced that the TRC would be established to give effect to the amnesty provision in the constitution, and simultaneously to achieve a form of justice for victims of human rights violations by finding the truth about atrocities committed against them and their families, and making recommendations on appropriate reparations.

Other countries plagued by internal conflict and oppression have held similar exercises.

The principle of accountability for criminal actions committed during war was established during the Nuremberg trials in Germany after World War 2, but during the post-war era it became clear that criminal prosecution was not always the best way of dealing with the past in those

most — from the proposed TRC. The majority of those needing amnesty would inevitably be from the former government's ranks, and the NP would be judged by that.

Then NP leader F W de Klerk, one of two deputy presidents and a Cabinet member in the Government of National Unity, said the proposed commission would be an "Orwellian parody" in which the search for truth would

ers in these countries.

On a rare announcement that South Africa would embark on a similar pursuit rather than leaving it to Parliament to grant a blanket amnesty to offenders with out disclosure of their misdeeds, was met with immediate objections from the National Party, whose followers simultaneously stood to gain most — and lose

most — from the proposed TRC. The majority of those needing amnesty would inevitably be from the former government's ranks, and the NP would be judged by that.

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# arrows

# Scramble to duck TRC

ANC, expected to be accused of torture and other human rights abuses, joins FW de Klerk in trying to minimise expected

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By JOHN YELD  
Cape Town

**H**igh drama is developing ahead of Thursday's handover of the Truth Commission's final report to President Mandela, with political parties, including the ANC, and individuals scrambling to limit the damage expected from its critical findings.

At the forefront is former president F W de Klerk, who is applying for an urgent interdict in the Cape High Court tomorrow to stop the TRC from implicating him in connection with state-sponsored terrorism.

The report is understood to say that De Klerk was aware that former law and order minister Adriaan Vlok and police commissioner Johann van der Merwe were involved in the bombings that destroyed Cosatu House and Khotso House in the late 1980s, but did not report this to the authorities, making him an accessory to the crimes.

In what appears to be another attempt at damage control, the ANC has apparently leaked to the SABC a copy of the seven-page "Section 30" notice sent to it by the TRC recently, setting out the anticipated finding about the ANC in the final report and giving it two weeks to respond.

The leak enables the ANC to minimise the impact of the finding by being able to respond before the official release.

The notice was one of about 200 sent by the TRC to parties and individuals across the political spectrum, informing them that they were likely to be implicated to their detriment, and asking for their response.

According to a radio report today, the TRC stated in the Section 30 notice that it was contemplating finding that the ANC was morally and politically responsible for gross human rights violations.

These included torture and

severe ill-treatment in its camps in Angola, the planting of landmines in border areas of South Africa which resulted in the deaths of innocent farmworkers, the blurring of civilian and military targets during bomb attacks, and the ordering by military tribunals of the execution of alleged spies convicted without due process.

The commission's finding on De Klerk could pave the way for his prosecution. He has not sought amnesty.

De Klerk's lawyers met their TRC counterparts in Cape Town last week in a bid to persuade it to excise the damaging finding, but were unsuccessful.

His lawyers are expected to contend that when De Klerk came to know about the bombings, Vlok and Van der Merwe were already in the process of applying for amnesty, and he did not think it necessary to report the matter to the police.

In other developments, the PAC commended the TRC for its sterling work in uncovering the abuses of the past and revealing the identity of those responsible for atrocities.

PAC secretary-general Mike Muendane praised the commission's work but said he was "very angry" the body had also found the PAC responsible for gross human rights violations committed during the struggle.

NP spokesperson on the TRC Jaco Maree also hit out at the TRC, saying it was "very one-sided, politically skewed, it is historically skewed". IFP chairperson Ben Ngubane believed a judicial process, including cross-examination and testing of evidence, should have been established by the TRC.

Asked to comment on the flurry of criticism, TRC acting chairperson Dumisa Ntsebeza said the fact the TRC was being attacked on all sides "should go to the credit of the way in which it has conducted itself".

Special report



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It was philosopher George Santayana who remarked nearly a century ago: "Those who cannot remember the past are condemned to repeat it." After more

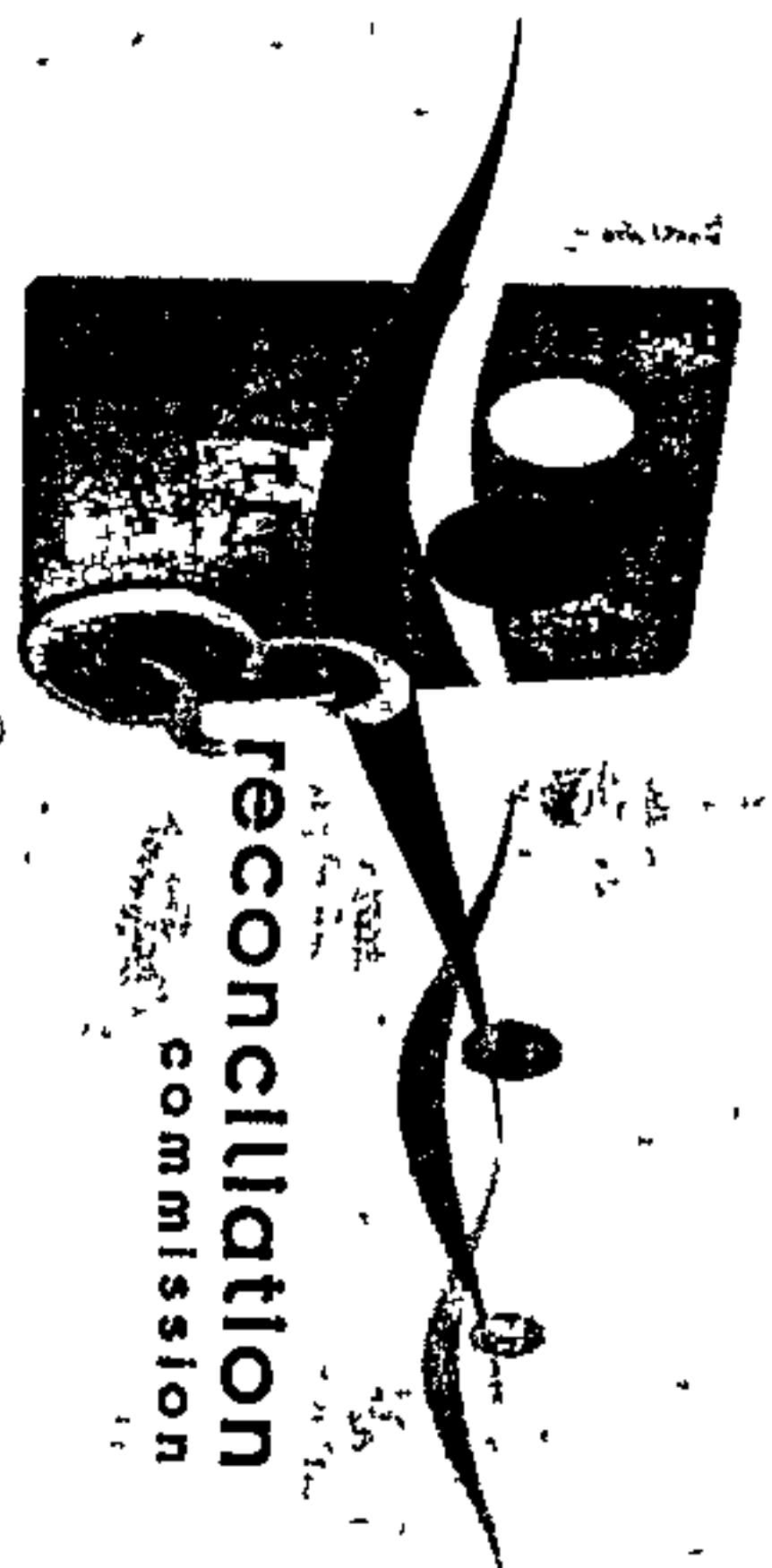
than two-and-a-half years of public hearings and private deliberations, the Truth and Reconciliation Commission will this week present to President Mandela its

final report, in which it outlines how South Africans should deal with their grim memories and avoid repeating the painful mistakes of their past — mistakes that

emerged during TRC hearings with brutal and shocking clarity. This is the first of a four-part series on the TRC by senior writers Robert Brand and John Yeld.

I do feel (that) myself and others in the security forces have been sold out by cowardly politicians — in the National party especially. They want the lamb but they don't want to see the blood and guts. They are cowards.

— Former security policeman, Vlakplaas commander and convicted killer Eugene de Kock



It is not the institution, but the people, that actually bring healing ... In both cases (South Africa and Germany), long after the institutional processes of discovery are over and the official reports have been published, the real business of healing continues on a personal basis, face-to-face, at the informal level of home and community.

Dr Ralf Wustenberg, visiting German theologian

After they forgive me I felt ... how can I put it? ... there was a load off my shoulders, and I'm happy for that. It's a very difficult thing they've done, to forgive a person for killing your child. It's unbelievable.

— Black security policeman Thapelo Mbele, on being forgiven by the families of the "Guguletu Seven" for his role in their killing

Committees deal with rights abuses, amnesty and reparations

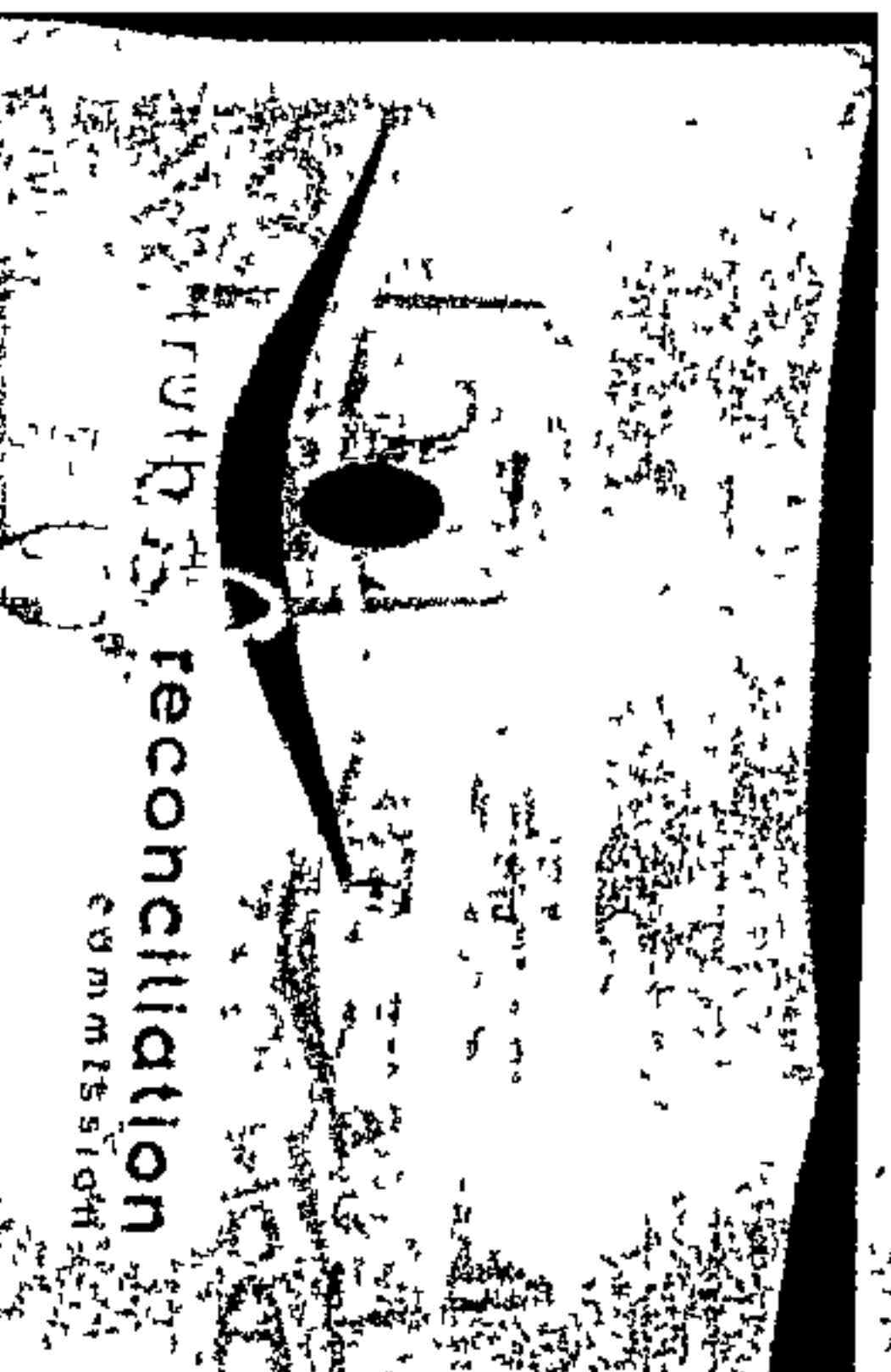
The TRC Act made provision for three committees to deal with different facets of the process. They are, the human rights violations committee, which would investigate human rights abuses and hold public hearings; the amnesty committee, which would grant amnesty according to criteria set out in the act; and the reparations and rehabilitation committee, which would make recommendations to the Government on compensating victims and communities for wrongs suffered in the past.

In April 1998, the commission held its first public hearing in East London under the chairmanship of Archbishop Desmond Tutu.

The hearing would set the stage for more than two years of harrowing work, many tears and much bitterness, but also many uplifting moments.

Time and again, people who had suffered terribly displayed what Tutu termed "a tremendous generosity of spirit" with an almost unbelievable willingness to forgive.

To date, the TRC has consid-



Truth and Reconciliation Commission

TRUTH.  
THE ROAD TO  
RECONCILIATION.

# A process to lay the past to rest

(2/12)

South Africa's interim constitution, adopted in 1993 after nearly four years of painstaking negotiations, was described by its framers as "a historic bridge" between a past characterised by oppression and a future based on respect for human rights.

The epilogue to that constitution, which laid the basis for the first democratic elections in the country's history, stated simply but powerfully: "The

actions committed during war had been established during the Nuremberg trials in Germany after World War 2. But during the post-war era, it became clear that criminal prosecution was not always the best way of dealing with the past in countries experiencing a transition to democracy.

Omar's announcement that South Africa would embark on a similar pursuit, rather than leaving it to Parliament to grant a blanket amnesty to offenders without disclosure of their misdeeds...

Jan 26/10/98



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Oppression and a future based on respect for human rights. The epilogue to that constitution, which laid the basis for the first democratic elections in the country's history, stated simply but powerfully: "The pursuit of national unity, the wellbeing of all South African citizens, and peace require reconciliation between the people of South Africa and the reconstruction of society."

Apparently unsurmountable obstacles had been overcome during the long, tortuous negotiations, until only the last remained - making the whole deal work. This was the main reason for the establishment of the Truth and Reconciliation Commission.

The TRC has two goals, to promote reconciliation and reconstruction, and to grant amnesty to people guilty of crimes committed during the 'apartheid' conflict.

**All in all, the loss of our son cannot be measured in financial terms, as he was not just a statistic, he was a son who was loved dearly.**

**Charity Kondle, on the murder of her son by security police**

The point has been made repeatedly by TRC chairperson Archbishop Desmond Tutu and others without this amnesty provision, it would not have been possible to adopt the interim or final constitutions, or to hold the 1994 elections. The prospects for peace would have been bleak.

The National Party, backed by the police and military, would not willingly have handed over power unless it had the assurance of amnesty for acts committed during the course of what came to be described as "the apartheid conduct".

The liberation movements, on the other hand, wanted justice, some of them calling for "war-crimes" trials.

The impasse was resolved by including an amnesty provision in the interim constitution, but leaving it to the new, democratically elected Parliament to determine the process through which amnesty should be granted.

Omar's announcement that South Africa would embark on a similar pursuit, rather than leaving it to Parliament to grant a blanket amnesty to offenders without disclosure of their misdeeds, was met with immediate objections from the National Party.

The NP leader F W de Klerk, one of two deputy presidents and a cabinet member in the government of national unity, said the proposed commission would be an "Orwellian parody" in which the search for truth would become an instrument for division.

When the first draft bill was published, there were strong objections from several quarters about a provision that amnesty hearings would be held in secret - a compromise which had been designed to meet the NP's objections.

While the debate raged, a bombshell dropped, hours before departing the corridors of power, De Klerk's government had attempted to grant amnesty to more than 3 000 people, including high-ranking police and military officers and some cabinet ministers, without disclosing what the amnesties were for.

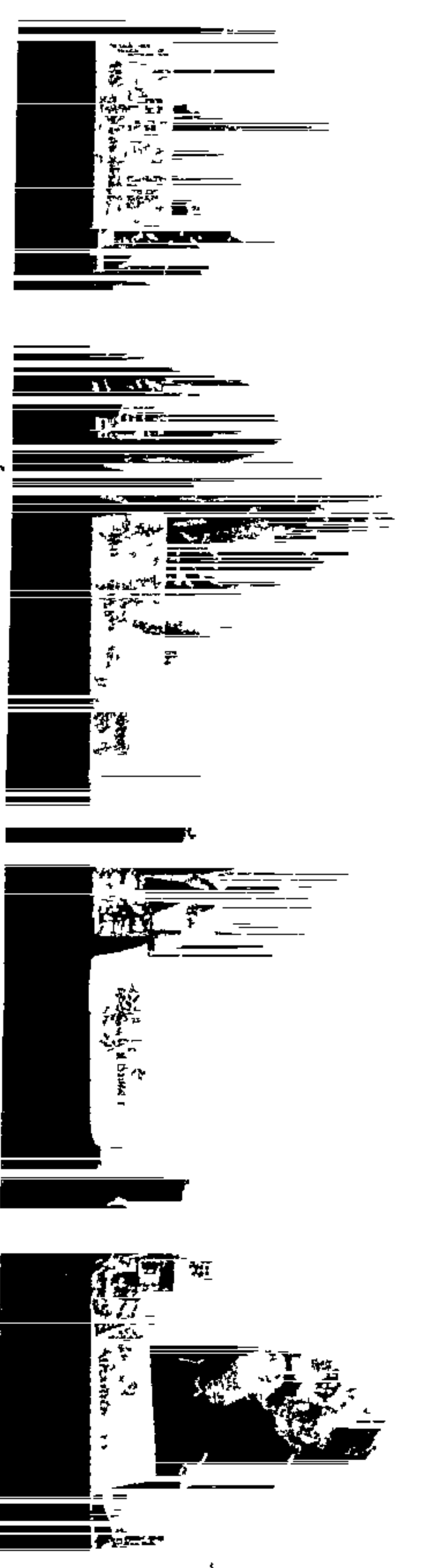
These amnesties were subsequently declared illegal, and the episode strengthened the hand of those who wanted all proceedings to be held in public.

In May 1995, the Promotion of National Unity and Reconciliation Bill - popularly known as the TRC Act - was finally approved by the National Assembly's justice committee after a marathon 130 hours of deliberations, months of public hearings and submissions, seven draft bills and more than 300 amendments.

The Freedom Front voted against every clause, in protest at the retention of the December 5 1993 cutoff date. The Inkatha Freedom Party abstained from voting.

Finally on July 19 1995, President Mandela signed the act into law.

"We can now deal with our past, establish the truth that has been so long denied us, and lay the basis for genuine reconciliation," he said.



Hearing history .. photographed at the TRC media hearings are, from left, commissioners Hlangwe Mkhize, Dumisa Ntsebeza, Denzil Potgieter and Hugh Lewin.

# Commissioners were handpicked in long, thorough process

After criticism for the delay in setting up the TRC, President Mandela finally announced, in mid-September 1995, the appointment of a panel that would call for nominations for people to serve as commissioners.

After public hearings, the panel would select a short list of 25 names from which Mandela, in association with the Cabinet, would select between 11 and 17 commissioners.

The panel was chaired by Professor Nicholas "Frank" Heywood, Mandela's legal adviser and a former partner in a human rights law firm.

The other members of the panel were former SA Council of Churches (SACC) president and Ifelike founder the Rev Peter Stewer; trade unionist and National Economic Development and Labour Council chief Joyentana Ndlovu; Freedom Front senator Jacobus Roeder de Villiers; Inkatha Freedom Front MP Harriet Ngubane; ANC deputy chief whip Baleka Kgosikotile; SAOC general-secretary Brigalia Barn; National Party senator Ray Redier; Jody Kollapen of lawyers for Human Rights; and Cape Town advocate Denzil Potgieter, who managed the process.

The criteria for nomination included that candidates were required to be "able to make impartial judgments, should be of moral integrity with a known commitment to human rights, reconciliation and the disclosure of truth, must not be a high-profile member of a political party, and should not be an applicant for amnesty in terms of the legislation".

From the outset, Nobel Peace Prize laureate Archbishop Desmond Tutu - fondly known as "South Africa's conscience" - was tipped to head the TRC, and it was no surprise when he made it known he would accept his nomination by the Anglican Synod of Bishops.

By early October, more than 100 people had been nominated, and the deadline was extended to October 14.

After the deadline, the selection panel revealed the names of 299 nominees who included SACC leader Dr Frank Chikane, Anglican priest Father Michael Lapsley, who was maimed in a letter-bomb attack by apartheid security forces; academic lawyer and television personality Dennis Davis; former Daily Dispatch editor Donald Woods; former SA ambassador to the United Nations, Kurt von Schmuring; and Deputy President Thabo Mbeki's legal adviser, advocate Mojanku Gumbi.

The panel drew up a short-list of 46 prospective commissioners who would be subjected to public interviews, saying it had looked at the candidates' track records and the need to ensure that the list was representative of South Africa's population in regard to gender, race and profession.

On November 20, after interviews in Johannesburg, Cape Town and Durban, Mandela was handed the short list of 25 names.

Heywood said the selection panel had been concerned that Kwazulu Natal, which was still seriously affected by violence, had not been adequately represented, and that it had asked Mandela also to consider candidates respected in that province. On November 30, Cabinet

Secretary Jakes Gerwel announced the names of the 17 people to serve on the commission - 15 from the short list, and two additional appointments.

As expected, Tutu was appointed chairperson and his deputy was Dr Alex Boraine, one-time Progressive Federal Party MP and later executive director of the Institute for a Democratic Alternative in South Africa.

The others were: Mary Burton, Black Sash leader and outspoken critic of apartheid; Chris de Jager, an advocate, former Conservative Party MP, member of the Freedom Front and the Volksraad Council, and a member of the Human Rights Commission. On appointment he resigned from the FF and the Volksraad Council;

Bongani Finca, president of the Eastern Cape Provincial Council of Churches, who had been appointed Ciskei administrator after the collapse of Brigadier Oupa Gqozo's administration;

Sisi Khamphe, a lawyer and member of the Black Lawyers' Association;

Richard Lyster, a lawyer and director of the Legal Resources Centre in Durban;

Wynand Malan, one-time Verligte National Party MP who later resigned to start the National Democratic Movement, which in turn merged with the PFP to form the present Democratic Party;

Hlangwe Mkhize, a psychologist and national director of mental health and substance abuse;

Dumisa Ntsebeza, an attorney, one-time political prisoner, former president of the Black Lawyers' Association and chairperson of the Prisoners' Welfare Programme;

Wendy Orr, a medical doctor who shot to prominence in the mid-1980s when she successfully applied for a Supreme Court interdiction to prevent the torture of Eastern Cape political detainees;

Mapule Ramashaba, a clinical psychologist and former Fulbright scholar who joined the Medical Research Council after years of exile in the US;

Fazel Randera, a medical doctor and committee member of the National Medical and Dental Association;

Yasmin Soeka, a lawyer and national president of the World Conference on Religion and Peace;

Glenda Wildschut, a psychiatric nurse with links to the University of the Western Cape and the Woodstock-based Trauma Centre.

The two additional appointments to the TRC were Kwa Zulu Natal Methodist clergyman Khoza Magofo, and advocate Denzil Potgieter.

Mandela later revealed that he had not personally approved of all 17 commissioners, but had appointed them nevertheless in the interests of national unity.

Time and again, people who had suffered terribly displayed what Tutu termed "a tremendous generosity of spirit" with an almost unbelievable willingness to forgive.

To date, the TRC has considered more than 4 700 amnesty applications and held about 140 amnesty hearings.

Almost 8 000 amnesty applications still remain to be dealt with, and the amnesty committee - which has been expanded from its original five members to 19, who operate as six sub-committees, each chaired by a judge - is likely to be operational until at least the middle of next year.

The TRC received more than 20 000 statements from victims and held 83 human rights violations hearings.

The reparations and rehabilitation committee has produced a comprehensive framework for financial and other forms of compensation for victims and communities.

Although these recommendations still have to be approved by Parliament, interim reparations awards ranging from R2 000 to R6 000 have already been paid to more than 800 victims who are considered to be in urgent need of financial help because of the gross human rights abuses they suffered.

The money was paid from the President's Fund, established in terms of the TRC's founding act.

**In all my experiences in this hell-hole, there is no such thing as "clean killing". People were killed brutally, they died worse than animals. That is a fact.**

**Joe Mamasela on his experiences as an asker (turned ANC member) at the security police's notorious Vlakplaas unit**

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Heywood said the selection panel had been concerned that Kwazulu Natal, which was still seriously affected by violence, had not been adequately represented, and that it had asked Mandela also to consider candidates respected in that province. On November 30, Cabinet

**Through the trauma of it all, I honestly feel richer ... I think it's fantastic to have a TRC. The idea that speaking out causes healing is a wonderful idea. I hope healing comes to everyone.**

**Beth Savage, who was severely injured in the King William's Town golf club attack**

**The fact is, letting perpetrators go free is a distasteful business. The fact is, extinguishing the legal rights of the victims is a terrible thing to do. We may all want to put the past behind us and enjoy our new South Africa, but we do so at the expense of harassed individuals and communities, from KwaZulu-Natal to Sebokeng, leaving them to be haunted by a past we prefer to forget.**

**Dene Smuts, Democratic Party spokesperson on the TRC**



# Doctor blames TRC for fuelling crime rate

ARG 27/10/98  
CAROL CAMPBELL  
SPECIAL WRITER

A senior forensic psychiatrist at Valkenberg Hospital believes revelations at Truth and Reconciliation Commission hearings have contributed to violent crime.

And the commission has not done anything to help ordinary people understand why killers are being given amnesty, he said.

Sean Kaliski, head of forensic services at Valkenberg, said the commission had achieved a political miracle, but had done nothing to "heal the national psyche".

Dr Kaliski was invited by the Woodstock Trauma Centre to join a committee working on a "mental health response to the TRC", but the effort was scrapped when the commission refused to provide funding.

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Now, he said, the consequence of the "horrific" stories coming out of the commission was that people were committing crimes because the message on television and in newspapers was that it was all right to murder if you had a good reason.

"The perception is that people who have committed the most heinous deeds are being let off simply because they have told their story and claimed a political motive. The TRC process was flawed because, at no stage, was there any attempt to explain why it was

To page 3

# Doctor blames TRC for fuelling crime

From page 1

okay to commit a crime. And when somebody shows no remorse and makes no reparation, it sends a powerful message to ordinary people."

Dr Kaliski said he based his assumption about the commission's contribution to violent crime on the thousands of interviews he had conducted with criminals sent to him by the courts for psychiatric observation.

Only 30% of the 400-500 people he saw every year were mentally ill and

stayed on at Valkenberg.

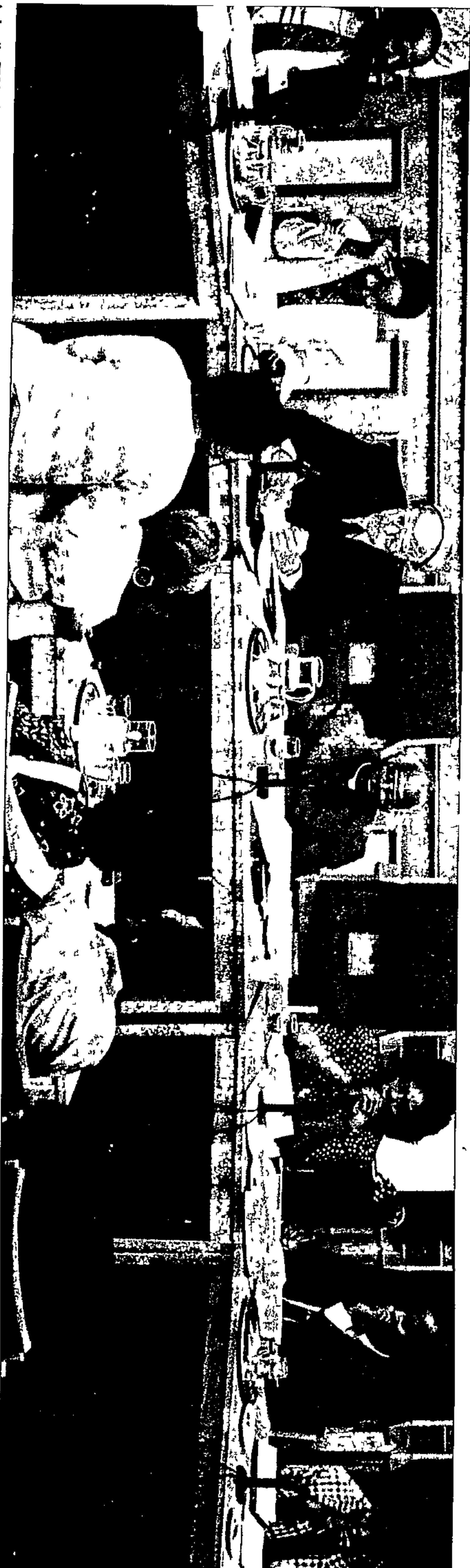
"The people I see are comparing themselves to TRC perpetrators and perhaps believe that, if one has a good reason (especially political) crime, especially violent crime, can be excused."

"What all their stories have in common is that none of them wake up in the morning thinking they are going to commit a crime. Most often the crime is one of opportunity - a door was left open so they stole, they got drunk at a party so they raped, they had a fight and they killed."

What worried him was that more and more the individual's "internal control" or moral values were faltering. This, coupled with poor external control (policing), meant very little was standing between the nation and violent crime.

"The stories coming from the TRC are giving people whose internal control is not that good another reason to let go. They think it's okay provided they can explain what they did. The attitude is 'if the fat cats on TV can get away with it, why can't I?'" Dr Kaliski said.

# SPECIAL REPORT: THE TRC



And so the TRC begins: Archbishop Desmond Tutu, centre, with Dr Alex Borzine on his right, sit flanked by TRC commissioners on the first day of hearings, in East London on April 16 1996

## The day Desmond Tutu broke down and wept

Some of the most poignant testimony during the TRC's first hearing in East London came from veteran Port Elizabeth activist Sinigo kwana Malgas, who by 1996 had been confined to a wheelchair as a result of a partial stroke - possibly a consequence of repeated bouts of torture at the hands of police over several decades.

He was sentenced to 22 years in jail on Robben Island in 1963, but his defence attorney - one Nelson Mandela - managed on appeal to have that reduced to 14 years.

By the time he was released from his last detention in 1989, he had lived a lifetime of harassment that included house arrests, banning, detention, hard labour and the death of his son in an acid attack. Mr Malgas avoided testifying about his torture until asked to do

so. "A mask was put over your head and they did something they called 'helicopter training'. They put a stick inside your knees and you had to stretch your knees and you were being suffocated."

Mr Malgas then dropped his head and wept loudly, unable to continue because of the overwhelming pain and indignity of the memory.

The moment was also too much for an overwrought TRC chairman Archbishop Desmond Tutu, who collapsed with his head on his hands and wept.

Later, during a media conference, Archbishop Tutu confessed he had kept asking himself whether he was the right person to lead the TRC. "I thought I was tough until today. I don't know if I'll survive," he said.

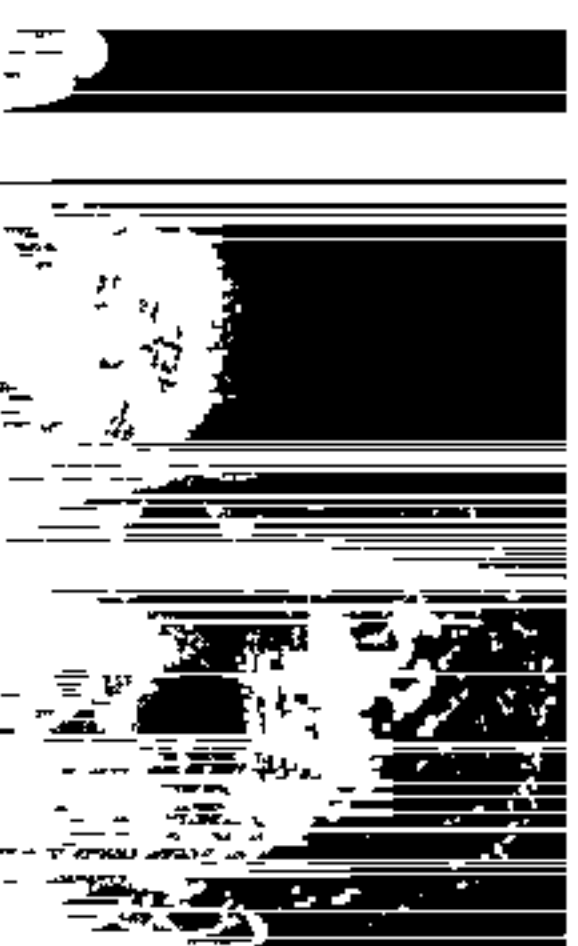
## The words SA can never

# use again: we didn't know

*TRC has left an indelible mark on our history*

## INSIDESTORY

South Africans of all political persuasions became victims of torture and severe ill-treatment, abduction, assassination, terrorism and summary executions during the long struggle for democracy. Yet, in the past, the painful stories of those who survived such human rights abuses were all too often dismissed as lies, deliberate falsehoods and propaganda by political leaders and by





about his torture until asked to go so by TRC deputy chairman Alex Boraine. He then responded hesi-

# A hope: healing for everyone

In late November 1992, Ibrarrah Beth Savage was standing with friends in the clubhouse of the King Williams's Town golf club enjoying an annual Christmas party.

Then her life was changed forever when an Azanian People's Liberation Army (APLA) cadre burst in and fired at them with his AK-47 assault rifle and threw grenades.

Two of the friends died instantly Mrs Savage was severely injured. Testifying during the TRC's first hearing in East London, Mrs Savage said she had undergone open-heart surgery, had stopped breathing on the operating table before being revived and still carried a large amount of shrapnel in her body.

"This makes life exciting because all the bells ring when you go through security at the airport," she quipped.

Asked about her attitude to the attack, Mrs Savage commented "It's a difficult question, but I really feel 'There, but for the grace of God, go I'. I can't say how I would have reacted in their (the attackers) situation. That's all I can say."

Asked what she wanted the TRC to do for her, she said "Through the trauma, I honestly feel richer. It has given me the ability to relate to other people who have gone through trauma. Really, there's nothing I'd like the commission to do. I think it's fantastic to have a commission The idea that speaking out causes healing is wonderful. I really hope healing comes to everyone."

And then, in one of the TRC's most profound moments, Mrs Savage said she wanted to meet the man who had fired at her so that she could forgive him, adding "And I would hope that he could forgive me, too."

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And then, in one of the TRC's most profound moments, Mrs Savage said she wanted to meet the man who had fired at her so that she could forgive him, adding "And I would hope that he could forgive me, too."

ordinary people who simply refused to accept the truth. During the TRC's many public hearings, hundreds of victims/survivors bared their scars and proved conclusively that such dismissals and denials could not be sustained. In this second of a four-part series on the work of the TRC, senior writers ROBERT BRAND and JOHN YELD report on the victims' early testimony. LEON MÜLLER took the pictures.

On Monday, April 16 1996, the Truth and Reconciliation Commission met in East London's ornate city hall for the first of the public hearings that would allow South Africans "to look in the beast of our dark past in the eye," in the words of Archbishop Desmond Tutu.

The TRC chairman's metaphor was apt, for many of the country's citizens were about to be shocked to the core as they were confronted for the first time by revelations of horrific wrong-doings and appalling abuses by perpetrators across the political spectrum.

East London was a fitting venue for the initial TRC hearing. Mayor Lulamile Nzozi had suggested, because the Easter Cape had been at the heart of the decades-long struggle for democracy in South Africa, producing political leaders of the calibre of President Mandela, black consciousness leader Steve Biko, and Cradock teacher and community leader Matthew Goniwe.

Yet, ironically, it was the Biko family and the black consciousness leader's political heirs in the Azanian People's Organisation who, among others, tried to halt the TRC process.

Just one week earlier, lawyers acting for Azapo and the families of murdered black activists Mr Biko, Grief Mxenge and Dr Fabian Rabeuro and his wife, Florence, had launched a Constitutional Court challenge to the TRC, claiming its authority to grant amnesty represented an unconstitutional denial of their citizens' rights to judicial and civil redress.

But their application was temporarily rejected for technical reasons, and it was some weeks before they again went to court.

In July, the Constitutional Court finally ruled the TRC's Founding Act as constitutional.

The first hearing was also constrained by a temporary Cape High Court interdict obtained by two former senior police officers, Major-General Nic van Rensburg and Brigadier Jan du Preez.

In terms of the interdict, the TRC was not allowed to hear testimony from Joyce Mzimkulu, implicating the two policemen in the 1982 disappearance and probable murder of her son, Port Elizabeth student leader Sipho Mzimkulu, before they had been given a tenuous opportunity to respond (Two years later, General Van Rensburg applied for amnesty for his part in Mr Mzimkulu's murder, and admitted to the TRC's amnesty committee that he had lied in his supporting affidavit for the High Court interdict.)

Shortly before 10am, the historic first hearing got underway in the city hall with bold red and white trimmings - which one journalist described as "having the feel of a decaying vaudeville theatre".

Across the back of the stage hung a 10m plastic sign, "The Truth Heals". TRC chairman Archbishop Tutu led his 16 fellow commissioners and some additional committee members in a solemn procession to their seats on the platform, and then asked everyone to stand as a mark of respect while the victims/survivors and their families filed in.

After the commissioners had greeted them, Archbishop Tutu lit a single large white candle in remembrance of all those who had died.

After a prayer and a Xhosa hymn, he made an opening statement: "We long to put behind us all the pain of apartheid, but we are charged to unearth the truth about our dark past and pray that all those injured in body and in spirit should be healed through this commission."

After an hour, the hearing was interrupted by a bomb threat which an irritated Archbishop Tutu revealed was the second of the day.

The hall was cleared and police with sniffer dogs were again brought in to do a sweep, but nothing was found. "This is the last time I will not allow a disruption of this kind again," announced the by-now thoroughly annoyed archbishop. A further three bomb threats during the course of the day were ignored.

First to testify before the TRC was social worker Noble Mkhapi, whose husband, black consciousness leader Mapetla Mkhapi, was found hanged with a pair of jeans in a police cell in 1976, three years after they were married.



First witness, Noble Mkhapi was tied to a grille and savagely beaten by police. "As I sit here, I don't know 'He was abducted from his home, healthy, supporting his family' Ms Mkhapi was followed by others whose tales were equally moving. They included Nonceba Zokwe and her granddaughter, Mamp, who testified how their 33-year-old son and uncle, Sithembelwe Zokwe, his hands shackled behind his back with handcuffs, had died in a hail of bullets fired by Transkei police.

Mrs Zokwe said that when she went to the mortuary to view her son's body, she saw a piece of plastic protruding from a wound in his head. "When I tried to pull it, it came out with part of his brains," she said to gasps of horror from the audience. By the end of the week, 32 witnesses had testified about abductions, death, torture, disappearances, pain, injury and hardship.

But they had also revealed a positive side which probably came as a surprise to many in the audience and to those at home who watched and listened to the proceedings which were broadcast nationwide.

Independent Group journalist Adrian Hadland wrote later "A devastating picture of human suffering and cruelty has been portrayed. It is a picture, too, of great courage and pride, of sacrifice, strength, and of community. It is the picture of our

history and of our nation. Before closing the hearing, Archbishop Tutu asked the audience to give the victims/survivors and their families a standing ovation.

"If you had listened to these victims this week and been unmoved, you should seriously question your humanity," he commented. "We believe, on the basis of what happened here, that this is probably one way our hand can be healed. We believe our country has taken the right course in the process of healing by hearing these stories."

Not everyone in South Africa agreed with Archbishop Tutu, and both he and his fellow commissioners faced sustained criticism and attack throughout the remainder of the TRC's 2 1/2-year lifespan.

But as its twin process of investigation and public testimony unfolded from that start in East London, it became increasingly evident that the TRC would leave an indelible mark on the course of South African history.

And one truth became abundantly clear - no South African - not even the TRC's sternest critics - could again claim that reports of gross human rights abuses like torture, murder and abduction had been lies or mere propaganda, nor could they ever again seek refuge in that age-old excuse "We didn't know."

"A vote was taken as to whether I should be burnt or not, but most of the youngsters said I must not be burnt because I was pregnant - that's why I survived."

Some of the comrades had later given themselves up to the police. Ms Fulani told the commission "They said they couldn't rest because they were still haunted by his cries."

She pleaded with the attackers to listen to her as well, "because I couldn't to listen to his cries."

But they refused, saying they did not have enough petrol - they had only five litres - and that they would necklace her later.

Her captors had then driven around with her in an unsuccessful search for more petrol, said Ms Fulani.

# A question: how to be human?

Much of the testimony by victims and survivors at the TRC's hearings was moving and harrowing, but the depth of pain in some stories made it almost unbearable to listen to them.

At the TRC's Nelspruit hearing, Johannes Roos described how his wife had deputed a landmine as she drove home with their three children from church on Sunday, August 17 1986. He had been in his vehicle about 20m behind, he said.

"I saw the flames underneath the car. I saw the car being tossed into the air, into the bushes. I looked at my wife. Her body was covered in blood. She groaned and asked 'Where are my legs?'"

Doctors later amputated the remains of his wife's right leg. Mr Roos and his father had returned to the scene in an unsuccessful attempt to find and bury the missing part of his wife's leg.

"What we did find was a part of my son's forehead. Part of his brains were on the seat and I picked it up in a tissue and folded it and went and buried it. Do you know how it feels, can you just imagine how it feels to have to find part of your eight-year-old's brain and have to go and bury it? Can you just imagine it? What it does to a person? How can you be human thereafter?" he asked.

Mr Roos said his wife had died three days after the explosion and his son had died the following year.

But that was changed by the harsh outpouring of Mrs Calata's grief, still raw a decade after her husband's brutal murder at the hands of the security police (as it emerged two years later).

Her cry became a seminal point in the TRC's short existence, hard reinforcement of the growing realisation that the TRC would be dealing with issues of appalling physical and emotional pain, excruciating mental anguish and very deep anger. It confirmed what Archbishop Tutu had been saying that truth and reconciliation would be achieved only at real human cost.

Her loud cry sent a palpable shock through the audience of about 400 in East London's city hall.

Up to that point, the equally harrowing testimony of other witnesses had been accompanied by a more restrained emotional response a few quiet sobs, a wiping of the eyes with a tissue.

described how, six months pregnant and wearing only a nightdress, she had been forced to watch her policeman husband Aubrey being made to drink petrol before he was necklace.

Ms Fulani testified that she and her husband had been abducted by a group of young "comrades" in April 1985 and taken to a place where he had been interrogated and accused of

not allowing tobacco to be given to a prisoner being held at the police cells where he was on guard duty.

"I was made to look at him one last time," she recalled, before breaking down crying and being unable to continue for several minutes.

"I was told to stand outside and watch 'while the dog barks' they made him drink petrol, they burnt him in front of me until he died."

She pleaded with the attackers to listen to her as well, "because I couldn't to listen to his cries."

But they refused, saying they did not have enough petrol - they had only five litres - and that they would necklace her later.

Her captors had then driven around with her in an unsuccessful search for more petrol, said Ms Fulani.

She pleaded with the attackers to listen to her as well, "because I couldn't to listen to his cries."

But they refused, saying they did not have enough petrol - they had only five litres - and that they would necklace her later.

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# Necklace murders cause most harrowing testimony

The origins of the infamous "necklace" murder method - placing a tyre around the neck of a victim and setting it alight, usually with petrol - may be disputed, what is indisputable is the appalling cruelty and inhumanity involved.

Some of the most harrowing testimony to the TRC were accounts of necklace murders.

Nonkuzola Fulani of Uitenhage

described how, six months pregnant and wearing only a nightdress, she had been forced to watch her policeman husband Aubrey being made to drink petrol before he was necklace.



# TRC plan 'on track'

*See weber 27/10/98 (252)*

## Commission hopes damning report will see light of day

By Russel Molefe and Sapa

**P**LANS for Truth and Reconciliation Commission chairman Archbishop Desmond Tutu to present the commission's final report to President Nelson on Thursday are going ahead, according to Justice Minister Dullah Omar.

But both the Government and the TRC are keeping their fingers crossed that an urgent application brought by former state president FW de Klerk in the Cape High Court does not succeed.

Omar said at a joint media briefing by the Government and the TRC in Pretoria yesterday that the TRC should be allowed to boldly speak its mind in its final report, even if those views might be incorrect.

"If the views are wrong, the wrong aspects will be exposed," Omar said. "The commission must be allowed to boldly, courageously and without interference speak its mind in the report."

De Klerk, through an application which will be heard today, wants to stop the TRC from releasing its final report. It apparently links him to gross human rights violations.

"We anticipate that nothing will stop that. However, if a court of law were to stop the handing over of the report for any purpose, we will obviously abide by the ruling. We will regret that very much."

The report apparently states that De Klerk knew of the involvement of former law and order minister Adriaan Vlok and police commissioner Johan van der Merwe in the bombing of Khotso House and Cosatu House in the 80s but did not admit it.

De Klerk has not applied for amnesty for any human rights violations. Omar said divergent responses to the TRC

document were to be expected. This would result in a healthy debate and contribute to the process of reconciliation and nation-building.

Omar said although he often did not agree with the TRC's actions, he respected the commission's integrity.

However, Omar, government spokesman on the report, expressed optimism that everything would go ahead as planned when Archbishop Desmond Tutu officially hands over the report to President Nelson Mandela at Sammy Marks Square in Pretoria on Thursday.

Omar said it was estimated that the TRC process had identified 31 000 victims of human rights violations from Sharpeville in March 1960 to the President's inauguration in May 1994.

The report is also said to have found two major liberation movements, the African National Congress (ANC) and Pan-Africanist Congress (PAC), also responsible for gross human rights violations during the liberation struggle.

The ANC denied that it, too, was attempting some last-minute damage control ahead of the release of the final report.

ANC spokesman Mr Thabo Masebe was reacting to speculation that the ANC had leaked the TRC's findings in an attempt to limit the potential damage.

"The ANC would not have leaked it. We would never have thought to do that," he said.

The findings will be set out in a seven-page Section 30 notice (of the Promotion of Truth and Reconciliation Act).

According to the Section 30 notice, the TRC is contemplating a finding that the ANC was morally and politically responsible for gross human rights violations.



Justice Minister Dullah Omar, government spokesman on the report.



Former state president FW de Klerk could be linked to human rights abuses in the report.



# SA must face up to the TRC's findings, says Tutu

CT 27/10/98

□ From Page 1

(252)  
the turn of the century still existed because there had been no effort to reconcile the parties

Similarly, the United States had failed to reconcile its black and white citizens

Had the TRC process not been undertaken, South Africans would have had to deal with past atrocities — as and when they were revealed in the future — in a climate of mistrust

"Now we are facing it, it is going to be horrible. But maybe the worst is already past"

Reconciliation was not an automatic consequence of unearthing truth, but was something all South Africans would have to commit to fostering. The commission would make a small contribution to the process

"Each one of us is going to have to absorb pain. All of us, more or

less, are going to find that there are things for which we are going to have to say we are sorry," Tutu said

On a lighter note, Tutu said he was enjoying himself immensely in the United States, where he recently started a new job as an associate professor at Emory University in Atlanta.

The fact that he was living in a "great house" down the road from his daughter and grandchildren — and was being "molly-coddled" by all and sundry — helped him to cope with the temporary separation from his beloved wife, Leah

On the subject of his health (Tutu is fighting prostate cancer), he said Emory University had a first-class medical school and an excellent medical care system. "I'm fine," he said, "as fine as can be"

It had been an enormous privilege to be asked to head the TRC,

but the work had been arduous, he said. While some people argued that he would have got cancer anyway, others believed it could be related to the burden of his work

"I was reading something saying that the head may sometimes lie, but the body shows the effects," said the active 67-year-old Tutu

● Times News Service reports from London that the commission's final report will be rejected by all South African opposition parties in Parliament

It was labelled on Sunday by Jacob Marais of the National Party as an "expensive disaster", while Chief Mangosuthu Buthelezi, leader of the Zulu-based Inkatha Freedom Party described the whole process as seriously flawed

Constand Viljoen of the Freedom Front said the commission had failed completely to bring about racial reconciliation

# Allow TRC to speak its mind, Omar urges

CT 27/10/98

(292)

PRETORIA: The Truth and Reconciliation Commission (TRC) should be allowed to speak its mind boldly in its final report, even if those views might be incorrect, Justice Minister Dullah Omar said here yesterday.

"If the views are wrong, the wrong aspects will be exposed. The commission must be allowed to boldly, courageously and without interference speak its mind."

Omar said he did not expect the release of the final TRC report this week to be delayed by an urgent court application against the TRC by former president FW de Klerk.

De Klerk is seeking an interdict to stop the TRC from implicating him in state terrorism. The application is expected to be heard in the Cape High Court today.

Plans for TRC chairperson Archbishop Desmond Tutu to present the report to President Nelson Mandela in Pretoria on Thursday

were going ahead, Omar said.

"We anticipate that nothing will stop that. However, if a court of law were to stop the handing over of the report, we will obviously abide by the ruling. We will regret that very much."

Omar said divergent responses to the TRC document were to be expected. This would result in a healthy debate and contribute to the process of reconciliation and nation-building.

Asked about reports that the TRC had resisted alleged attempts by the ANC to influence the commission's findings, Omar said he had no divided loyalties on the matter.

"I am very proud of the fact that the commission is standing firm, and that it will not allow its report to be influenced by extraneous factors. That adds to the integrity of the process. I fully support the position of the commission in this regard," he said. — Sapa



NP LEADERS BALKED AT HEALING CONFSSIONAL

# Blusive truth lies in omissions

CT 27/10/98

(257)

**THE AFRICAN National Congress urged the Truth and Reconciliation Commission to be vigorous in its investigations, while the National Party viewed the process as an ANC-inspired witch-hunt. The other political parties were bit players. ROGER FRIEDMAN reports.**

**A**FTER four months of human rights violations hearings, at which the full horror of the apartheid conflict was laid bare by victims and their relatives before the travelling Truth and Reconciliation Commission, attention turned to political party perspectives.

Without wishing to negate contributions from the Pan-Africanist Congress, Inkatha Freedom Party, Freedom Front, African Christian Democratic Party and Democratic Party, it was the par of submissions by deputy presidents Thabo Mbeki and F W de Klerk on behalf of the ANC and NP respectively that were bound to generate the most interest.

These two parties were, after all, the major combatants in the conflict.

The commission, as a means of dealing with the past, was neither party's first choice. The ANC would have been happier prosecuting key individuals in Nuremberg-type trials, while the NP favoured the granting of a blanket amnesty.

The ANC was uncomfortable that its actions in opposing apartheid could be equated by the commission with those of the apartheid forces. The NP was uncomfortable that, as the author of apartheid, it could be portrayed as demonic.

The parties' submissions to the TRC, understandably, were fundamentally different. The ANC was generally supportive, the NP entirely negative.

Before we examine their differing approaches, it is worth remembering that, come the unveiling of the TRC's final report on Thursday, prominent members

and resolve to say "Never again!"

The ANC urged the TRC to investigate the contributions of cabinet ministers, judges and magistrates to apartheid.

"Above all, F W de Klerk has the responsibility to inform the nation about the activities of the covert repressive machinery that he headed when he took over from P W Botha."

Mbeki said the "basic question" facing the TRC was the extent to which acts of gross violations of human rights had been sanctioned by the NP, Bantustan lackey, political leadership, cabinet or structures to which executive powers were delegated.

In his submission, delivered 24 hours earlier, De Klerk had called for a general amnesty and exonerated himself, his cabinet and the State Security Council from executions, assassinations, torture, rape and assault.

He acknowledged that his government had authorised the use of "unconventional counter-strategies", but said these related only to "information-gathering, disinformation and assistance to outside organisations opposed to the revolutionary forces."

He shifted the blame for human rights violations on to a few "rotten apples", but denied that the NP was leaving in the lurch those who had served its interests. He was prepared to accept overall responsibility for events during his period in office, but he was unwilling to accept responsibility for specific incidents, deeds or transgressions.

*The ANC's submission to the TRC was substantive, the*

by the ANC and its totalitarian and Third World supporters"

In May last year, political parties made their second formal submissions

The ANC gave the TRC a detailed list of about 550 operations it believed had been carried out by "legitimate" units of its armed wing, uMkhonto weSizwe, between 1977 and 1989. It also listed about 100 armed actions that fell into a "grey area" of intended targets and which may or may not have been carried out by bona fide MK operatives.

The ANC said it had always been opposed to necklacing, though it refused to condemn "those who believed they were part of the struggle for liberation". The extent to which the NP harped on necklacings in an attempt to damage the ANC

raised the suspicion that the NP had been involved in some of these incidents

Asked by the TRC about its attitude to Inkatha and if it regarded Inkatha members as legitimate targets, the ANC said it had no military policy against Inkatha. The ANC laid much of the blame for the KwaZulu-Natal violence at the door of the NP and its policy of counter-mobilisation.

Mbeki was fairly frank about the ANC's operational difficulties, conditions in its camps, its handling of suspected enemy agents and steps taken to avert mutinies. TRC chair Archbishop Desmond Tutu congratulated the ANC for its openness.

But the second NP submission, which included an all-out attack on the TRC for its perceived partiality towards the ANC, left Tutu "deeply distressed". He said he found De Klerk's assertion that he did not know about the havoc wrought by his security forces "difficult to understand" as he had on various occasions personally given the then-president information



**DENIALS:** F W de Klerk refused to accept responsibility for specific incidents

Tutu's remarks prompted the NP to ask the High Court to order the TRC and its most prominent members to show impartiality. The matter was eventually settled.

Today, De Klerk returns to the High Court, apparently to seek an order prohibiting the TRC from including in its report a finding detrimental to his reputation

● Tomorrow: The perpetrators



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The parties' submissions to the TRC, understandably, were fundamentally different. The ANC was generally supportive, the NP entirely negative.

Before we examine their differing approaches, it is worth remembering that, come the unveiling of the TRC's final report on Thursday, prominent members of both parties who failed to apply for amnesty will be equally unhappy.

In August 1996, the ANC told the commission:

"In approaching the issue of reconciliation and nation-building, it is critical to appreciate that human rights violations originated with the system of colonialism and evolved over centuries. The doctrines of racial superiority, the pursuit of narrow interests and privileges for the white minority in general and Afrikaners in particular — all premised on the exclusion of the majority — naturally had to be buttressed by a repressive regime.

"The system of apartheid and its violent consequences were not an aberration by a few individuals or a well-intentioned policy that went wrong. It was systematic, it was deliberate; it was a matter of policy. Over the years a system of government was built in which accountability had been thrown out of the window; where security considerations ruled the roost, and where the individual rights of all South Africans, and particularly the black community, were trampled upon

"Therefore, the basic premise in correcting this historical injustice is for South Africans to pay allegiance to, consolidate and defend the democratic Constitution and the human rights culture it espouses

"It is for all of us to promote equal individual rights without regard to race, colour, religion, language and other differences; and at the same time ensure that equal collective rights pertaining to these issues are protected. And it is for all of us to work together to build a better life for all.

"Combined with the work of the TRC ... all these efforts will afford us the confi-

dence and resolve to say 'Never again!'

The ANC urged the TRC to investigate the contributions of cabinet ministers, judges and magistrates to apartheid.

"Above all, F W de Klerk has the responsibility to inform the nation about the activities of the covert repressive machinery that he headed when he took over from P W Botha."

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He suggested that the TRC adopt a set of guidelines to attribute responsibility equitably: the cabinet and State Security Council should be held responsible for decisions they had taken and instructions they had issued, individual ministers should be held responsible

for their decisions and orders; and security force commanders should be held responsible on the same basis

De Klerk emphasised the importance of the TRC's investigating all gross human rights violations, committed by all sides in the conflict. He said that abuses by apartheid government security forces were receiving "extensive attention", while "insufficient attention" was being paid to necklacings, car bombs, attacks with land- and limpet mines, and attacks on security force members and black South Africans who worked for apartheid government institutions.

Seven months later, in March 1997 — when De Klerk released the NP's response to follow-up questions from the TRC — it became clear that the NP's perception of the TRC had become more negative. De Klerk said that the NP was "deeply concerned" about the process. Perceptions had arisen that the TRC was hopelessly one-sided and that its hearings were creating a skewed picture of the conflict.

De Klerk suggested that, although attention was being lavished on abuses by agents of the NP regime, most deaths had occurred in the conflict between revolutionary and non-revolutionary organisations opposed to apartheid

He tried to justify apartheid, praising the achievements of the apartheid years and hammering the United Nations decision to declare it a crime against humanity as "little more than a mobilisation exercise

by the ANC and its totalitarian and Third World supporters"

In May last year, political parties made their second formal submissions.

The ANC gave the TRC a detailed list of about 550 operations it believed had been carried out by "legitimate" units of its armed wing, uMkhonto weSizwe, between 1977 and 1989. It also listed about 100 armed actions that fell into a "grey area" of intended targets and which may or may not have been carried out by bona fide MK operatives

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and  
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Mirror image .. Archbishop Desmond Tutu among TRC memorabilia in his Cape Town office.

## TRC's final report is bad news for most parties

STAN 27 NOV 1998

(752)

STAFF REPORTERS AND SAPA

Tension is building up ahead of the release of the Truth and Reconciliation Commission final report, which is to hold the ANC and PAC "morally and politically accountable" for gross violations of human rights as well as endorse the international position that apartheid was a crime against humanity.

Spin doctors and political leaders yesterday started working feverishly to minimise the report's damage to their parties following the leaking of the TRC's preliminary findings.

Freedom Front leader General Constand Viljoen said the leak was an attempt to give credibility to the final report, "which, by all expectations,

would be nothing more than a witch-hunt against Afrikaners".

The 3 500-page report is to be handed to President Nelson Mandela on Thursday and will immediately be made public.

Former president F W de Klerk is to apply for an urgent interdict in the Cape High Court today to prevent the TRC from implicating him in state-sanctioned atrocities.

The report is understood to say De Klerk was aware that former law and order minister Adriaan Vlok and former police commissioner Johann van der Merwe were involved in the bombings that destroyed Cosatu House and Khotso House in the late 1980s, but did not report this to the authorities, making him an accessory to the crimes.

Justice Minister Dullah Omar said the TRC should be allowed to "boldly, courageously and without fear" speak its mind even if its views were wrong. He did not believe De Klerk's court action would delay the release of the report.

In its notice to the ANC last month, the commission said the movement's military tribunal's decision to execute enemy agents in exile was a gross human rights violation.

The TRC detailed various forms of torture used by the ANC, and the severe ill-treatment of a number of ANC cadres in its camps in exile.

The commission also found that the ANC was responsible for the killing of political opponents, including members of

the Inkatha Freedom Party and the PAC, between 1990 and 1994.

It said the party must accept responsibility for the activities of its Women's League president, Winnie Madikizela-Mandela.

In its findings against the PAC, the commission said it had found a deliberate strategy on the part of the Azanian People's Liberation Army to attack civilian targets. The TRC also blamed the PAC for gross human rights violations committed against its own members.

The report, however, acknowledged that both the ANC and PAC were liberation movements, conducting a legitimate struggle against apartheid.

► Would take time to heat

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## ANC rejects findings on IFP as damaging to efforts to achieve détente

Farouk Chothia, Stephen Laufer  
Reuter and Sapa

**DURBAN** — The African National Congress (ANC) rejected the truth commission's findings against the Inkatha Freedom Party (IFP) as they did not fit in with efforts to achieve détente between the two parties, a well-placed source said yesterday.

In a separate announcement yesterday, Justice Minister Dullah Omar said government would forward a copy of the commission's final report to the

national director of public prosecutions, saying it would be left entirely to the judicial authorities to decide how to proceed on individual recommendations contained within the report.

The report will be handed to President Nelson Mandela on Thursday.

The commission recently sent a section 30 notice to the ANC, giving the party the opportunity to respond to findings against it.

In its written response, the ANC not only rejected the findings against itself, but went further to reject the

findings against the IFP.

The source said the report projected the IFP as an ally of the apartheid state. While the ANC had put forward such a view in the 1980s, it went contrary to current thinking that the "future of the (two parties) is together".

It is understood that the commission made findings against IFP leader Mangosuthu Buthelez related to the military intelligence-sponsored training that IFP supporters received in the Caprivi strip in the 1980s. The finding also related to paramilitary training

the IFP carried out at the Mlaba camp in northern KwaZulu-Natal before the 1994 elections.

Sources said other IFP members against whom findings were made included general secretary Zakhale Khumalo, KwaZulu-Natal welfare MEC Gideon Zulu and public works MEC Celani Mthethwa.

In its notice to the ANC, the truth commission said the party had to accept responsibility for the activities of ANC Women's League president Winnie Madikizela-Mandela and her

### Report

Continued from Page 1  
BD 27/10/98

brought before the tribunal without proper attention to due process.

The commission also detailed various forms of torture used by the ANC, and the severe ill-treatment of a number of ANC cadres in its camps in exile.

The commission also found that the ANC was responsible for the killing of political opponents, including IFP and Pan Africanist Congress members, between 1990 and 1994.

Meanwhile, former president FW de Klerk's spokesman, David Steward,

confirmed yesterday that De Klerk would seek a court order blocking the commission from publishing claims linking him to apartheid-era violence.

Omar said he hoped the commission would be neither "prevented from speaking its mind nor compelled to change its views, even if they are wrong".

The commission had to be allowed to make its findings "boldly and courageously" and the country would respond "This applied equally to its findings on the ANC. The commission process had been "extremely generous", particularly in terms of its independent amnesty process.

Picture: Page 4

Continued on Page 2



# FW battles to save his

# reputation

## **EXCLUSIVE** *De Klerk's High Court TRC affidavit disclosed*

ET 28/10/98 (252)

**FW DE KLERK SAYS** "unwarranted" conclusions to the effect that he was an accessory to the commission of gross violations of human rights would damage his "reputation and standing". **ROGER FRIEDMAN** and **RONNIE MORRIS** report.

**F**W DE KLERK goes to the Cape High Court today in an effort to interdict the commission from making any of its intended findings against him, from including these findings in its final report, and from submitting the findings to President Nelson Mandela

The final report is due to be handed to Mandela at a ceremony in Pretoria tomorrow

In papers, De Klerk stated he received a notice from TRC commissioner Mary Burton on September 2 informing him that he had been implicated during an investigation by the commission

"I know of no fact or consideration which would justify any of the intended findings against me. I have been advised and verily believe that, as a matter of law, the intended findings cannot be made."

De Klerk said. "At no stage did I deny or try to conceal that after I became president — and several years after the event — they (former Law and Order Minister Adrian Vlok and former police commissioner Johan Van der Merwe) informed me of their intention to apply for amnesty for their involvement in the relevant bomb attacks"

De Klerk said he was provided with this information only towards the end of his presidency, and the fact that he dealt openly and frankly with several written and oral questions from the commis-



**DEFENDING HIMSELF:** Former president F W de Klerk

sion relating to these issues proved that did not try to conceal his knowledge of these matters

Said De Klerk. "I cannot conceivably be held morally accountable for matters which were brought to my attention long after they occurred. Moral accountability for concealing the truth is, in any event, not a gross violation of human rights and the commission has no statutory authority to make such a finding

"Similarly, a contribution to the creation of a culture of impunity does not fall within the ambit of the definition of gross violation of human rights

"In view of everything I did to uncover unlawful conduct by members of the security forces and

to prevent it, I am particularly offended by this absurd suggestion"

De Klerk said he had not been given a fair hearing because the serious allegations now made against him were at no stage canvassed or put to him during his appearances before the commission. He was not provided with documentation containing incriminating testimony, neither was he notified beforehand that certain witnesses would be presenting evidence that could incriminate him

De Klerk said he had been advised and believed that his constitutional rights had already been infringed by the commission, and were about to be further infringed

De Klerk stated that he had received international recognition for his efforts and the efforts of those who assisted and supported him in the constitutional and political transformation of the country

"This had a bearing on his current and intended future activities, he said. Any findings by the commission, particularly to the effect that he was an accessory to the commission of gross violations of human rights, would have seriously detrimental consequences for him

"It will irreparably damage my reputation and standing as an elder statesman internationally regarded as a champion of the peaceful resolution of intractable disputes," he said

It would also negatively influence his participation in the activities of various international organisations and foundations, and would seriously undermine

□ Turn to Page 3

P.T.O.

# De Klerk claims costs for TRC's 'reckless vendetta'

CT 28/10/98 (252)

From Page One

plans he had been developing for a long time to play a positive role in the promotion of reconciliation and multi-party democracy through the establishment of a foundation dedicated to the achievement of these purposes.

"Furthermore, it would have a seriously detrimental effect on my continued involvement in the international speaking circuit, which affords me the opportunity to further promote reconciliation as well as South Africa's interests generally and which is also a source of income to me.

De Klerk said he did not regard himself as being entitled to any kind of preferential treatment.

If the "unwarranted" findings have been included in the commission's final report he will ask

the court that they be set aside and consequently deleted.

De Klerk said it had been necessary for him to employ the services of two advocates due to the enormous amount of work which had to be completed within a few days.

"The recklessness with which the commission has pursued its vendetta against me warrants a special order as to costs," De Klerk said.

He asked the court to award punitive costs on attorney and own client scale.

De Klerk said he did not regard himself as being entitled to any kind of preferential treatment.

Jan Heunis, SC, and Henk du Toit, instructed by De Klerk and Van Gend, will appear for De Klerk.

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Africa Vohu

Lipton M de Klerk M and Lipton M (eds) (1996) *Land, Labour and Livelihoods in Rural South Africa Volume (one Western) upc Indicator Press Durban*

Lipton M de Klerk M and Lipton M (eds) (1996) *Land Labour and Livelihoods in Rural South Africa Volume (one Western) upc Indicator Press Durban*

Report LAPC Braamfontein

of the Impact on Poverty Alleviation - draft paper prepared for the Poverty and Inequality Land and Agricultural Policy Centre (1997) Land Reform Tenure and Gender Policies - An Analysis International Food Policy Research Institute Washington DC

Potential for Improving Seasonal Food Security and Agricultural Productivity - draft report. Kumar S Neka-Tibeb H Dimissie T and Tapesse S (1993) - Public Works Projects in Ethiopia for Africa Research and Transformation. Durban

Public Works Programme - draft input prepared for the Poverty and Inequality Report. Centre Khosa M (1997) Employment Creation Poverty Alleviation and Asset Creation through the National of Development Studies Discussion Paper No 288. University of Sussex

Kabacir N (1991) - Gender Production and Well-Being Rethinking the Household Economy. Institute (4)

Jha S (1992) - Consumer Subsidies in India Is Targeting Effective? - *Development and Change* 23

for Agricultural Development. Rome

*Causes and Consequences*. Intermediate Technology Publications for the International Fund Jazary I Alamgir M and Panuccio T (1992) *The State of World Rural Poverty. An Inquiry into its* Conferencia de Estados Americanos. Caracas Venezuela

International Labour Organisation (1992) - *Memoria del Director General Decimo Tercera Rural Poor in Sub-Saharan Africa IFAD Rome*

International Fund for Agricultural Development (IFAD) (1995) *Common Property Resources and the Indigenous Beer Industry* - Paper for African Studies Association Meeting. New Orleans

Hagblade S (1985) Home vs Factors Brewing The Impact of Shifting Markets Shares in Africa's with Challenges for Southern Africa - *Development Southern Africa* 14 (2)

Haddad L and Zeller M (1997) - *An Social Security Programs Do More with Less? General Issues*



DARK DEEDS REVEALED BY TRC

# Atrocities characterised struggle on both sides

of 28/10/98  
(2/2)

**MIRROR, MIRROR** on the wall, who was the biggest rogue of them all? Is it fair that P W Botha is free while former Makplaa boss Eugene de Kock rots in jail? Was Amarnitobomb Andrew Zondo more guilty than the judge who sent him to the gallows? Can you compare the actions of those who fought apartheid to those who defended it? **ROGER FRIEDMAN** reports

SECURITY policeman Jeff Benzen was a specialist. His field of expertise was extracting confessions from captured freedom fighters faster than dentists pull out teeth. His equipment was a wet bag, suffocation was his technique.

Joe Mamasela was an ANC guerrilla who was captured, turned by the security police and unleashed against his own people. He has admitted to his involvement in the murders of more than 30 anti-apartheid activists and soldiers.

Adriaan Vlok was the Minister of Law and Order who claims to have been acting on the instructions of then president P W Botha when he told police chief Johan Van der Merwe to bomb buildings housing anti-apartheid organisations. Van der Merwe saw to it that the order was carried out. F W de Klerk apparently heard about it, but failed to report it to the appropriate authorities.

Gernikhava Makoma, Bassie Mkhumbulu and Thobela Mlam-bisa went one Sunday to the St James Church in Kenilworth. Makoma went inside with senior Apla operative Sibusiso Nonxuba while Mkhumbulu and Nonxuba waited in the getaway car. Eleven worshippers died and 58 were injured or maimed.

Eastern Cape security policeman Gideon Niewoudt, who is serving a 20-year prison term for blowing up three police colleagues and an informer, has acknowledged his involvement in 10 killings. He was in the interrogation room when black consciousness leader Steve Biko was so severely "subdued" that he subsequently died of his injuries. He played a role in the murder of student activists Sipho Mkhumbulu and Topsy Madaka. He has the blood of the Pebo Three — Sipho Hashe, Qagawuli Godolozzi and Champlion Gabela — on his hands.



**EX-MAKPLAAS BOSS** Eugene De Kock, who is now in jail

assist the supposedly "defensive" chemical and biological warfare programme under Wouter Basson — claim to have manufactured pesticides and pathogens, James Bond-type applicators, and narcotics. They also conducted research into the production of an anti-fertility agent that would affect black people only. Meanwhile, at the military hospital in Pretoria, doctors used aversion therapy — including a combination of pictures of naked men and electric shocks — to "cure" gay conscripts.

These are just some of the cases exposed by the Truth and Reconciliation Commission (TRC). The list of alleged perpetrators of human rights violations is long, ranging from Winnie Madikizela Mandela to Ferde Barnard.

Some have confessed, some have applied for amnesty, some are in prison, some continue to work for the state and some claim they have been falsely accused. Whether they are in denial or are genuinely innocent, some of those who have not applied for amnesty could face criminal prosecution.

both argued that the battle they were waging was just. Members of the white supremacist government said they were fighting communism, while those who opposed apartheid were fighting institutionalised racism and inhumanity.

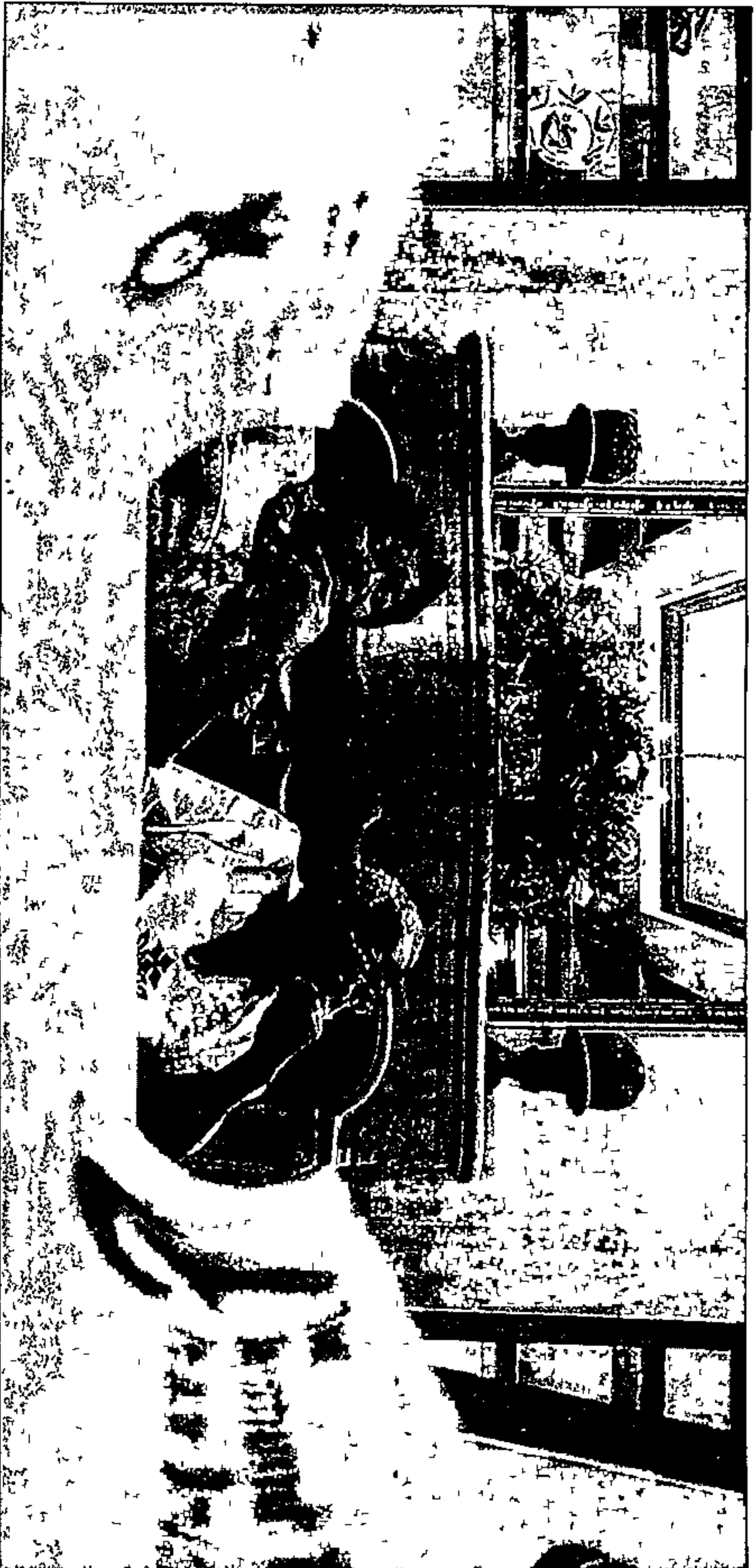
Although the argument espoused by those opposed to apartheid could be considered more compelling — particularly in the light of National Party apologies and admissions that its policies were wrong — the TRC was not required by its founding legislation, the Promotion of National Unity and Reconciliation Act, to pass moral judgement on the combatants. It was charged with investigating human rights violations wherever they occurred and who ever carried them out.

What has emerged during the commission process is damning evidence that members of the apartheid security forces routinely tortured detainees and prisoners in their care. Members of the security forces routinely extracted false confessions and lied about their behaviour to the courts, and the courts did nothing to stop them.

Abductions, summary executions, assassinations and cross-border raids were just some of the blows in the security establishment's quiver.

The regime's total strategy employed psychological terror against black civilians, used the education system to indoctrinate the youth, exerted sufficient control over elements in the media to ensure a steady flow of popular propaganda, and depended heavily on a largely acquiescent business community when international sanctions threatened to derail it.

Although the commission has been more successful in shedding light on atrocities committed by police than soldiers, it has collected sufficient information to state without fear of contradiction that the military played the leading role



**PEACE BOOSTERS** Archbishop Desmond Tutu and his wife, Leah, signed the founding document of the Desmond Tutu Peace Trust in the city earlier this week. According to the trust's director, Chins Ahrends, its immediate goals are the establishment of a Desmond Tutu Peace Centre and a Desmond Tutu Leadership Academy.

## Louis Luyt's party attacks TRC

**JOHANNESBURG** Former South African rugby boss Louis Luyt's Federal Alliance Party yesterday condemned the Truth and Reconciliation Commission as a waste of time and money.

In a statement in Johannesburg the party said the TRC had fragmented South Africa at a time when unity and consensus were needed. Luyt said the TRC had failed to achieve reconciliation. — Sapa

in administering the strategy.

The liberation movement, on the other hand, was far less organised than the state machinery. Sure, there were bombing incidents that claimed lives. There were handbombs and limpet mine blasts, and comrades were involved in necklacing people thought to be collaborators.

But however hard it might have tried, the movement did not win the armed struggle. Rather, it was the millions of ordinary South Africans who brought the apartheid government to its knees by taking the battle into the streets, by campaigning to make the country ungovernable, by ensuring that the world was kept informed of what was being done in the name of apartheid.

So, how do you judge the perpetrators when it comes to apportioning blame? Do you forgive those who have applied for amnesty and condemn those who have not? Do you forgive transgressions committed in the name of the ANC because you supported its struggle? Were police and soldiers justified to kill, maim and torture in defence of the system?

Who is more culpable? De Klerk's rotten apples or De Klerk himself, Jerry Richardson or Winnie Madikizela-Mandela, Almond Nofomela or Dirk Coetzee?

● **TOMORROW** Reconciliation — the next step.



# Emasculated but still potent

ANNA 28/10/98

No document in recent South African history has attracted as much critical attention and speculation as the Final Report of the Truth and Reconciliation Commission. The report, due to be handed to President Mandela by TRC chairman Archbishop Desmond Tutu in Pretoria tomorrow, is likely to have a profound effect on the lives of all South Africans. **ROBERT BRAND** and **JOHN YELD** consider its expected findings and recommendations.

## WHAT REPORT IS LIKELY TO SAY

- ▶ In its final report, the TRC is expected to name perpetrators of gross human rights violations from across the political spectrum.
- ▶ Not include as many names of perpetrators as it had hoped because of last-minute threats of legal action to stop the final report.
- ▶ Recommend criminal investigations into and possible prosecution of some perpetrators.
- ▶ Ask the Government to set a firm cut-off date by which investigations and/or prosecutions must be concluded.
- ▶ Name perpetrators who committed abuses outside SA, but not make any recommendations about possible extradition proceedings.
- ▶ Reject the application of "illustration" - barring from public office and withdrawing of pensions and financial benefits - to perpetrators of gross human rights violations.
- ▶ Say that any past human rights abuses must be considered when appointing people to public office in future.
- ▶ Say perpetrators must be re-assimilated into society, to prevent them being isolated and forced into undesirable activities such as mercenary soldiering.
- ▶ Confirm its existing reparation and rehabilitation policy, which recommends R3-billion over six years to victims of human rights abuses.
- ▶ Stress that appropriate restitution must be made over and above individual reparations, if reconciliation is to be achieved in South Africa.
- ▶ Say the Government must consider carefully recommendations for funding such restitution - such as a wealth tax on people with assets exceeding R2-million, or a 1% of share capital donation from companies listed on the Johannesburg Stock Exchange.
- ▶ Emphasise that such restitution funds must not be wasted or diluted on suspect development projects.
- ▶ Stress the need to entrench the culture of human rights in SA, through education and training in government and other institutions.
- ▶ Emphasise the need for transparency in government, and to maintain and promote a free press and freedom of speech.
- ▶ State that the organs of civil society must be strengthened, and no citizens must feel excluded from political activity.
- ▶ Confirm the wholesale destruction of apartheid era documents by, particularly, the security police, Military Intelligence and the National Intelligence Service.
- ▶ Regret that a crucial part of South Africa's "social memory" has been lost through the destruction of these documents.
- ▶ Recommend that all state documents be controlled by the State Archive in terms of the Archives Act of 1996, and that the archive be given appropriate authority and resources.

The TRC's final report, due to be handed to President Mandela tomorrow, has been one of the most keenly anticipated documents in South Africa's recent history. The reasons for such anticipation are sharply contradictory. One is a genuine desire on the part of deeply committed South Africans to see what recommendations the TRC has come up with, after its marathon two-and-a-half years' work, to promote reconciliation in a divided society.

Another is the more cynical hope that, in the run-up to the 1999 elections, the report will provide a useful "stick" with which to beat (metaphorically speaking) political opponents named by the TRC as perpetrators of gross human rights violations.

Yet another motivation is an unabashed desire by some opponents of the TRC to see in its final report confirmation of their deep-rooted prejudices that the truth body has been a hopelessly flawed mechanism, developed and manipulated by the former liberation movements to deal with South Africa's political "old guard" from the apartheid era. Those who have been anticipating a register in which perpetrators of gross human rights abuses in South Africa between March 1 1960 and May 20 1994 are named, their deeds catalogued and appropriate action against them recommended, are only partly rewarded.

The report does name perpetrators...

trators on the basis of findings of "reasonable probability" that they were involved in human rights abuses, either by commission or omission, during the period under review by the TRC. The test used by the commission to name perpetrators was similar to that applied in civil legal proceedings, as opposed to the much more stringent test of "proof beyond reasonable doubt" required in criminal cases.

It is a ruling the TRC has taken very seriously, but the overall effect has been to emasculate the final report. Acting in terms of the Corbett judgment, the TRC sent out more than 200 "Section 30" notices to individuals and organisations about two months ago, informing them that it was contemplating making detrimental findings against them in the report and asking for their responses.

Such notices were sent to leaders across the political spectrum, and included some of the top political names in the country such as the ANC's Ronnie Kasrils and Winnie Madikizela-Mandela, the National Party's PW Botha, FW de Klerk, Pik Botha and Magnus Malan, the Inkatha Freedom Party's Mangosuthu Buthelezi, the Freedom Front's Constand Viljoen and Tienie Groenewald, the AWB's Eugene TerreBlanchet, Letlapa Mphahlele, director of operations of the Azanian People's Liberation Army, and spy Craig Williamson.

A temporary interdict was granted, and the issue then went...

Lawyers representing some of those who received Section 30 notices immediately challenged the TRC, arguing that their clients had not been given sufficient details about the contemplated negative finding to allow them to respond meaningfully or in time. These lawyers threatened applications for High Court interdicts to stop the publication and handover of the final report, if their demands were not met. The TRC, having taken high-level legal advice, was determined not to be caught out on "due process" in its final days.

So, because of the overwhelming need to get the report handed over and to wind up the TRC's already over-extended life-span, the commissioners opted for a prudent, if conservative, route. The result is that the names of a number of prominent perpetrators have been omitted from the report - some being erased literally at the 11th hour on the floor of the printing room.

However, the TRC has resolved to include a full list of named perpetrators in a codicil to the final report, to be published on completion of the amnesty process (probably in late 1999).

One of the names it did not remove entirely, despite representations from lawyers, was that of FW de Klerk, and he brought an 11th-hour application for an interdict in the Cape High Court yesterday. The final report also contains recommendations that some of those named perpetrators be investigated by the statutory legal authorities - such as the relevant attorneys-general - with a view to prosecution. However, it also recommends that the Government set a fixed time-limit on such prosecutions. Neither of these recommendations was adopted unanimously by the commissioners, and there was intense debate around this issue. However, the TRC recognised that, in the final analysis, it was the right of the relevant attorneys-general to decide whether, after appropriate investigation, to prosecute named perpetrators. The recommendation relating to a fixed time limit on such investigations/prosecutions was in response to criticism from those who reminded the TRC that its mandate was specifically to bring



There were both some TRC commissioners and many people in government who were decidedly unhappy with the recommendations, and who believed the TRC should have recommended only symbolic and community reparations - such as monuments, statues, tombstones, community centres, playing fields, clinics, schools and hospitals - and excluded any individual reparations in the form of monetary payments.

However, the final report confirms the existing reparations policy. In addition, it stresses that such reparations will not bridge the yawning gap between the "haves" and "have nots", and that reconciliation in South Africa is dependent on a major injection of capital into reducing this gap.

It does not make a formal recommendation in favour of one particular mechanism for raising such funds, saying the TRC lacked the necessary economic expertise to make such a choice. However, it points to various suggestions made during its Business Sector hearings and elsewhere, and states that these must be investigated seriously by the Government, in conjunction with labour and employers.

Such suggestions include a "wealth tax" of 0.5% on assets for 10 or 20 years for South Africans whose assets exceed R2 million (suggested by Stellenbosch University economics professor Stampie Terreblanche).

Using some of the assets of the R9-billion Sasria insurance fund, established during the apartheid era to compensate victims of political violence (a recommendation by the Afrikaanse Handelsonderhouding), a donation by all the listed companies on the Johannesburg Stock Exchange of 1% of their capital - estimated at R14-billion in July of this year - to a trust fund tasked with the upliftment of the poor (suggested by former editor and media executive Stephen Mulholland).

The TRC's final report states categorically that reconciliation and peace will not be achieved in South Africa until the gap between rich and poor is bridged and restitution (over and above the recommended reparations for victims of gross human rights violations) has been made.

An equally strong recommendation is that, if and when such

CONTINUED ON PAGE 11

P.T.O



to a fixed time limit on such investigations/prosecutions was in response to criticism from those who reminded the TRC that its mandate was specifically to bring the whole issue of past human rights abuses in South Africa to a close

If it were to recommend a series of criminal investigations, these would probably result in major, time-consuming trials and possible appeals which could drag on for years, and the whole issue would be prolonged interminably, they argued.

Certain people are named in the report as having been responsible for gross human rights abuses committed by South Africans outside the borders of the country.

However, the TRC has not made any particular recommendations in terms of what action should be taken in this regard.

This thorny issue - which includes the question of possible extradition and/or arrest when named perpetrators travel outside South Africa - has been left to the politicians and diplomats to find an appropriate solution.

During the TRC's lifespan it both asked for, and was offered unsolicited, possible recommendations for inclusion in its final report, and many responses contained tough proposals on how to deal with perpetrators. These included that those found to have committed gross human rights violations be barred from holding public office and/or serving in the civil service and the armed forces, and that, if any of them were state employees, their pensions and other financial benefits should be withheld or reviewed.

The collective name for such sanctions is lustration, and this

a recommendation

This was partly because the TRC had become increasingly aware of the dangers of isolating individuals accused of gross human rights violations, rather than attempting to rehabilitate them into society.

The fear was that, if shunned, such perpetrators would simply find opportunities in undesirable activities such as chemical and biological warfare programmes elsewhere in the world or in mercenary groups and dubious "security" companies.

Secondly, the TRC was aware that if it recommended lustration, it would be punishing people who had come forward to assist it (whatever their motivation for doing so had been), and that, because of South Africa's lack of investigative capacity, those who had chosen to remain silent would in all probability escape censure.

Also, because there were many more amnesty applicants from the liberation movements than from the apartheid security forces, one side of the conflict would bear the brunt of possible lustration, which would be unfair.

So the report does not recommend lustration, but it does suggest that when people are considered for appointment to public office in future, any past involvement in gross human rights violations should be taken into account.

Among the TRC's most significant recommendations are those relating to the issue of reparations and restitution.

The TRC's reparation and rehabilitation policy, which recommended that R3-billion be paid over six years to declared victims of gross human rights violations, proved highly controversial when announced last year.

mended reparations for victims of gross human rights violations) has been made

An equally strong recommendation is that, if and when such funding becomes available, it must be used for the upliftment of the poor and cannot be allowed to be siphoned off in dubious "development" or public relations projects - such as the controversial Aids play *Sarafina*, although this is not mentioned by name in the report.

The TRC tells the Government it has a particular responsibility in this regard.

Another major recommendation in the final report is that the culture of human rights in South Africa must be entrenched over the full gamut of such rights (first, second and third generation rights), as spelled out in the constitution

Recommendations in this regard include teaching human rights at school and other educational institutions, and also providing appropriate human rights education within government structures.

The report states that the Government, the Human Rights Commission and non-government organisations have a particular responsibility in this regard.

Linked recommendations relate to promoting transparency in government.

The final report emphasises that freedom of speech and freedom of the press must be protected at all costs, and it warns about the dangers posed by some of the Government's recent veiled threats against the media.

It also emphasises that the notion of civil society must be strengthened, and that no citizens must feel excluded from the body politic.

## Apartheid-era documents destroyed

The TRC's final report confirms the massive destruction of official apartheid-era documents by state departments such as Military Intelligence, the security police and the National Intelligence Service (NIS).

The TRC found that most of these documents had been destroyed on the strength of guidelines sent out by the NIS, although these guidelines were accepted and verified by the Cabinet as late as 1993.

Technically, because of the guidelines, most of those involved in the destruction of documentation could justifiably claim to have been following legitimate orders.

The report contains very strong recommendations regarding the future management of state documents, to the effect that these should all come under the control of the official State Archives in terms of the Archives Act of 1996, which it describes as excellent legislation.

It also recommends that the State Archives should be given the required authority and resources to ensure that this act is fully complied with.

In its report, the TRC states that it recognises that the "voices" of several sectors of the South African community that ought to have been part of

the "social memory" of the country, have been silenced, or severely reduced, through the wholesale destruction of documentation.

However, it also notes that some vital documentation - notably the prison files of political prisoners - have been meticulously preserved.

It recognises the moral right of individuals to see their own files, but also acknowledges that South Africa does not have the capacity to set up a practical operation similar to that in Germany where any citizen can view his or her *Stasi* (East German secret police) file



# 'Struggle heroes' ro

Star 28/10/98 (252) row rock's TRC

Angry ANC says the truth body's  
'wilful' report makes criminals of  
liberation movement veterans

SAPA AND STAFF REPORTER  
Cape Town

The ANC has launched a blistering attack on the Truth and Reconciliation Commission, accusing it of criminalising the anti-apartheid struggle and "besmirching" its heroes.

The attack is contained in a 25-page document the ANC has submitted to the TRC, protesting at what it said were "capricious and arbitrary" findings that the party was morally and politically responsible for gross human rights violations.

It said the TRC had "grossly misdirected itself".

The ANC's objection is among a range of 11th-hour protests at the expected contents of the report, due to be handed to President Nelson Mandela in Pretoria tomorrow. The ANC and other parties have been told in Section 30 reports, issued in terms of the TRC's founding act, that the report will implicate them in human rights violations.

The report has found that the ANC was implicated in, among other things, the torture and execution of suspected traitors, the killing of civilians in bomb and landmine attacks, and fomenting political violence.

The ANC's attack follows the TRC's refusal to meet the party's leaders to discuss the report, a decision which ANC secretary-general Kgalema Motlanthe said had been taken for the "flimsiest of reasons".

"The response of the current acting chairperson (Dumisa Ntsebeza) ... and his failure to clarify the status of this document (the Section 30 notice) hardly inspires confidence that the TRC would have seriously taken the response of the ANC to the contemplated findings into account in preparing

the final report to President Mandela," Motlanthe said.

The ANC reserved the right to respond comprehensively to the contents of the final report.

The party said it was impossible to tell what the TRC understood by "gross violation of human rights", as opposed to legitimate forms of struggle against apartheid.

The TRC's view that the ANC should be held responsible for the activities of Winnie Madikizela-Mandela and her Mandela United Football Club was "strange, wilful and arbitrary", the ANC added.

"The fact that any individual might consider himself/herself as a member of an organisation does not necessarily mean this organisation is culpable with regard to activities of such an individual."

The findings against the ANC were also contrary to fundamental principles of international law, the ANC said.

TRC chairperson Archbishop Desmond Tutu last night defended the report: "The ANC was given the opportunity of making a written submission, and it was firmly informed that no group or individual was being permitted oral representation. It is a great pity that the ANC should descend to the level of personal attacks on an outstanding commissioner (Ntsebeza)."

The Pan Africanist Congress, former president F W de Klerk, the United Democratic Movement and the IFP have all responded to the report with angry statements.

De Klerk goes to the Cape High Court today to interdict the TRC from making its intended findings against him or including them in its final report.

► Reports and comment

Page 10, 11 and 16



Prayers answered ... Civil Mokgosinyana (60) with Permanent Ba

## Overjoyed grandmother



By June

Bearzi

StarLine

Pensioner Civil Mokgosinyana's tears turned into smiles yesterday when Permanent Bank chief Gustav Preller presented her with R50 000 - the life-savings she lost six years ago when a former Perm agent swindled her.

The bank stepped in to refund the grandmother after reading of her plight in StarLine.



# ANC says findings 'criminalise' the struggle

ARGUS CORRESPONDENT AND SAPA

The African National Congress has launched a blistering attack on the Truth and Reconciliation Commission, accusing it of criminalising the anti-apartheid struggle and "besmirching" its heroes.

The attack is contained in a 25-page document the ANC has submitted to the TRC, protesting at what it says are "capricious and arbitrary" findings that the party was morally and politically responsible for gross human rights violations.

It says the TRC has "grossly misdirected itself".

The ANC's objection is among a range of 11th-hour protests at the expected contents of the report, due to be handed to President Mandela in Pretoria tomorrow.

The ANC and other parties have been told in Section 30 reports, issued in terms of the TRC's founding act, that the final report will implicate them in human rights violations. The report finds that the ANC was implicated in, among other things, the torture and execution of suspected traitors, the killing of

civilians in bomb and landmine attacks, and fomenting political violence.

The ANC's attack follows the TRC's refusal to meet the party's leaders to discuss the report, a decision which ANC secretary-general Kgalema Motlanthe said had been taken for the "flimsiest of reasons".

"The response of the acting chairperson (Dumisa Ntsebeza) and his failure to clarify the status of this document (the Section 30 notice) hardly inspires confidence that the TRC would have seriously taken the response of the ANC to the contemplated findings into account in preparing the final

report to President Mandela," he said.

TRC chairman Desmond Tutu replied last night: "The ANC was given the opportunity of making a written submission, and it was firmly informed that no group or individual was being permitted oral representation."

"It is a great pity that the ANC should descend to the level of personal attacks on an outstanding commissioner (Mr Ntsebeza)." The Pan Africanist Congress, former president F. W. de Klerk, the United-Democratic Movement and Inkatha Freedom Party have all responded angrily to the report.

AKG 28/10/98 (2/12)

# Challenge now is to heal our wounds

## SPECIAL REPORT

The Truth and Reconciliation Commission's Final Report tomorrow will provide an account of a lengthy, difficult process which drew statements from more than 20 000 victims and amnesty applications from about 4 700 perpetrators. The reports on this page reflect the feelings and thoughts of some of the individuals whose lives have been affected by South Africa's striving to come to terms with its apartheid past

## No more talk of war

BLACKMAN MERRIO  
STAFF REPORTER

There is going to be no more war talk, says victim of apartheid torture and ex-freedom fighter Tony Yengeni on the eve of the release of the Truth and Reconciliation Commission report. But that doesn't mean things in South Africa will now be "hunky-dory".

Yengeni's voice chokes with emotion, but he checks himself. It's as if he is almost overcome by a private mental survey of the lasting consequences of the past.

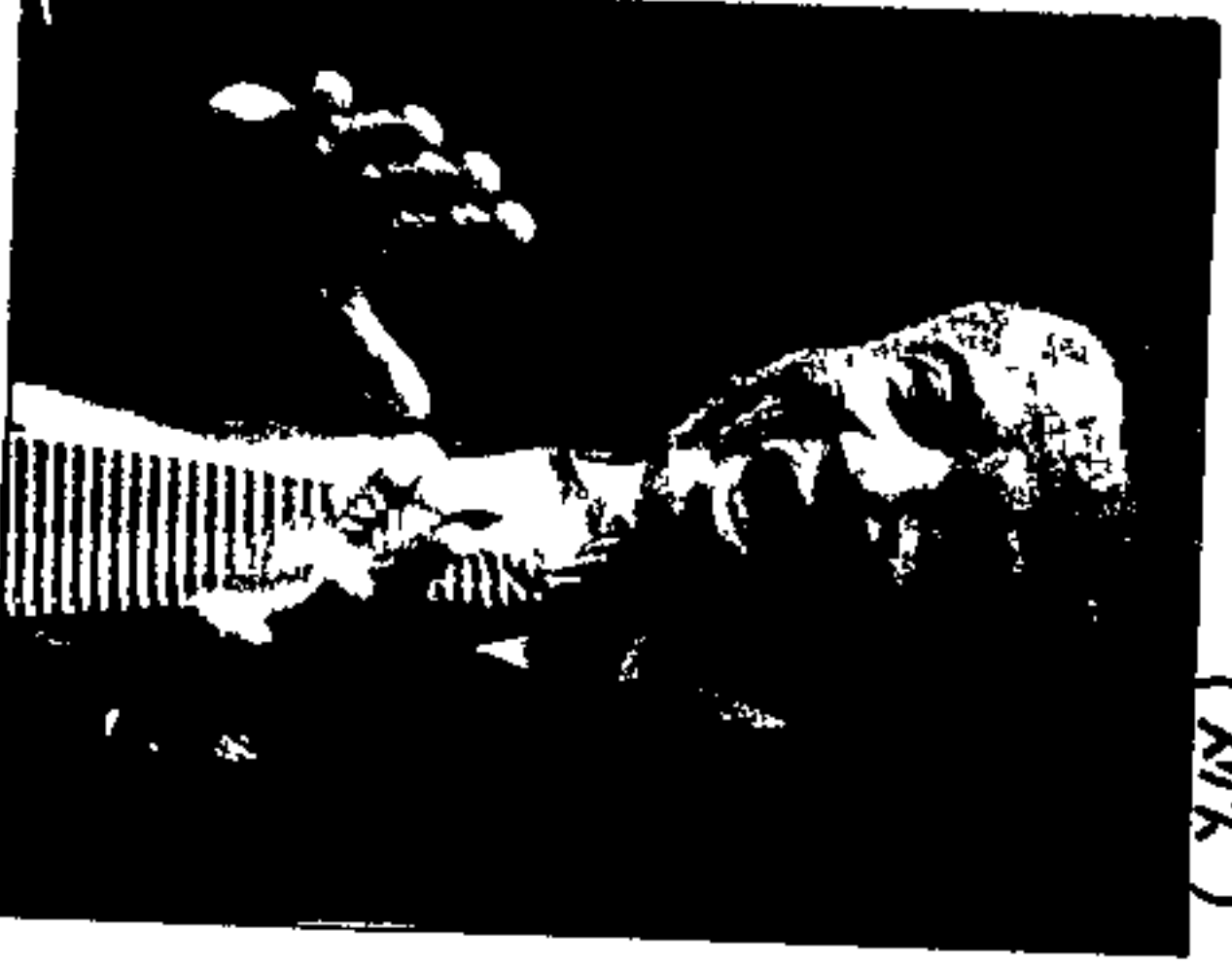
"We must not be under any illusion," he goes on, "that the scars of the past have been healed. We are over the first hurdle - talking about the past - but the second is now to heal the wounds."

Last year the TRC was shocked by descriptions of the "wet bag" torture technique used by amnesty applicant Jeff Berzen, a notorious police officer in the Western Cape in the 1980s.

One of those on whom the "wet bag" system was used was chairperson of the Joint Defence Committee and member of the national assembly Tony Yengeni.

Yengeni says he is no longer bitter, and that political parties shouldn't use the TRC report to "steer the country backwards".

"We can't use the TRC report to continue



Tony Yengeni: no longer bitter

pointing fingers at each other - that won't get us anywhere. We should take the TRC report with all its imperfections and use it to strengthen reconciliation, not to create division.

"The TRC was put there to do a particular

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job and it has done it. I hope we will all assess its work objectively." We must criticise the report objectively," he said.

"I think the TRC has to a great extent succeeded in uncovering the truth about the past, though perhaps not the whole truth. South Africans now know what happened in the past - even those who claimed they didn't know."

"They know what the security police did and what the politicians also did. The TRC has established beyond any reasonable doubt that the apartheid system was inhuman, a crime against humanity."

While the truth had come out rather painfully, Yengeni said, the opportunity for perpetrators to meet face-to-face with the victims, and apologise to them, had gone a long way towards making it more bearable.

Looking ahead, Mr Yengeni said the challenge for the future was to address the "biggest monument of apartheid" - poverty.

"I tell all ex-combatants and all victims of apartheid to work hard and overcome whatever difficulties they face.

"We don't want to go back to exile, we don't want any more states of emergency, or political violence - we want to lead normal lives."

"We must use all the noble ideas that drove us to take part in the war of liberation to guide us all into developing our country."

## Blurring of right and wrong

MICHAEL MORRIS  
Special Writer

There is nothing trite or easy about "Truth" and "reconciliation" in Frank Retief's estimation, not least for his having struggled hard to live up to them, to hear them out.

And, as the leader of the St James Church congregation in Kenilworth, Bishop Retief has no illusions about the challenges that these "great Christian ideas" present to South Africa.

If he had ever had any doubts about this, the events of Sunday, July 25 1998 dispelled them.

On that Sunday evening, Gelnikthaya Makoma, Bassie Mzukisi Mkhumbuzi and Tobela Mlamhisi, fighters in the Pan Africanist Congress's military wing, the Azanian People's Liberation Army, burst into Retief's church with hand-grenades and automatic rifles, killing 11 worshippers and injuring more than 50.

The appalling cost, and the trauma of dealing with it, is a lingering consequence. But the secondary challenge was, remains, no less daunting.

In the aftermath, Makoma was tried and jailed. But earlier this year, all three attackers were granted amnesty by the Truth and Reconciliation Commission. They said they were advancing their struggle, and the commission accepted that.

Retief battled with the concept: "Our difficulty is that trials have not been held to determine whether (Mkhumbuzi and Mlamhisi) are guilty or not. Granting amnesty without a trial is assuming innocence."

Granting amnesty after a trial is mercy. But by granting amnesty without a trial, you are



Frank Retief: We need a moral bottom line

redefining ethics, and personal responsibility is undermined. We feel that is fundamentally dehumanising."

Even so, Retief's commitment to the TRC process was unalterable. What does he think now?

"I think the hope of all South Africans is that this will bring closure to the past and lay all the ghosts to rest, so that they will be

able to get on with their lives, with finding each other and building a nation.

"That's our hope, too. As Christians, 'truth' and 'reconciliation' are especially important, and, for this reason, we have always identified with, and supported, the process."

However, while he believes "a lot of truth" has come out - "helping me as a white South African to understand what was actually at the heart of apartheid" - he is not certain how much reconciliation has been achieved.

"There have been magnificent gestures of generosity and forgiveness, but reconciliation goes far deeper. It is not just a question of saying 'I did this, I am sorry, will you forgive me?'"

"There is something deeper that must be touched."

As a whole, the exercise had revealed the "true loss of innocence, and of public morality, by everybody concerned, not just the previous government, but also the freedom fighters."

"There was a blurring of the line between right and wrong, and this has left us with a morality of victimism, excuses, blame and a refusal to accept personal responsibility for things that have gone wrong."

"So, we believe South Africa now faces a great spiritual challenge.

"A new morality cannot be legislated, but there has to be consensus on what's right and what's wrong. There's a need for a moral bottom line."

Retief adds: "Once the political grumblings have died down, the question will be what now? And the answer is that there is no way forward without some sense of a national ethic."



# TRC forced to cut its finding on Fw

## But Tutu vows court battle

(ZWA) AR 4 38/10/98

JOHN YELD  
ON THE TRUTH COMMISSION

The Truth and Reconciliation Commission has decided "with very great reluctance" to omit its adverse finding about F W de Klerk in the version of its final report to be handed to President Mandela tomorrow.

But the TRC will contest Mr De Klerk's court application "vigorously" and says it rejects his claim that it has engaged in a vendetta against him.

This was announced today by a "deeply upset" TRC chairman Archbishop Tutu, who said the decision to omit the finding about Mr De Klerk, pending today's court action, had been taken on legal advice.

The preliminary finding was to the effect that Mr De Klerk had been told about the state bombing of Khotsso House and Cosatu House in the late 1980s, but had not reported this to the police, making him an accessory after the fact.

Archbishop Tutu said "Senior counsel has advised us that if they are to present our defence adequately to the court, they need time to prepare properly for the case, bearing in mind that the documents filed exceed 2 500 pages".

The TRC had therefore instructed its lawyers to ask for a postponement of some weeks when the matter came before the court later today.

The TRC had been due to take a final collective decision on its preliminary finding about Mr De Klerk at its meeting yesterday, said Archbishop Tutu.

"However, his (Mr De Klerk's) applica-

### Tutu's message to Cape Argus readers



Now we have looked the beast in the eye. Let us not become hostages to the past. Let us commit ourselves. Let it never happen again! See page 6

On a knife-edge for SAs  
..... page 14

tion for an interdict prevented us from doing this - it would have wronged in law for us to press ahead when the contemplated finding was before the court.

"As a consequence of our inability to make a finding, we have instructed our printers to excise the contemplated finding on Mr De Klerk from the copy of the report that will be handed to the president tomorrow".

Archbishop Tutu said he believed the TRC had been "scrupulously fair" to Mr De Klerk.

"But we must and will respect the courts and his rights under the constitution.

"We fought hard for those rights and we can be proud in South Africa that Mr De Klerk now shares in them."

In another development, the TRC has denied that its final report has been "emasculated" after the names of several alleged perpetrators of gross human rights abuses were omitted at the last moment, some of them because of the threat of legal action.

These were people other than Mr De Klerk.

Some of these additional names were removed at the 11th hour, while the five-volume, 3 500-page report was being printed.

The threats of legal action came after the TRC had served more than 400 Section 30 notices, informing people and organisations that it was contemplating making a detrimental finding about them in the final report in connection with abuses, and asking for their responses.

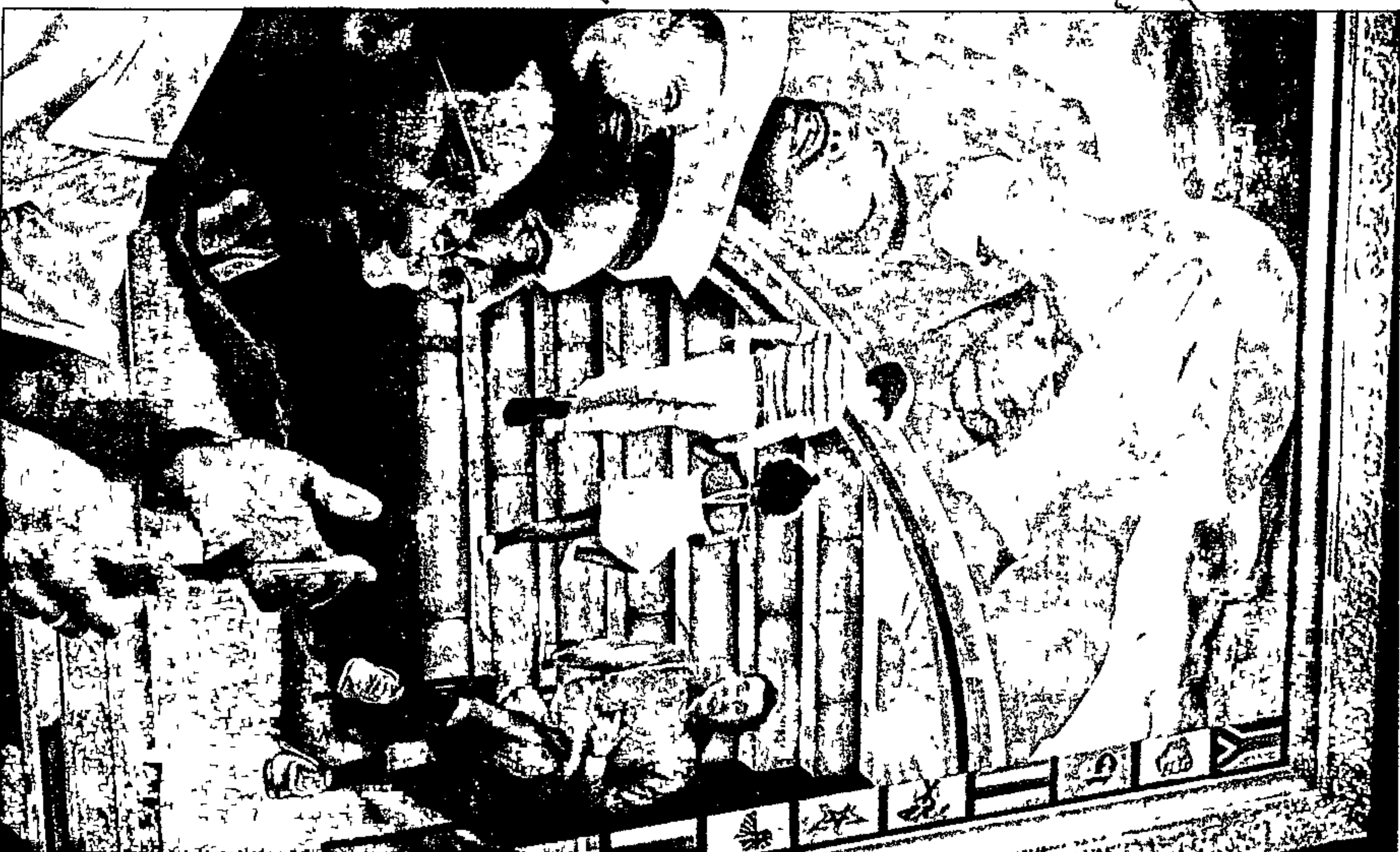
But TRC commissioner Yasmin Sooka said today that the number of names omitted from the final report was insignificant.

Some had been omitted because the Section 30 notices had not been served, others when those concerned had made representations to the TRC after receiving the notices.

And some of this group - which totalled not more than 15 - had been omitted because the alleged perpetrator had been incorrectly identified.

"I don't think it's a significant number, I really don't," Ms Sooka said.

The TRC is committed to adding a codicil containing the names of all perpetrators to its final report once the amnesty process has been completed - probably during the latter half of next year.



Perchance to dream: Cape Town theologian Willia Boesak, brother of Allan Boesak, with his new work *A Step Toward A Dream*, a painting that has Truth Commission chairman Archbishop Desmond Tutu as its central figure. Dr Boesak left his teaching post at UWC to paint full-time. Report page 6

JANES THART





Testifying Winnie Madikizela-Mandela



P.W. Botha



Ronnie Kasrils, left, and General Constand Viljoen



Letlapa Mphahlele



Magnus Malan

# Knife-edge for SA's moment of truth

## Mandela set to receive TRC's keenly anticipated Final Report

The TRC's final report, due to be handed to President Mandela tomorrow, has been one of the most keenly anticipated documents in South Africa's recent history.

The reasons for such anticipation are sharply contradictory.

One is a genuine desire on the part of deeply committed South Africans to see what recommendations the TRC has come up with after its marathon two-and-a-half-years' work to promote much-needed reconciliation in a society still sharply divided on racial and socio-economic lines.

Another is the more cynical hope that, in the run-up to the 1999 elections, the final report will provide a useful "stick" with which to beat (metaphorically speaking) political opponents named by the TRC as perpetrators of gross human rights violations.

Yet another motivation is an unabashed desire by some opponents of the TRC to see, in its final report, confirmation of their deep rooted prejudices that the truth body has been a hopelessly flawed mechanism developed and manipulated by the former liberation movements to deal with South Africa's political "old guard" from the apartheid era.

ed, and the issue then went all the way to the Appeal Court.

In his definitive judgment, Mr Justice Corbett ruled that people about to be named publicly to their detriment by the TRC did indeed have the right of prior, timely notification of the allegation/s against them, and also had to be given reasonable opportunity to respond to, or make representations about, such allegations before these were made public by the TRC.

It is a ruling the TRC has taken very seriously, but the overall effect has been to emasculate the final report.

Acting in terms of the Corbett judgment, the TRC sent out more than 200 "Section 30" notices to individuals and political organisations during the two months or so prior to the publication of the final report, informing them that it was contemplating making detrimental findings against them in the report, and asking for their responses.

Such notices were sent to leaders across the political spectrum, and included some of the top political

### INSIDESTORY

With the arguable exception of the writing of the new democratic constitution, no document in recent South African history has attracted as much critical attention and speculation as the Final Report of the Truth and Reconciliation Commission. The report, due to be handed to President Mandela by TRC chairman Archbishop Desmond Tutu in Pretoria tomorrow, is likely to have a profound effect on the lives of all South Africans. Senior writers **ROBERT BRAND** and **JOHN YELD** consider its expected findings and recommendations.



president and National Party leader P.W. Botha, veteran foreign minister in the apartheid government.

■ Mangosuthu Buthelezi, Inkatha Freedom Party leader and Home Affairs Minister.

■ Magnus Malan, former SA Defence Force chief and later defence minister.

■ Thiemie Groenewald, former SADF general and Freedom Front leader.

■ Constand Viljoen, former head of the SADF and a Freedom Front leader.

■ Crale Williamson, sav and intel

tors in a codicil to the final report, to be published on completion of the amnesty process.

One of the names it did not remove entirely, in spite of representations from lawyers, was that of Mr De Klerk, and he brought an 11th-hour application for an interdict in the Cape High Court yesterday.

The final report also contains recommendations that some of those named perpetrators be investigated by the statutory legal authorities - such as the relevant Attorneys-General - with a view to prosecution.

But it also recommends that those

During the TRC's lifespan it both asked for, and was offered, unsolicited possible recommendations for inclusion in its final report, and many responses contained tough proposals on how to deal with perpetrators.

These included that those found to have committed gross human rights violations be barred from holding public office and/or serving in the civil service and the armed forces, and that, if any of them were state employees, their pensions and other financial benefits should be withheld.

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appointment to public office in future, any past involvement in gross human rights violations should be taken into account.

Among the TRC's most significant recommendations are those relating to the issue of reparations and restitution.

The TRC's reparations and rehabilitation policy, which recommended that R3-billion be paid over six years to declared victims of gross human rights violations, proved highly controversial when announced last year. There were both some TRC commissioners and many people in Government who were decidedly unhappy with the recommendations, and who believed the TRC should have recommended only symbolic and community reparations - such as monuments, statues, tombstones, community centres, playing fields, clinics, schools and hospitals - and excluded any individual reparations in the form of monetary payments.

However, the final report confirms the existing reparations policy. In addition, it stresses that such

states that these must be investigated seriously by the Government, in conjunction with labour and employers. Such suggestions include:

■ A "wealth tax" of 0.5% on assets for 10 or 20 years for South Africans whose assets exceed R2 million (suggested by Stellenbosch University economics professor Saampie Terreblanche).

■ Using some of the assets of the R9 billion Saaria insurance fund, established during the apartheid era to compensate victims of political violence (a recommendation by the Afrikaanse Handelsinstituut).

■ A donation by all the listed companies on the Johannesburg Stock Exchange of 1% of their capital - estimated at R14-billion in July of this year - to a trust fund tasked with the upliftment of the poor (suggested by former editor and media executive Stephen Mthombazi).

The TRC's final report states categorically that reconciliation and peace will not be achieved in South Africa until the gap between rich and poor is bridged and restitution (over and above the recommended reparations for victims of gross human rights violations) has been made.



From the apartheid era.

Those who have been anticipating a register in which perpetrators of gross human rights abuses in South Africa between March 1, 1960 and May 20, 1994 are named, their ugly deeds catalogued and appropriate action against them recommended, are only partly rewarded by the TRC's final report.

The report does name perpetrators on the basis of findings of "reasonable probability" that they were involved in gross human rights abuses, either by commission or omission, during the period under review by the TRC. The test used by the commission to name perpetrators was similar to that applied in civil legal proceedings, as opposed to the much more stringent test of "proof beyond reasonable doubt" required in criminal cases.

But the final report contains significantly fewer names of perpetrators than was anticipated by both the TRC itself and by observers.

The reason for this is an eloquent appeal judgment delivered by South Africa's then Chief Justice, Judge Michael Corbett, some two years ago.

A High Court application was brought by two retired policemen for an interdict against the TRC before its first scheduled public hearing in East London in April 1996, preventing it from hearing any testimony against them relating to their alleged involvement in the poisoning of Port Elizabeth student leader Siphiwo Mkhulu until they had been given adequate notice and access to all relevant documentation.

A temporary interdict was granted.

The fact is, letting perpetrators go free is a disastrous business. The fact is, extinguishing the legal rights of the victims is a terrible thing to do. We may all want to put the past behind us and enjoy our new South Africa, but we do so at the expense of hallowed individuals and communities, from KwaNcwane to Sebokeng, leaving them to be haunted by a past we prefer to forget.

Dane Simus, Democratic Party spokesperson on the TRC

I have never seen the grave of my husband. My children have no father and they cannot even take beautiful flowers to his grave... No person can disappear without trace. There will always be some remains. If I could bury them, I'm sure I could be reconciled.

Madame Meehl whose husband disappeared without trace, believed abducted, in 1987

I do feel (that) myself and others in the security forces have been sold out by cowardly politicians - in the National Party especially. They want the lamb but they don't want to see the blood and guts. They are cowards.



The guilty must come to light but in such a way as not to cast them solely as devils. Otherwise, as in the case of the demonic British and the Anglo Boers who emerged in the Afrikaner psyche after the (Anglo-Boer) war, one again has angels on hand who may do as they please because of the sickness begotten by they got from the devil - Arjife Krog, journalist and poet

names in the country.

Ronnie Kasrils, former member of the ANC's armed wing Umkhonto weSizwe and currently Deputy Minister of Defence

Winnie Madikizela-Mandela, former deputy Cabinet minister and still an ANC MP and a member of the ANC's National Executive Committee

P W Botha, former state president and National Party leader

F W de Klerk, also a former state

If they are not punished after confessing to the crimes, the killers will make fun of us. Down, TRC, down. An Azanian Students Congress poster at a TRC hearing

Our weapons, ammunition, uniforms, vehicles, radios and other equipment were all developed and provided by industry. Our finances and banking were done by bankers who even gave us covert credit cards for covert operations. Our chaplains prayed for our victory and our universities educated us for war. Our propaganda was carried by the media and our political masters were voted back into power time after time with ever-increasing majorities.

Ex-spy Craig Williamson on why the security forces should not shoulder the all blame for apartheid's crimes

It was debilitating for me as a person... You try to put it behind you but it's not possible. It's always there. General Geert Erasmus, one-time head of the Eastern Cape security police, on ordering the abduction and murder of anti-apartheid activists

Craig Williamson, spy and intelligence operative for the apartheid government

Laetitia Mphahlele, director of operations of the Azanian People's Liberation Army (APLA), the armed wing of the PAC

Eugene Terreblanche, leader of the ultra rightwing Afrikaner Weerstandsbeweging (AWB)

Lawyers representing some of those who received Section 30 notices immediately challenged the TRC, arguing that their clients had not been given sufficient details about the contemplated negative finding to allow them to respond meaningfully, and/or that they had not been given sufficient time to respond before the final report was due to be handed to President Mandela.

These lawyers threatened legal action in the form of applications for High Court interdicts against the TRC to stop the publication and handover of the final report, if their demands were not met.

The TRC, having taken high-level legal advice, was determined not to be caught out on "due process" in its final days. So, because of the overwhelming need to get the report handed over and to wind up the TRC's already over-extended lifespan, the commissioners opted for a prudent, if conservative, route.

The result is that the names of a number of prominent perpetrators have been omitted from the final report - some being erased literally at the 11th hour on the floor of the printing room.

However, the TRC has resolved to include a full list of named perpe-

tra - with a view to prosecution.

But it also recommends that the Government set a fixed time limit on such prosecutions.

Neither of these recommendations were adopted unanimously by the commissioners, and there was intense debate around this issue.

However, the TRC recognised that, in the final analysis, it was the right of the relevant Attorney's General to decide, after appropriate investigation, whether to prosecute named perpetrators.

The recommendation relating to a fixed time limit on such investigations/prosecutions was in response to criticism from those who reminded the TRC that its mandate was specifically to bring the whole issue of past human rights abuses in South Africa to a close.

If it were to recommend a series of criminal investigations, these would probably result in major, time-consuming trials and possible appeals which could drag on for years, and the whole the issue would be prolonged interminably, they argued.

Certain people are named in the final report as having been responsible for gross human rights abuses committed by South Africans outside the borders of the country.

However, the TRC has not made any particular recommendations in terms of what action should be taken in this regard.

This thorny issue - which includes the question of possible extradition and/or arrest when named perpetrators travel outside South Africa - has been left to the politicians and diplomats to find an appropriate solution.

## These are the expected findings

Identification of perpetrators of gross human rights violations from across the political spectrum, although not as many perpetrators identified as the TRC had hoped because of last-minute threats of legal action to stop the final report.

Recommendation that some perpetrators identified be criminally investigated and possibly prosecuted.

Recommendation that the Government set a firm cut-off date by which investigations and possible prosecutions must be concluded.

Identification of perpetrators who committed abuses outside South Africa, but no recommendations about extradition proceedings.

inmanal benefits should be withheld or reviewed.

The collective name for such sanctions is "ustration", and this model was adopted in parts of Eastern Europe after the fall of communism.

Several individual commissioners considered industrial an attractive option for South Africa, but after intense debate the TRC finally decided against making such a recommendation.

This was partly because the TRC had become increasingly aware of the dangers of isolating individuals accused of gross human rights violations, rather than attempting to rehabilitate them into society.

The fear was that, if shunned, such perpetrators would simply find opportunities in undesirable activities such as chemical and biological warfare programmes elsewhere in the world or in mercenary groups and dubious "security" companies.

Secondly, the TRC was aware that if it recommended ustration, it would be punishing people who had come forward to assist it (whatever their motivation for doing so had been), and that, because of South Africa's lack of investigative capacity, those who had chosen to remain silent would in all probability escape censure.

Also, because there were many more amnesty applicants from the liberation movements than from the apartheid security forces, one side of the conflict would bear the brunt of possible ustration, which would be unfair.

So the final report does not recommend ustration, but it does suggest that when people are considered for

## State erased chunks of 'social memory'

The TRC's final report confirms the massive destruction of official apartheid-era documents by state departments such as Military Intelligence, the security police and the National Intelligence Service (NIS).

The TRC found that most of these documents had been destroyed on the strength of guidelines sent out by the NIS, although these guidelines were accepted and verified by the Cabinet as late as 1998.

Technically, because of the guidelines, most of those involved in the destruction of documentation could claim to have been following legitimate orders.

The report contains very strong recommendations regarding the future management of state documents, to the effect that these should all come under the control of the official State Archives in terms of the Archives Act of 1996, which it describes as excellent legislation.



If I did too little, too late, then I'm guilty. That's it, and I'll have to account to myself and to God. But in all... I must have done something to make a difference. I must have done something to make a difference. I must have done something to make a difference.

reparations will not bridge the yawning gap between the "haves" and "have-nots", and that reconciliation in South Africa is dependent on a major injection of capital into reducing this gap.

It does not make a formal recommendation in favour of one particular mechanism for raising such funds, saying the TRC lacked the necessary economic expertise to make such a choice.

However, it points to various suggestions made during its business sector hearings and elsewhere, and

It also emphasises that the notion of civil society must be strengthened, and that no citizens must feel excluded from the body politic.

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rights violations) has been made

An equally strong recommendation is that, if and when such funding becomes available, it must be used for the upliftment of the poor and cannot be allowed to be siphoned off in dubious "development" or public relations projects - such as the controversial AIDS play *Sarafina*, although this is not mentioned by name in the report.

The TRC tells the Government it has a particular responsibility in this regard.

Another major recommendation in the final report is that the culture of human rights in South Africa must be entrenched over the full gambit of such rights (first, second and third generation rights), as spelled out in the constitution.

Recommendations in this regard include the teaching of human rights at school and other educational institutions, and also providing appropriate human rights education within Government structures.

The report states that the Government and various non-government organisations have a particular responsibility in this regard.

Linked recommendations relate to promoting transparency in government.

The final report emphasises that freedom of speech and freedom of the press must be protected at all costs, and it warns about the dangers posed by some of the Government's recent veiled threats against the media.

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# Political nightmare looms

## TRC's final report poses major threat

**HUGH ROBERTSON**



**POLITICAL EDITOR**

**In an ironic twist of fate the Truth and Reconciliation Commission's final report is turning into a political nightmare for the African National Congress.**

So threatening are some aspects of the report to the ANC's interests that there is now a discussion about a general amnesty, which would get the ANC and other parties accused of responsibility for gross human rights abuses off the hook.

The alternative could be politically damaging legal action by the victims of ANC abuses - just as next year's election campaign gets under way.

A measure of the ANC's displeasure was its outraged response to the TRC's findings, which accuses the commission of having "criminalised" the struggle against apartheid.

The ANC's response also accuses the TRC of having "grossly misdirected itself" in finding that the party was morally and politically responsible for gross human rights abuses, including torture and executions of prisoners.

But one of the biggest threats of the TRC's report is to the ANC's dream of a union with the Inkatha Freedom Party, a dream on which its leadership has expended huge amounts of energy and persistence.

The TRC report identifies senior IFP members as collaborators in the apartheid government's war against the liberation movements.

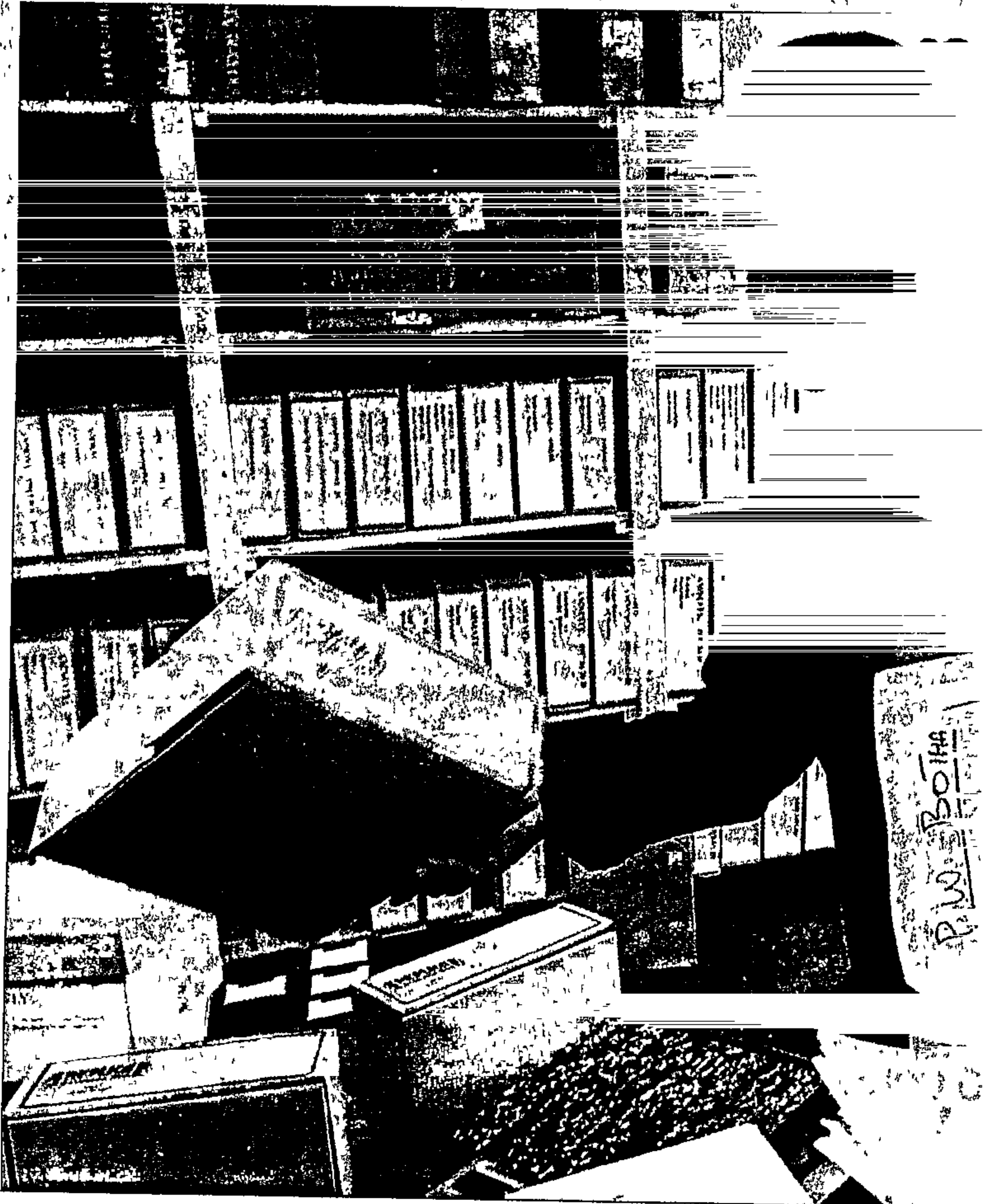
But since IFP leaders failed to seek amnesty from the TRC, the report opens the way for victims of the war and their families to sue them.

For the IFP and leader Dr Mangosuthu Buthelezi, who refused to have any dealings with the TRC, there is no easy way out and the very real prospect now exists of a string of court cases which, whatever the outcome, would be at least deeply embarrassing and extremely costly.

For the ANC, the prospect of Dr Buthelezi and other IFP leaders being embroiled in litigation over many years, almost all of it involving ANC or Pan Africanist Congress supporters, would make unity with the IFP a politically reckless undertaking.

In its response to the TRC's report, the ANC has rejected the finding that the IFP collaborated with the apartheid regime in fighting against the liberation movements.

The ANC was unblushingly expe-



**End of the road:** Truth and Reconciliation Commission worker Shanaaz Isaacs packs away piles of documents in Cape Town as the TRC winds down.

dent about its motives in virtually repudiating what was one of the most extensively investigated and damning of the TRC's findings.

It said that, while it held the view at one time that the IFP was an ally of the apartheid regime during the struggle, this view did not fit its new vision of unity with the IFP.

But what is the ANC to do? An answer of sorts may have come in a proposal by the National Party, which has its own reasons for want-

ing to evade the implications of the TRC report - a general amnesty which would override any decision or recommendation of the TRC.

And, indeed, secretive discussions are under way between the NP and the ANC to protect those like former President F W de Klerk, and other NP luminaries who failed to seek amnesty, from any legal action in the future.

The ANC might find the idea attractive. Some in its own leadership

are in much the same predicament as their counterparts in the NP and the IFP.

Deputy President Mbeki and 36 other senior ANC members were granted a blanket amnesty by the TRC, which was overturned by the High Court. Since they did not return to the TRC to seek amnesty individually and for specific human rights abuses, they, too, could face litigation, as could ever-divisive ANC Women's League president Winnie

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# re looms for ANC

## major threats to party

ARG 28/10/98 (252)



...of documents in Cape Town as the TRC winds down before presenting its Final Report to President Mandela tomorrow

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Deputy President Mbeki and 36 other senior ANC members were granted a blanket amnesty by the TRC, which was overturned by the High Court. Since they did not return to the TRC to seek amnesty individually and for specific human rights abuses, they, too, could face litigation, as could ever-divisive ANC Women's League president Winnie

Madikizela-Mandela.

And a general amnesty would remove the nettlesome problem of what happens to the ageing and recalcitrant P W Botha.

But the trouble with a general amnesty, or any similar administrative device, is that it would make nonsense of all the work the TRC has done. It would be tantamount to repudiating the TRC decisions on who should, or should not, be forgiven for past misdeeds. It would be a slap in

the face to those who made open-hearted confessions of their misdeeds and sought amnesty.

The TRC's final report will solve no political problems. That was not its purpose. And so, the headache will persist: what is the ANC to do to end what is likely to be a long quest for national retribution?

And how does it solve the political problems for itself, and just about all the major parties, which the TRC's report has thrown up?

This is a personal message from Truth and Reconciliation Commission chairman Archbishop Desmond Tutu to readers of the Cape Argus on the eve of the handing over of the TRC's Final Report to President Mandela.

We have been at it for nearly three years. We have been moved to tears by the painful stories of those who suffered grievously. For a very long time they were the faceless ones, anonymous, unidentifiable, unaided by the powerful ones of the land. Now there is a face, there is a name for the cry of anguish, there is a person, a child of God, of infinite worth.

We have been appalled by the accounts of the atrocities we inflicted on one another. We have been bowled over to realise just how evil we can be, but we have also been exhilarated to discover just how good we can be, for we have been amazed at the capacity to forgive of people who suffered so grievously, people of all races.

We have thrilled as a mother of one of the Guguletu Seven activists killed by police forces, or as Neelie Churruarín, the Force officer blinded in the Pretoria bomb blast, shook hands with the father of Ismail Mkhomo, commander of the Bech's unit where their daughter Ann was murdered. We have rejoiced as families reburied their ones who had been abducted and held and buried secretly.

There has been some truth, some reconciliation. Now the Final Report is being handed over tomorrow.

Never again can anyone claim they did not know. Nor will we have looked the beast in the eye. Let us not become ho-tags to the past. Let us close the book on the past and commit ourselves to the future. Let us never happen again. And bless you all.

REUTERS



'MAYBE THE WORST IS PAST'

# Variety of reactions to TRC tells tale of a nation divided

**THE TRUTH COMMISSION** has been like a foul-tasting medicine that makes you feel sicker when you swallow it, but which could help alleviate some of the symptoms.

**ROGER FRIEDMAN** contemplates the healing process.

**A** PARTHEID was a brutal and shameful disease. It has been in remission for a few years, but the scars will take generations to heal.

Some people think it has been harmful to dwell on the writhing agony it caused, that it is in the past and we are in the present, that the Truth and Reconciliation Commission has merely served to open old wounds to terrorise us with them again. Many of these people are members of the "blanket amnesty" brigade and believe individuals should not be held accountable for their contributions to the sickness.

Another category of people believes it was absolutely necessary to confront the past so that we could deal with the horror and put it behind us. Many among this group believe the commission's process of granting amnesty to applicants in exchange for their disclosing their deeds was fair — that it is right that perpetrators of gross human rights violations should be held accountable.

A third category of people comprises those who think the commission was a "sell-out", that apartheid criminals should have been tried in criminal courts. Members of this group do not believe the amnesty process holds perpetrators accountable enough, that the guard dogs of the indefensible old order are getting off scot-free. The commission process has been of little solace to them.

These three responses represent vastly divergent schools of thought. But the truth is that whether you whistle the rainbow tune and believe in miracles or you don't, South Africa is still a terribly divided country. It goes beyond rich and poor, beyond social and economic chasms, into our collective and individual psyche.

We need to build bridges. We need to understand what we have done, not just for the sake of knowing it, but for the sake of knowing ourselves and each other.

However fair and impartial the commission has tried to be, there is no getting away from the fact that apartheid was wrong, that it created hatred and bitterness, that it destroyed the foundations on which democracy and respect for human dignity can flourish.

White South Africans need to come to terms with how wrong it was, how we benefited then and how we continue to benefit today. No less can be expected of us if we ever hope to be reconciled with the fellow citizens we oppressed.

However, many would argue that black South Africans are being asked to pay a substantially higher price — forgiveness. Forgiveness for centuries of being downtrodden, milked and discarded. Black

South Africans are being asked to love the neighbours who brutalised them.

Anyone who expected the commission to wave a magic wand so that we could all live happily ever after was either very naive, failed to recognise the scale of our divisions, or both.

The commission was never intended to effect reconciliation — it was intended to help the process.

It was created to investigate and establish as complete a picture as possible of the nature, causes and extent of gross violations of human rights, to establish and make known the fate and whereabouts of

victims, to restore the human and civil dignities of these victims by giving them the opportunity to relate their own accounts of violations, to recommend reparation measures, to make recommendations aimed at the prevention of human rights viola-

tions in the future, and to facilitate the granting of amnesties.

The commission attracted 31 000 submissions and 7 000 amnesty applications from all corners of the country.

Today, barring eleventh-hour court interdicts, it releases its final report to President Nelson Mandela and the nation.

Archbishop Desmond Tutu, the commission chairperson, said this week that the contents of the report would prove painful to people on all sides of the liberation struggle. Judging from the unhappy reaction of all political parties this week, he was right.

It would not be pain for pain's sake, Tutu said, but the necessary pain of confronting the past in order to move forward.

He predicted there would soon come a time when South Africans would be grateful that we had dealt with these issues rather than pretended they did not exist.

As Justice Minister Dullah Omar put it: "There truly could not be peaceful reconciliation without justice, meaning at the very least a comprehensive exposé of what happened — how, why and what the sources of responsibility are."

"Forgiveness can only follow from the satisfaction of the parties, particularly those who have been victimised, after the truth has been established."

"In the long term it will help to mitigate the simmering effects of the hardships and hardened feelings resulting from the past, as well as dampen the spirits of revenge, thereby preventing further conflicts and future victimisation."

"Indeed, it has heralded the start of the much more extended task of democratising our society, entrenching a living culture of human rights and improving the wellbeing of our people," he said.

The handing over of the report today symbolises the completion of a major portion of the commission's work. Amnesty hearings will continue, and so must the reconciliation process.

The pain is not over — and the prosecution of those who committed atrocities but refused to ask for amnesty will temporarily inflame things again.

However, as Tutu has pointed out: "Maybe the worst is already past."

(2/11/98)

ET 29/10/98



# Ngcuka serves notice on crime

ANDRE KOOPMAN  
PARLIAMENTARY BUREAU

CT 29/10/98 (257)

DEPUTY PRESIDENT Thabo Mbeki yesterday announced high-level appointments — including those of two acting Cape High Court judges — to the office of Public Prosecutions national director Bulelani Ngcuka, as part of the government's beefed-up fight against crime

Ngcuka served notice on criminals and their "reign of terror" in South Africa, saying they will be "cleared out"

Top priorities of the special anti-crime unit in his office will be gang activity in the Western Cape, political violence in KwaZulu-Natal and organised crime, such as car hijacking, in Gauteng

Gang-related violence in the Western Cape will receive special attention "They are the ones we will target immediately," he said

Ngcuka, who was appointed in August, promised swift action, saying that the first criminals would be brought to the Cape High Court next month

Criminals targeted by the unit are already aware that they are under threat and are selling their homes to avoid their seizure under the new Organised Crime Bill, which proposes for the confiscation of the proceeds of criminal activities, Ngcuka said

Mbeki said at a press conference yesterday one of the most serious challenges the government faces is the high crime rate which has accompanied South Africa's transition period

"A strong and committed prosecution team is absolutely essential if we are to succeed in building a stable democracy — a society in which the public has confidence in the justice system and its ability to bring criminals to book," Mbeki said

The new appointments announced by Mbeki include three new deputy national directors: Denzil Potgieter, an acting Cape High Court judge and a Truth and Reconciliation Commission commissioner, Sisi Khampepe, also an acting Cape High Court judge and TRC mem-



**FIRE UP:** Dullah Omar (left), Thabo Mbeki, Bulelani Ngcuka and Sisi Khampepe at a press conference yesterday **PICTURE: DENZIL MAREGELE**

ber; and Jan D'Oliviera, formerly attorney-general of the Transvaal and head of the special international team investigating "third force" activities. They start work on Sunday, November 1

Potgieter will be responsible for national prosecutions and extraditions, Khampepe for legal services and D'Oliviera for combating organised crime

Controversial Natal attorney general Tim McNally has been offered the post of special director of public prosecutions, with the task of leading an investigation into the restructuring of the National Prosecuting Authority, a position based in Pretoria

Ngcuka said the new appointees are among "the best in their fields" and had gained extensive experience in private practice

"Criminals must know that there are now new, efficient and highly-motivated people, dedicated to putting them in jail for a very long time

"Criminals have had their way for far too long

"Experience elsewhere in the world has proved the way to get crime under control is to create an environment in which justice is swift and fair and criminals serve long jail terms. This sends a message to potential criminals that crime does not pay," Ngcuka said

# ANC in 11th-hour bid to silence TRC

(252) CT 29/10/98  
THE ANC has made a last-minute bid to prevent sections of the TRC report, due to be released today, from implicating the organisation in human rights abuses.

**A**N 11th-hour interdict by the African National Congress to prevent the Truth and Reconciliation Commission from publishing its provisional report last night threatened the release of the body's long-awaited verdict on the country's past

President Nelson Mandela's office conceded last night that, while preparations for the release were still on track, a postponement could not be ruled out, as the process was now "at the mercy of the courts"

At 1am this morning, ANC attorney Selwyn Hockey said he had spoken to the head of the TRC's legal department, Hanif

Vally, and had arranged to serve papers on the advocate representing the commission in the matter at the Cape High Court

The ANC yesterday said it had gained the impression that the report "criminalised the whole liberation struggle"

ANC spokesperson Smuts Ngonyama told a Johannesburg press conference that the ANC wanted a meeting with the commission before the release of the report to discuss the adverse findings against it

He said the commission had given the impression that the meeting was possible until yesterday, when the commission said the

meeting would not be taking place  
TRC chairperson Archbishop Desmond Tutu said the commission would proceed with its plan to release copies of its final report for publication this morning unless it was ordered not to do so by a judge

"We obviously cannot make any comments because we have not received anything officially from the ANC. Until we do, we will carry on as if nothing has happened. We will go on until we are told by a court order it's finished. For myself, I'm deeply saddened," he said

Tutu was addressing a media conference convened to express the commission's gratitude to the media for the role it has played in bringing the process to life

The ANC's High Court interdict to prevent those sections of the

report implicating the organisation in gross human rights violations being relayed to the public follows former president F W de Klerk's successful bid to have parts that refer to him temporarily excised

De Klerk's urgent application to the Cape High Court yesterday resulted in sections adversely reflecting on him being withheld from the final TRC report and the matter being postponed for argument with TRC legal counsel before a judge in March

Dave Steward, spokesperson for the former president, said De Klerk was "very satisfied with the order issued by the High Court"

"He's confident he has a very strong case and will be able to absolutely vindicate himself in an open court as opposed to the TRC"

The ANC earlier this week gave

□ Turn to Page 3

## ANC tries to suppress sections of TRC report

□ From Page 1

the TRC a written submission in response to a notice from the TRC advising that it could be implicated to its detriment in the commission's final report.

The ANC has been implicated in, among other things, the torture and execution of suspected traitors, the killing of civilians in bomb and landmine attacks and fomenting political violence

The submission objected to sections the ANC believed were inaccurate and distorted. The ANC's submission angrily denounced the commission for criminalising the fight against apartheid, saying the TRC was "grossly misdirecting itself"

The abuses for which the ANC and its structures were said to be politically and morally account-

able were inseparable from the consequences of the legitimate struggle, the submission said

Tutu said yesterday that in the light of De Klerk's court challenge, the body had decided to delete any criticisms of the former president from the final report

He emphasised that the findings against De Klerk had not been removed permanently

"It is something that will be contested in court. That is how strongly we feel about our contemplated finding," he said

Presidential spokesperson Parks Mankahlana said he did not believe the situation was a crisis, as the "nation-building and reconciliation process is an ongoing one"

The NP and Freedom Front yesterday added their own blistering attacks on the final report as Tutu

conceded that 15 names had been removed

Tutu said it was "ludicrous" to claim that the report had been emasculated by censorship because of threats of legal action by perpetrators

Some of the names had been removed because the TRC was unsure whether these people had received proper notice of the TRC finding, while others had convinced the TRC that its findings should be changed, he said

Tutu said more than 400 notices had been sent to people or organisations in terms of Section 30 to inform them that the commission was contemplating naming them in a way they might regard as being to their detriment

NP spokesperson Jacko Maree said "Now it's a report that's so tar-

nished and its contents so compromised we don't know whether it's even worth publishing"

Maree said it was a "terrible waste to get to this moment and find this terrible mix-up after an investment of over R200 million and three years"

Contrary to the NP's assertions, one party, the United Democratic Movement, did come out in support of the TRC final report

UDM leader Bantu Holomisa called for a general amnesty for all those implicated and said the storm that had erupted indicated that the findings were balanced

● Tomorrow's *Cape Times* will carry on-the-spot reports on the latest TRC developments in Pretoria by Special Assignments writer Roger Friedman — Own Correspondent, Sapa



# Report has little to say over deaths in jail

*Sowetan 29/10/98 (252)*

By Claire Keeton

ONE of the biggest gaps in the final report of the Truth and Reconciliation Commission (TRC) is on deaths in detention – since the policemen responsible did not apply for amnesty – and it proved virtually impossible to find independent information about these deaths

“It is true that we have been unable to uncover a lot of new information or substantial material on this,” said TRC commissioner Dr Wendy Orr

A study by the human rights committee estimates that 73 people died in detention from 1963 to 1990 but it is likely there were many more deaths that went unrecorded

“If you take a small area like Soweto and count the people killed at John Vorster Square, the number would be far higher than 73,” said TRC commissioner Hlengiwe Mkhize

The TRC has been able to shed light on only a few key cases, including Black Consciousness Movement leader Steve Biko’s and Stanza Bopape’s, and even these findings were not

comprehensive

“I worked on the Bopape case and we had some success throwing more light on it but not in understanding the big picture,” said former TRC investigator Piers Pigou

He added that the pervasiveness of torture extended far beyond the security branch to other units in the police such as the riot unit, the internal stability unit and the murder and robbery unit

## Deaths in detention

“The police were a law unto themselves and acted in secret. Most of them are running the risk that they will be prosecuted now,” said TRC spokesman Phila Ngqumba

Amnesty committee chairman Judge Hassen Mall said he personally had not heard of a single amnesty application for deaths in detention, though other amnesty panellists may have

Despite the absence of incriminating evidence, Orr said the TRC had cast doubt on the apartheid version that political detainees routinely died from suicides or accidents

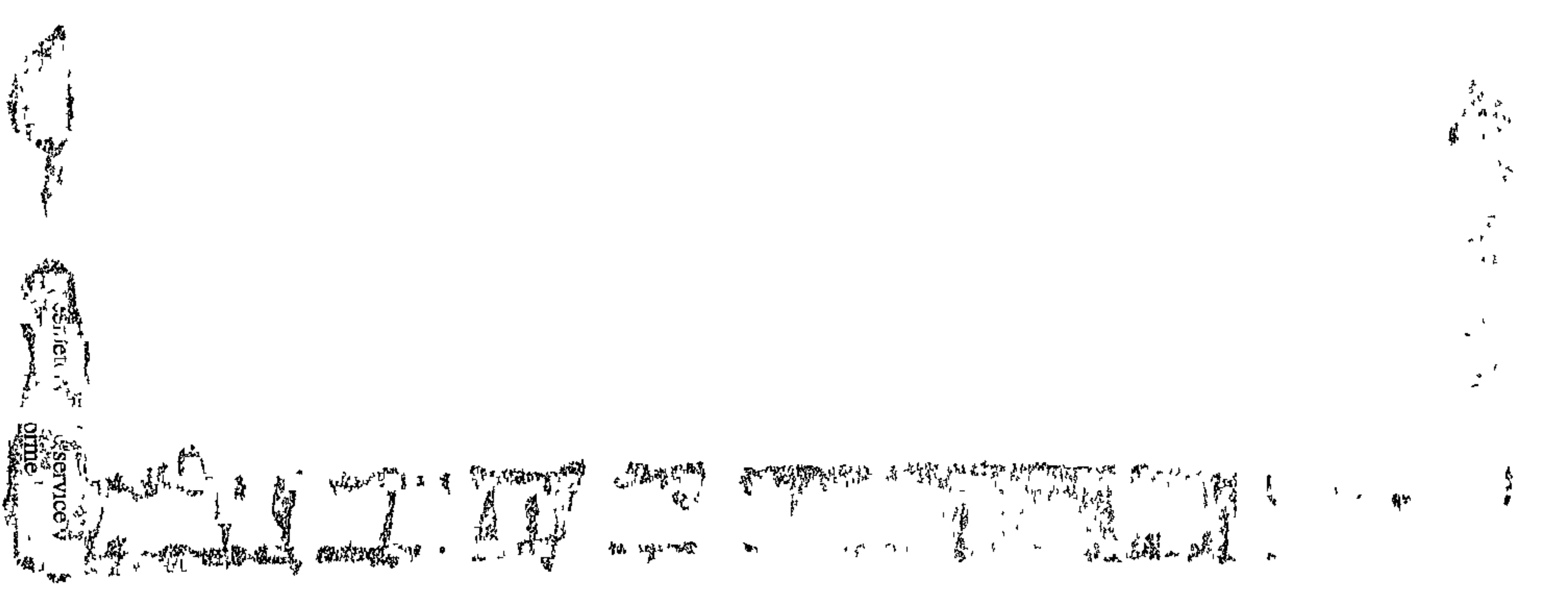
“The accumulation of far fetched statements and the pattern of ‘no blame’ from magistrates was obviously deeply suspicious. We were able to make informed opinions and cast doubt on the official version of a number of things over the 34-year period,” she said

Another key area which had been virtually impossible for the TRC to investigate was that of “disappearances”. While the TRC has had some success in exhuming and identifying bodies, they have made limited progress compared to the number of victims

Train violence, hostel violence, vigilante violence, the military, the role of police in the former homelands and the kistskops are other painful areas which the TRC struggled to unravel

“They laid a foundation stone but not a comprehensive understanding. I hope the final report will show what hasn’t been done (and needs to be done) as well as what has been done,” said Pigou

Commissioners indicated they would recommend ongoing investigations and prosecutions of those directly implicated in violations



# Reparations will help our healing

(258)

somefan 29/10/98

By Bennie Bunsee

ONE of the several recommendations that will emerge when the Truth and Reconciliation Commission hands over its report to President Nelson Mandela today will concern reparations

It will be an integral part of the process of healing and reconciliation which constitute the core work of the TRC over the last three years

To many, this might sound as a poor and even insulting compensation for the pain that victims have had to endure

But international best practice, based on sound research and practical experience, has shown that it can be fruitful

Cynics might dismiss this as vulgarisation of the process of healing through monetary payments

But practice elsewhere has shown that while the process of healing is fundamentally psychological, the need for some form of material redress goes a long way towards meeting victims' needs and their rehabilitation into the processes of life

It is also an effective way of dealing with post-traumatic stress disorder from which many victims suffer

Derek Summerfield, a psychiatrist with the Medical Foundation in London puts it thus "Some torture victims seek psychological help but all of them want social justice Allied to this is the vital question of official reparations for human rights crimes

Justice, even if long delayed, is reparative to assist both distressed individuals and distressed societies to endorse the link between psychological recovery and societal reparation and justice "

The right to reparation is recognised in the international law on human rights

Reparation has to be understood to include re-employment, pension rights, medical and educational services, social security, housing, restoration and revelation of the truth

Public airing of victims stories seems to serve important psychological and therapeutic ends

## Psychological damage

Compensation must include payouts for physical and psychological damage imprisonment and lost working capacity

Countries like Chile and El Salvador, which also had reconciliation committees, made redress on this basis

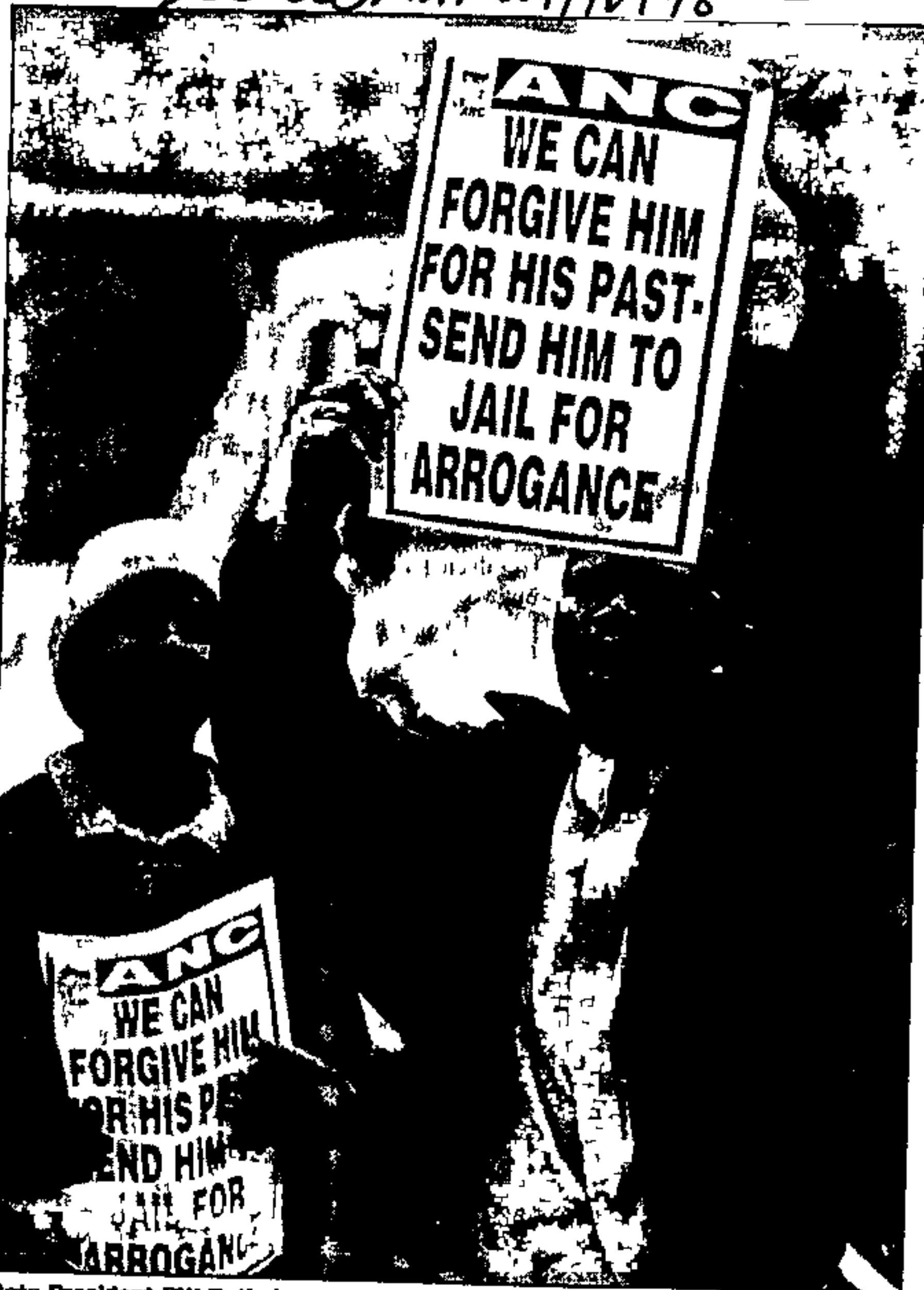
The fact is that the lack of remedies is likely to be linked with impunity, where perpetrators of human rights violations escape justice, it will be very difficult to pursue legal proceedings aimed at obtaining reparation

This form of reparation also assists in dealing with post-traumatic stress disorders

Experience shows that individuals' past traumas have been overshadowed by present psychological and social problems

The situation of dreadful social conditions makes it difficult to deal with past psychological traumas

In many cases present difficulties



State President PW Botha's government was guilty of many human rights abuses and reparations are now being made to the victims  
PIC REUTERS

are, in reality, symptoms of long-term traumatisation compounded by impoverished living conditions

And at other times, the impoverished living conditions (for example, over-crowding, being forced to work away from home, hunger etc) have heightened the effects of the primary trauma and have also in themselves caused a range of psychological difficulties and problems

It is for this reason that the TRC will be embarking on a programme of reparations and rehabilitation presided over by the President himself It will not in itself solve the problem of healing

Healing is not a commodity that can be bought and sold It is a long, drawn out and painstaking process that will have many problems before it finds its resolution

The proposals which are being put forward are quite comprehensive, and could go a long way to restoring the pride and dignity of those who were abused, psychologically damaged, brutalised and traumatised

There will firstly be an interim reparation reaching out to those who are in urgent need of compensation The Final Reparation Measures will be included in the report which goes to the President once the Government has completed its work.

There will be an individual reparation grant for each victim of gross human rights violation Information and advice will be given so that victims can obtain the help they need

This will also take into account ease of access to services and facilities and will consist of a daily living costs subsidy based on the socio-economic circumstances of the applicant

This will include the number of dependents/relatives and the difference in the living costs in rural and urban areas

Death certificates will be issued since many people who made statements said they did not have them for their relatives who had been killed

There will be proper reburial ceremonies for those who were buried in unmarked graves

It is important that they be given a proper burial Headstones and tombstones will be provided for those who want them

People who disappeared will formally be declared dead

Criminal records will be cleared since many who engaged in political activities were branded criminals

A criminal record can have serious consequences

It should not be allowed to taint the reputation of those who died for a noble cause

## Renaming of streets

The renaming of streets and public buildings will help us remember individuals and events that are important to a community

The building of memorials and monuments will commemorate the victories and the conflicts of the past

The needs of the communities must be taken into account when ceremonies are held

National benefits will need to be implemented by the relevant ministries together with civil society structures

These will help remind people of the things that happened in the past, and help make sure that abuses do not happen again

A national day of remembrance and reconciliation will remind people of the struggles and pain of the past, and help to bring about reconciliation, so that we are able to move forward from the past into the future

(Bennie Bunsee is the public relations officer for the Ministry of Justice)



# TRC plan in disarray

Sowetan 29/10/98 (25a)

By Muzi Mkhwanazi, Claire Keeton and Pamela Dube

**T**HE AFRICAN National Congress was likely to institute an urgent court interdict to stop the Truth and Reconciliation Commission from publishing its final report, which apparently implicates the party in gross human rights violations.

Addressing a media conference at Albert Lutuli House in Johannesburg, ANC deputy general-secretary Ms Thenjwe Muntso said the party's action stemmed from the TRC's failure to give it a hearing on the adverse findings of the preliminary report.

"We want to see reconciliation, the healing process and nation building. However, what we cannot accept is the misrepresentation of the process in which the activities of the liberation movements are criminalised," she said.

Muntso said that during their correspondence with the commission, expectations were created by the TRC that such a meeting would be held.

"We worked under this impression until finally we were told that such a meeting was absolutely impossible," Muntso said.

She said not only was the meeting not possible but the TRC informed the ANC that its preliminary submissions, which were made in anticipation of the meeting, were out of time and would not be considered at all by the TRC.

"The ANC regards the TRC's actions as totally unacceptable and, to say the least, such actions are not to be expected from such a body. Given such circumstances the ANC would like to be given sufficient time to present a full response to the accusations made against it.

"It would therefore be wise for the TRC to postpone the publication of the report, until some certainty and equity is apparent in the process," Muntso said.

TRC chairman Archbishop Desmond Tutu said last night he could not comment on the



Truth and Reconciliation Commission chairman Archbishop Desmond Tutu's plan to hand over the commission's report to President Nelson Mandela may be in jeopardy.

ANC's last-minute attempt to stop the report's publication as the commission had not yet received any notification about it.

He said the TRC would proceed with plans of the report's release today, pending further developments. But he said he was "deeply saddened" by the challenge.

Speaking in Pretoria at what was intended to be a celebration on the eve of the report's publication, Tutu said the ANC's decision had marred the event for many present.

Even Mr Dumisa Ntsebeza, former head of the TRC's investigation unit, sounded subdued as he spoke of his frustration.

The court application was expected to be lodged in Cape Town last night.

The ANC's move followed developments earlier in the day when the TRC temporarily conceded defeat in a similar battle with former president FW de Klerk, whose High Court application for an interdict was postponed to March 4 next year at the TRC's request.

This was after the commission's lawyers had requested the postponement because they had only been given 24 hours to study and respond to De Klerk's application.

The TRC's "compromising decision" means any references to De Klerk would be removed from the final report. Tutu said De Klerk's court application leading to the commission's decision had "upset me deeply".

"We have been scrupulously fair to Mr De Klerk and we reject the contention that we have been engaged in a vendetta against him."

## Revolutionary machinery

Tutu, however, insisted that De Klerk was not being let off the hook as the TRC intended to defend itself "vigorously", and if it won, the excised sections would be reinstated.

But while round one has gone to De Klerk, deleting any references to him will not lessen the responsibility of the National Party government for systematic gross human rights violations, according to TRC investigator Piers Pigou.

"One of the TRC's most important achievements is that it has shown that assault and murder were part of the arsenal of the counter-revolutionary machinery," Pigou said.

"The interpretation (of security forces) was to kill and the government never did anything to rectify this."

He said the TRC also proved that investigators set up under De Klerk's rule to investigate state-sponsored violence never did their job.

In contrast, TRC commissioner Mr Bongani Finca said yesterday: "We have clearly established a consistent pattern of police detention and torture, which led to death in some cases."

● See also pages 2 and 12.

# Calls for general amnesty as TRC is swiped from all sides

(257) Show 29/10/98

Political parties point out cost to country of lengthy criminal cases or civil suits

By **MARCO GRANELLI**  
Pretoria Correspondent

**C**alls for a general amnesty for apartheid-era human rights violations mounted last night, as political parties weighed up the possibility of lengthy criminal prosecutions and civil suits against individuals across the spectrum.

Opposition parties argued that a general amnesty, rejected by the ANC at the start of constitutional talks in the early 1990s, would finally close the book on the past.

The only party not in favour of such a move – and which urged the Truth and Reconciliation Commission not to delay the report's publication – was the Democratic Party, which will be largely unaffected by the report.

National Party leader Martinus van Schalkwyk said the last-minute changes to the report were only the latest in a string of mistakes made by the TRC that had undermined its credibility.

These mistakes included the appointment by the Government of commissioners sympathetic to the ANC, the attack on the NP and former president FW de Klerk, for which the TRC and its leaders were later compelled to apologise, and the granting of a blanket amnesty to 37 ANC leaders, which was overturned by the courts.

"It (the report) is a mess," Van Schalkwyk said. "It has been compromised so many times, including the day before its release, that it has no credibility left."

Inkatha Freedom Party Gauteng leader Themba Khoza

said the TRC's credibility had been in question from the start, and this was reflected in the controversy surrounding its report.

"Those who called it a circus are not far off the mark. We have always maintained that opening cured wounds is no way to heal a disease," he said.

Pan Africanist Congress leader Dr Stanley Mogoba said the excision by the TRC of parts of the report showed it could have made a mistake, and said the report's release should be delayed.

Mogoba also said the report's release should signal an end to the TRC chapter of the country's history.

"We can't continue walking backwards into the future. There should be no prosecutions after the report," he said. Freedom Front leader Gen-

eral Constand Viljoen, long an advocate of general amnesty, said the time had come to review the entire TRC process and to consider a blanket amnesty.

Viljoen said the FF had been the only party to vote against the establishment of the TRC, because it believed it would not bring reconciliation.

"What the party warned against is now becoming a reality, with the entire TRC process collapsing and losing all credibility," Viljoen said.

United Democratic Movement leader Bantu Holomisa and his deputy Roelf Meyer both came out in support of a general amnesty.

They welcomed the TRC's stance on both the ANC and De Klerk challenges, saying the commission was displaying its independence.



Of all provinces in South Africa, reconciliation has proved most difficult in KwaZulu Natal

But one small village, once ravaged by political conflict, is proving that even here it is possible for an apartheid assassin and survivors of a killing spree to embrace, writes Simon Zwane

Simon Zwane

Mar 29 10 | 98

Hidden among sugarcane plantations in an obscure corner of the KwaZulu Natal Midlands is a village called Trust Feed. It is a tiny village of about 7000 people which has become an important case study in assessing the impact of the Truth and Reconciliation Commission in the province.

Closely associated with this area is the name Brian Mitchell, the first former policeman to be convicted of third force activities. On December 3 1988 Mitchell, then an IFP supporting station commander at the nearby New Hanover police station, ordered four special constables to attack UDF activists in the area. Eleven innocent people were killed and two injured when the blood-thirsty politically motivated constables opened fire on a wrong house.

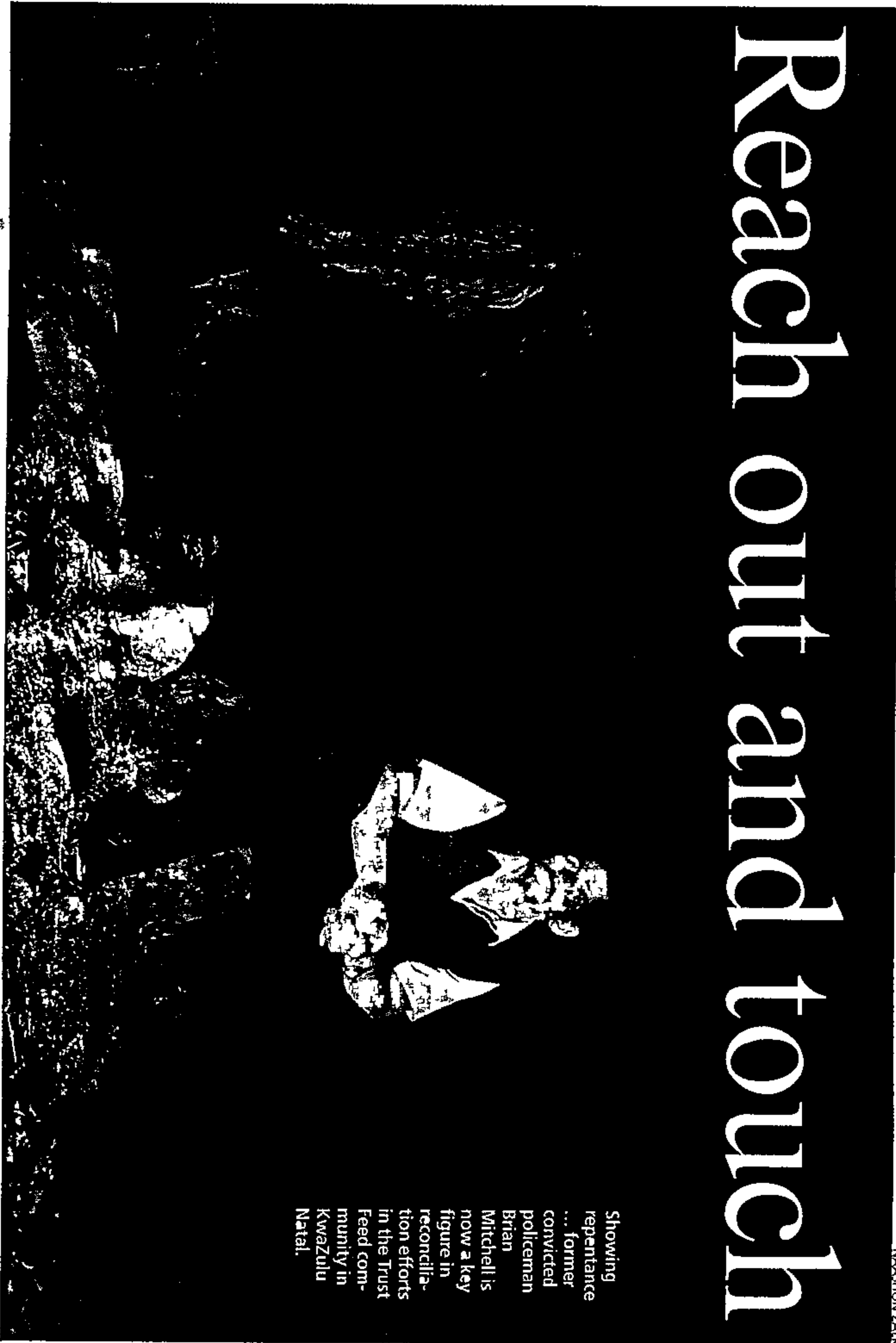
Mitchell was sentenced to death for his involvement in planning the massacre but the sentence was commuted to 30 years in 1994. In 1996 Mitchell was released from prison after being granted amnesty by the TRC and he met the families of his victims and survivors for the first time a few months later. It was a tense meeting which presented difficulties for the TRC, which had organised it as it created a perception that the commission was trying to foster reconciliation on a reluctant community. It was further felt that the TRC

was more concerned about the hostility Mitchell - who had earlier lost a job in Ladysmith because a trade union objected to his employment - was enduring than the agony of his victims.

Last month, Mitchell went back to Trust Feed at the invitation of the community. Away from the media fanfare which had accompanied the initial visit, he was able to sit down, smile and enjoy a feast of traditional dancing during a community-organised day of forgiveness billed as Mamatheka (smile) Trust Feed Cultural Day.

Current New Hanover station commissioner Captain Raymond Richardson, who accompanied him, said Mitchell was moved close to tears by the unbelievably warm reception he was afforded. The event brought together former enemies for the first time. The perpetrators of violence and their victims sang and danced together to celebrate a new found spirit of tolerance among them. Ida Hadebe (58), who survived the massacre by faking death after being shot five times in the leg and three times in the shoulder, also attended the event. Hadebe has accepted that she was a casualty of crossfire. "The incident occurred in a climate of violence and killings," she said. "Even my child would have killed in those days, so why should I not forgive Mitchell?"

# Reach out and touch



Showing repentance ... former convicted policeman Brian Mitchell is now a key figure in reconciliation efforts in the Trust Feed community in KwaZulu Natal.

"I really have no problem with Mitchell. The only problem I have is that I will never be able to work again," she mourns. Pastries Mbongwana, a central UDF figure in the conflict, and one of the worst affected victims, does not hide his feelings towards Mitchell and IFP members with whom the former cop colluded to wreak havoc with his life. "I have not forgiven Mitchell, he knows that, I told him," he said. But

he conceded that he was "getting along" with former IFP leader Jerome Gabela who allegedly conspired with Mitchell. Ironically, Mbongwana is willing to accept that the TRC's decision to release Mitchell, which he strongly opposed, had steered the community in the direction of reconciliation. "They did break the ice," he says. Bitter as he may be, Mbongwana is trying to bury the hatchet in the interest of development in Trust Feed.

"Bitterness is not going to help me move forward," he says. "I have to look to the future. I believe I have to give my mind more positive thinking so that I can be successful and I can look at myself and my family and say I am proud I have buried the past."

It's in this positive spirit that Mbongwana - who was a prime target during the conflict and who lost a house, a shop and teaching profession as a direct consequence thereof - is looking forward to the first celebration of reconciliation in the area on December 16.

Members of the local development committee say they plan to invite Meshack Hadebe and Sipho Mlaba to share their experiences on how they achieved peace and reconciliation in Mpunulanga township. The committee's co-ordinator Bhekani Nxumalo says they also intend to invite Mitchell to work with the community to attain its dream of reconciliation and development. The committee has a vision to build a monument at the site of the massacre, an idea first mooted by Mbongwana during a submission to the TRC. It is envisaged that the monument would revitalise the area's stagnant economy by attracting tourism and encouraging the community to think about income-generating self help projects which would also provide employment.

### Sad memories

Tenjiwe Malunga, (left) who lost four of her children in the massacre and Ida Hadebe, who was shot and left for dead, stand at the

### When Brian Mitchell appeared before the Truth and Reconciliation Commission

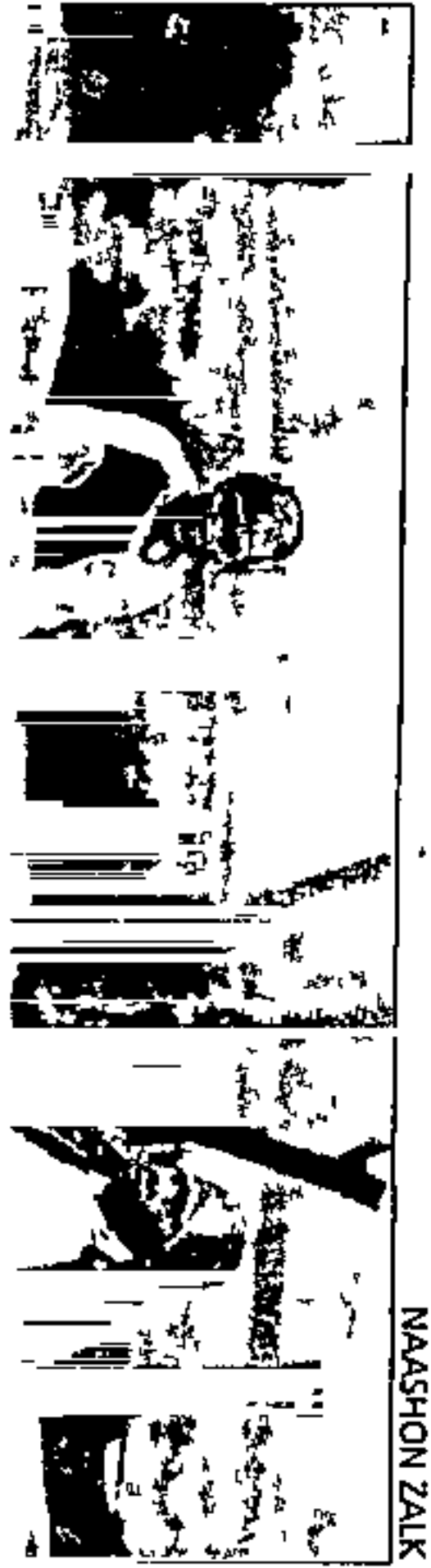
two years ago, he promised that if granted amnesty he would endeavour to develop Trust Feed from the devastation it endured during

### Mitchell speaks out on hopes and fears

The bulky former policeman ascribed the delay in implementing his promise to lack of employment for him. Once you have state-billed that situation then one can work towards correcting whatever events may heal the wounds of the past, he believes that some influential individuals within the TRC, the Government and

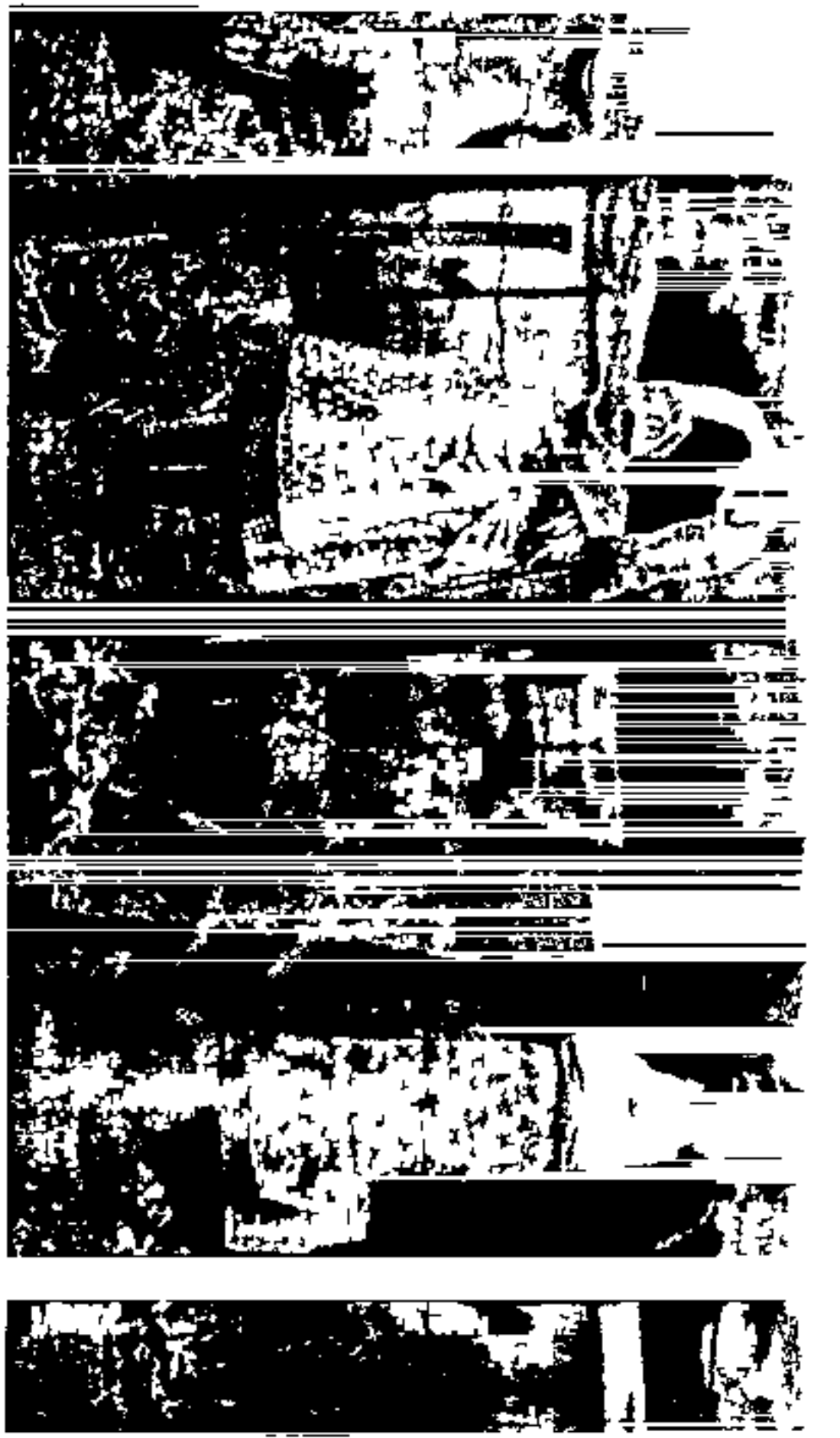
### makes things easier what someone invites you into his house," he said

Although he has been forgiven, Mitchell still feels very remorseful when talking about the massacre. He



MAASHON ZALK





the massacre and Ida Hadebe, who was shot and left for dead, stand at the site of the massacre. It is now a memorial site with 11 sets of flowers laid down to commemorate the 11 victims who lost their lives

1700 years ago, the justice of the law that if granted amnesty I would endeavour to develop Trust Feed from the de- then it endured a hard terror campaign in which He reaffirmed the commitment a few months when the TRC took the area to meet survivors and victims of his and campaign Silence then followed an unusual move, the put- shy Mitchell, recently cited to break the silence speak about the unfulfilled promise, his hopes and

and he described the delay in might mentioning his promise to find an agent need on his part to establish his torn family life. His wife Al- and attempt to repair the relationships. Showing his release failed "It would have been point- ness of it. He was able to sort the majority of Trust support for him. He said, "I had a job and a return for my

fairly. "Once you have sta- blished that situation then one can work towards cor- recting whatever events may have happened." Mitchell, who now works as a service station manager in northern KwaZulu Natal, believes that the decision by the community to establish a development committee is a welcome move which may help to fulfill his promise. As an individual I would not have achieved very much but if we are five people can achieve a lot." Although he has id- what needs to be done to

heal the wounds of the past, he believes that some individ- ual individuals within the TRC, the Government and non-governmental organiza- tions should also come in to assist by putting him and the community in contact with interested donor organiza- tions. Mitchell admitted that he was touched by the reception he was given by the commu- nity on his recent visit. The fact that the invita- tion had come from the com- munity had a profound effect on him. "Psychologically for me

Although he has been for- given, Mitchell still feels very remorseful when talk- ing about the massacre. He believes that the incident has changed him profoundly. "My outlook on life has changed completely," he said with a sad voice. While in prison he became a devout Christian and now plays a prominent role in his church. His fervent wish now is that the redevelopment and healing initiative already started in Trust Feed should not be scuttled by po- litical buckering

# Each one of us must help to heal

BY BERNIE BUNSE

One of the several recommendations that will emerge when the TRC hands over its historical summary of its proceedings over the past three years will be the issue of reparations.

It will be an integral part of the process of healing and reconciliation which constitutes the core work of the commission. Many might find this a poor and even insulting, compensation that victims have had to endure. But international best practice, based on research and practical experience, has shown it can be fruitful.

Cynics might dismiss this as vulgarisation of the process of healing through monetary payments. But practice elsewhere has shown that while ultimately the process of healing is deeply psychological, the need for some form of material redress goes some way towards meeting victims' needs. It helps their rehabilitation into life, and also serves as an effective way of dealing with post-traumatic stress disorder (PTSD), from which many victims suffer.

Derek Summerfield, a psychiatrist with the Medical Foundation in London, puts it thus: "Some torture victims seek psychological help but all of them want social justice allied to this is the vital question of official reparations for human rights crimes."

"Justice, even if long delayed, is reparative to endorse the link between psychological recovery and societal reparation and justice."

The right to reparation is recognised in the International Law on human rights. Reparation has to be understood in the widest possible sense, to include re-employment, pension rights, medical and educational services, social security, housing, restoration and revelation of the truth. Public airing of victims' stories seems to serve important psychological and therapeutic ends. Compensation must include reparation for physical and psychological damage, imprisonment and lost working capacity.

Some countries like Chile and El Salvador, which also had reconciliation

committees, made redress on this basis.

Also, where perpetrators of human rights violations escape justice it is very difficult to pursue legal proceedings aimed at obtaining reparation. This form of reparation also assists in dealing with post-traumatic stress disorder. Experience shows that individual past traumas have been overshadowed by present psychological and social problems. Dreadful social conditions make it more difficult to deal with past psychological traumas.

In many cases present difficulties are in reality symptoms of long term traumatic conditions. And at other times, the impoverished living conditions (like over-crowding, being forced to work away from home, hunger), have heightened the primary trauma and have also in themselves caused a range of psychological difficulties and problems.

## Reparation must be understood in its widest sense

It is for this reason that the TRC will be embarking on a programme of reparations and rehabilitation presided over by the President himself. It will not in itself solve the problem of healing. Healing is not a commodity that can be bought and sold in the market place. It is a long drawn out and painstaking process that will cause much pain and anguish before it finds its resolution.

The proposals being put forward are quite comprehensive, and could go a long way to restoring the pride and dignity of those who were abused, psychologically damaged, brutalised, and traumatised.

Firstly there will be an interim reparation for those in urgent need of reparation. The final reparation measures will be included in the report which goes to the President once the Government has completed its work. There will be an individual reparation

grant for each victim of gross human rights violation. Information and advice will also be given so that victims can obtain services and establish a reasonable standard of living. This will also take into account access to services and facilities, a daily living costs subsidy based on the socio-economic circumstances of the applicant, including the number of dependants and relatives and the difference in living costs in rural and urban areas. Death certificates will be issued for those people who said they did not have death certificates for relatives who had been killed. There will be proper reburial ceremonies for those buried in unmarked graves. Headstones and tombstones will be provided for those who want them and people who disappeared will be formally declared dead. Criminal records will be cleared since many who engaged in political activities were cast as criminals. Renaming streets and public buildings will help remember individuals and events important to a community and the building of memorials and monuments will commemorate the victories and conflicts of the past. It may be that ceremonies such as cleansing ceremonies are needed by communities. A national day of remembrance and reconciliation will remind people of the struggles and pain of the past, and help to bring about reconciliation, so that we are able to move forward into the future. There are proposals to set up community based services to promote the healing of individuals and communities, including healthcare and mental health, so that those who have been traumatised are properly integrated into our society and renounce the violence they have been used to. Victims will be assisted in developing life skills and a national strategy will be developed to train counsellors to help people who have suffered. There will also be family-based therapy. The task is to learn from the past to ensure a better future free from guilt or re- crimination. It involves every one of us. Bernie Bunse is the public relations officer for the Minister of Justice

PHOTO: NAIL LOGOSY

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## PAGES

### ON THE TRC REPORT

# A 'victory for truth'

PATRICIA HAGEN

TRC wins court  
battle as ANC  
fails in bid to  
'gag' final report

BY JOHN VEILD, LENORE  
OLIVER AND CAROL CAMPBELL

Today after all the years of anger, tears and controversy, the Truth and Reconciliation Commission released its report after a dramatic bid by the ANC to stop it. Already it has been condemned by most major political parties. Today that anger will grow as more details are published.

To help readers come to an informed decision on the historic report, The Star plans to publish 60 pages of comprehensive extracts, broken up into five 12-page chapters, from Monday to Friday next week. We would like this

momentous report to go to as many schools as possible. If you, your organisation or company would like to sponsor copies of the five chapters, phone Barbara McGorran on (011) 633-2179. You can sponsor as many copies as you wish at a special price of R1,10 each.

Published in the public interest by Independent Newspapers and Media.



The Cape High Court this morning dismissed with costs the ANC's application to delay the Truth Commission's final report from being handed to President Nelson Mandela and to journalists for publication.

Immediately after the ruling, TRC deputy chairperson Alex Boraine told journalists waiting at the State Theatre in Pretoria that the ruling was a "victory for truth and human rights in South Africa".

At the time of going to press, it was not yet clear if the report would be given to journalists to read before it was handed to Mandela at midday as originally planned.

The ceremonial release of the TRC's long awaited final report disintegrated into a shambles earlier when the ANC applied to court to stop it being made public.

After an all night wait, the Cape High Court went into session at daybreak to hear why the ANC do not want the report published - a late move which has infuriated commission chairperson Desmond Tutu.

John Newdigate, for the Truth Commission, told Mr Justice Wilfred Thring that the commission, as well as President Mandela, had a statutory duty to publish the report.

"One can hardly suggest that an order be made which would preclude President Mandela from doing his statutory duty".

The delay appeared to have been caused by a technicality. The ANC was informed by "Section 30" notice that it was implicated in gross human rights in the report and had 15 days to respond. Their response came more than a month later and appears to have been drafted by the commission.



"I am devastated that we are now unable to go ahead with the handover of the report," he said. A visibly upset Tutu said he had devoted a large part of his life struggling against tyranny. "I did not do that just to see it replaced by another tyranny. I will fight against tyranny with every fibre of my being".

TRC chairperson  
Archbishop Desmond  
Tutu

tingent in Pretoria until the matter was finalised. The ANC received a Section 30 notice on August 15 informing it that they would im-

ing, otherwise something would have been said about it. "Not one word was said about the submissions not being considered. It can either be

What the parties say:

Form with checkboxes and lines for input, partially obscured by a large black box.



Cape High Court will see...  
 John Newdigate, for the  
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 and appears to have been disre-  
 garded by the commission.  
 In Pretoria early today  
 Archbishop Tutu said he was  
 "devastated" and "desperately  
 sad" at the ANC's decision to  
 seek a high court interdict. But  
 he would not submit to "an-  
 other tyranny".  
 "I have struggled against a  
 tyranny all my life - I did not do  
 that to submit to another  
 tyranny. I will oppose it with  
 every fibre - that is who I am."  
 Archbishop Tutu was speak-  
 ing outside the State Theatre  
 complex where, at midday, he  
 was due to have handed the re-  
 port to President Mandela in a  
 symbolic ceremony attended by  
 about 400 guests including vic-  
 tims of human rights abuses.  
 But in Cape Town the ANC  
 wanted Judge Thring to order  
 the commission to consider  
 their submissions and refrain  
 from publishing any portion of  
 the final report which imph-  
 cates the party in gross human  
 rights violations.  
 Judge Thring this morning  
 ordered the commission's re-  
 port be kept from the press con-

ing, otherwise something  
 would have been said about it.  
 "Not one word was said  
 about the submissions not be-  
 ing considered. It can either be  
 understood to be an acceptance  
 of the late finding or an exten-  
 sion of the date," he added.  
 The ANC, whose rights had  
 been affected, had the legal ex-  
 pectation to be heard.  
 Van Riet said that on Tues-  
 day the ANC received a letter  
 saying that the commission had  
 decided that the submissions  
 had been filed too late.  
 "The letter further said that  
 in the circumstances the sub-  
 missions could not be consid-  
 ered for the purposes of the fi-  
 nal report."  
 "This is completely different  
 to the attitude in the letter a day  
 earlier. In the absence of an ex-  
 planation this can't be ac-  
 cepted," he said.  
 Journalists were to have  
 been given the 3 000-page docu-  
 ment at 6am in Pretoria and  
 then locked in a restaurant in  
 the State Theatre until it was  
 handed to President Mandela.  
 Van Riet said that when the  
 ANC filed its submissions last  
 Monday (October 19) there had  
 been no reaction from the com-  
 mission. "They did not say it  
 was too late or that they were  
 not dealing with it."  
 On Monday the ANC re-  
 ceived a letter which stated:  
 "Your report reached us a little  
 bit too late for the purposes of  
 the notice. However, copies of  
 were quickly dispatched to all  
 commissioners and your input  
 is being considered by them."  
 Van Riet said, "This is an ac-  
 ceptance of the ANC's late fil-

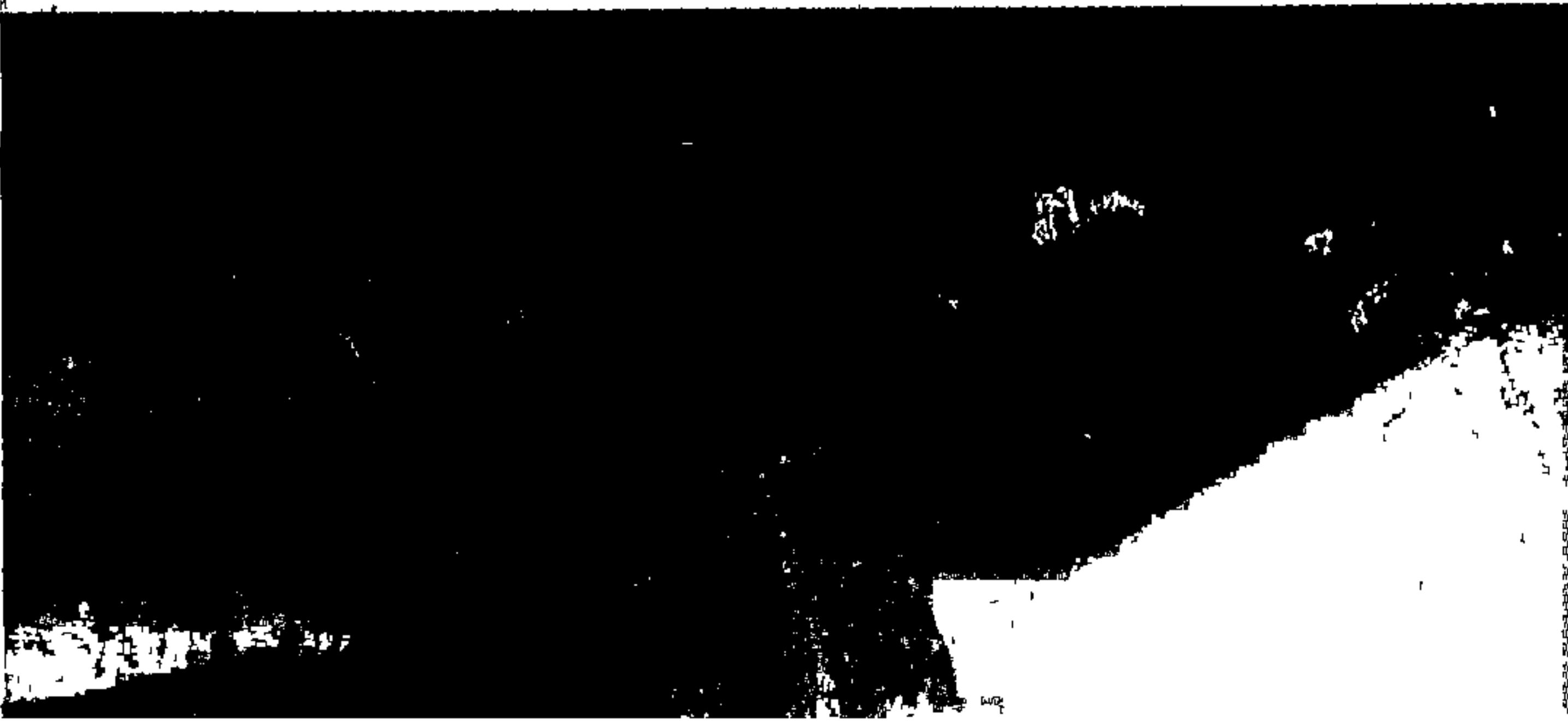
# I am desperately sad, says Tutu

STAFF REPORTERS

perately, distressing that this  
 should occur."  
 Tutu arrived outside the  
 Pretoria State Theatre complex  
 at about 6.30am today with fel-  
 low TRC commissioners Du-  
 misa Nisebeza, Mary Burton  
 and Yasmin Sooka. They were  
 immediately mobbed by about  
 50 journalists who had been  
 waiting since 5.30am.  
 Tutu announced that the  
 commission would comply  
 with a requirement by Mr Jus-  
 tice Wilfred Thring not to re-  
 lease any copies of the report to  
 the media until he had ruled on  
 the ANC's application  
 Journalists had been due to  
 be given embargoed copies of  
 the report at 6am.  
 The TRC believed its work  
 would be complete when its fi-  
 nal report was handed to Pre-  
 sident Mandela  
 "The problem is really going  
 to be in court," Archbishop  
 Tutu said.  
 Commissioner Sooka, who  
 worked through the night with  
 Nisebeza and TRC staff to pre-  
 pare their responding affi-  
 davits, stressed that the TRC  
 was not backing down against  
 the ANC.  
 "We intend fighting this  
 matter all the way," she said.  
 Sooka said the issue at stake  
 was not political. She described  
 the TRC's work as a turning-  
 point in the history of South  
 Africa, and said the ANC's ap-  
 plication for an interdict was  
 not a blow against the TRC as  
 such but was against all the  
 people  
 "It is about you and I, not  
 politicians"

ANC  
 The TRC report is "grossly inac-  
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 "What the party warned  
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 ity," - FF leader Constand  
 Viljoen.  
**Pan Africanist Party**  
 We can't continue walking  
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 There should be no prosecu-  
 tions after the report, - PAC  
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**IFP**  
 Those who called it (the TRC) a  
 circus are not far off the mark.  
 We have always maintained  
 that opening cured wounds is  
 no way to heal a disease - IFP  
 Gauteng leader Themba Khoza.  
**UDM**  
 "If any one party was to be  
 seen to feel completely com-  
 fortable with the report, it  
 would have indicted some sort  
 of bias" - UDM leader Bantu  
 Holomisa, supporting the  
 release of the report

More reports  
**What the parties say:**  
**National Party**  
 "It (the report) is a mess" - NP  
 leader Martinus van Schalk-  
 wyk "It has been compromised  
 so many times, including the  
 day before its release, that it  
 has no credibility left."  
**ANC**  
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# Debate on SA's past will not end soon

**A**S THE truth commission prepares to hand its final report to President Nelson Mandela today, images of the past two and a half years return, competing for attention.

The first, half a world and half a century away, stood at the beginning of the process. A prison basement. Pine coffins in a row. The hangman's knot visible at the throat of each corpse. These are Nazi politicians and generals executed at the close of the Nuremberg trials, on show to the world.

Fear of Nuremberg was always a shadowy presence at Kempton Park. And since the first hearings, equating the commission with the allied war crimes trials has consistently been one of the less elegant and disingenuous bludgeons wielded against it.

Whatever the critics allege, there has been no Nuremberg. The compromise ensuring that there would be no victor's justice in SA has ensured that not even the perpetrators of the most heinous deeds have ended their days with their heads in a noose.

It was a compromise a long time in coming, via attempts at blanket amnesty for 300 policemen and special dispensations for those who gave them their orders. In importance for the whole constitution-making process, the agreement to swap indemnity for disclosure ranked alongside the sunset clause and the second deputy presidency.

It was logical that there should be no victor's justice and no show trials. There had been no victors, after all.

On the battlefield perhaps not Andromorally?

This is the question commissioners drafting the 3 500-page report have found most vexatious. Was the war against apartheid just, if not in every one of its actions, at least in its motivations? Was apartheid a crime against humanity, as the United Nations and right-thinking people the world over found?

If logic militated against victor's justice, it also dictated that there should be no blanket amnesties and no collective amnesia as the starting point for a new country and a new nation.

As the truth commission unveils its report to the world today, associate editor **Stephen Lafer** takes a look at the events and the questions its work has thrown up over the past two and a half years

Enter the truth commission, a compromise visible in the hograpies of its commissioners. It was to become a collecting cauldron of emotion, hurt and anger.

A witch hunt to some; a cathartic cleansing of the nation's psyche to others. A deal which sacrificed justice to truth in search of a basis on which to begin reconciling a nation divided by colonialism, apartheid, war and dishonesty.

The first hearing was in April 1996. The small scarlet-robed figure of chairman Archbishop Desmond Tutu sinks in sorrow over the table, convulsed by sobs as a witness talks of being tortured.

The helpless, hopeless weeping accompanying former student activist Cornish Makhanaya's recounting of how repeated electric shocks to his genitals "bore me underneath", chills everyone in Johannesburg's Central Methodist Church. And the physical after-effects are only a small part of his trauma. A commissioner talks of Makhanaya's repeated sojourns in Sterkfontein mental hospital. "He will never be right again."

On the same day, Bheki Mlangeni's widow Sepati remembers hearing a loud bang and rushing to the room where her husband had tried on the earphones. Vlakplaat chief Eugene de Kock had sent his predecessor Dirk Coetzee, not knowing they were filled with explosives. "His brains were hanging from the curtains. That was the end of Bheki."

This process is about the victims, about those who suffered physically and emotionally as a direct result of the conflict, Tutu never tires of saying. The nation agrees, sending the weekly reports on the hearings to the top of the ratings charts.

The nation? Black South Africans follow the commission rapily. Many whites try to turn away. They do not succeed, because there is no escaping this

BD 29/10/98



It has been a long road for Tutu

confrontation with the past.

This is about the victims on all sides of the conflict. Young air force typists injured in street bombings and bar attacks by apartheid's opponents. A family torn apart by a land mine near the Zimbabwe border.

Tales of pain and suffering from Messina to Cape Town, but also of pride, comfort and closure. Johan Smits adamant that his 8-year-old son, killed in the Amanzimtoti Wimpy blast, died for SA's freedom. Without Cornio's death, many whites would not have worked up to the evils of apartheid, he says. He has met the parents of

the guerrilla hanged for the bombing and bears them no grudge.

At the same victims' hearing, Hawa Timal leaves the podium with a new lightness in her step. At last, after 25 years, she has been able to talk publicly to a sympathetic official body about her son Ahmed's death.

He was among the first suitcases to depart this earth via the security police's 10th-floor windows at John Vorster Square. After years of enforced silence, his mother has the opportunity to demand loudly to be told the truth.

In scenes from a broad canvas painted by South Africans during the past two and a half years, the perpetrators fill in many gaps.

Many of them have been driven to amnesty applications by the prosecuting authorities, particularly Transvaal Attorney-General Jan Olivier's investigative unit. They have told of murdering township boys to their deaths, of a counter-revolutionary organisation called Trewits tasked with identifying anti-apartheid activists for extrajudicial execution.

They, too, have been changed by the process. Jaunty at first, cockily reciting the line prepared by lawyers — "we were soldiers fighting a war" — they begin to crumble under months of cross-examination and self-examination.

One cannot sleep anymore. Another has left the church in which he is a respected elder to spare the community the embarrassment of his presence.

All the time their anger mounts at the politicians who sent them into battle and now quibble over semantics, denying that the order to "eliminate" meant anything more than "detain".

On the other side, political parties and their operatives who fought back, accepting they would cause injury, death and destruction to property. Biographical de-

tail delineates the road from passive resistance to armed opposition, the insistence that there was a right and wrong side to be on.

In a move designed to take the moral high ground, the political leaders of one of the governing parties accept responsibility for their cadres on the ground, applying jointly for amnesty. But the act makes no provision for such a move, and, deliberately misinterpreted by the opposition, it is slammed publicly as an attempt at back-door absolution.

And what of those who got away? There are many amnesties still to be heard, much information to come on the fate of individuals long missing.

The list, of known individuals and organisations who have absented themselves from the process, is long. For every corpse exhumed on a special branch death farm, there are surely many more yet to be discovered.

Little has been heard from the military about the actions at home and abroad of their Civil Cooperation Bureau, special forces, recess, directorate of covert collections. Little has been heard about the poison-making activities of the police forensic laboratories.

Even if the report contains much new detail on the activities of these organisations and of others like the Inkatha Freedom Party, the nation has not yet heard the generals and senior politicians like Home Affairs Minister Mangosuthu Buthelezi speak. There has been no opportunity to question them publicly, no confrontation with the rumours, assumptions and facts of their pasts.

There has been no apology to SA's neighbours for the destruction of decades of destabilisation.

But nobody should believe that having avoided the Nuremberg noose and the archbishop's questions means the end of history. The debate on apartheid, culpability, responsibility and who benefited will not end this afternoon.

Gen Augusto Pinochet's current status as involuntary guest of her majesty the queen shows that complete closure is a rare occurrence, particularly for perpetrators. Attempts to avoid history have a nasty habit of intensifying the role of the past in the present.



# McNally relieved of his post in revamp

David Greybe and Farouk Choithia

CAPE TOWN — Controversial KwaZulu-Natal Attorney-General Tim McNally has been relieved of his post as part of the restructuring of SA's prosecuting authority.

The restructuring, announced by Deputy President Thabo Mbeki yesterday, follows the appointment two months ago of "super attorney-general" Bulelani Ngcuka as the new national director of public prosecutions. The restructuring also sees respected former Transvaal attorney-general and "third force" investigator advocate Jan d'Oliviera "promoted" to head a new division responsible for combating organised crime.

Mbeki said McNally had been offered the post of leading an investigation into the restructuring of the National Prosecuting Authority. Ngcuka said the position was for a year, starting on December 1.

The decision to remove McNally from KwaZulu-Natal was taken by President Nelson Mandela, in terms of the constitution, after Mandela had consulted Ngcuka. "McNally has had a poor record in KwaZulu-Natal," Ngcuka said. "Something had to be done to relieve the tension between (his) office and the community."

Ngcuka denied he had come under political pressure to remove him. The provincial African National Congress (ANC) has repeatedly called for McNally's resignation, alleging that he failed to bring perpetrators of political violence to book. Earlier this year the ANC presented a memorandum to Deputy Justice Minister Manto Tshabalala calling for McNally's removal. Tshabalala undertook to discuss the

matter with Ngcuka. Krish Govender, a spokesman for National Association of Democratic Lawyers, welcomed McNally's removal, saying a "great weight" had been lifted off the province. Natal Law Society president Julian von Klemperer said McNally's tenure had been controversial and it would be interesting to see who replaced him.

A legal source said one obvious candidate to succeed McNally was senior deputy attorney-general Ben Schonveldt, who had vast experience and had been "up against a brick wall" while McNally was attorney-general. Another candidate was deputy attorney-general, Shamilla Batohi. She was young, competent and hard-working.

ANC KwaZulu-Natal spokesman Dumisani Makhaye said the party had

applications are still pending. Cases in which amnesty has not been granted are forwarded to the national director of public prosecutions. The commission's work officially comes to a close at the end of the month, but its amnesty committee will continue to hear pending applications. Volume one deals with the administration of the commission and includes a review of its R260m budget over the past two and a half years. The number of staff employed by the commission during this period have fluctuated between 400 and 600. Volume two deals with perpetrators of gross human rights abuses as well as submissions by institutions such as the media, religious organisations, busi-

Continued from Page 1

ness and political parties.

Volume three covers hearings in the four regions used by the commission: Cape Town (covering the Western and Northern Cape), the Eastern Cape, Johannesburg (including Gauteng, North West, Mpumalanga and Northern Province) and Durban (including KwaZulu-Natal and the Free State).

Cape Town received 1 771 (8,7%) statements, Johannesburg 5 931 (29,2%), the Eastern Cape 2 824 (13,9%) and Durban 9 774 (48,1%). Volume four deals with human rights violations, amnesties and issues relating to repatriation and rehabilitation. Volume five will include a summary of findings against both individuals and political parties.

## Quest for truth reaches apex today

Dustin Chick

WHEN truth commission chairman Desmond Tutu presents the commission's final report to President Nelson Mandela today, the handover will mark the culmination of a painstaking process that began three years ago.

In its three-year existence, the commission collected more than 21 000 statements, received 7 124 amnesty applications and dealt with 31 000 victims of gross human rights abuses.

The five-volume report will chronicle testimony from a series of hearings held throughout the country. The commission has granted amnesty in 195 cases and rejected 4 800 applications. A further 2 173 amnesty

Volume three covers hearings in the four regions used by the commission: Cape Town (covering the Western and Northern Cape), the Eastern Cape, Johannesburg (including Gauteng, North West, Mpumalanga and Northern Province) and Durban (including KwaZulu-Natal and the Free State).

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Volume two deals with perpetrators of gross human rights abuses as well as submissions by institutions such as the media, religious organisations, busi-

McNally (253)

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no comment to make because McNally's removal from the province was an administrative issue.

Mbeki said the office of the national director of public prosecutions would be served by three deputy national directors, each responsible for a separate division, and 10 heads of provincial divisions of the high court.

Mbeki said one of the most serious challenges which government had had to contend with was "the serious crime rate that has accompanied the period of transition. A strong and committed prosecution team is absolutely essential if we are to succeed in building a stable democracy — a society in which the public has confidence in the justice system and its ability to bring criminals to book."

Denzil Potgieter, an acting judge of the Cape High Court and a truth commissioner, will be responsible for a division dealing with national prosecutions and extradition.

Sisi Khamphe, an acting judge in Cape Town and a member of the truth commission, will head a legal services division. The three deputy national directors (d'Oliviera, Potgieter and Khamphe) began work next week, and will report directly to Ngcuka.

Ngcuka said his three deputies were "among the best in their fields. Criminals must know that there are now new, efficient and highly motivated people dedicated to putting them in jail for a very long time."

One reason for the establishment of Ngcuka's office was to ensure uniformity of prosecutions and tackle organised crime.

All attorneys-general — in future to be known as directors of public prosecution — will report to Ngcuka. Ngcuka said his top priorities were politically related violence in KwaZulu-Natal, gang activity in the Western Cape (where he last month appointed advocate Percy Sonn to head a special "gang-buster" unit), and organised crime, particularly related to car hijackings in Gauteng.

Roberts (Grahamstown), advocate CF du Plessis (Kimberley), advocate IM van der Merwe (Bloemfontein) and advocate MS Ramaite (Pretoria).

The acting directors of public prosecutions are: advocate CD Nel (Umtata), advocate LJ Langeveld (Bisho) and advocate SB Manyuha (Thohoyandou).

Mbeki announced seven directors of public prosecutions and three acting directors — mostly incumbent attorneys-general.

The seven directors are: advocate Frank Kahn (Cape Town), advocate AP de Vries (Johannesburg), advocate JJ Smit (Mmabatho), advocate



# ANC in court bid to block truth report

BD 29/10/98 (252)  
Stephén Laufer, Dustin Chick  
and Wyndham Hartley

IN A further threat to the handover of the truth commission's final report today, the African National Congress last night sought to block publication of the section of the report dealing with it.

It said it would ask the Cape Town High Court for an urgent interdict to prevent its publication.

This follows the commission's agreement yesterday to excise from the report the section dealing with former president FW de Klerk. De Klerk, allegedly linked in the report to human rights violations, had also applied for an interdict.

The commission, whose report is secret until it is handed to President Nelson Mandela at midday today, is understood to have found that the ANC and several of its members were guilty of gross human rights violations.

The commission seemed at a loss as to how to respond to the ANC move. Commission chairman Desmond Tutu said the commission could not comment. "We have not received anything official from the ANC yet. We go on until told to do otherwise by court order."

"For myself, I am deeply saddened."

ANC deputy secretary-general Thenjwe Mtintso told a Johannesburg media conference last night that the ANC had no intention of silencing a body they gave birth to, and did not want to damage the commission's reputation. However, the ANC had received what it believed were assurances that its objections to the commission's draft findings would be discussed with the party. Then, in a

letter sent to the ANC yesterday, acting commission chairman Dumisa Ntsebeza said that except for the correction of a few factual errors, the final report contained nothing new. The commission had warned the ANC on October 21 that time was running out for its response.

Mtintso said the commission also told the ANC that its response had arrived too late to be considered fully. She said the ANC wanted an urgent meeting with the commission.

One solution would be to delay the release of the whole report. However, this appears unlikely as the law requires the report to be handed to Mandela by October 31.

Failing release of the whole report, the ANC would seek to delay the release of sections dealing with it. Sources said this would allow the ANC and the commission to negotiate on the final version of the findings.

Smuts Nkonyama, head of the ANC presidency, said that any delays in releasing the report "might only be a matter of days".

Other sources said a further option would be to publish the report in its current form, but with the ANC's objections included as an addendum.

Justice Minister Dullah Omar said he knew nothing of the planned ANC interdict. Omar said he was preparing for the handover of the report today, and as far as he was concerned it would go ahead.

Meanwhile, Cape Judge President Edwin King yesterday approved an agreement between the commission

Continued on Page 2

## Report

Continued from Page 1

and De Klerk that the section of the report dealing with De Klerk should be excised and the matter set down for hearing on March 4 next year.

Tutu said he had taken the decision on the advice of senior counsel who had said that to defend the commission's position adequately more time was needed. He denied this was a capitulation. The instruction to the legal team was to defend De Klerk's court

challenge vigorously.

"It is with very great reluctance that I have agreed to request a postponement and to the resultant decision not to finalise our finding in relation to Mr de Klerk at this stage. It upsets me deeply. We have been scrupulously fair to Mr de Klerk and we reject the contention that we have been engaged in a vendetta against him."

De Klerk's spokesman Dave Stewart said he welcomed the removal of the findings implicating De Klerk because they were "shocking".

Comment: Page 19

BD 29/10/98

# Party held accountable for the actions of its members

Pretoria - The Truth Commission has found the African National Congress politically and morally accountable for gross human rights violations committed during its 30-year struggle against apartheid.

The allegations are contained in an affidavit submitted to Cape Town's High Court yesterday as part of the ANC's attempt to block the release of the findings.

ARKG 29/10/98  
The ANC today lost its bid to prevent the release of the final report, and a Cape Town high court ordered that its presentation to President Nelson Mandela today go ahead.

The commission found that attacks on civilian targets, the killing of informers or defectors and the execution of suspected enemy agents by the ANC's military wing, Umkhonto we Sizwe, and other party organs constituted gross human rights violations.

ARKG 29/10/98  
"While the commission acknowledges that the ANC has accepted collective responsibility for all actions committed by members of Umkhonto we Sizwe under its command during the period 1961 to August, 1990, the commission finds the ANC responsible politically and morally for the commission of gross human rights violations perpetrated in the course of the armed struggle," the commission found

The commission also listed 13 different tortures carried out in camps used by the ANC in foreign countries. The commission also found that the greatest number of human rights violations had been committed after the unbanning of the ANC in 1990.

And it found that the ANC must accept responsibility for the activities of Winnie Madikizela-Mandela and the Mandela United Football Club, which were accused of committing

murder and torture during the apartheid era.

"The commission finds that the ANC conducted its own enquiries into the affairs of the MUFCL and Ms Madikizela-Mandela, then failed and/or omitted to take action against her and other members of the club. "The commission finds that this failure of omission to take action resulted in the further commission of gross violations." - Reuters



# TRC facing 'a feeding frenzy' of challenges

## *ANC and NP in accord on report*

HUGH ROBERTON  
POLITICAL EDITOR

(252)

ARG 29/10/98

**The Truth and Reconciliation Commission is about to be savaged in a feeding frenzy of legal challenges - in addition to those already launched by the African National Congress and former president F W de Klerk.**

And the effect could be the end of South Africa's bold and controversial attempt to bring about national reconciliation and unity

Instead, the old political fault lines - race, ideology and class - which have been the cause of decades of struggle, could be revived

This is because the TRC, for all its drawbacks, is South Africa's only major instrument of national reconciliation. It is

being savaged just as the country is about to enter next year's election campaign. Even before the TRC controversy erupted, there were signs the campaign would focus on the old fault lines

Now the TRC, and thus the country's attempt at reconciliation, will itself become part of the election discord as the two major parties squabble over its findings

The further legal challenges to the TRC are likely to come from at least seven individuals, who have already indicated they believe the TRC report is unjust and defamatory and who probably have no recourse but to go to court as Mr De Klerk and the ANC have done

But worse is in the pipeline. Because the TRC report has been so damning of the ANC and the National Party, there are

already informal discussions between the two major parties about rewriting the TRC's enabling legislation, with retrospective effect, in order to open the way for a general amnesty

This would let prominent ANC and NP members, named in the report, escape possible lawsuits for damages by people, who were victims of human rights abuses, on both sides of the liberation struggle

As the legislation now stands, they cannot be granted amnesty by the TRC because they did not apply for it before the deadline

Among them are the 37 ANC members, including Deputy President Thabo Mbeki, who were originally granted amnesty, but whose amnesties were overturned by the High Court

And they include apartheid-era generals, NP government ministers and ANC Women's League president Mrs Winnie Madikizela-Mandela

The problem with a general amnesty is it would terminally discredit the whole TRC process.

It would make a mockery of those who faced public humiliation to make confessions to the TRC and apply for amnesty. And it would reward those who spurned the TRC

There is also a growing fear among smaller parties that the TRC process has been vastly discredited already by the ANC and Mr De Klerk's court applications

Party officials argue that in the eyes of ANC and NP supporters - possibly two-thirds of the adult population - the TRC report is fatally flawed, rejected by respected party leaders

# ANC loses its bid to block findings

ARG 29/10/98

LENORE OLIVER  
HIGH COURT REPORTER

Just hours before the final Truth and Reconciliation Commission was due to hand its final report to President Mandela, the African National Congress lost its Cape High Court application to block the release of the report.

Mr Justice Wilfred Thring today rejected the ANC's argument that the report should be delayed because the commission had not adequately addressed the party's objections to being named as an abuser of human rights.

The application was dismissed with costs.

The party said afterwards it would appeal against the decision, although by that time the report had already been released.

The ANC was informed on August 24 by a Section 30 notice that it was implicated in gross human rights abuses in the report. It had 15 days to respond.

Its response came more than a month later and appears to have been disregarded by the commission.

The ANC received the notice on August 24, but filed rebuttal submissions only on October 19.

Arguing for the commission, John Newdigate told a packed courtroom that the matter involved a political party (the ANC) which had levelled serious allegations against a statutory organ (the TRC).

Newdigate said it was the statutory duty of both the commission and President Mandela to publish the report.

"One can hardly suggest that an order be made which would preclude

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President Mandela from doing his statutory duty," he said.

There was also nothing improper about the commission deciding that the ANC's submissions had been handed in too late.

"The question here is whether the ANC has a clear right to seek the interdict that it does and whether they received the opportunity to submit submissions.

"The fact is that they had a right to which they had to adhere in a specified time," said Mr Newdigate.

The ANC was at fault because it did not file its submissions in time.

"It must be borne in mind that the ANC was not the only party the commission had to deal with, so it cannot be said that the ANC was treated unfairly. In fact, the contrary is true," said Mr Newdigate.

Roelof van Riet, for the ANC, argued that although the organisation had filed submissions late, it had a legal expectation that these would be considered.

When the ANC filed its submissions on Monday last week there had been no reaction from the commission. "They did not say it was too late or that they were not dealing with it."

This Monday the ANC received a letter which stated: "Your report reaches us a little bit too late for the purposes of the notice. However, copies were quickly dispatched to all commissioners and your input is being considered by them."



# PAC praises TRC but wants chapter closed

Pan Africanist Congress president Stanley Mogoeba today appealed to all South Africans to close the chapter on the country's past and to concentrate on the future.

He made a statement marking the official handing over of the Truth and Reconciliation Commission's final report to President Mandela, that for two years South Africans had lived in the past.

"We cannot, however, remain a nation that faces the past and walks backwards into the future. We have great challenges awaiting us."

These included the battle to resolve the country's crime problem. "We owe it to ourselves and to posterity to make a clear and determined break with the past," he said.

Dr Mogoeba - whose party has been cited in the final report, along with the African National Congress, as being "morally and politically" responsible for gross human rights abuses during the apartheid struggle - praised the TRC for its "positive" contribution.

But he criticised the TRC for also condemning the liberation movements for atrocities allegedly perpetrated during the liberation struggle. "Although the context of hostilities, war and the struggle for survival is grudgingly admitted, the condemnation is nevertheless made," he said.

(Sapa)

ARG 29/10/98

## DP welcomes court ruling on final report

Johannesburg - The Democratic Party today welcomed a Cape High Court decision to allow publication of the Truth and Reconciliation Commission's final report.

"It is clear that the African National Congress missed the deadline set by the TRC for responses to Section 30 notices because it continued to believe it could postpone or manipulate the moment of truth," said Denise Smuts, DP spokeswoman on TRC issues.

She said the episode had demonstrated the even-handedness of the TRC, disproving allegations to the contrary by the National Party.

Ms Smuts said the DP would reserve judgement on the report.

Shortly after 10am today, the Cape High Court dismissed with costs the African National Congress' 11th-hour bid to block publication of the report, which accuses the party of grave human rights violations.

Former president FW de Klerk submitted a similar application earlier this week. - Sapa



PRETORIA NEWS Hear this: commissioners Desmond Tutu, Yasmin Sooka and Dumisa Ntsebeza in Pretoria today for the release of the TRC final report

# Report recounts a litany of bombing, torture and murder Opponents targeted for death

Pretoria - Expressions such as "take out", "eradicate", "wipe out" and "eliminate" were meant to result in the killing of political opponents of the apartheid state, the TRC report has found.

Among the key findings of the report were that certain members of the State Security Council (the State President, Minister of Defence, Minister of Law and Order, and heads of security forces) did foresee that the use of these expressions would result in the killing of political opponents.

"They are therefore responsible for deliberate planning which caused gross human rights violations."

### ON THE TRUTH COMMISSION

Winnie Madikizela-Mandela was politically and morally accountable for the gross violations of human rights committed by the Mandela United Football Club.

The TRC finds that Stompe Seipei was last seen alive at the home of Madikizela-Mandela and that she was responsible for his abduction from the Methodist Manse and was negligent in that she failed to act responsibly.

From 1982-1994, the IFP was responsible for gross violations of human rights committed in Kwa-Zulu-Natal and the former Transvaal, that it established "hit-squads" and entered a pact with the SA Defence Force, and conspired with the SADF.

The TRC concludes that the crash which killed former Mozambique president Samora Machel raised a number of questions.

The TRC recommends further investigations into the cause of the crash of the SAA jumbo jet SA Heldebeg.

Other key findings were: ■ Former state president P W Botha was responsible for ordering former Law and Order Minister Adrian Vlok and former police commissioner Johan van der Merwe to destroy Khoiso House

■ By virtue of his position as head of state and chairperson of the SSC, Botha contributed to and facilitated a climate in which gross human rights violations could and did occur, and as such is accountable for such violations"



to create a paramilitary force to kill and injure political opponents, that it conspired with right-wing organisations and former members of the government's security forces to kill and injure "Chief Mangosuthu Buthelezi is held by this commission to be accountable (for the commission of gross human rights violations) in his representative capacity as the leader, head or responsible minister (of police in the KwaZulu Natal government)"

### JOHN YELD

The ANC's Security Department routinely used torture to extract information and confessions from those being held in its camps outside South Africa, although this was not ANC policy."

The ANC was responsible for killings, assaults, and attacks on political opponents from its urban areas in 1990 to 1994.

The TRC concludes that the crash which killed former Mozambique president Samora Machel raised a number of questions.

The TRC recommends further investigations into the cause of the crash of the SAA jumbo jet SA Heldebeg.



# AT LAST THE TRUTH IS OUT

## Triumph as TRC hands over report

JOHN YELD  
ON THE TRUTH COMMISSION  
ARG 29/10/98 (252)

Pretoria - After a tense, emotionally charged build-up that included two High Court interdict applications, the Truth and Reconciliation Commission today handed its final report to President Mandela at a ceremony here.

The ceremony, boycotted by the National Party, Inkatha Freedom Party and Freedom Front, followed 12 hours of high drama as the African National Congress launched a last-minute bid overnight for a Cape High Court interdict to stop the handing-over.

But at 10am, Judge Wilfred Thring rejected the ANC's application, clearing the way for TRC chairman Desmond Tutu to hand the report to Mr Mandela at 12:30pm.

The refusal by the TRC to listen to the objections of those who had been given notice that they were to be adversely mentioned in its report, could not be correct, Deputy President Thabo Mbeki said today.

He said the ANC was awaiting the judge's reasons for dismissing its application. One of the TRC's key recommendations is a request to Mr Mandela to convene a national summit on reconciliation.

The primary finding of the commission is that the predominant portion of gross human rights violations were committed by the apartheid state, through its security and law-enforcement agencies.

"The South African state, in the period from the late 1970s to the early 1990s became involved in activities of a criminal nature when, among other things, it knowingly planned, undertook, condoned and covered up the commission of unlawful acts, including the extra-judicial killing of political opponents and others, inside and outside South Africa," the report said.

"In pursuit of these unlawful activities, the state acted in collusion with certain other political groupings, most notably the IFP."

The TRC endorsed the international legal position that apartheid was a crime against humanity, and acknowledged that the African National Congress was a liberation movement conducting a legitimate struggle against the apartheid state.

The commission found that:

- From 1982 to 1984, the IFP was responsible for gross violations of human rights in KwaZulu Natal and the then Transvaal.
- It established "hit squads" and entered

a pact with the SA Defence Force. It also found the ANC's security department routinely used torture to extract information and confessions from those being held in its camps outside South Africa, although this was not its policy.

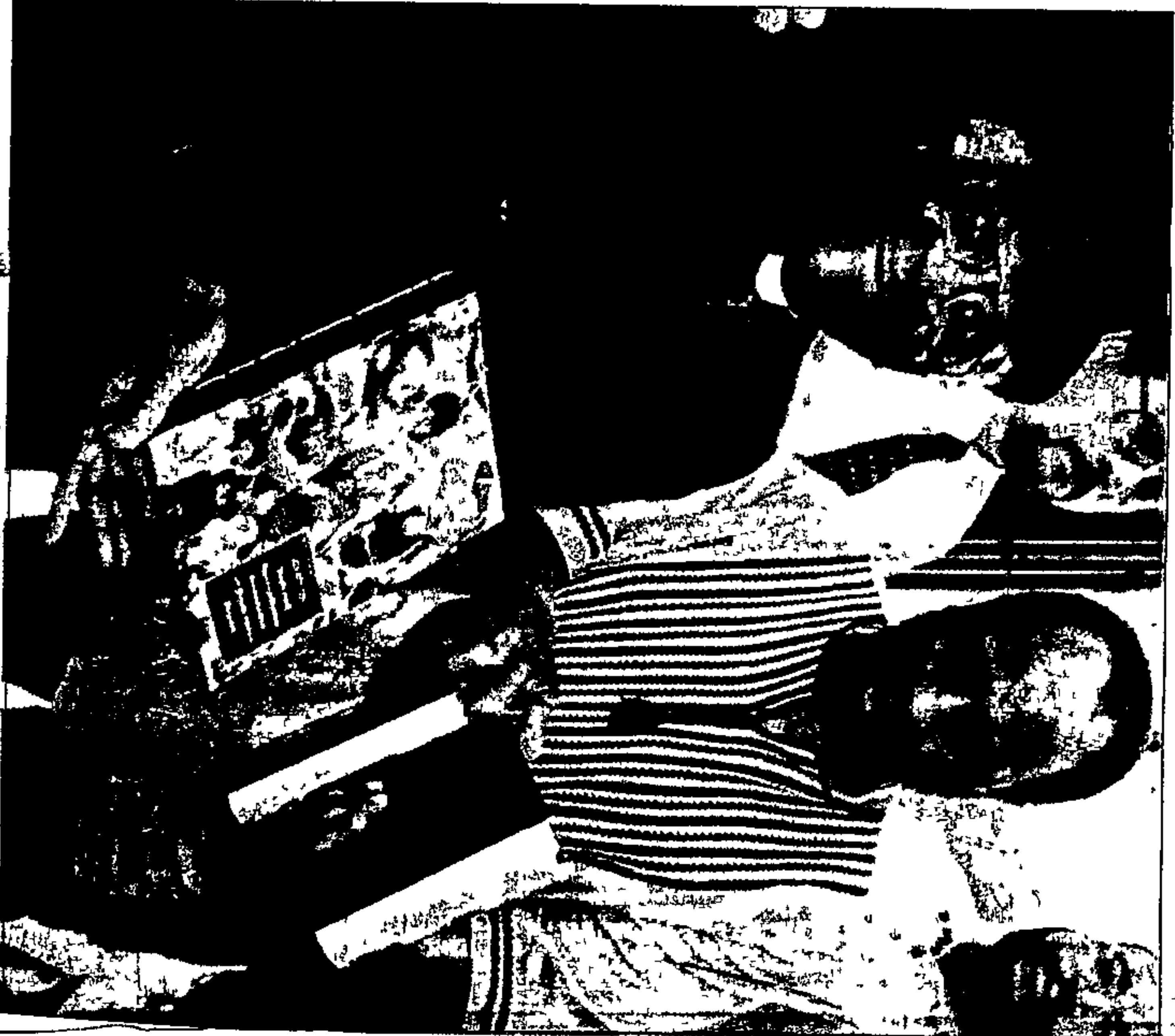
**60 pages on the TRC report**

The Cape Argus will publish 60 pages of extracts from the TRC final report, broken up into five 12-page chapters, from Monday to Friday next week.

We would like this momentous report to go to as many schools as possible if you, your organisation or company would like to sponsor copies of the five chapters, please contact Bellinda Breeze on 488 4043. You can sponsor as many copies as you wish at a special price of R3.10 each.

The extracts are being published in the public interest by Independent Newspapers and Idasa.

**Starting on MONDAY**



Out in the open, Archbishop Desmond Tutu shows copies of the TRC report as commission official Dumisa Ntsebeza looks on.

## ANC loses its bid to block findings

LENGUE OLIVER  
ARG 29/10/98 (252)

ANC loses its bid to block findings

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## At last - the truth is out

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resigned - excluding Mr Malan.

In his foreword, the archbishop made an urgent appeal for tolerance and reconciliation, concluding with an appeal "to shut the door on the past - not in order to forget it, but in order not to allow it to imprison us".

Earlier, as the court drama was played out, he said "We have done our work with integrity and passion. We have made mistakes and we are not infallible, but we believe we've done a good job of work."

In his handing-over speech, Archbishop Tutu said the final report had the "enthusiastic and whole-hearted endorsement" of 14 of the 15 remaining commissioners - Mapule Ramashala and Chris de Jager had

led its submissions. It was too late to deal with it." ANC received a "your report" too late for the time. However, dispatched to all of your input is here.

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**WIN**

WESTERN

THIS WEEKEND'S  
**STRESH**



# FW's court battle to stop report finding set for March

HIGH COURT REPORTER

The Cape High Court application by F W de Klerk, for an interdict to prevent the Truth Commission from naming him in its final report in connection

with state sponsored bombings, has been adjourned until March.

Yesterday lawyers for the commission told Mr Justice Edwin King they intended opposing the application and needed time to file answering affi-

davits. They also needed time to study Mr De Klerk's 2500-page submission.

If the commission makes public its report today, it will be without the references to which Mr De Klerk has objected.

Judge King adjourned the case until March 4.

Henk du Toit and Jan Heunis appeared for the commission and Andrew Breitenbach and David Soggot for Mr De Klerk.

## Mandela says he accepts final report, warts and all

ARG 29/10/98 (252)  
'Aid to reconciliation'

Pretoria - President Mandela said today he accepted the Truth Commission's final report "as it is, with all its imperfections" as an aid to help reconcile the nation.

He was speaking at a formal handing over ceremony in Pretoria, which hung in the balance until the last minute because of a court challenge by the African National Congress.

Mr Mandela said the TRC report contained material that could sustain endless finger pointing and gloating at the discomfort of opponents whom the TRC pronounced responsible for gross violations of human rights.

"And in the brevity and the patterns of media reports, the fundamental principles it raises may be missed, creating an impression that the honourable thing to do would have been to acquiesce in an inhuman system.

"But we should constantly keep our minds on the broad picture that has emerged.

"The commission was not required to muster a definitive and comprehensive history of the past three decades. Nor was it expected to conjure up instant reconciliation.

"And it does not claim to have delivered these, either. Its success in any

case depended on how far all of us co-operated with it," said Mr Mandela.

He was confident the commission had contributed to the work of laying the foundation for reconciliation.

"I therefore take this opportunity to say that I accept the report as it is, with all its imperfections, as an aid that the TRC has given to us to help reconcile and build our nation."

Reconciliation required that South Africans worked together to defend democracy and the humanity proclaimed by the constitution.

"It demands that we join hands, as with the jobs summit tomorrow, to eradicate the poverty spawned by a system that thrived on the deprivation of the majority," he said.

Reconciliation required that South Africans ended malnutrition, homelessness and ignorance, and that they put shoulders to the wheel to end crime and corruption.

"More particularly, we will start consultations with all sectors of society on how to contribute to the variety of programmes required to restore the dignity of those who suffered and to give due recognition to those who paid the supreme sacrifice so that our nation could be free" - Sapa



Into the storm: FW de Klerk arrives in Cape Town today from London. This week he launched an application in the Cape Town High Court to have findings against him excised from the TRC's final report.

## Report 'road map into archive for the nation'

JOHN YELD  
ON THE TRUTH COMMISSION

The Truth Commission could have produced a virtual "Encyclopaedia Britannica" with the huge volume of information it had collected. Instead, its final report would be more like a "road map" for people researching this material.

So says the the commission's director of research, Charles Villa Vicencio, who is deeply concerned about unreal-

istic expectations of the report.

Professor Villa-Vicencio, who was responsible for co-ordinating the huge effort that went into producing the 3 500-page document, said there were "decisive limitations" to what the commission had been able to achieve in compiling its report.

"The commission decided fairly early on to produce a broad and wide-ranging report, rather than a narrow and very specific report," he said.

From the outset, the commission

had recognised that there was an inherent contradiction or tension in the requirements in its founding Act.

On the one hand, it was required to focus on narrowly defined gross human rights abuses - murder, torture, abduction and severe ill-treatment. But at the same time, it was required "to provide as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed from March 1, 1960 to the cut-off date (May 20, 1994)".

The commission had decided it would interpret its mandate in the wider sense and aimed to produce a broad report.

"We have so much material that we could have written the Encyclopaedia Britannica, but we've had to edit this down severely.

"So what we've achieved is the creation of a massive archive of material that will be there for the entire nation, and the final report can be described as a kind of road map into that archive."

# ANC loses its bid to block findings

ARG 29/10/98 (252)  
LENORE OLIVER  
HIGH COURT REPORTER

Just hours before the final Truth and Reconciliation Commission was due to hand its final report to President Mandela, the African National Congress lost its Cape High Court application to block the release of the report.

Mr Justice Wilfred Thring today rejected the ANC's argument that the report should be delayed because the commission had not adequately addressed the party's objections to being named as an abuser of human rights.

The application was dismissed with costs.

The party said afterwards it would appeal against the decision, although by that time the report had already been released.

The ANC was informed on August 24 by a Section 90 notice that it was implicated in gross human rights abuses in the report. It had 15 days to respond.

Its response came more than a month later and appears to have been disregarded by the commission.

The ANC received the notice on August 24, but filed rebuttal submissions only on October 19.

Arguing for the commission, John Newdigate told a packed courtroom that the matter involved a political party (the ANC) which had levelled serious allegations against a statutory organ (the TRC).

Mr Newdigate said it was the statutory duty of both the commission and President Mandela to publish the report.

"One can hardly suggest that an order be made which would preclude

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President Mandela from doing his statutory duty," he said.

There was also nothing improper about the commission deciding that the ANC's submissions had been handed in too late.

"The question here is whether the ANC has a clear right to seek the interdict that it does and whether they received the opportunity to submit submissions.

"The fact is that they had a right to which they had to adhere in a specified time," said Mr Newdigate.

The ANC was at fault because it did not file its submissions in time.

"It must be borne in mind that the ANC was not the only party the commission had to deal with, so it cannot be said that the ANC was treated unfairly. In fact, the contrary is true," said Mr Newdigate.

Roelof van Riet, for the ANC, argued that although the organisation had filed submissions late, it had a legal expectation that these would be considered.

When the ANC filed its submissions on Monday last week there had been no reaction from the commission. "They did not say it was too late or that they were not dealing with it."

This Monday the ANC received a letter which stated: "Your report reaches us a little bit too late for the purposes of the notice. However, copies were quickly dispatched to all commissioners and your input is being considered by them."



# ANC rejects linking of IFP to apartheid *TRC sets off furore*

POLITICAL STAFF AND SAPA

Johannesburg - The African National Congress has virtually repudiated compelling evidence, given to the Truth Commission, of the Inkatha Freedom Party's collaboration with the apartheid regime.

In its written response to the TRC's final report, the ANC says that it rejects the finding that the IFP collaborated with military intelligence under the former government to train cadres who went on to fight against the liberation movements.

It acknowledges that it once viewed the IFP as a party that was in cahoots with the former government during the liberation struggle. But it adds bluntly that this no longer fits its vision of unity with the IFP.

The TRC has named top IFP figures, including party leader Mangosuthu Buthelezi, as individuals who supported efforts of the apartheid government in its battle against the ANC and Pan Africanist Congress.

There has been feverish activity among political leaders to minimise

the damage of the TRC's report to their parties.

This follows the leaking of the TRC's preliminary findings, sent to political parties last month.

The 3 500-page report is to be handed to President Mandela on Thursday and will be made public immediately. F. W. de Klerk will apply for an urgent interdict in the Cape High Court tomorrow to stop the TRC implicating him in state-sanctioned atrocities.

The report is understood to say that Mr De Klerk was aware that his law and order minister, Adriaan Vlok, and police commissioner Johann van der Merwe were involved in the bombings of Cosatu House and Khotso House in the late 1980s, but did not report this to the authorities.

In its notice to the African National Congress, the commission said the military tribunal decision to execute enemy agents in exile was a gross human rights violation.

The commission said it had found a deliberate strategy by the Pan Africanist Congress military wing, the Azanian People's Liberation Army, to attack civilian targets.

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TRUTH & RECONCILIATION

# PINOCHET'S LONG SHADOW

(252)

Last-minute recriminations

FM 30/10/98

The arrest of former Chilean dictator Augusto Pinochet in Britain, on the authority of an extradition warrant filed by Spain, means that South Africans who may have been involved in crimes against foreign nationals or foreign property could suffer a similar fate, even if they have been granted amnesty by the Truth & Reconciliation Commission (TRC)

The octogenarian Pinochet must have thought himself well protected when he travelled to Britain for surgery. His diplomatic passport aside, he had been granted amnesty in Chile for suspected complicity in the torture, murder and disappearance of thousands of political opponents during his rule from 1973 to 1990

The question of his fate coincides with this week's scheduled release of the TRC report on human rights abuses between, roughly, the Sharpeville massacre of March 1960 and the inauguration of Nelson Mandela as SA's first democratically

elected President in May 1994

As the FM went to press, controversy swirled around the report, generated in large measure by special notices informing a wide spectrum of SA political notables of adverse findings against them. These included former President F W de Klerk, ANC Women's League president Winnie Madikizela-Mandela and Inkatha Freedom Party leader Mangosuthu Buthelezi

De Klerk sought an urgent interdict to prevent the TRC from finding him "an accessory after the fact" to the bombing in the late Eighties of the headquarters of the SA Council of Churches and Congress of SA Trade Unions by security forces — an allegation he fiercely denies

De Klerk, like Buthelezi and Madikizela-Mandela, has not applied for amnesty. But even if he had, Pinochet's arrest in London shows that the granting of amnesty by the TRC does not provide absolute protection against arrest outside SA

The case of former police agent Craig Williamson is instructive before applying for amnesty, he

sought — without success — assurances from the authorities that amnesty would also protect him from extradition to face charges abroad. His amnesty application includes admission of involvement in the Eighties-era bombing of the ANC headquarters in London and the sending of letter bombs that killed ANC activist Jeanette Schoon and her daughter Katryn in Angola and Ruth First, wife of Communist Party leader Joe Slovo, in Mozambique

Even if Williamson is granted amnesty — the TRC amnesty committee has not yet made a decision — he would be unwise to travel to Britain, Angola or Mozambique

On the eve of the handing of the TRC report to Mandela, the controversy heightened as the ANC and the Pan Africanist Congress sought to counter TRC findings against them for the killing of innocent civilians and summary execution of suspected spies of the former government. It was hardly auspicious for the reconciliation the TRC is meant to promote

Patrick Laurence



Augusto Pinochet

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# Business responsive as TRC suggests tax for apartheid debt

ET (Mr) 30/10/98

LUKE BAKER

Johannesburg — A cold "no comment" was the stunned reaction of most business leaders yesterday after the Truth Commission proposed a series of taxes on big business to offset apartheid's legacy of poverty.

Privately, several said they thought the idea was a non-starter. In its 350-page report, the statutory Truth and Reconciliation Commission said the government should consider a wealth tax and a one-off levy on

personal and corporate income. It also proposed "each company listed on the JSE make a once-off donation of 1 percent of its market capitalisation" and "a retrospective surcharge on corporate profits".

Leading South African businesses recently proposed the creation of a R1 billion fund to help boost employment and foster economic growth, a move welcomed by the government.

The South African Chamber of Business and the JSE could not be reached for comment. "I do not know whether anyone will take this suggestion

seriously at this stage," said Johan Els, an economist at Old Mutual Asset Management. "We will have to see what the government thinks about the report."

Others were less circumspect, saying they doubted the proposals would go through. "South Africans already pay some of the highest taxes in the world, it seems crazy to raise them more," said an economist who asked not to be named.

The policy targets outlined in the Gear programme would also be thrown into jeopardy "Gear

stipulates that the tax burden should not increase, so this would be contrary to Gear," said Pieter Laubscher of the Bureau for Economic Research.

The commission also suggested the government should consider reviewing its commitment to repaying so-called "odious debt" incurred under apartheid rule.

"Foreigners will probably wait and see what to make of it," said Els. Local financial markets showed little initial reaction. — Reuters



**PARTNERS:** Allan Boesak and his wife Elna arrive at the Cape High Court shortly before the start of yesterday's proceedings.

PICTURE BY WAYNE CONRADIE

# Donor funds 'paid for visit to Disneyland'

ALLAN Boesak took his family on a R45 000 trip to Disneyland on donor funding, it was claimed in the Cape High Court yesterday.

He also wanted the books of the Foundation for Peace and Justice (FPJ), of which he was the director, to conceal the fact that his traveling expenses exceeded amounts intended for the disadvantaged.

This was testified by former FPJ assistant Thelma Sacco at Boesak's trial on theft and fraud charges involving R9 million, of which he allegedly took R1,1 million for himself.

He has pleaded not guilty before Judge John Foxcroft.

Sacco told the court Boesak travelled abroad extensively to lobby against apartheid and for funds to fight it.

She said FPJ rules required her to obtain authority from Boesak himself — or, in his absence on a trip, from any of the FPJ trustees — to spend large sums.

On Boesak's return from a trip, she had to present him with details of all financial transactions that had occurred in his absence, she told the court.

Sacco said the FPJ also obtained funding from Archbishop Makulu of Botswana. She had once had to represent the FPJ at a meeting with Makulu when Boesak was in custody and unable to attend himself.

The purpose of this meeting had been to explain the FPJ's operations because the FPJ was considered an

extended ministry of the Dutch Reformed Mission Church, Boesak was remunerated by the church itself, and funding obtained for the FPJ was expressly for the struggle, and not for Boesak's personal use, she told the court.

She said staff salaries were paid from the FPJ account, and from a World Alliance account before the launch of the FPJ.

Sacco said Boesak had decided about the allocation of funds himself, and that funds had been used to finance funerals, to support advice offices, to finance student bursaries and to support released detainees and their families.

Once, when auditors had questioned the fact that Boesak's traveling expenses exceeded funds allocated to the needy, Boesak asked the auditors to conceal this.

She told the court Dutch donors demanded strict accounting procedures, and wanted full details of expenditure involving Dutch funds.

Boesak's attitude was that if the Dutch did not trust him, he would rather seek funding elsewhere.

Sacco told the court she had managed to persuade Boesak of the folly of his attitude, and thereafter he had accepted and complied with the conditions for Dutch funding.

The hearing continues on Monday. — Sapa

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TRC'S

BLUEPRINT

REPORT FOR A MODEL SOCIETY

FEW

# escape damning report



Mandela accepts the final report of the Truth and Reconciliation Commission from a ceremony in Pretoria yesterday. PICTURE AP

INSIDE

THE Truth and Reconciliation Commission of South Africa Report is more than a catalogue of the apartheid-era nightmare — it incorporates a blueprint for a model society based on fundamental principles of human rights **ROGER FRIEDMAN** reports.

**T**HE report pulls no punches. A quick flip through the five heavy volumes is more than enough to reveal why politicians went to such extreme lengths this week to try and prevent its publication — or at least discredit it.

While the commission makes no bones about endorsing the view that apartheid was a crime against humanity, it spares no party when it comes to attributing accountability for specific incidents of human rights violations.

It even goes beyond its mandate period, saying it noted with concern ongoing reports of torture and deaths in police custody, and recommending that the police undertake urgent measures to halt these practices.

One of its most startling revelations is that — of 9 043 statements received on killings — 5 695 occurred between 1990 and 1994, when FW De Klerk was president and the Inkatha Freedom Party was mobilising.

A special leather bound copy of the report was handed to President Nelson Mandela at a ceremony in Pretoria yesterday attended by cabinet ministers, diplomats, commission members and a group of 40 victims of the 1960-1994 South African conflict.

"We are extricating ourselves from a system that insulted our common humanity by dividing us from one another on the basis of race and setting us against each other as oppressed and oppressor," Mandela said.

Commission head Archbishop Desmond Tutu added. "The world sees South Africa as a beacon of hope for those places like Northern Ireland, Bosnia, Rwanda — so different from Sierra Leone, where just last week they executed 24 people by firing squad.

The report includes summaries of many of the atrocities that stunned the nation since hearings began in April 1996. It includes detailed chapters on the shape of the conflict in the various provinces, and on the nature of the violence that threatened to consume the apartheid state.

It also includes analyses of the liberation movements, the homelands, cross-border raids, exhumations, the Mandela United Football Club, the Helderberg crash, the death of Samora Machel — the list goes on.

It includes nearly 100 pages of closely printed names of those found by the commission to have suffered gross violations of their human rights, an analysis of gross violations of human rights, a discourse on reparation and rehabilitation, a chapter on the consequences of gross violations of human rights and one on the causes, motives and perspectives of perpetrators.

It includes a blacked-out page headed "Finding on former State President FW De Klerk", among thousands of other findings of all types.

"The commission finds that (the) use of deadly force (by public order police) was the product of the racism at the core of the South African political order," it concludes. In the section on what police used to refer to as riot control.

On the subject of torture, it concludes that its use "was condoned by the South African government as official practice". It berates the ANC for "callous and insensitive conduct" by not informing the families of those who were killed for alleged spying or mutineering in MK camps. It also takes the ANC to task over the murder of 76 IFP office-bearers, and accuses the Mass Democratic Movement of creating a climate in which supporters felt justified to attack opponents.

Winnie Madikizela-Mandela has a chapter to herself. "The commission finds Ms Winnie Madikizela-Mandela politically and morally accountable for the gross violations of human rights committed by the Mandela United Football Club. The commission finds that Madikizela-Mandela was responsible, by omission, for the commission of gross violations of human rights."

To foster reconciliation, the commission invites South Africans "to accept our own need for healing to reach out to fellow South Africans in a spirit of tolerance and understanding (and) to address the reality of ongoing racial discrimination."

The full report can be found on the TRC's website at [www.truth.org.za](http://www.truth.org.za)

## Gross human rights violations exposed

- While no evidence of a centrally directed "third force" was found, a network of serving and former security force members fomented violence during the 1990s
- There was no evidence that the killers of SA Communist Party leader Chris Hani took orders from higher right-wing echelons
- Government documents were being destroyed as late as November 1996, despite government moratoria imposed the previous year to prevent this
- Certain members of the State Security Council did foresee that the use of words such as take out, wipe out, eradicate and eliminate would result in the killing of political opponents
- Former state president PW Botha contributed to and facilitated a climate in which gross human violations could and did occur and was as such accountable for such violations
- The IFP was responsible for gross human rights violations against political opponents. It said these violations formed part of a systematic pattern of abuse which entailed deliberate planning on the part of the organisation
- General Constand Viljoen, General Pieter Groenewald and Eugene Terreblanche, by virtue of their leadership positions in the right-wing movements, must be held accountable for the violations of their supporters
- The ANC was responsible for killings, assaults and attacks on political opponents and the police, and it contributed to a spiral of violence in the country
- Winnie Madikizela-Mandela was responsible for committing gross human rights violations and was accountable for those committed by the Mandela United Football Club
- The Pan Africanist Congress (PAC) and its armed wing Apla were responsible for gross human rights violations
- Almost 37 000 gross human rights violations were reported to the TRC in its review of atrocities committed between 1960 and 1994
- About 20 000 people are thought to have been tortured in detention, while 73 people died while held under security laws
- A total of 80 000 South Africans were detained between 1960 and 1990, of which about 80% were released without being charged
- About 7 000 amnesty applications have been received, of which about 150 were granted

# Corporate surcharge proposal hits a nerve

CHRIS BATEMAN

CT 30/10/98 (252)

THE retrospective surcharge on corporate profits suggested by the TRC in its final report would "entirely undermine" trust in the income tax system and be an "unqualified disaster", Anglo American's tax chief Marius van Blerck said yesterday.

Van Blerck was responding to the 17-member TRC panel's recommendation of a once-off levy on corporate and private income plus a once-off donation of one percent of their market capitalisation for companies listed on the Johannesburg Stock Exchange

He said the retrospective surcharge would be the first step on a "very slippery path downwards", adding, "I cannot think of a perspective from which it would be fine".

Expressing doubt as to how the recommendations fit into the TRC's mandate, Van Blerck said the government "collected quite a few bob," with its Transition Levy in 1995 and 1996.

However Christo Wiese, chairman of Pepkor and the Industrial Development Corporation, IDC, believed the recommendations were, "very much part of the the TRC's mandate to further reconciliation".

"In principle, I have no difficulty with attempting in some way to perfect reconciliation by a one-off donation or contribution. But here's my qualification: All South Africans must agree that once such an action is taken that's it — we close the book on the past".

Wiese said those who continually blamed the past for current shortcomings

or failings were condemned to forfeit the opportunities of the future. Business had already shown its willingness to go the extra mile both through the National Business Initiative (NBI) and black economic empowerment.

"Four years ago, blacks controlled four percent of the JSE and now they control seven to 10% — something unrivalled anywhere in the world," he said.

Van Blerck said the 1995/6 levy for individuals was spread over two years and amounted to five percent of taxable income in excess of R50 000 in each year, with 3,33% in 1995 and the balance the following year.

The corporate levy was charged in 1995 and was a flat five percent of taxable income in excess of R50 000.

Van Blerck said ad hoc wealth tax measures attacked the health of the tax and economic systems and were always best done in a growing economy.

"Economic growth is the very best way to beat poverty and the tax system also benefits from growth," Van Blerck added.

Deputy chairman of Pick 'n Pay Rene de Wet said the NBI was already "knocking on doors" asking companies for 15% of market capital and that the NBI also had a formula for non-listed companies.

De Wet said he doubted that companies would be able to afford the TRC-recommended measures on their current cash flows.

• The TRC did not propose a date to which the retrospective surcharge would be levied nor detail the rates at which levies should be imposed.



# Parties sharply critical of findings

(252) CT 30/10/98

POLITICAL parties went on the offensive yesterday after the Truth and Reconciliation Commission (TRC) report on the country's past left none unscathed, but community groups begged leaders to rise above the fray.

While Deputy President Thabo Mbeki attacked the commission for finding the African National Congress guilty of human rights abuses, the National Party boycotted the ceremony in Pretoria where Archbishop Desmond Tutu handed his main report to President Nelson Mandela.

"They are wrong, wrong and misguided," Mbeki said as he arrived to open an international oil conference.

In its reaction, the ANC also condemned the report for criticising the party's actions during the struggle against white rule.

"We are not really concerned

that this report will tarnish the image of the ANC at all. On the contrary, we are more concerned about its (the report's) stature being diminished," ANC secretary-general Kgalema Motlanthe said.

"We think it is a real pity that the report was presented in a manner that calls it into question. We would have preferred a situation where the report was accepted by all parties that indeed it represents a true reflection of our immediate history."

The Inkatha Freedom Party angrily rejected the finding that Mangosuthu Buthelezi was also responsible for abuses.

"The implication of IFP president Dr Buthelezi in the TRC report is preposterous and flies in the face of reconciliation and nation-building," IFP spokesperson Albert Mncwango said, adding that the party would take legal action to

defend its leader and any other party members implicated.

Both the IFP and the NP said Tutu's commission was biased in favour of the ANC.

NP parliamentarian Jacko Maree said most of the 17 truth commissioners were ANC sympathisers and said the commission had failed to address white South Africans' fears of communist expansion and failed to acknowledge the role of the white minority government in dismantling apartheid.

Former president and NP leader FW de Klerk, who this week went to court to force the commission to erase accusations that he concealed knowledge of apartheid-era bombings, said he was pleased his case had succeeded.

"There was no factual or legal basis for the findings and I am satisfied with what has been

achieved," he said as he arrived back in Cape Town from London.

The United Democratic Movement welcomed the final report as a "balanced" document which could contribute to reconciliation.

However, the wounds of the past could not be healed through the report, UDM leaders Bantu Holomisa and Roelf Meyer said.

"We should never forget the lessons learnt from our past. We must use it as a firm foundation for our future. The report provides us with the first pages on which we can start writing our future."

Political analysts said the response of the parties was predictable.

"Given that next year is election year, political parties don't want to be criticised," said Sampie Terreblanche, Stellenbosch University politics professor. — Reuter, Sapa





**NO CONSPIRACY:** There was no evidence that Clive Derby-Lewis, one of Chris Hani's killers, was part of a broad right-wing plot.



**BRANDED:** Apartheid-era president P.W. Botha personally ordered the bombing of the SA Council of Churches headquarters, Khotso House



**OVERSTEPPING THE MARK:** The ANC had to accept responsibility for not bringing Winnie Madikizela-Mandela into line, the TRC said.



**UNTRUSTWORTHY:** The military depended on Wouter Basson — even after there were indications that "he might not be trustworthy"

THE STATE INSIDE SOUTH AFRICA

# Countless needless deaths and injuries

THE CHAPTER COVERING the state's handling of apartheid's opponents is one of the longest in the final report. **ROGER FRIEDMAN** reports



(M) 30/10/98

"OVER" responses by the state to opponents of apartheid included banning and banishment, detention without trial, judicial executions and public order policing. Clandestine and covert controls included torture, extra-judicial killings and support for surrogate services.

Victims of all the above were found by the commission to have suffered gross violations of their human rights. Often, the South African Police was the perpetrating agency. The chapter covering these events — titled, *The State Inside South Africa between 1960 and 1990* — is one of the longest in the commission's final report.

The crowd-control divisions of the police were found to have displayed a "gross disregard for the lives and/or physical wellbeing of both those engaged in political activity as well as the general public." The consequences of their frequent use of deadly force were "needless deaths and injuries to countless civilians."

order, police commissioners, and officers commanding the security branch at national, divisional and local levels were found to be "directly accountable" for the use of torture against detainees, and indirectly accountable for all unnatural deaths of detainees.

The commission said it rejected the submission of former National Intelligence Service chief, Niel Barnard (presently director-general of the Western Cape), that intelligence gathered by the agency was put to operational uses that included killing.

**Torture was practised systematically, particularly by members of the security police.**

Barnard conceded that information was provided to both the security branch and the defence force, but told the commission "The defence force was not under my responsibility, neither the police. What the police or the army did with the information, I do not know."

end result of a process of "operationally directed intelligence collection on targeted individuals." The state's three primary security intelligence arms, NIS, Military Intelligence and Section C2 of the security branch, undertook these operations and co-ordinated their information.

Extra-judicial killings were targeted primarily at high-profile activists inside and outside South Africa, who were connected to both military and non-military structures. After the killings, weapons were often placed on or near the bodies.

Accountability for the killings should be shared between the head of state, ministers of law and order, defence and foreign affairs, police commissioners, heads of the security branch, the head of the CCB and the heads of intelligence agencies, including

Barnard. In respect of the state's counter-mobilisation strategy, the commission found that they were established to oppose the liberation



**TRUTH BOOGIE:** President Nelson Mandela dances with Truth and Reconciliation Commission chairperson Archbishop Desmond Tutu at the end of the handling-over ceremony of the TRC's final report in Pretoria yesterday. **PICTURES: AP, FILE**

## Liberation movements also erred

Proposals to ensure it doesn't happen here again

(M) 30/10/98

Where amnesty has not been sought or has been denied, prosecution should be considered where evidence exists that an individual has committed a gross violation of human rights. The granting of a general amnesty should be resisted.

Human rights curricula should be introduced in formal education, specialised education and the training of law enforcement personnel.

A structure should be developed in the President's office to oversee the implementation of reparations and rehabilitation policy proposals.

Consideration should be given to the most appropriate ways in which to provide restitution for those who suffered the effects of discrimination under apartheid.

All personnel in the justice system should undergo intensive training in the values of the new Constitution.

Specialist prosecutorial teams should be established to address serious endemic crime.

All aspects of the chemical and biological warfare programme that still exist should be dismantled, and the manufacture and research of substances intended to



countless civilians." Torture was practiced systematically, particularly by members of the security police. The commission found that "a considerable number" of deaths in detention occurred, either as a direct result of torture or of detainees being induced to commit suicide. Ministers of police, or law and

do not know. The commission said it regarded this viewpoint as "unacceptable." The commission found that extra-judicial killings were undertaken by a number of different security branch divisions, and by special forces. These killings were often the

CRIMINALS were established to oppose the liberation movements and to manipulate social, ethnic and other divisions. The project entailed the covert funding of initiatives to promote moderate, pro-government, black organisations or individuals that in some instances were used as conduits for resources to vigilante groups.

IN reviewing the activities of the African National Congress and the Pan Africanist Congress, the commission "endorsed the position in international law that the policy of apartheid was a crime against humanity and that both the ANC and the PAC were internationally recognised liberation movements conducting legitimate struggles."

But its endorsement of that position did not stop the commission from including detailed findings on gross human rights violations committed by both parties in the course of the armed struggle — by armed combatants against their own members or suspected spies or dissidents, by their supporters in the course of the "mass struggle" — and after their unbanning in 1990. Among the commission's findings were:

● That there were instances where members of the ANC's armed wing, Umkhonto weSizwe (MK), conducted unexplained military operations using their own discretion, without supervision and outside official policy guidelines. Recognising that such operations were often conducted in retaliation for raids by the former government into neighbouring countries, the commission found that they often resulted in the perpetration of gross violations of human rights in that they caused civilian deaths.

The 1977 Goch Street shootout and the 1986 Westown bank siege

● The ANC should be held "morally and politically accountable for creating a climate" in which supporters — not members — perpetrated "large numbers" of gross human rights violations. ● Seventy-six incidents in which people were killed because they were office-bearers of the IFP were not only gross violations of human rights, but amounted to "a systemic pattern of abuse, entailing deliberate planning for which the respective local councils of the UDF, ANC and MK are accountable. ● The ANC should be held "morally and politically accountable for creating a climate" in which supporters — not members — perpetrated "large numbers" of gross human rights violations. ● Seventy-six incidents in which people were killed because they were office-bearers of the IFP were not only gross violations of human rights, but amounted to "a systemic pattern of abuse, entailing deliberate planning for which the respective local councils of the UDF, ANC and MK are accountable.



GUARDING THE TRUTH: Members of the South African Police Service remove copies of the TRC's final report from a truck in Pretoria yesterday. They were made available to journalists prior to the handing-over ceremony.

## Hani's killers 'acted alone'

THERE was no evidence that the killers of SA Communist Party leader Chris Hani took orders from higher right-wing echelons, says the final TRC report.

No indications could be found that they acted on instructions of international groups or the security forces. Former Conservative Party MP Clive Derby-Lewis and Polish immigrant Janusz Walus are serving life sentences for the 1993 killing.

The TRC said allegations still abound that the murder was part of a wider conspiracy. The report said "The commission was unable to find evidence that the two look orders from international groups, security forces or from higher up in right-wing echelons."

The report said rightist leaders such as Eugene Terre-Blanche, Constant Viljoen and Pieter Groenewald were accountable for gross human rights violations. This finding was made by virtue of their leadership positions in organisations striving for Afrikaner self-identification — Sapa

## Military were 'negligent'

THE military command under the former government was grossly negligent for approving a chemical and biological warfare programme it did not understand, the TRC found.

In its report, the TRC says the military depended on programme head Wouter Basson — "even when there were indications that Basson might not be trustworthy".

The report accused retired Surgeon-General Neil Knobel of gross negligence, saying he knew of the production of murder weapons but refused to address the concerns that were raised with him.

Knobel made no effort to understand the medical, chemical and technical implications of a project that cost tens, if not hundreds of millions of rands. "Overall understanding of the programme, and its co-ordination and direction, were vested in the hands of one person, Dr Basson." Experts appointed to work on the project were intimidated and even their lives were threatened if they stepped out of line — Sapa

## Winnie took part in assault

ANC Women's League president Winnie Madikizela-Mandela committed gross human rights violations and participated in an assault on four youths, the Truth and Reconciliation Commission has found.

The TRC said Madikizela-Mandela was politically and morally responsible for atrocities committed by the Mandela United Football Club in the 1980s.

The 3,500-page report contains a 27-page section on the TRC's special investigation into the activities of the club. It found that members were responsible for at least 18 killings, and that several of these were launched from Madikizela-Mandela's home.

"The commission finds that Madikizela-Mandela was central to the establishment and formation of the Mandela United Football Club, which later developed into a private vigilante group operating around Madikizela-Mandela, and from her houses in both Orlando West and Diepkloof"

## Members of MK conducted military operations using their own discretion.

With regard to the PAC, the "reign of terror" conducted in the course of its campaign to liberate the country by the PAC's armed wing Poqo in the early 1960s — particularly in Western Cape townships — resulted in the perpetration of gross human rights violations.

Victims included police living in black townships, the so-called Kanegse (dissident members of the PAC who opposed the campaign), representatives of traditional authority in the homelands and white civilians in non-combat situations.

The targeting of civilians by the PAC's armed wing — not only constituted a gross violation of human rights, but also violated international humanitarian law. The commission rejected the PAC's explanation that those responsible for the treatment of members in ANC camps were guilty of gross human rights violations against suspected enemy agents and munitioners.

Suspected agents "were routinely subjected to torture and other forms of ill-treatment, and sometimes executed without due process. The ANC's failure to communicate with the families of such victims "constituted callous and insensitive conduct".

## PW 'worst' rights violator keeps mum

A TRC finding branding P W Botha one of the country's worst human rights violators drew no reaction yesterday from the man who led SA through some of the darkest years of apartheid repression.

An aide at the former state president's Wilderness home said it was unlikely Botha would comment. She declined to say whether Botha had shown any interest in yesterday's formal handover of the report in Pretoria. Botha's lawyer, Ernst Penzhorn, said he was unaware of the findings as he had been tied up in consultations.

"I think Mr Botha won't have anything to say until we have studied the report," he said. Botha, who ruled South Africa from 1978 to 1984, was accountable for a litany of human rights violations, including the bombing of Khoos House in Johannesburg. The TRC found that Botha had

personally ordered former law and order minister Adrian Vlok and former police commissioner Johan van der Merwe to bomb the headquarters of the South African Council of Churches. Botha's action greatly enhanced the prevailing culture of impunity and facilitated gross violations of human rights by senior security force members. By virtue of his position as chairperson of the State Security Council (SSC), Botha had contributed to and facilitated a climate in which gross human rights violations had occurred and for which he must be held accountable.

## Malan labelled 'impertinent'

THE Truth and Reconciliation Commission labels statements by one of its own commissioners "impertinent and startlingly inappropriate".

The release of the TRC report revealed that Wynand Malan had not endorsed its contents, as the other commissioners did, but had authored a "minority position" instead.

Malan writes that he had "serious misgivings on both the principle and effect of submitting an outline for the report before we had reached a shared understanding of what we wanted to achieve".

The commission takes particular exception to his statement "Exaggeration is a natural consequence of human suffering. Often dependents were not present at the actual violations to which they testified and their stories were accounts of what they were told." The commission responds that this exhibits "a total lack of appreciation of or sensitivity to the situation of victims"

mission rejected the PAC's explanation that the killing of white farmers constituted acts of war. ● A number of PAC members were extra-judicially killed in exile, particularly in camps in Tanzania by Apla cadres acting on the instructions of its high command all such actions constituted instances of gross violations of human rights. Lastly, some findings on the Mass Democratic Movement. ● The commission acknowledged that it was not the policy of the UDF to attack and kill political opponents and recognised the context of widespread state-sponsored violence, but gross human rights violations were nonetheless committed. The organisation's campaigns and slogans, and the speeches and statements of its leaders, helped create a climate in which members of affiliated organisations believed they were morally justified in taking unlawful action against state structures, individuals and supporters. "Inasmuch as the state is held accountable for the use of language in speeches and slogans, so too must the Mass Democratic Movement be accountable."

● Human rights violations committed by members of the UDF or affiliated organisations included the killing (often by means of neck-lacing), attempted killing and severe ill-treatment of political opponents including members of local authorities and police.

● Section 205 of the Criminal Procedure Act, which compels the revelation of sources, should be repealed. Recruitment of agents among, or payments for information from, the ranks of journalists and other media workers by any state intelligence or security agencies should be prohibited by law. ● All commission records should be made accessible to the public unless compelling reasons exist for denying such access.

● The liberation movements should issue clear and unequivocal apologies to each victim of human rights abuses in exile. ● A public apology should be made to the people of our neighbouring countries for past violations.

● The Independent Complaints Directorate should be governed by new legislation, independent of general police legislation. ● The present approach to public order policing should be completely rethought. Police personnel should be retrained. ● Police from outside the area should be brought in to investigate crimes committed by or carried out with the acquiescence of police. ● All legislation pertaining to health care should focus on primary health. A uniform code of conduct for health professionals should be developed, implemented and taught in all health science facilities.

● The commission should be empowered to investigate crimes committed by or carried out with the acquiescence of police.

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*"THE past, it has been said, is another country. The way its stories are told and the way they are heard change as the years go by. The spotlight gyrates, exposing old lies and illuminating new truths. As a fuller picture emerges, a new piece of the jigsaw puzzle of our past settles into place."*

*— Archbishop Desmond Tutu*

TRC REPORT ON W. CAPE

# Gang of six were torture kingpins

(257) CT 30/10/98  
A GROUP of six law-enforcement officers was central to the torture of Western Cape political detainees from 1960 to 1976, the TRC has found. **ROGER FRIEDMAN** reports.

**T**HE death in detention of Imam Abdullah Haron in May 1969 was caused directly or indirectly by his experiences at the hands of the security police, the commission finds in the chapter of its report dealing with the Western Cape

The commission finds that a group of individuals was consistently responsible for different forms of torture of political detainees between 1960 and 1976, including Spyker van Wyk, a Sergeant Greeff, a Sergeant Van Rooyen, Andy Taylor, a Sergeant Ferreira and a Mr Van der Merwe.

"In this context, the commission finds that it is highly likely that those who died in custody experienced torture prior to their deaths, and that their deaths were a direct or indirect result of such torture"

The commission found that torture and assault continued to be used against detainees after the 1976 insurrection, dished out by ordinary police personnel and members of the security branch

"In particular, detainees held at Caledon Square police station experienced torture. The perpetrators most frequently mentioned in this regard are individuals known as Swarts, Van Wyk, Coetzee and Greeff"

Moving into the 1980s, the commission said that units deployed in public order policing, namely the riot unit and the SA Railways Police task team, used methods that were characterised by "brutality, racism and lack of concern"

"The commission finds that in the African townships of Cape Town, Warrant Officer H C J Barnard in particular created a climate of terror with impunity and was associated with a very high number of violations"

In the Athlone Trojan Horse incident in October 1985, police hiding in large wooden crates on the back of a railway truck fired directly into a crowd of about 100 people, killing three and injuring others

"Colonel Pieter Janse van Rensburg (head of Western Province riot squad), Major Christian Loedloff (Sarp) and Commandant Salmon Plenaar (SADF) were amongst those who decided on and tasked the 10 members of the Sarp task force (under Lieutenant Douw Vermeulen) to obtain a railway vehicle and conduct the first Trojan Horse operation."

In March 1986, seven young men were shot dead in Guguletu: Mandla Mxinwa, Godfrey Jabulani Miya, Christopher Piet, Zola Alfred Swelani, Themba Mlifi, Zabonke John Konile and Zanisile Mjobo. All seven were shot in the head in addition

to numerous other gunshot wounds

Police officers at the scene were Warrant Officers Barnard and McMaster, Majors Johan Kleyn, Dolf Odendal and Stephanus Brits, Captain Charles Brazzelle, Sergeants John Sterenberg, Andre Grobbelaar and Rian Bellingan, and Constable Thapelo Mbelo. Bellingan, Mbelo and Zola Frank "Jimmy" Mbane applied for amnesty for the killings

"The commission was not able to make a finding as the decision of the amnesty committee was pending at the time of reporting"

The commission was not able to determine conclusively whether the grenade that killed MK soldier Anton Fransch in Athlone in November 1989 was self-detona-

nated in a final act of suicide or thrown by the police.

And it makes no finding in respect of the death of Bonteheuwel activist Ashley Kriel in July 1987 in spite of applying for amnesty in connection with Kriel's death, notorious police torturer Jeff Benzien has continued to maintain that the death was an accident. The amnesty committee has yet to reach a decision on this case.

Turning to the limpet mine deaths in July 1989 of Coline Williams and Robbe Waterwich, the commission was unable to make a conclusive finding. However, the commission obtained evidence that security forces had agents in or very close to Ashley Kriel's unit, of which Williams and Waterwich were members.

The commission found that Geoffrey Brown, a close friend of Waterwich's who was also involved in MK, was an informant for the National Intelligence Service. Brown was handled by a Johan Hattingh of the NIS, from whom he received money for writing political analyses

Secondly, it found that Kriel's unit had been infiltrated by Military Intelligence. Aristedes Spannells of the Directorate Covert Collection confirmed to the commission that he was the handler of a source (Shane Oliver alias Perry alias Ian) inside Kriel's group

On the subject of the Witdoek violence in Crossroads and KTC in 1986, the commission finds evidence that the conflict was encouraged and supported by the security branch, defence force and joint management centre.

"The commission recommends that the roles of Captain Paul Loock and Warrant Officer Barnard in the conflict, and the relationships between Johnson Ngxobongwana, the state and the security forces are further investigated."

*"The riot unit used methods characterised by brutality, racism and a lack of concern."*



# No changing the truth

*Secretan 30/10/98*

**N**O LEGAL challenges to prevent details of gross human rights violations from being released in the final report of the Truth and Reconciliation Commission (TRC) can succeed

Last-minute challenges to cover these up and protect those implicated in them are a futile exercise – as the ANC found out the hard way yesterday

Every major political party or organisation has been implicated in violations by the TRC's investigations the National Party (NP), the Inkatha Freedom Party (IFP), the African National Congress (ANC) and Pan Africanist Congress (PAC) are among those listed to their chagrin

"We allocated blame to all of them," said one TRC commissioner

But this does not obscure the critical differences that marked the roles of these players under apartheid

While the ANC and PAC were part of the liberation movement – fighting for the freedom of the majority of South Africans – the NP was using its power as the ruling party to defend the privilege of a small minority

And members of its security forces were even prepared to kill to uphold the apartheid system, which was internationally declared a crime against humanity

At the same time atrocities committed by any side are still atrocities and, although some may be more understandable than others, none are excusable Not the cold-blooded murder of boys from the townships, or the death of ANC cadres in exiled camps

And one of the reasons for exposing these violations is to make sure they are never repeated

TRC head of research Professor Charles Villa-Vicencio said the TRC had forced South Africans into the awareness that extreme violations of human rights took place under apartheid

"No one can say anymore they don't know," he said This is a shift from when the TRC started its work in 1996 and many South Africans denied knowledge of violations

Moreover, the commission has uncovered a far broader and deeper picture of human rights violations than countless court cases on human rights abuse over the previous decades might have been able to do

Significantly, many of the TRC's findings have vindicated the work of human rights organisations under apartheid, showing that their reports of torture and assassinations were accurate

Information about the members of the security forces being involved in the poisoning of activists was dismissed by the authorities in the

No number of interdicts will stop the details that are contained in the TRC's final report from being revealed, writes **Claire Keeton** (252)



Sentiment ran high when PW Botha appeared before the TRC.

PIC PICTURENET

1980s Now the TRC has shown that there were indeed sinister chemical and biological projects under the control of the apartheid government

The commission has also heard many disturbing accounts of abduction, torture and assassination, which combine to form a picture of systematic violence against the opponents of apartheid by the security police

"Although relatively few named perpetrators came forward, out of our investigations and amnesty applications, we were able to draw conclusions from consistent patterns," commissioner Richard Lyster said

The TRC, however, found it difficult to investigate particular types of violations like political deaths in police detention

Firstly, tons of records were destroyed by the police, and, secondly, assault and murder in police cells took place behind locked doors

"It is an unfortunate part of our records that we thought would unfold, but nobody came forward (to apply for amnesty)," said commissioner Hlengiwe Mkhize

The TRC's findings of gross human rights violations by the African National Congress covered several categories

Those committed against civilians during the armed struggle, violations committed in exile, those committed after the unbanning of the

**‘Atrocities committed by any side are always atrocities and although some are understandable, none are excusable’**

ANC against its political opponents

The TRC found that the ANC blurred the line between military and civilian targets during its armed attack

The ANC's armed wing Mkhonto we Sizwe was also accused of laying anti-tank landmines in the rural areas of the Northern and Eastern Transvaal, resulting in civilian deaths

The killing of informers and defectors was condemned by the TRC as a gross violation of human rights

In the second category – abuses committed in exile – the TRC listed the ANC as guilty of violations against suspected enemy agents and mutineers, as well as for torture and severe ill-treatment in its internment camps

"The commission finds that the inmates and detainees in the camps had their rights violated and in a number of incidents individuals were executed," it said

Recognising that the apartheid government "deliberately manipulated social cleavages and divisions", the TRC nevertheless condemned the ANC for violent campaigns against the Inkatha Freedom Party, Azanian Peoples Organisation and the Pan Africanist Congress

The ANC was accused of killing members of these organisations and of killing politicians The TRC found that the organisation had to take responsibility for violations committed by self-defence units aligned to it

Significantly, the TRC said "The ANC must accept responsibility for the activities of Mrs Winnie Madikizela-Mandela and the Mandela United Football Club"

The commission found that the ANC failed to inform the TRC it had conducted an inquiry into her affairs, nor did it give the commission the results of the inquiry

The TRC recommends ongoing investigation and possibly prosecution, to be supervised by the office of the newly appointed national director of prosecutions





President Nelson Mandela delivers his speech after receiving the TRC's final report PIC REUTERS

# We reap what we sowed - Mandela

**After receiving the Truth and Reconciliation Commission report in Pretoria yesterday, President Nelson Mandela responded. This is the edited version of his speech**

**C**HAIRPERSON of the TRC, The Most Reverend Desmond Tutu, commissioners of the TRC, distinguished guests, fellow South Africans

"South Africa is no longer the country it was when we adopted the interim Constitution in 1993, when, together, we resolved to overcome the legacy of our violent and inhuman past

Out of that negotiation process emerged a pact to uncover the truth, to build a bright future for our children and grandchildren without regard to race, culture, religion or language

"Today we reap some of the harvest of what we sowed

"And in the celebration and disappointment that attends such harvest, we know that we shall have to sow again, and harvest again, over and over, to sustain our livelihood and for our generation to know that when we finally go to rest forever, our progeny will be secure in the knowledge that two simple words will reign: Never Again!

"Today we receive a report whose creation has itself been a part of what has brought us to where we are

"It represents a toil of nurturing the tender fields of peace and reconciliation and the plodding labour of opening the bowels of the earth to reveal its raw elements that can build and destroy

## Pain and loss

"The report we receive today - and which is to be completed when the amnesty process has run its course - cannot but help signal the end of one season and the beginning of another

"And so as we observe this stage of the TRC process, we should pay tribute to the 20 000 men and women who relived their pain and loss in order to share it with us, the hundreds who dared to open the wounds of guilt so as to exorcise it from the nation's body politic, indeed the millions who make up the South African people and who made it happen so that we could indeed become a South African nation

"At the helm of it all has been the Most Reverend Desmond Tutu, who has, during the hearings, conveyed our common pain and sorrow, our hope and confidence in the future

"If the pain has often been unbearable,

able, it is because it brought us the beginnings of a common understanding of what happened and a steady restoration of the nation's humanity

"The TRC that is guiding us on this journey is the TRC of all of us. It has put the spotlight on all of us. Though the interim report is formally given to me as President, it is in reality a report to all of us

"Its release is bound to reawaken many of the difficult and troubling emotions that the hearings themselves brought.

"Many of us will have reservations about aspects of what is contained in these five volumes

"All are free to make comment on it and indeed we invite you to do so. And for those who feel unjustly damaged, there are remedies

"It will seem artificial to some to place those fighting a just war alongside those whom they opposed

"It will be difficult for the victims of gross violations of human rights to accept the philosophical account of the trade off between punitive justice and a peaceful transition

"It may be difficult for many to accept the finding that the apartheid state was the primary perpetrator of gross human rights violations

"Yet if we are true to our founding pact, we cannot equivocate about a system which exacted such inhumanity. There can be no dissonance with regard to the clarion call: Never Again!

"I therefore take this opportunity to say that I accept the report as it is, with all its imperfections, as an aid that the TRC has given to us to help reconcile and build our nation

"The commission was not required to muster a definitive and comprehensive history of the past three decades. Nor was it expected to conjure up instant reconciliation. And it does not claim to have delivered these either

"Yet we are confident that it has contributed to the work in progress of laying the foundation of the edifice of reconciliation. The further construction of that house of peace needs my hand. It needs your hand

"Reconciliation demands that we join hands, as at the Jobs Summit tomorrow (today), to eradicate the poverty spawned by a system that thrived on the deprivation of the majority. Reconciliation requires that we end malnutrition, homelessness and ignorance

"This report contains material that

could sustain endless finger pointing and gloating at the discomfort of opponents whom the TRC has pronounced to be responsible for gross violations of human rights

"And in the brevity and the pattern of media reports, the fundamental principles it raises may be missed, creating an impression that the honourable thing to do would have been to acquiesce in an inhuman system

"But we should constantly keep our minds on the broad picture that has emerged

"We are extricating ourselves from a system that insulted our common humanity by dividing us from one another on the basis of race and setting us against each other

"In doing so that system committed a crime against humanity, which shared the humanity we celebrate today in a constitution that entrenches humane rights and values

"In denying us these things the apartheid state generated the violent political conflict in the course of which human rights were violated

"The wounds of the period of repression and resistance are too deep to have been healed by the TRC alone

## Terrible past

"Consequently, the report that today becomes the property of our nation should be a call to all of us to celebrate and to strengthen what we have done as a nation as we leave our terrible past behind us forever

"Let us celebrate our rich diversity as a people, in the knowledge that when the TRC in its wisdom apportions blame, it points at previous state structures, political organisations, at institutions and individuals, but never at any community

"Above all, we should remember that it was when South Africans of all backgrounds came together for the good of all that we confounded the prophets of doom by bringing an end to this terrible period of our history

"Though the liberation movement was the primary agent of this change, it could not have done so on its own

"To the extent that popular resistance stirred all of South Africa into action, to that extent are we all responsible for an outcome that did not take us deeper into the horrors of a wasteland

"Now the challenge is for all of us to protect our democratic gains

"Free at last, we are all masters of our destiny

"A better future depends on all of us lending a hand - your hand, my hand"

(257) *Sowetan 30/10/98*



By McKeen Kotlolo

THE Azanian People's Organisation has criticised the African National Congress for challenging the publication of the Truth and Reconciliation Commission's report

Azapo was reacting to reports on the ANC's court bid to stop the commission from publishing its findings on the organisation's gross human rights violations committed during the struggle for liberation

National secretary for publicity and information Ms Kedibone Molema called on the ANC and its fellow travellers to "please stop complaining about the Truth Commission equation of their role with that of the

# Azapo criticises ANC over TRC report

apartheid regime because this is what you bargained for'

She said Azapo pointed out that the equation was implicit in the entire TRC process and had pointed this out in its Constitution Court challenge to the process before it even started and "the response we got was to be vilified as being anti-reconciliation"

She said TRC chairman Bishop Desmond Tutu's statements needed to be examined that since the transition in South Africa was not brought about by victory over the oppressor it was necessary to reach a compromise so that "we can shut the door on the past"

Molema said that the ANC used to

tell families of the victims of gruesome murders that it was necessary to 'simply forgive the people who did those things in order to build the rainbow nation of the new SA'

She said people such as Griffiths Mxenge, who were brutally murdered, and those whose families were subjected to unbelievable cruelty,

like Siphwe Mthimkulu survivors who have been maimed for life like Chris Ribeiro, who had suffered lifelong psychological trauma after the brutal assassination of his parents, were told to forgive and forget

She went on to quote a long list of victims of apartheid who were subjected to physical torture of such a nature that it made one cringe

She further said many people lived every day of their lives in fear, knowing that any time any day they could be detained by security forces without the protection of the law

But Azapo later welcomed the decision of a Cape Town High Court judge who dismissed the ANC's case with costs

## Public Meeting with the Councils of Greater Johannesburg

All community based organisations (CBOs), Civics and Residents organisations in Greater Johannesburg are invited to a briefing on the transformation process driven by the Committee of Fifteen

Venue: A-Level Lecture Theatre, Braamfontein Civic Centre

158 Loveday Street, Braamfontein

Date: 31 October 1998 (Saturday)

Time: 09h00

"A GREATER JOHANNESBURG"

Please RSVP with Boni or Pam at 407-7353



01500826T

## National Standards Body (NSB) 07: Human and Social Studies, Standards Generating Bodies (SGB): General Information Sessions

To all education and training organisations/critical interest groups/stakeholder bodies in the Human and Social Studies field.

### Preamble

The learners in this field will be competent to manage and lead individuals and groups of people in their communities their organisations and their places of work. They will be involved in all the aspects of the human factor and its relationship to the total environment of our changing society. The learners will develop the ability to identify and develop vocational outlets and will be able to participate in the global world of social scientific ideas. They must also nourish the moral and critical faculties of our future learners. There is a strong emphasis on critical social awareness, an understanding of social structures and institutions and an awareness of the race, class and gender divides of each social formation

### Invitation:

You are invited to attend one of the nine regional information sessions which NSB 07 is hosting in November 1998. The purpose of these meetings is for the NSB to establish Standards Generating Bodies in each of the sub-fields detailed below and to provide information on the criteria which will be applied for Standards Generating Bodies establishment and recognition

National Standards Body 07 is eager to have one Standards Generating Body formed for each of the sub-fields listed below, and to begin with the task of scrutinising standards and qualifications as soon as possible. In order to achieve this it is imperative that Standards Generating Bodies and Activities be established in the following nine sub-fields

### Sub-fields:

- 1 Environmental Relations
- 2 General Social Science
- 3 Industrial and Organisational Governance and Human Resource Development
- 4 People/Human-Centred Development
- 5 Public Policy, Politics and Democratic Citizenship
- 6 Religious and Ethical Foundations of Society
- 7 Rural and Agrarian Studies
- 8 Traditions, History and Legacies
- 9 Urban and Regional Studies

### Details of information sessions.

Region	Venue	Date	Time
KwaZulu Natal Province	University of Durban Westville, Durban	3 November	09 00
Eastern Cape Province	University of Transkei, Umtata	4 November	09 00
Western Cape Province	Peninsula Technikon, Bellville	5 November	09 00
Gauteng Province	Wits University, Johannesburg	10 November	09 00
Northern Province	University of Venda, Thohoyandou	17 November	09 00
North West Province	Molopo Sun, Mmabatho	18 November	09 00
Northern Cape Province	Teachers Centre, Kimberley	24 November	09 00
Free State Province	University of the Orange Free State, Bloemfontein	25 November	09 00
Mpumalanga Province	Sithabiseni Lodge, Nelspruit	26 November	09 00

For more information, telephone Mr Sazi Kunene, Assistant Director, NSB 07, (012) 346-9114; Professor Ari Sitas, Chairperson, Sub-fields Delimitation, (031) 260-2325; Mr Ivor Blumenthal, Chairperson, SGB Establishment and Recognition, (011) 337-1424, Mr Mawethu Mosery, Chairperson, NSB 07, (031) 260-1291



# SA must now look ahead - PAC

By Themba Molefe

THE Truth and Reconciliation Commission had revealed the painful truth of past apartheid atrocities but had not succeeded in bringing about reconciliation, Pan Africanist Congress president Dr Stanley Mogoba said yesterday

But Mogoba appealed to South Africans to close the book on the country's past and to concentrate on the challenges of the future

Mogoba's remarks came before the controversial five-volume, 3 500-page TRC final report was released yesterday after being handed to President Nelson Mandela by TRC chairman Archbishop Desmond Tutu in Pretoria

"We cannot, however, remain a nation that faces the past and walks backwards into the future. We have great challenges awaiting us," said Mogoba

"We owe it to ourselves and to posterity to make a clear and determined break with the past. Opening up septic wounds is the first stage towards healing," he said

The PAC has been cited in the TRC report, along with the African National Congress, as being "morally

and politically' responsible for gross human rights abuses during the apartheid struggle

Praising the TRC, Mogoba said "The positive contribution of the TRC is clearly the manner in which it revealed the painful truth of past atrocities and shocking barbarity during apartheid

### Atrocities perpetrated

However, he criticised the TRC for condemning the liberation movements for atrocities perpetrated during the liberation struggle

"Although the context of hostilities war and the struggle for survival is grudgingly admitted, the condemnation is nevertheless made

"How, we may ask, can people who were fighting and killing to uphold an oppressive and inhuman apartheid system, which was roundly condemned as a crime against humanity be placed on the same scales of justice with the victims of that system?"

Mogoba said "a fitting, historic landmark" should be erected to remember all those who had sacrificed their lives in the struggle for freedom, peace justice and human rights

## SSC liable for abuses - TRC

THE State Security Council (SSC) was an institution used for human rights violations and certain members of the SSC planned assassinations against political opponents, the Truth Commission report said

And former president PW Botha, by virtue of his position as chairman of the SSC, contributed to and facilitated a climate in which the gross violations

occurred and for which he must be accountable the report said

In its findings the TRC said although there was confusion about the use of words "eliminate" and "neutralise", there were members of the SSC who had no doubt that these words meant the killing of opponents

"They are responsible for the deliberate planning which caused gross human rights violations," the report found

The TRC said the SSC as an institution was involved in human rights violations

"Certain SSC members remain politically and morally responsible for deaths the report said

By failing to exercise proper care and to heed the complaints about abuse, they created a climate in which violations could occur and have to be held accountable

The report said that although in many cases the deaths of prominent activists were well known no substantial effort was made to investigate the circumstances - and in some cases they were even covered up - Sapa

**BIGGEST COOKWARE SALE EXHIBITION**

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# SA must accept final report - Mandela

By Joe Mdhlela  
 PRESIDENT Nelson Mandela joined Truth and Reconciliation chairman Archbishop Desmond Tutu yesterday in urging all South Africans to accept the commission's final report even if they have reservations.

In a day of drama and controversy, Tutu handed Mandela the much-awaited report in Pretoria. Sparing South Africans should accept the report as 'the property of our nation' Mandela also counselled 'Let us celebrate our rich diversity as a people in the knowledge that within the TRC in its wisdom apportions blame, it points at previous state structures, political organisations, institutions and individuals but never at any community'.

"It will be difficult for the victims of gross violations of human rights to accept the philosophical account of the trade-off between punitive justice and a peaceful transition".

The President warned that the wounds inflicted by the apartheid regime on people were too deep "to have been healed by the TRC alone".

There was uncertainty in the morning when the African National Congress, through its general secretary Mr Kgalema Mollathe, launched an unsuccessful attempt to stop the report's release.

It believed the report would be damaging to the organisation. A seemingly distressed Tutu told a hastily arranged media conference outside the Pretoria State Theatre that he was devastated by the ANC's attempt to stop the release of the commission's work, which he said had been done "with integrity".

**Brought joy to Tutu**  
 "The problem is going to be in the President's court. I am sad. We have made mistakes, but we believe we have done a good job," Tutu said.

However three hours later the news that the ANC court interdict had failed in Cape Town brought joy to Tutu and other members of the commission.

An impressive ceremony attended by Cabinet ministers including Minister of Defence Joe Modise and Minister of Foreign Affairs Alfred Nzo, heard Tutu say that the report would upset many people, including those who were active in the liberation struggle, "but we must let the waters of healing flow from Pretoria today to cleanse our land, its people, and to bring unity and reconciliation".

The Pan Africanist Congress, which had been critical of the TRC, was represented by its general secretary Mr Mike Muendane and its president Dr Stanley Mogoba.



Chairman of the Truth and Reconciliation Commission Archbishop Desmond Tutu waves to the crowd as he arrives at the State Theatre Building in Pretoria yesterday. Tutu presented the TRC report to President Nelson Mandela. PIC. REUTERS

# 'Police, army committed most abuses'

By Claire Keeton

**M**OST gross human rights violations were committed by the apartheid state through its security and law enforcement agencies the Truth and Reconciliation's final report found. It did not find that all parties implicated in violations, including the African National Congress, were equally guilty of human rights abuse.

On the contrary, the report said "The commission is not of the view that all such parties can be held to be equally culpable for violations committed in the mandate period." "The state in the period from the late 1970s to the early 1990s became involved in activities of a criminal nature when, among other things, it knowingly planned, undertook, condoned and covered up the commission of unlawful acts, including the extra-judicial killing of political opponents and others, inside and outside South Africa".

The Inkatha Freedom Party was seen as an ally of the state in these activities and as the "primary non state perpetrator, responsible for approximately 33 percent of all the violations reported to the commission".

Certain members of the State Security Council - in particular former state president PW Botha, the ministers of defence, law and order, and heads of the security forces - were found to be responsible for the deliberate plan-

ning of gross human rights violations. Inkatha leader Chief Mangosuthu Buthelezi was also held accountable for gross human rights violations committed by the Kwazulu government police and his political organisation.

The leadership of the ANC and its armed wing - Umkhonto we Sizwe - were found responsible for violations against civilians and its own cadres in exile camps.

ANC leader Winnie Madikizela-Mandela and her Mandela United Football Club were also found responsible for committing gross human rights violations. The Pan Africanist Congress and the United Democratic Front were found responsible for violations as well.

Significantly, the report makes a distinction between those who fought for and those who fought against apartheid.

While the report focuses on violations inside the country's borders, it highlights the shocking fact that the majority of victims of gross human rights violations lived beyond South Africa's borders.

The commission also encouraged all South Africans who benefited from apartheid to commit themselves to reconciliation.

The report called for the prosecution of individuals "where amnesty has not been sought or denied" and there was evidence that they had committed a gross human rights violation.

## The news last night

### 3 women killed in 'witchhunt'

THREE women accused of witchcraft were burnt to death after they were abducted from their home at Dengwane village at Mount Fletcher in the Eastern Cape on Wednesday.

Police said yesterday the women - Nophumlam Mfundo (44) Nothulani Mfundo (70) and Nomzinkatha Mthakathi (74) - were forced from a house at midnight with two others who were assaulted, but managed to escape.

The three women were dragged to a nearby donga, doused with petrol and set alight. The attackers sped off in a van - Sapa.

### Mandela headed for Nigeria

PRESIDENT Nelson Mandela left for Nigeria yesterday to hold talks with General Abdulsalam Abubakar and to attend the Economic Community of West African States summit in Abuja.

Mandela and Nigeria's military ruler, who visited South Africa in August, will discuss regional and continental matters, his spokesman Parks Mankahlana said. - Sapa.

### MacNally wants to meet Madiba

KWAZULU-NATAL attorney general Tim McNally said yesterday he had asked Minister of Justice Dullah Omar to arrange a meeting with the President to discuss his future in the position.

On Wednesday Deputy President Thabo Mbeki announced that McNally had been offered the post of special director of public prosecutions, responsible for the restructuring of the National Prosecuting Authority. The post would require McNally to move to Pretoria for a year.

McNally said there were serious personal and financial constraints which stood in the way of relocation for such a limited time. Sapa.

### No media help over Staggie

CAPE Town's three daily newspapers, the Cape Argus, Cape Times and Die Burger, as well as Reuters news agency, are adamant that they will not assist the Staggie inquest with material in their possession.

The newspapers said they based their attitude on media policies throughout the world, and were to have argued their cases before an inquest into the death of drug lord Rashad Staggie in the Cape Town Magistrate's Court yesterday.

The hearing was postponed to Monday. - Sapa.

### Commonwealth meeting still on

DEPUTY President Thabo Mbeki said yesterday arrangements were well on course for the Commonwealth heads of state summit in South Africa in November next year.

He was speaking after almost two hours of talks with Commonwealth Secretary-General Emeka Anyaoku in Cape Town yesterday. - Sapa.

### Cape mussel warning

THE PUBLIC was warned by the Ministry of Sea Fisheries yesterday not to eat black and white mussels from beaches north of Cape Town, as reports of toxic red tide had been received. The Tygerberg Medical School toxicology unit has warned that eight patients were diagnosed with paralytic shellfish poisoning and were being treated. Shellfish contaminated by toxic red tide have been known to cause vomiting, headache, dizziness, impaired respiration and even death. - Sapa.

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 E-mail: swtnedit@sowetan.co.za

# Winnie 'can't be distanced from reign of terror'

By Claire Keeton

MRS Winnie Madikizela-Mandela cannot be distanced from the reign of terror conducted by the Mandela United Football Club (MUFC) against its perceived enemies in Soweto in the late 1980s the Truth and Reconciliation's final report found.

"Madikizela-Mandela's proximity to these events is as undeniable as her complicity, the report said.

Club members were involved in at least 18 killings, and many of the operations which led to the deaths were launched from her home.

The commission found that the MUFC developed into a private vigilante unit operating around Madikizela-Mandela and from her houses in both Orlando West and Diepkloof.

She ignored requests from political community and church leaders to disband the club which was involved in a

number of criminal activities in the community.

"The commission finds that those who opposed Madikizela-Mandela and the MUFC or dissented from them were branded as informers, then hunted down and killed. Their labelling as informers was deemed to justify these killings".

She had knowledge of the club members' activities and/or authorised them and/or sanctioned them.

The TRC said "Both the Mass Democratic Movement and the African National Congress must accept responsibility for not bringing her into the fold or discipline her when things were beginning to go wrong".

"This could perhaps have prevented some of the events that unfolded during that tragic period".

The commission said it was tragic that such a heroic figure as Madikizela-Mandela was involved in

such a controversy.

"The commission has been unable to arrive at a satisfactory conclusion as to what went wrong, why she was not accountable to the democratic structures in the country, what influence the external liberation movement had over her, why she surrounded herself with people like Jerry Richardson and Xoliswa Falati, or why she became so isolated from democratic and community structures?" the report said.



# Donor funds paid for Boesak junket'

Shon 30/10/98 (an2)  
Former assistant says auditors were asked to hide details of former activist's expenses

SAPA  
Cape Town

Allan Boesak took his family on a R45 000 trip to Disneyland on donor funding, it was claimed in the Cape High Court yesterday.

He also wanted the books of the Foundation for Peace and Justice, of which he was the director, to conceal the fact that his travelling expenses exceeded amounts intended for the disadvantaged.

This was testimony by former FPJ assistant, Thelma Sacco at Boesak's trial on theft and fraud charges involving R9-million, of which he allegedly stole R1,1-million for himself.

He has pleaded not guilty before Mr Justice John Foxcroft.

Sacco told the court Boesak travelled abroad extensively to lobby against apartheid. She said FPJ rules required her to obtain authority from Boesak - or, in his absence, from any of the FPJ trustees - to expend large sums. On Boesak's return from a trip, she had to present him with details of all financial transactions that had occurred.

Sacco said the FPJ also obtained funding from Archbishop Makulu of Botswana. She once had to represent the FPJ at a meeting with Makulu when Boesak was in custody. The

purpose of this meeting had been to explain the FPJ's operations.

Because the FPJ was considered an extended ministry of the Dutch Reformed Mission Church, Boesak was remunerated by the church itself, and funding obtained for the FPJ was not for Boesak's personal use, she told the court.

She said staff salaries were paid from the FPJ account and, before the launch of the FPJ, from a World Alliance account.

Sacco said Boesak decided about the allocation of funds himself, and funds were used to finance funerals, to support advice offices, to finance student bursaries, and to support released detainees and their families.

When auditors questioned the fact that Boesak's travelling expenses exceeded funds allocated for the needy, Boesak asked them to conceal this.

Sacco also told the court that Dutch donors demanded strict accounting procedures, and that Boesak's attitude was that if the Dutch did not trust him, he would rather seek funding elsewhere.

She managed to persuade Boesak of the folly of his attitude towards the donors, whereupon he accepted and complied with conditions for Dutch funding.

The hearing continues on Monday.

P.T.O

# Findings enrage one-time opponents of apartheid

Star 30/10/98

Organisations that fought against white rule slam the commission's report, with only the UDM approving

BY HOPWELL RADEBE  
AND RAPHAEL BANDA

Former liberation movements were outraged yesterday that the struggle against apartheid had been equated with apartheid atrocities in the TRC's report.

The Pan Africanist Congress, accused of human rights violations in the report, said the TRC had condemned the struggle.

The organisation's president Dr Stanley Mogoba said, "Although the context of hostilities, war and the struggle for survival is grudgingly admitted, the condemnation is nevertheless made."

Mogoba noted that apartheid had been declared a crime against humanity internationally, and that victims of the system could not be placed on the same scale as its defenders.

The ANC said the TRC had pursued objectives "contrary to the spirit and the intention of the act (which established the TRC) under which it was established."

ANC secretary-general Kgama Motlanthe branded the findings of the commission as "blatantly" contrary to the fundamental tenets of international law. "However, the TRC operated from a framework which seemed to blur the

distinction between the legitimate and just course of taking arms, and the deliberate and systematic violation of human rights by the apartheid regime against the people."

Motlanthe said the ANC believed it had the responsibility to clarify the "incorrect" sections of the report.

"We are going to study the contents thoroughly and make corrections to those sections that were formulated in an unfortunate manner; and they will be published everywhere, including the Internet, to enable scholars and historians to make an informed judgment," he said.

(ATA)

He found it unfortunate that the TRC had allegedly chosen to base its finding on the premise that "all were guilty of human rights wherever civilian lives were lost" and that only soldiers from both sides should die.

Motlanthe said the commission had also ignored the fact that for decades the ANC and its allies stood as the only political force in the country "blocking the destruction of South Africa through the continuation of racial war."

Thirty-seven top ANC officials, including Deputy President Thabo Mbeki, were controversially given blanket amnesty by the TRC.

However, the United Democratic Movement welcomed the report as a "balanced" document which could contribute to reconciliation.

Co-leaders Bantu Holomisa and Roelf Meyer said the wounds of the past could not be healed through the report.

"The report provides us today with the first pages on which we, united as a nation, can start writing our future - that which will become tomorrow's history," they said. "The Inkatha Freedom Party said it was considering its legal options after its president Mangosuthu Buthelezi was identified among perpetrators of

human rights violations

"Throughout his long and highly scrutinised political life, Buthelezi has always advocated non-violence, passive resistance and reconciliation," the organisation said.

National Party leader Marthinus van Schalkwyk said his party was still willing to cooperate with President Nelson Mandela to achieve reconciliation despite their view that the TRC process was flawed.

The Azanian People's Organisation said the alleged equation of apartheid atrocities with activities of the anti-apartheid forces had vindicated its reservations about the commission



# Trials, civil claims could be instituted

(252) Jan 30/10/98  
By RYAN CRESSWELL AND MARCO GRANELLI

A flood of civil claims and criminal prosecutions could follow in the wake of the TRC report

Lawyers and legal experts said yesterday that perpetrators who had not applied for amnesty, and those whose applications had failed, could face civil claims from victims and children of victims of gross human rights violations

The TRC itself strongly rebuffed the idea of a general amnesty and recommended legal action against those who had not sought amnesty. A general amnesty, the TRC said, would "create a culture of impunity" in the country

A copy of the report would be handed to National Director of Public Prosecutions Bulelani Ngcuka today with a view to possible prosecution or further investigation

Where amnesty had not been sought or had been denied, prosecution should be considered where evidence existed that an individual had committed a gross

human rights violation, the TRC urged

The commission said it would make all information in its possession - excluding privileged information contained in amnesty applications - concerning serious allegations against individuals available to the appropriate authorities to assist in bringing perpetrators to justice

It called on prosecutors to pay rigorous attention to bringing to book members of the former South African Police found to have assaulted, tortured or killed people

It also recommended that consideration be given to a time limit on prosecutions.

Jake Molo, president of the Black Lawyers' Association, said that while there was a three-year time limit for the lodging of civil claims, for minors and mentally disturbed people this limit was extended until they were over 21 or understood their situation

This could leave a distinct opening for the children of victims, or those who were hurt when they were young.

People who were themselves victims or whose parents were killed during the apartheid conflict would be able to file claims

"Those implicated who did not opt for amnesty or did not get it have left themselves open for criminal prosecution or civil claims by victims," Molo said.

Johannesburg Bar Council president Peter Hodes said the time limit would also be waived if victims had not been aware of what happened or who was responsible for certain atrocities before it was uncovered by the TRC

In such cases, victims would be able to institute civil or criminal proceedings

Molo said if the State decided to go ahead with some criminal prosecutions, it would have to gather evidence and witnesses, and this was not easy.

The report recommended that criminal prosecutions against everybody implicated would be "unfeasible". It also recommended that no "special units" be formed to carry out prosecutions

Civil claims were not mentioned in the TRC report

# 'I didn't struggle against tyranny to substitute it' Report a 'road map' into massive archive

Star 30/10/98 (252)

## PRETORIA CORRESPONDENT

Before the release of the report yesterday, Archbishop Desmond Tutu vowed to fight the ANC's bid to halt its release "with every fibre of my being"

Tutu said he was devastated by Wednesday night's application for an urgent court interdict by the ANC

"I am desperately sad as a person and I know my colleagues are too. Here we are, waiting to hand over a report where we have done this work with integrity, conscientiousness, with passion

"We've made mistakes - we are not infallible - but we believe we have done a good job. And it is desperately, desperately distressing that this should occur

"I have struggled against tyranny. I didn't do that in order to substitute it with another and if there is a tyranny and an abuse of power, let them know that I will oppose it with every fibre of my

being. That is who I am."

Jasmin Sooka, deputy chairperson of the human rights violations committee, reacted angrily.

"We believe in the work we have done and we believe that what the ANC has done has actually created a turning point in the history of our country, and we think this blow is not against us

"We interpreted the mandate that was given us. We didn't create the mandate. The political parties got together and created the law

"This is not about us, this is about the people who died, the people who disappeared, the people we will never know about

"We don't owe a duty to politicians - we owe a duty to the victims who suffered

Tutu said it was ultimately President Mandela who would have to worry about the report

"The problem is really going to be in his court, not ours. Our work ends when we hand over the report to the president"

Cape Town - The TRC could have produced an "Encyclopaedia Britannica" with the huge volume of information collected in its two-and-a-half-year lifespan, Professor Charles Villa-Vicencio, the body's director of research, said

The final report was only be a "road map" into this massive archive, he said

Villa-Vicencio, responsible for co-ordinating the 3 500-page, five-volume document, said there were "decisive limitations" to what the report could achieve

The report was required to focus on narrowly defined gross human rights abuses - but also to provide a complete picture of the context of the violations

The TRC had therefore decided to produce a broad report rather than a narrow and specific report in the tradition of government commissions

Because the vast archive material had to be edited down severely, "the final report is limited and may not meet everyone's expectations", Villa-Vicencio said

- Own Correspondent



# Mutholezi fingered

(273)  
By PRINCE HAYNCA  
2/04/2010/98

The following is a list of names and their corresponding...  
[The text in this section is extremely faint and illegible due to the quality of the scan.]

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# Two giants reflect on the healing document

(2/17/98)  
 20/10/98

**This is the full text of the speech by Archbishop Desmond Tutu at the handover of the report in Pretoria yesterday by the Truth and Reconciliation Commission**

This is an auspicious day in the history of our land, for which South Africa and indeed the world has waited with eager expectation. Of the original 17 Commissioners, 15 have remained to the end. One, Advocate Chris de Jager, resigned but remained as a member of the Amnesty Committee, and the other, Dr Mapule Ramashaba, was appointed Vice-Chancellor and Rector of the University of Durban Westville. One of our number, Wynand Malan, has produced a minority report. The Report we will hand over to you, Sir, has the enthusiastic and wholehearted endorsement of 14 out of 15 Commissioners. We are committed to cultivating a culture of respect for human rights and inculcating tolerance for diverse views preached in allowing the minority report.

Thank you, Sir, for having appointed us. We know we have carried out our solemn and indeed indispensable task with a passionate commitment, diligence and integrity.

Thank you Minister Dullah Omar and your departmental staff for your unwavering support. We thank other relevant Government departments

They have been outstanding. I want to single out Alex Boraine without whose conscientiousness we would not have started in April 1996 with hearing as we in fact did.

I want to mention Dumisa Ntsebeza and Yasmin Sooka who have done very well as acting chairperson and acting deputy chairperson. Dumisa gets a little upset whenever I return to our ex-ceptional staff. Once in England we expected an English lady to bring a Mosotho clergyman to us. She arrived late and out of breath and said, 'So sorry we worked like Trojans'.

Our staff have worked like Trojans. They have excelled themselves, starting from our brilliant CEO, Dr Mnyukwa, to the lowest staff person, if there is such a person, if there is such a person.

We want to pay a special tribute to the investigative Unit for their work on the Chemical and Biological Warfare Programme, headed by Dumisa (Ntsebeza) and our Research Department under Professor Charles Villa-Vicencio.

Without their assiduous ap-



DEBBIE YAZBEK

Handover time President Mandela receives the report from Archbishop Tutu at the State Theatre Building in Pretoria yesterday

particularly for the victims

Thanks too to the media, especially SABC TV and Radio for helping to take our work to every nook and cranny of our land and elsewhere.

Madiba, the world has looked in amazement and indeed awe at the remarkable example that you have set of magnanimity and generosity in your willingness to forgive and to work for reconciliation.

They have thrilled as they heard the stories of Mrs Savage, of Mr Smit, of the mothers of the Gugulethu Seven, of Mrs Roux, the Biehl family of

It provides a setting against which to understand our past; it gives insight into the perspectives of those who supported apartheid and those who opposed it.

It makes comprehensive recommendations about rehabilitation and reparation proposals. It makes specific proposals about how we can cultivate a culture of human rights and of structures to ensure that the atrocities of the past do not recur and strong suggestions about how to advance the process of hearing and reconciliation of our tra-

Many will be upset by this Report. Some have sought to discredit it pre-emptively. Even if they were to succeed, what is that to the point?

It won't change the fact that they killed Stanza Bopape, that they bombed Khotso House, that they tortured their own people in their camps in Tanzania. In Angola, that they necklaced people. That is what the perpetrators told us - not an invention by the Commission.

No dear fellow South Africans, accept this Report as a way an indispensable way to healing. Let



Thank you Minister Dulliar Omar and your departmental staff for your unwavering support. We thank other relevant Government departments which have cooperated splendidly with us.

Thank you to the South African Police Services and the National Protection Service for providing security to us.

We thank foreign governments and donors for their money and personnel support, and for contributions to the President's Fund for reparations.

I want to pay a very warm tribute to all my colleagues - the Commissioners and Committee members

Introduction by  
**Archbishop Desmond Tutu**

them, and others who did not come. Thanks too to the faith community and the NGOs who have done sterling work to support our work,

**This is the full text of the speech by President Nelson Mandela upon receiving the report of the Truth and Reconciliation Commission**

**W**e are extracting ourselves from a system that in suited our common humanity by dividing us from one another on the basis of race, and setting us against each other as oppressor and oppressed.

In doing so that system committed a crime against humanity, which shared humanity we celebrate today in a constitution that entrenches humane rights and values.

In denying us these things the Apartheid State generated the violent political conflict in the course of which human rights were violated. The wounds of the period of repression and resistance are too deep to have been healed by the TRC alone, however well it has encouraged us along that path.

Consequently the Report that today becomes the property of our nation should be a call to all of us to celebrate, and to strengthen what we have done as a nation as we leave our terrible past behind us forever.

Let us celebrate our rich diversity

prevent the Truth and Reconciliation Commission from publishing a report into apartheid atrocities that included scathing criticism of the former liberation movement.

Roelof van Riet, representing the ANC, argued that it had not been given enough time to present arguments refuting the criticism and had repeatedly been refused permission to make face-to-face presentations to the commission.

In an October 28 letter to retired Archbishop Desmond Tutu, head of the TRC the ANC Secretary General Kgalema Motlanthe complained that "the soul" of the African National Congress was being "disposed of in such a cavalier manner", according to documents read out in court.

John Newdgate for the Truth

Commission countered that every other person or organisation warned in August they would be named in the report had managed to make submissions on time, and none had asked for or been granted a meeting.

"My client rejects the claim (of the ANC) that it has been treated unfairly. The opposite is in fact true," Newdgate said.

Mr Justice Wilfred Thring ruled against the ANC and acting on a request indicating the deep gulf between the ANC - and what it must now consider as its own Frankenstein's monster - awarded costs against the governing party.

The court case was the culmination of months of increasingly fractious relations between the ANC and the Truth Commission that is ironi-

# TRC, ANC 'part' in divorce court

By JEREMY LOVELL  
Cape Town

The acrimonious legal battle between South Africa's ruling party and its own creation, the Truth and Reconciliation Commission, was fought out in a courtroom normally reserved for divorce cases.

Court 16 of the Cape Town High Court was an ironic setting for the legal showdown between the African National Congress and the committees of the apartheid era.

The almost four hour emergency hearing started in the early hours of the morning after lawyers for both sides worked through the night to prepare their papers.

It was forced after the ANC tried to

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Mr Justice Wilfred Thring ruled against the ANC and acting on a request indicating the deep gulf between the ANC - and what it must now consider as its own Frankenstein's monster - awarded costs against the governing party.

The court case was the culmination of months of increasingly fractious relations between the ANC and the Truth Commission that is ironi-

ally seen by many whites as a governmental tool of retribution for four decades of misrule.

If nothing else, yesterday's events should have at least undermined that perception.

Conspiracy theories that the case was a cynical ploy by the ANC to try to give the Truth Commission more credibility by demonstrating the division between the two have to be seen in the light of the obvious distress of Tutu at the case.

Another anomaly in the country hailed by Tutu just four years ago as a "rainbow nation" because the black majority and other ethnic groups were coming together after years of enforced separation, was the fact that the judge and both lawyers in Thursday's case were white. - Reuters

ness to forgive and to work for reconciliation.

They have thrilled as they heard the stories of Mrs. Savage, of Mr Smit, of the mothers of the Gugulethu Seven, of Mrs Roux, the Bhehl family, of Neville Clarence and many, many others.

They have seen the miracle of April 1994 continuing in people who suffered grievously, ready to forgive. And the world sees South Africa as a beacon of hope for those places like Northern Ireland, Bosnia, Rwanda - so different from Sierra Leone where just last week they executed 24 people by firing squad.

They see a new way, a better way to deal with a post-conflict, a post-repression period.

This Report speaks about that. It contains more than just accounts of findings against perpetrators. It seeks to give as complete a picture as possible of the gross human rights violations that occurred as a result of the conflict of the past

as a people, the knowledge that when the TRC in its wisdom apportioned blame, it points at previous state structures, political organisations, at institutions and individuals, but never at any community.

Nor can any individual so identify claim that their brutal deeds were

**'A better future depends on all of us lending a hand - your hand, my hand'**

the result of some character inherent in any community or language group.

All of us are now more free to be who we really are, no longer forced to experience some of those things which are most precious to us - language, culture or religion - as walls within which we are imprisoned.

Above all, we should remember that lending a hand - your hand, my hand.

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ture of human rights and of structures to ensure that the atrocities of the past do not recur and strong suggestions about how to advance the process of hearing and reconciliation of our traumatised and wounded nation.

The Commission can make but a contribution to this, perhaps a significant one but only a contribution. It is up to all of us South Africans to say 'this is our land', we are committed to it. We are concerned about the welfare of all South Africans, not just of my particular section or group.

We have not been facile or superficial, heeding the cry of the prophet against those who healed the sickness of their people, superficially crying peace, peace where there was no peace.

We care about our land, about her people, all her people, black, white, coloured, Indian, young and old.

Never again. Nooit weer. Ngekhe futhi Ga reno tloia.

That is what the perpetrators told us - not an invention by the Commission.

No, dear fellow South Africans, accept this Report as a way, an indispensable way to healing. Let the waters of healing flow from Pretoria today as they flowed from the altar in Ezekiel's vision, to cleanse our land, its people, and to bring unity and reconciliation.

We will have looked the beast in the eye. We will have come to terms with our horrendous past and it will no longer keep us hostage. We will cast off its shackles and, holding hands together, black and white will stride into the future, the glorious future God holds out before us - we who are the Rainbow people of God - and looking at our past we will commit ourselves.

Never again. Nooit weer. Ngekhe futhi Ga reno tloia.

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# Victims and families condemn suggestion of blanket amnesty

BY RAPULE TABANE AND  
FIMILE-NTHIKELILO MOYA

Moves to indemnify perpetrators across the board will kill the truth and result in politicians protecting one another, say those who suffered

Most victims who have approached the TRC have joined the truth body in rejecting the suggestion of a blanket amnesty for perpetrators of gross human rights violations.

This reaction follows informal behind-the-scenes discussions between the ANC, the National Party and the Inkatha Freedom Party on the subject. But several victims and family members of victims said it appeared that politicians were trying to protect each other.

Pheko Moloakoane, brother of Uinkhonto weSizwe hero Barry Moloakoane, who was killed and then buried in a secret grave during the 1980s, said a blanket amnesty would result in many issues being covered up.

Several policemen who have applied for amnesty in connection with the secret burial pointed out his brother's grave earlier this year. Barry Moloakoane's remains were exhumed in Mpumalanga and reburied in Soweto. "I know Barry was turned in and we want those



Steve Biko killed in police custody in 1977

responsible to be identified

"I have waited with bated patience for a response from the TRC after I gave them all the records of the case, but nothing is forthcoming from them." Pheko Moloakoane said. He also referred to the death of a 24-year old woman, Nokuthula Simeleane, who disappeared after she was sent to deliver

a message from Swaziland to someone in Soweto.

Two policemen have since admitted to kidnapping Simeleane but denied any knowledge of her whereabouts after the kidnapping.

"As I talk to you now we still do not know where her remains are," said Moloakoane.

Nokuthula was the daughter of Matthews Simeleane, who, according to Pheko, was Barry's link in Bethal, Mpumalanga, when he came on missions into South Africa.

"She died for Barry. She was tortured for two months on a Rustenburg farm and then killed." But her bones were still missing and the killer was still unidentified.

Issues like this would leave dissatisfaction if there were no prosecutions, he added.

Sylvia Dhlomo, mother of murdered Soweto student activist Sabelo Dhlomo, said: "We still have to meet as a family to discuss our position. But it truly hurts when you know that somebody who has killed is walking free. If politicians talk

of general amnesty, it means that they are trying to protect each other," she said.

Maggie Friedman, whose partner David Webster was killed by a Civil Co-operation Bureau hit squad, also repeated suggestions of a blanket amnesty.

One of the CCB agents, Perdi Barnard, is serving a life term in jail for his part in the killing of Webster, a former Wits University academic and anti-apartheid campaigner.

Said Friedman: "I am not in favour of a blanket amnesty at all. "I am disappointed in the ANC (for seeking general amnesty) I would have expected that from the National Party or (former president F.W.) De Klerk. I don't think their action gives them much credibility," said Friedman.

She said she believed blanket amnesty was a ploy to exonerate those from the liberation movements and the former government who had ordered and financed human rights atrocities.

"With blanket amnesty we will not get the truth.

The family of slain former Black Consciousness leader Steve Biko, who with the Azanian People's Organisation, took the Government to court in an effort to prevent amnesty legislation being passed, declined to comment.

Biko's son Nkosinathi said his family had decided not to comment until they had read what the blanket amnesty deal entailed.

The family of Lolo Sono, who disappeared in 1988 and is alleged to have been a victim of the Mandela United Football Club said they did not care who was prosecuted or received amnesty.

Winnie Madikizela-Mandela, who ran the football club, was damned in the TRC report. Caroline Sono Lolo's mother said: "Look on November 13 it will be 10 years since my son disappeared. "I know that I will never see him alive. All I want is to get his bones and bury them. Perhaps then his soul, and



Dr David Webster shot outside his Johannesburg home in 1989 by covert apartheid agents. Investigations and we know who the perpetrators are," he said. "The TRC is a toothless bull-dog," he said. "We have done our own had given up on the TRC

mine, will rest in peace. "I am not God. I can't say who should be prosecuted or who should not," she said. Lolo's father, Nicodemus

Sono, said the TRC recommendations were insignificant. "The TRC is a toothless bull-dog," he said. "We have done our own had given up on the TRC



# Last-minute application by ANC fails

## Party deemed at fault because it did not file submissions in time

BY LENORE OLIVER  
CAPE TOWN

30/10/98  
Saw

Just hours before the TRC was due to hand its final report to President Mandela yesterday, the ANC lost its Cape High Court application to block the release of the report.

Mr Justice Wilfred Thring rejected the ANC's argument that the report should be delayed because the commission had not adequately addressed the party's objections to being named as an abuser of human rights.

The application was dismissed with costs and the party said it would appeal against the decision.

The ANC was informed on August 24 by a Section 30 notice that it was implicated in gross human rights abuses in the report. It had 15 days to respond. Its response came more than a month later and appears to have been disregarded by the commission. The ANC received the notice on August 24 but filed rebuttal submissions only on October 19.

Arguing for the commission, John Newdigate said the matter involved a political party (the ANC) which had levied allegations against a statutory organ (the TRC).

Newdigate said it was the statutory duty of both the commission and Mandela to publish the report.

There was also nothing improper about the commission deciding that the ANC's submissions had been handed in too late.

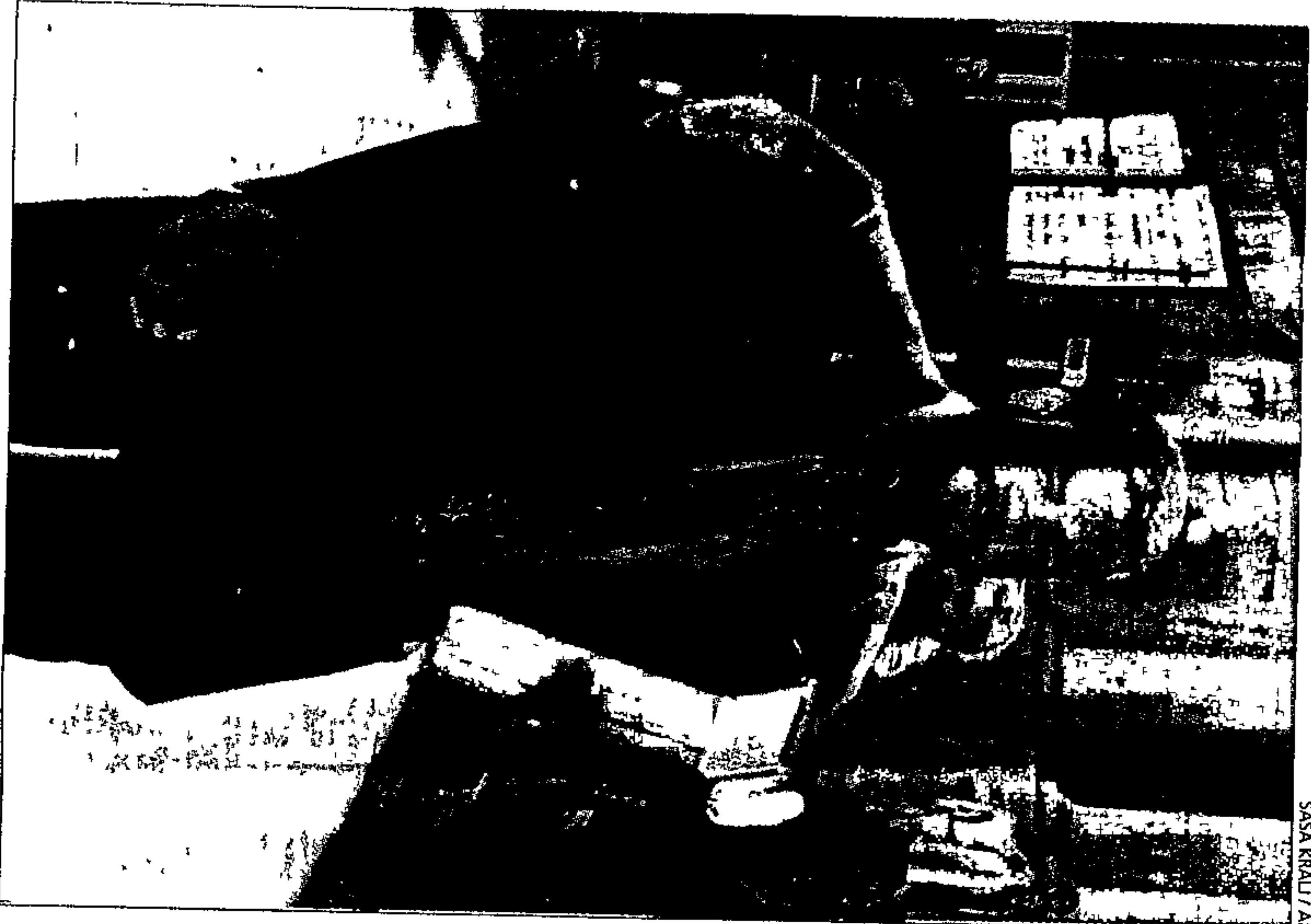
The question here is whether the ANC has a clear right to seek the interdict that it does and whether it received the opportunity to submit submissions. The ANC was at fault because it did not file its submissions in time," said Newdigate.

Roelof van Riet, for the ANC, argued that although the organisation had filed submissions late, it had a legal expectation that these would be considered.

When the ANC filed its submissions on Monday last week, there had been no reaction from the commission.

"They did not say it was too late or that they were not dealing with it," he said.

This Monday, the ANC received a letter which stated 'Your report reaches us a little bit too late for the purposes of the notice. However, copies were quickly dispatched to all commissioners and your input is being considered by them.'



SASA KRAU / AP

Legal bid - ANC advocate Selwyn Hockey walks out of the Cape Town High Court yesterday after handing over documents to prevent the TRC from releasing its final report.

## Highlights of a unique process

Cape Town - Following is a chronology of the commission's work since its inception:

- July 19 1995: President Mandela signs into law the Promotion of National Unity and Reconciliation Bill, establishing the TRC to examine 33 years of apartheid atrocities.
- April 15 1996: Nkhle Mkhale, widow of Black Consciousness leader, Mphahlele Mkhale, who died in police detention, is the first to give evidence at the TRC's first hearing. TRC chairperson Archbishop Desmond Tutu breaks down the next day after harrowing testimony about inhumanity, torture and murder under apartheid.
- August 20 1996: The PAC admits knowledge that its guerrillas targeted white civilians but says it will not apologise.
- August 22 1996: Deputy President Mbeke defends the ANC's "just war" against white rule, saying it could not be compared to abuses committed in defence of apartheid.
- November 4 1996: Tutu threatens to quit the TRC if the ANC refuses to apply for amnesty for human rights abuses.
- May 15 1997: Tutu rejects evidence by NP leader P W de Klerk, who professed ignorance of apartheid atrocities, prompting a temporary boycott of the truth body by the NP.
- August 12 1997: While right-winger Olive Derby Lewis says communist leader Chris Hani was assassinated in 1989, to trigger chaos and a right-wing coup ahead of elections.
- December 4 1997: Winnie Madikizela-Mandela admits "things went horribly wrong" in Soweto after an emotional plea from Tutu, at the end of nine days of hearings into murder and torture by her entourage in the 1980s.
- March 31 1998: The family of black activist Steve Biko say they oppose amnesty for five former security officers for their role in his death in police custody in 1977.
- May 6 1998: The TRC announces the first official victims of apartheid and writes to 700 people telling them they can claim for damages.
- May 8 1998: The High Court blocks amnesty granted to 37 leaders of the ANC, including Mbeke - which opens the way for the TRC's bias in favour of the ANC.
- June 4 1998: During former state president P W Botha's trial for contempt for refusing to testify before the truth probe, apartheid hit squad leader Eugene de Kock says Botha ordered attacks on the anti-apartheid movement.
- June 8 1998: Probe begins into apartheid state's chemical and biological weapons programme, which reveals plans to attempt to make black women infertile and produced tons of illegal drugs and murder weapons such as poisoned chocolates and whisky.
- June 18 1998: AWP leader Eugene Terreblanche accepts moral and political responsibility for bombings that killed 21 people just before the 1994 election.
- June 23 1998: Grace Machel, President Mandela's new wife, breaks down at a closed hearing into the role of the SA Defence Force in the suspicious 1986 plane crash which killed her first husband, Mozambique president Samora Machel.
- July 21 1998: Former minister of Police Adriaan Vlok, the only apartheid-era cabinet minister to apply for amnesty, says that Botha ordered the bombing of an anti-apartheid church office.
- July 27 1998: Poll says the TRC has worsened rather than begun healing race relations in South Africa.
- July 28 1998: TRC grants amnesty to four men who stabbed US, Fulbright student Amy Blent to death in Cape Town's Guguletu township.
- July 31 1998: TRC ends its last human rights hearing with evidence from Wouter Basson, who ran the apartheid state's grisly chemical weapons programme.
- August 21 1998: Court finds Botha guilty of contempt for refusing to testify in person to answer TRC questions about the chain of command behind illegal murders and bombings and the torture of black activists in the 1980s.
- September 8 1998: Senior apartheid-era police officer Johann Coetzee says the government of Botha was behind the 1982 bombing of the London offices of the ANC.
- September 30 1998: Tutu says those who snubbed an offer of amnesty could face prosecution for human rights violations committed during the apartheid years.
- October 28 1998: ANC seeks to block publication of the TRC's report.
- October 29 1998: ANC loses court bid to prevent the release of the final report. Mandela receives the long-awaited report. The commission brands apartheid a crime against humanity and finds ANC accountable for human rights offences. The commission holds Botha, Madikizela-Mandela and the ANC accountable for gross violations of human rights. It demands further prosecution of Madikizela-Mandela. - Reuters



# Former anti-apartheid body upset at focus on ANC acts

By TYRONE SEALE  
Star Foreign Service

London - The now defunct Anti Apartheid Movement is disappointed that the TRC report was the subject of a legal wrangle and highlighted the wrongdoing of the ANC.

The Anti Apartheid Movement has been succeeded by Acton for Southern Africa, which lobbies the British government and European institutions on peace, democracy and socio economic development in southern Africa.

Acta head of campaigns Adh Sharmna said last night Acta found it important to distinguish between human rights abuses by the ANC and the institutional, systematic abuses of the apartheid regime.

On the ANC's failed bid to stop yesterday's presentation of the TRC report to President Nelson Mandela, Sharmna said it was a shame that the ANC would now be seen not to tolerate criticism any longer.

Amnesty International said public acknowledgement of human rights abuses in South Africa set the country apart from other nations, where perpetrators of atrocities have claimed amnesty without admitting violations.

Spokesperson Brendan Paddy "It is a very positive step that these crimes have been acknowledged. In Chile, the military authorities granted themselves amnesty without acknowledging the crimes they had committed."

In the past two weeks,

Amnesty International has been among the leading supporters of efforts by Spanish judges to have the former Chilean dictator, General Augusto Pinochet, extradited from Britain for prosecution in Spain.

Scores of Spanish citizens were tortured and killed in Chile under the Pinochet regime. White Britain's Crown Prosecution Service awaits the arrival of a Spanish warrant, the High Court in London has ruled that Pinochet does not have to answer charges of torture, kidnapping and murder because he is entitled to sovereign immunity under the 1961 Vienna Convention governing the treatment of foreign diplomats and emissaries.

Pending an appeal to the House of Lords by the Crown Prosecution Service, Pinochet will remain under police guard at a clinic where he is being treated for back problems. Paddy would not comment on the likelihood of his organisation pursuing prosecutions in Britain of South Africans named by the TRC as having committed gross violations of human rights.

In terms of a British law dealing with torture, anyone who commits torture anywhere in the world is vulnerable to prosecution in the UK. This means that a Vlakplaas operative or a Quatro commander who comes to the UK on holiday or business could be arrested or prosecuted in Britain if evidence were presented to the Crown Prosecution Service.

Free at last



DEBBIE YAZBEK

"We are all masters of our destiny," said Mandela at the ceremony yesterday

# Call for wealth tax and levy to help victims

Proposal for listed companies to donate 1% of their capital

By CHRIS BATHMAN AND SAVA CAPE TOWN

A wealth tax and a once-off levy on corporate and private income are among the TRC's recommendations.

It recommended that ways should be sought to compensate those who suffered under apartheid. Besides a wealth tax and a once-off levy, the TRC proposed that companies listed on the Johannesburg Stock Exchange make a 1% donation of their market capitalisation.

Other suggestions were a retrospective surcharge on corporate profits extending back to a specific date, a surcharge on golden handshakes given to senior public servants since 1990, and suspension of tax on all land occupied by previously disadvantaged communities.

The TRC referred to South Africa's massive foreign debt, which it said was the responsibility of the previous government. It called for reconsideration of repayment of capital and interest, which was a crippling burden on the fiscus.

The report called on the minister of finance to investigate whether the Sasria fund, contributed to by business during the apartheid years, could be used for reparations. A suggested retrospective

surcharge on corporate profits would "entirely undermine" trust in the income tax system and be an "unqualified disaster", Anglo American's tax chief Martin van Blerck said yesterday.

He said a retrospective surcharge would be the first step on a "very slippery path downwards", adding "I cannot think of a perspective from which it would be fine."

Expressing doubt as to how the recommendations fitted the TRC's mandate, Van Blerck said the Government "collected quite a few bob" with its Transition Levy in 1995 and 1996.

However, Christo Wiase, chairperson of Pepkor and the Industrial Development Corporation, believes the recommendations are "very much part of the TRC's mandate to further reconciliation."

"In principle, I have no difficulty with attempting in some way to perfect reconciliation by a one-off donation or contribution. But here's my qualification: all South Africans must agree that once such an action is taken, that's it - we close the book on the past."

Wiase said those who continually blamed the past for current shortcomings or failings were condemned to forfeit opportunities of the future. Business had already shown

its willingness to go the extra mile both through the National Business Initiative and unequalled black economic empowerment.

"Four years ago, blacks controlled 4% of the JSE and now they control 7.10% - something unrivaled anywhere in the world," he said.

Van Blerck said the 1995/96 levy for individuals was spread over two years and amounted to 5% of taxable income in excess of R50 000 in each year, with 3.33% in 1995 and the balance the following year. A corporate levy was charged in 1995 and was a flat 5% of taxable income in excess of R50 000.

Van Blerck said ad hoc wealth tax measures attacked the health of tax and economic systems and were always best done in a growing economy.

"Economic growth is the very best way to beat poverty. In the end, the tax system is and should be used for general services and to support the poor," Van Blerck added.

He said the negative effects of an ill-considered wealth tax could far outweigh the benefit of additional revenues.

The TRC did not propose a date on which the retrospective surcharge would be levied, nor give details of rates at which levies should be imposed.



# Apartheid state seen as primary perpetrator of abuses

## P W Botha, Magnus Malan, Adriaan Vlok held personally accountable

By SIMON ZWANE

The apartheid state was "the primary perpetrator of gross violations of human rights", the TRC has found.

Its report held former state president P W Botha and his security chiefs, former defence minister Magnus Malan, and former law and order minister Adriaan Vlok accountable for these violations.

A "predominant portion of gross violation of human rights was committed by the former state through its security and law-enforcement agencies".

The state became involved in criminal acts when it planned, undertook, covered up the commission of unlawful acts, including the assassination of political opponents, said the TRC.

"In pursuit of these unlawful activities, the state acted in collusion with certain political groupings, most notably the Inkatha Freedom Party," it said.

The state and the IFP were found to have conspired in 1986 to train death squads for the IFP. The defence force provided training, financial aid and logistical management during the training in the Caprivi Strip.

Although it had insufficient evidence of the existence of a

security force operatives which "functioned with the active collusion and knowledge of senior security personnel, and the former government - either deliberately or by omission - failed to take sufficient steps to put an end to such practices".

As members of the State Security Council (SSC) Botha, Malan and Vlok, as well as former heads of security forces, were found responsible for deliberate planning of acts which constituted gross violations of human rights.

The commission charged that these members "did foresee that the use of words such as 'take out', 'wipe out', 'eradicate' and 'eliminate' would result in the killing of political opponents".

There was no evidence of any attempt by the SSC to investigate the killing of political opponents, and members of the council did foresee that the use of these terms would result in deaths, the TRC said.

The state was also charged with creating racism. "A consequence of this racism was that white citizens in general adopted a dehumanising position towards black citizens, to the point where the ruling order of the state failed to regard them as fellow citizens and largely belied them as the enemy."

"This created a climate in

and that these activities, were carried out by those who, saw themselves as ANC supporters.

The ANC was responsible for violations in the Magoo's bar and Durban Esplanade bombings, and did not take adequate steps against those responsible. The bombings were violations in that they resulted in injuries and deaths of civilians.

Violations including killings, arson and severe ill treatment or torture were committed by ANC supporters against councillors,

# ANC violated human rights, says the report it failed to gag

By PRINCE HANNICIA

The ANC was responsible for the perpetration of gross human rights violations and was morally and politically accountable for creating a climate in which its supporters believed their actions to be legitimate, the TRC stated.

The report, which the ANC failed to gag in a High Court action yesterday, said large numbers of human rights violations were perpetrated in the 1980s

and that these activities, were carried out by those who, saw themselves as ANC supporters.

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# Many crucial records were destroyed on massive scale

By HOPEWELL RADEBE

Many crucial state records were destroyed on a massive scale after the 1990 unbanning of political organisations, and the National Intelligence Agency continued with the destruction for two-and-a-half years after the first democratic elections, the TRC found.

"The tragedy is that the former government deliberately and systematically destroyed a huge body of state records. In an attempt to remove incriminating evidence and thereby sanitise the history of oppressive rule.

"Any attempt to reconstruct the past must involve the recovery of this memory - much of it contained in countless documentary records. The urge to destroy gained momentum in the 1980s and widened into a co-ordinated endeavour sanctioned by the cabinet and designed to deny the new democratic government access to the secrets of the former state."

The commission said it needed the documents to accurately reflect the true picture of gross human rights violations, but the records of the National Security Management System - a substructure of the State Security Council - in particular, could not be traced.

Fortunately, some cabinet minutes and minutes of the State Security Council had survived. Some documentation was found to have huge gaps.

However, extensive requests made by investigators and researchers for records were mostly frustrated by the SA National Defence Force, the SA Police Service and the National Intelligence Agency.

The commission found that accountability should rest with heads of state at the time, and the National Intelligence Service "for the key role it played".

P W de Klerk's cabinet was found culpable for sanctioning the massive destruction of documentation in the 1990-94 period.

Other crucial state records were destroyed on a massive scale after the 1990 unbanning of political organisations, and the National Intelligence Agency continued with the destruction for two-and-a-half years after the first democratic elections, the TRC found.



Celebrating Truth and Reconciliation Commission's mission of justice Archbishop Desmond Tutu with Dumisa Ntsebeza (right) and Ale Boraine (left) show copies of the



It said there was no evidence that the killers of SACP leader Chris Hani took orders from higher right-wing echelons. Former Conservative Party MP Clive Derby-Lewis and Polish immigrant Janusz Wujars are serving life sentences for Hani's assassination in 1993.

The report held the ANC leadership, including Deputy Defence Minister Ronnie Kasrils, who led a march which led to the Bishop massacre in September 1992, partially accountable for atrocities which occurred when members of the Ciskei Defence Force opened fire on the marchers, killing 29.

Former Ciskei leader Oupa Gqozo was found liable for the "grossly irregular use of force" by his army and for illegally interfering with the criminal prosecution into the massacre.

The commission found that violations of human rights and other criminal acts were perpetrated on a wide scale by the police and army in the period from 1978 to 1993, when Botha was head of state.

It said Botha was responsible for ordering Vlok, then the law and order minister, and the

army. The s.ance of self-protection units constituted a conspiracy to commit gross violations of human rights. IFP strongman Philip Powell, police general S M Matthe and Captain Lec and Langera were also held accountable.

Madikizela-Mandela was held personally responsible for committing gross violations and also held accountable for actions of her Mandela United Football Club. She was central to the establishment of the club, which later developed into a private vigilante unit. The TRC said she was "aware of the criminal activity and the disquiet" the club caused in the community but deliberately ignored the problem.

"The commission finds that those who opposed Ms Madikizela-Mandela and the Mandela United Football Club or dis-sented from them, were branded as informers and killed."

Ferreblanche, Viljoen and Groenewald were held accountable for gross violations by right wing members in the run-up to the elections. The TRC said they had advocated the use of violence by the right wing

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Doing the Madiba shuffle ... President Mandela and Archbishop Tutu get into the spirit of things at yesterday's presentation of the TRC report.

## Summary of the major TRC findings

■ The State Former leader P W Botha responsible for human rights violations, for ordering bombing of Khotsiso House and SA Council of Churches headquarters. State Security Council involved in gross human rights violations. Members accountable for these actions. Between 1980 and 1994, government responsible for torture, unjustified use of force, judicial killings, incursions and social divisions. Destroyed documents to cover itself.

■ ANC: Responsible for human rights violations in camps in exile, contributed to spiral of violence from 1990-94, landmine policy from 1985-87 killed civilians, ANC Women's League leader Winnie Madikizela Mandela committed human rights violations and was responsible for Mandela United Football Club violations. Unkhonto we Sizwe and UDF responsible for deaths of 76 IFP officials.

■ IFP: Responsible for human rights violations, leader Mangosuthu Buthe held liable for atrocities by KwaZulu homeland government and its police force.

■ Pan Africanist Congress, The PAC and armed wing Apla violated human rights.

■ The Right Wing: Generals Constand Viljoen and Tienie Groenewald, and AWP leader Eugene Terreblanche, responsible for gross human rights violations by followers.

■ Civil Society: English language media appeased previous government, ensured self-censorship, Afrikaans language media supported apartheid, churches promoted apartheid.

## STARTING IN THE STAR ON MONDAY

# OFF THE TRC'S FINAL REPORT

■ The Truth and Reconciliation Commission's final report is one of the most important and controversial documents in our history. To give you a better chance of making your own judgment on its findings, the Star will publish five 12-page comprehensive extracts from the report on Monday to Friday next week.

■ We would like this momentous document to go to as many schools as possible. If you, your organisation or your company would like to sponsor pupils, please phone Barbara McGowan on (011) 633-2179. She will arrange to have the copies delivered to schools at only R1,10 a copy (minimum of 20 copies). McGowan will also discuss ways in which your sponsorship can be acknowledged.

## Winnie 'took part in assaults'

Winnie Madikizela Mandela, the ANC Women's League president, personally committed gross human rights violations and took part in an assault on four youths, the TRC found.

It said Madikizela Mandela was politically and morally responsible for atrocities committed by the Mandela United Football Club in the 1980s.

The report contains a 27-page section on the TRC's special investigation into the activities of the club.

It found club members were responsible for at least 18 killings, and that several of these were launched from Madikizela-Mandela's home.

"The commission finds that Ms Madikizela-Mandela was central to the establishment and formation of the Mandela United Football Club, which later developed into a private vigilante group operating around Ms Madikizela-Mandela, and from her houses in both Orlando West and Diepkloof," the report said.

"The commission further finds that the Mandela United Football Club was involved in a number of criminal activities, including killing, torture, assaults and arson, in the community

"It is the commission's view that Ms Madikizela-Mandela was aware of the criminal activity and the disquiet it caused in the community, but chose deliberately not to address the problems emanating from the football club."

The TRC said Madikizela-Mandela initiated and took part in an assault on four youths - Stompie Seipei, Kenny Kgese,

MDM, ANC responsible for not bringing her into line

Palo Mkgwe and Thabiso Mono - in late 1989.

"The commission finds that Stompie Seipei was last seen alive at the home of Madikizela-Mandela, and that she was responsible for his abduction from the Methodist manse (in Orlando), and was negligent in that she failed to act responsibly in taking the necessary act

It is all there on the Internet

The handover of the long-awaited Truth and Reconciliation Commission's five-volume report to President Nelson Mandela in Pretoria yesterday was covered across the globe, with international media giving it priority.

CNN covered the findings and recommendations in a live broadcast, ousting other international news from its midday slot.

The full TRC final report was on the commission's website by late yesterday afternoon, commission officials said. The address is [www.truh.org.za](http://www.truh.org.za) - Staff Reporter

TRC INSIDE

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PAGE 5 - ANC BID FAILS

PAGE 6 - REACTION

PAGE 7 - PROBE COSTS

PAGE 8 - VICTIMS

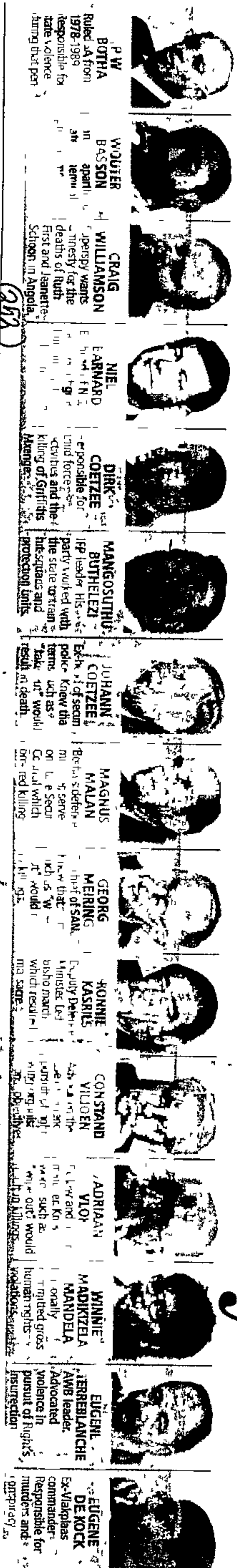
PAGE 13 - TWO GIANTS

Special available on Saturday 31 October and Sunday 1 November 1998, or while stocks last. We reserve the right to limit quantities. May not be available in certain country areas. Not available in KwaZulu-Natal, Mpumalanga and the Western Cape. Prices includes VAT & OE.

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# The villains of the dark years



## TRC finger of blame falls on rights abusers across the board

BY SIMON ZWANE

**P**ast and present political leaders - including P W Botha, Mangosuthu Buthelezi, Winnie Madikizela Mandela, Adriaan Vlok and Magnus Malan - have been named as abusers of human rights in a damning Truth and Reconciliation Commission report which held the apartheid state and liberation movements accountable for atrocities.

The commission confirmed the international declaration of apartheid as "a crime against humanity" and charged the state with murders, cover-ups and creating a climate where racial hatred thrived.

The apartheid state was the "primary perpetrator" of gross violations of human rights. The report also fingers former police and army generals Johan van der Merwe, Constand Viljoen, Tienie Groenewald, Johann Coetzee and a host of IFP leaders and Afrikaner Weerstandsbeweging leader Eugene TerreBlanche.

It said there was no evidence that the killers of SACP leader Chris Hani took orders from higher right wing echelons. Former Conservative Party MP Olive Derby-Jones and Polish immigrant Janusz Wandy are serving life sentences for Hani's assassination in 1993.

The report held the ANC leadership, including Deputy Defence Minister Ronnie Kasrils, who led a march which led to the Bisho massacre in September 1992, partially accountable for atrocities which occurred when members of the Ciskei Defence Force opened fire on the marchers killing 29

*Now 30/10/98*

then police commissioner, Van der Merwe, to destroy Khoiso House.

"This decision greatly enhanced the prevailing culture of impunity and facilitated further gross violation of human rights by senior members of the security forces."

As head of the State Security Council, Botha was held accountable for planning that caused gross violations.

The commission said Botha, Vlok, former defence minister Malan and heads of security forces "did foresee that the use of words such as 'take out', 'wipe out', 'eradicate and 'eliminate' would result in the killing of political opponents".

Botha, Malan, Groenewald and Buthelezi were jointly held responsible for murders and ill-treatment that IFP death squads perpetrated in KwaZulu Natal before the 1994 elections. Malan, Groenewald and others stood trial for hit-squad activities in 1996 and were acquitted.

The commission said the armed resistance of IFP self-protection units constituted a conspiracy to commit gross violations of human rights. IFP strongman, Philip Powell, police general S M Mathe and Captain Lec and Langertz are also held accountable.

Madikizela-Mandela was held personally responsible for committing gross violations and also held accountable for actions of her Mandela United Football Club. She was central to the establishment of the club, which later developed into a private vigilante unit. The TRC said she was "aware of the criminal activity and the dis-



Doing the Madiba shuffle President Mandela and Archbishop Tutu get into the spirit of things at yesterday's presentation of the TRC report.

## Summary of the major TRC findings





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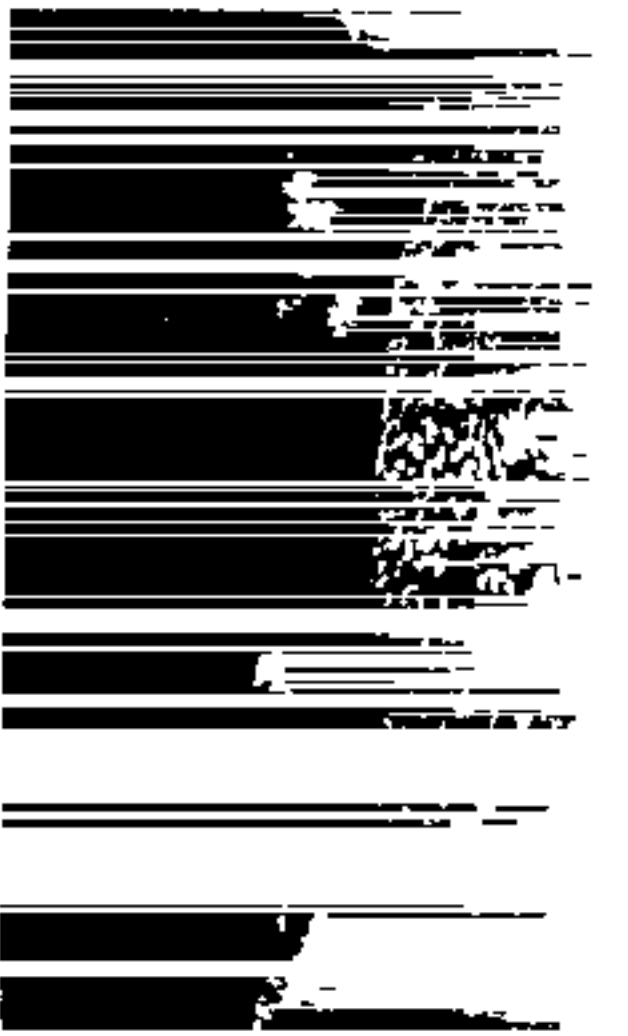
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Doing the Madiba shuffle President Mandela and Archbishop Tutu get into the spirit of things at yesterday's presentation of the TRC report.

## Summary of the major TRC findings

The State Former leader P W Botha responsible for human rights violations, for ordering bombing of Knottso House and SA Council of Churches headquarters. State Security Council involved in gross human rights violations, members accountable for these actions. Between 1980 and 1994, government responsible for torture, unjustified use of force, judicial killings, incursions and social divisions. Destroyed documents to cover itself.

ANC Responsible for human rights violations in camps in exile, contributed to spiral of violence from 1980-94, Landmine policy from 1985-87 killed civilians, ANC Women's League leader Winnie Madikizela Mandela committed human rights violations and was responsible for Mandela United Football Club violations. Unkhotko Sizwe and UDF responsible for deaths of 76 IPR officials.

IPF Responsible for human rights violations leader Mangosuthu Buthe held liable for atrocities by KwaZulu homeland government and its police force.

Pan Africanist Congress The PAC and armed wing Apla violated human rights.

The Right Wing Generals Constand Viljoen and Tienie Groenewald, and AWB leader Eugene Terreblanche, responsible for gross human rights violations by followers.

Civil Society: English language media appraised previous government, ensured self censorship, Afrikaans language media supported apartheid churches promoted apartheid.

## STARTING IN THE STAFF ON MONDAY

# TRC'S FINAL REPORT

The Truth and Reconciliation Commission's final report is one of the most important - and controversial - documents in our history. To give you a better chance of making your own judgment on its findings, the Star will publish five 12-page comprehensive extracts from the report on Monday to Friday next week.

We would like this momentous document to go to as many schools as possible. If you, your organisation or your company would like to sponsor pupils, please phone Barbara McDonnan on (011) 633-2179.

She will arrange to have the copies delivered to schools at only R1,10 a copy (minimum of 20 copies). McDonnan will also discuss ways in which your sponsorship can be acknowledged.

## Winnie 'took part in assaults'

Winnie Madikizela-Mandela, the ANC Women's League president, personally committed gross human rights violations and took part in an assault on four youths, the TRC found.

It said Madikizela-Mandela was politically and morally responsible for atrocities committed by the Mandela United Football Club in the 1980s.

The report contains a 27-page section on the TRC's special investigation into the activities of the club.

It found club members were responsible for at least 18 killings, and that several of these were launched from Madikizela-Mandela's home.

"The commission finds that Ms Madikizela-Mandela was central to the establishment and formation of the Mandela United Football Club, which later developed into a private vigilante group operating around Ms Madikizela-Mandela, and from her houses in both Orlando West and Deep Kloof," the report said.

"The commission further finds that the Mandela United Football Club was involved in a number of criminal activities, including killing, torture, assaults and arson, in the community.

MDM, ANC responsible for not bringing her into line

It is the commission's view that Ms Madikizela-Mandela was aware of the criminal activity, and the disquiet it caused in the community, but chose deliberately not to address the problems emanating from the football club.

The TRC said Madikizela-Mandela initiated and took part in an assault on four youths - Stormpe Seipei, Kenny Kgase, MDM, ANC responsible for not bringing her into line

Pelo Mkegwe and Thabiso Mono - in late 1989.

"The commission finds that Stormpe Seipei was last seen alive at the home of Madikizela-Mandela, and that she was responsible for his abduction from the Methodist manse (in Orlando), and was negligent in that she failed to act responsibly in taking the necessary act-

ion required to avert his death."

The TRC found Madikizela-Mandela was involved in, and responsible for, the attempted murder of former football club member Lerotodi Keaneng in January 1989.

Madikizela-Mandela was also involved in the abduction of Lolo Sono, and had to accept responsibility for his disappearance and that of his relative, Sibomiso Tshabalala, the TRC said.

The commission was not able to verify allegations that Madikizela-Mandela was involved in the murder of Soweto doctor Abubaker Asvat.

Asvat was shot in his surgery in 1989, and Thulani Dlamini and Zakhwele Mbatia were convicted of his murder. Dlamini claimed Madikizela-Mandela had contracted the killing.

The Mass Democratic Movement and African National Congress had to accept responsibility for not bringing Madikizela-Mandela into line, the TRC said.

It recognised the enormous contribution she had made to the liberation struggle, and that she had suffered torture, imprisonment and persecution at the hands of the former government - Sapa

## It's all there on the Internet

The handover of the long-awaited Truth and Reconciliation Commission's five-volume report to President Nelson Mandela in Pretoria yesterday was covered across the globe, with international media giving it priority.

CNN covered the findings and recommendations in a live broadcast, ousting other international news from its midday slot.

The full TRC final report was on the commission's website by late yesterday afternoon, commission officials said. The address is [www.truth.org.za](http://www.truth.org.za) - Staff Reporter

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# PW Botha accountable for bombing

Tarvin Lamberti

FORMER state president PW Botha ordered the 1988 bombing of SA Council of Churches head office Khotso House and was accountable for gross violations of human rights conducted during his reign in the 1980's, the truth commission has found.

Of the 3 500 pages detailing the commission's three-year investigation into human rights violations committed under the apartheid government only two pages are devoted to findings on Botha. Although the commission details a string of gross human rights violations conducted under Botha's reign, which were "widespread" within and outside SA, he is only found directly responsible for ordering the Khotso House bombing. The text, less than a page, under the

heading "finding on former State President FW de Klerk", is blackened-out following De Klerk's successful court bid this week to halt the publication of findings against him.

Botha served as head of state from 1978 to 1989 and as state president from 1978 to 1989 during which time he chaired the State Security Council which was established to advise government on national security issues.

The commission also found that the council had created a political climate that greatly facilitated the gross violation of human rights, which occurred "on a wide scale".

The commission found Botha responsible for ordering former law and order minister Adriaan Vlok and former police commissioner Johan van der Merwe unlawfully to destroy Khotso House in cen-

tral Johannesburg. The report says the building was occupied by organisations considered by Botha to be a threat to the security of his government.

During Botha's tenure as head of the country, gross violations of human rights and other unlawful acts were committed on a wide scale by members of the SA police, the defence force and other organisations. The violations included murder and attempted murder of people opposed to the government's policies, within and outside the country's borders. The commission found that there was widespread use of torture and severe ill treatment of the state's enemies.

There had been forcible abductions of opposition members in neighbouring states, and acts of sabotage and arson against the property of the government's opponents.



BOTHA

## PAC found responsible for 'reign of terror' in the 1960's

Nomavenda Mathiane

THE Pan Africanist Congress (PAC) was responsible for gross human rights violations, including a reign of terror in the Western Cape in the 1960s, the truth commission said in its report released yesterday.

The commission said that in the 1960s the PAC and Pogo, its armed wing at the time, conducted a campaign aimed at seizing land from white "settlers". However, the commission noted the organisation's explanation that its activities in the 1960s should be viewed in the context of the "land wars of the time".

The commission also found that in 1990 the PAC and its military wing Apla launched "The Year of Great Storm", a campaign which targeted whites, particularly farmers, at random. The campaign resulted in the loss of civilian life for which the PAC must bear responsibility.

## Third force activities identified

Stephané Bothma

PRETORIA — In the clearest indication yet of the existence of a police-supported "third force", the truth commission has identified a network of security and former security force operatives, acting with right-wing elements or Inkatha Freedom Party (IFP) factions, engaged in violent activities during the early 1990s.

Although little evidence existed of a centrally directed, coherent and formally constituted third force, the commission found that networks at times functioned with the active collusion of senior security force personnel. The commission found that the National Party

government deliberately, or by omission, failed to take steps to end criminal activities committed by these networks.

The sanction of illegal activities by security force operatives during the 1980s provided the basis for their continuation in the 1990s — a period when unprecedented levels of violence were seen in the country, the commission said. The networks often facilitated violence which resulted in gross human rights violations, including random and targeted killings.

"The success of third force attempts to generate violence was at least in part a consequence of extremely high levels of political in-

tolerance, for which both the liberation movements and other structures, such as the IFP, are held to be morally and politically accountable," the report said.

In almost three years the commission heard numerous allegations concerning the involvement of the "hidden hand" or "third force" in violence aimed at derailing negotiations.

The commission also found evidence showing the involvement of Military Intelligence in destabilising the homelands, including a plan to invade the Transkei and plans to abduct or assassinate former Umkhonto we Sizwe chief of staff Chris Hamu and the then Transkei leader Bantu Holomisa.



# Margo findings on Helderberg crash 'questionable'

Stephané Bothma

BD 30/10/98 (247)  
PRETORIA — The findings of the official inquiries into the 1986 death of Mozambican president Samora Machel and the crash of SA Airways' Helderberg aircraft a year later have been labelled as highly questionable in the truth commission's final report released yesterday.

Both disasters required further investigation by an appropriate structure, the truth commission said.

The Helderberg, a Boeing 747 carrying 159 passengers and crew, crashed into the sea off Mauritius on October 28 1987. There were no survivors.

The official finding by judge Cecil Margo was that a fire, whose cause was not determined, was to blame for the disaster. The truth commission's probe into the matter indicated that the investigators of the Margo inquiry had not followed correct procedures.

"This commission's investigation into the Helderberg crash raised significant questions about the incident itself as well as the subsequent investigations that were conducted," the report says.

Detailing a number of questions and concerns, the truth commission said it was clear that further investigation into the disaster was necessary before the matter could be laid to rest. These included the failure of the Civil Aviation Directorate to secure all documentation and recordings as required by aviation regulations. The truth commission said the cargo manifests were missing, as was a tape recording of contacts between the aircraft and the control tower.

The truth commission questioned the fact that eye witnesses of the crash were not called to testify before Margo and that members of Armscor, which at the time was SA's sole armaments procurement company, were also not called as witnesses.

"Jimmy Mouton, of the Flight Engineers' Association, also told the commission that his organisation was requested by the lawyer acting for the aviation directorate, as well as by Margo himself at a later stage, to withdraw its submission indicating that there may have been two fires on board the Helderberg," the report says.

During its investigation, the commission established that Armscor may have had a goods consignment on the Helderberg that could have been responsible for the fire.

Machel and 24 others died on October 19 1986 when his Tupolev aircraft crashed into the mountainous terrain near Komatipoort. Margo blamed pilot error, while a Soviet team which conducted its own investigation concluded that a decoy beacon had caused the plane to stray off course and crash.

"The truth commission's investigation did not find conclusive evidence to support either of these conclusions," the report says.

## Victims left with scars of a violent past

Nomavenda Mathiane

PHOENIX Quin was a year old when her parents were killed by a squad of security police led by Eugene de Kock during a raid into Lesotho in 1985.

Now almost 14, she said she harboured no bitterness about what happened to her parents. "I would be willing to forgive De Kock if he took the responsibility for what he did."

Jonathan Jeffers bears scars on his face, arms and chest from the bomb that exploded at the Magoo's Bar in Durban. Like the other victims, Jeffers commended government "for creating the (truth commission) which gave us understanding of our past. I am not bitter" he said.

Although most of the victims said they were happy with the commission and the process of reconciliation, there were some who were obviously in pain.

Thabo Morosi from Kuruman, a former member of the African National Congress's military wing Umkhonto we Sizwe, was captured and tortured by the security forces. He suffers from mental disorder and severe headaches. "Although it hurts to see perpetrators not being with us, let bygones be bygones," he said.

Pulane Mabalane, said her 15-year-old daughter had been killed by United Democratic Front "boys" in Vryburg.

She felt awful because she knew who her daughters' killers were and how they seemed to be above the law.



# Medical fraternity allowed abuse

BD 20/10/98 (252)  
Taryn Lambert

THROUGH apathy, acceptance of the status quo and acts of omission, the health sector allowed the creation of an environment in which the health of millions of South Africans was neglected and at times actively compromised, the truth commission has found after a three-year investigation into human rights violations committed under the former government.

The commission found that although there had been frequent disregard of moral and ethical codes of practice, it found "little evidence" of the direct involvement of health professionals in gross human rights violations.

The health department failed to provide adequate health care facilities to black South Africans.

The SA Defence Force and the SA Police did not provide adequate training, support or ethical guidance to health care professionals in their employ and thereby subjugated the interests of their patients to those of the government.

The commission said sectors of civil society which were represented at the commission's hearings, including the

health sector, were not directly involved in gross violations of human rights, but were structurally "part of an overall system designed to protect the privileges of a racial minority."

It was found that professional medical bodies had not fulfilled their professional duty to protect the health of their patients by "neglecting to draw attention to the effects of the socio-economic consequences of apartheid on the health of black South Africans."

Segregated health care and unequal budgetary allocations resulted in "gross inequalities in terms of facilities, resources and training."

Statutory councils and medical bodies representing "almost exclusively the white male mindset" had ignored the needs and interests of millions of South Africans.

They had failed to conduct proper investigations into allegations of misconduct by doctors and nurses against political prisoners, the findings say.

Most district surgeons had not recorded or reported complaints of torture or abuse of political prisoners.

Tertiary institutions were also criticised for not ensuring that students learnt issues of ethics and human rights in health care.

## Winnie found accountable for killings

Nomavenda Mathiane

WINNIE Madikizela-Mandela was politically and morally accountable for the gross violations of human rights committed by the Mandela United Football Club, the truth commission found.

It said the club was involved in criminal activities, including killing, torture, assaults and arson. The Mass Democratic Movement and the African National Congress had to accept responsibility for not bringing Madikizela-Mandela into the fold or disciplining her when things started to go wrong, the report said.

The report includes the abduction and killing of Lolo Sono and Anthony Sibusiso Tshabalala and the abductions and assaults on Pelo Mkgwe, Thabiso Mono, Kenny Kgase and Stompie Seipei. The commission concluded there was no doubt that Madikizela-Mandela was central to the establishment of the football club, and that its members were involved in at least 18 murders. Many of the operations which led to the murders were launched from her home, the report said.

## Media 'helped sustain divisions'

Nomavenda Mathiane

THE truth commission has found that state restrictions on the media played an important role in facilitating gross violations of human rights, and that more than 100 laws were introduced between 1950 and 1990 controlling the right to publish and broadcast.

Although the restrictions were not themselves a gross violation of human rights, they violated the right to a free flow of information and ideas, the commission's final report said.

At their worst, particularly during the successive states of emergency after 1985, the restrictions amounted to pre-publication censorship of information on state abuses.

The report said the management of the mainstream English language media often adopted a policy of appeasement towards the state, ensuring that a large measure of self-censorship occurred. The mainstream media's failure to affirm its independence from the state was evidenced in the "agreements"

between the Newspaper Press Union and the former government.

The Afrikaans media chose to provide direct support for apartheid and the activities of the security forces, of which many led directly to gross human rights violations.

The SABC violated the Broadcast Act of 1976, which required it to "disseminate information to all national communities, unambiguously, factually, impartially and without distortion".

With a few exceptions, the mainstream newspapers and the SABC failed to report adequately on gross human rights violations. In so doing, they helped sustain and prolong apartheid. Newspaper management failed to provide sufficient moral, institutional and legal support for journalists who chose not to submit to the media restrictions imposed or expected by the state.

The report also found that Christianity promoted the ideology of apartheid and that some churches taught overt biblical and theological teaching in support of apartheid.

## Apartheid judged a crime against humanity

Stephen Laufer

IN A key finding, the truth commission has judged apartheid — as a form of systematic racial discrimination and separation — a crime against humanity.

This brings the commission down on the side of international opinion as expressed in United Nations resolutions in the apartheid years. It endorsed the current international law position on the issue, dashing hopes in some quarters that the issue might be fudged.

The commission said the state had sought to protect the power and privilege of a racial minority from 1960 to

1990. Racism "constituted the motivating core of the SA political order, leading whites in general to adopt a dehumanising position towards blacks".

The finding could have a bearing on the amnesty applications of many security force members. They have consistently claimed that they committed gross human rights violations in the context of the fight against communism, not in support of a racial order.

Torture, cross-border raids, judicially sanctioned executions as well as the covert training, arming and funding of paramilitary units and hit squads flowed from the state's attempt to stay in power.

M



# NP culpable for most apartheid atrocities

Stephen Laufer

PRETORIA — The National Party state was responsible for the vast majority of human rights violations under apartheid, but all sides to the conflict were guilty of abuses, the truth commission has found in its final report.

The state had acted through its security forces, law enforcement agencies and collaborators, such as the Inkatha Freedom Party, State security council members who did not have security portfolios remained "politically and morally accountable" for the deaths and other violations it ordered.

The commission said apartheid had been a crime against humanity, that most businesses benefited from the system's racial structures; and that certain sectors — especially the mining industry — had helped design and implement apartheid policies. It also found that former presidents P.W. Botha and F.W. De Klerk, anti-apartheid activist Winnie Madikizela-Mandela and Home Affairs Minister Mangosuthu Buthelezi were accountable for gross human rights violations.

A leather-bound copy of the five-volume document was handed to President Nelson Mandela yesterday by commission chairman Archbishop Desmond Tutu after the ANC failed in a bid to have its release delayed pending negotiations on the findings.

The commission said in "recognising that it was ANC policy that the loss of civilian life should be 'avoided', there were instances where members of Umkhonto we Sizwe perpetrated gross human rights violations" by blurring the distinction between military and civilian targets, such as in the 1983

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## Church Street bombing.

MK members had determined targets without adequate command and control, resulting in civilian injury and loss of life. Poor intelligence and reconnaissance, such as in the Magoo's Bar bombing, had similar effects.

As an "ally of the state", the IFP had been responsible for violations directed against those believed to be leaders or members of the United Democratic Front, the ANC, SA Communist Party and Congress of SA Trade Unions. Abuses were also directed at IFP members whose loyalty was doubted.

As IFP president and chief minister and minister of police of KwaZulu, Buthelezi was accountable "in his representative capacity" for the gross violations committed by the three

On the "third force", the commission found that a network of security and ex-security force operatives acting with right-wing or IFP elements had fomented, initiated, facilitated, and engaged in violence resulting in random and targeted deaths.

Signalling that the report should not be seen as a final statement on the apartheid years, the commission said perpetrators of human rights violations who had not applied for amnesty should be prosecuted where evidence existed. It would make information in its possession which was not subject to privilege available to prosecutors.

Prosecutors should pay "rigorous attention" to the prosecution of police personnel found to have assaulted, tortured or killed people in their care. A general amnesty should be resisted "in order to avoid a culture of impunity and to entrench the rule of law".

The finding on De Klerk emerges indirectly in a passage which says the state was involved in criminal actions between the late 1970s and early 1990s, including the extra-judicial killing of political opponents inside and outside SA. The finding covers much of De Klerk's term as president.

De Klerk, who had a passage naming him deleted from the report pending court action, would probably respond today, his spokesman said. Commissioner Yasmin Sooka said attempts to delete the finding permanently would be opposed.

In a ceremony ranging from the sombre to the joyously festive, Tutu, Mandela, and Justice Minister Dullah Omar said the commission process had been a key element in dealing innovatively with a post-conflict, post-repression period. Tutu said it was a beacon for places such as Northern Ireland, Bosnia, and Rwanda. The victims were the "heroines and heroes of our story — we dedicate our work to them".

The report lists the names of thousands of victims recognised as such by the commission.



Archbishop Desmond Tutu hands over the five volumes of the truth commission document to President Nelson Mandela yesterday. Picture ROBEF

PTC



# The apartheid state 'the primary violator of human rights'

Stephen Lauffer

PRETORIA — The apartheid state was the primary violator of human rights in SA through its security and law enforcement agencies, and in conjunction with other elements such as the Inkatha Freedom Party, the truth commission has found in its chapter titled 'The State and its Allies'.

From the late 1970s to the early 1980s, the state became involved in criminal activities when it "planned, undertook, condoned and covered up the commission of unlawful acts, including the commission of extrajudicial

## Most ANC atrocities 'after 1990'

Stephané Bothma

PRETORIA — The African National Congress (ANC) and its armed wing, Umkhonto we Sizwe, bore political and moral accountability for gross human rights violations committed during the armed struggle against apartheid, the truth commission said in its final report released yesterday.

The finding was made in terms of international conventions. The commission said accountability extended to all the decision-making bodies, including the national executive committee, the national working committee, the national honorary council and secretary.

The commission found, however, that the greatest number of violations committed by the ANC took place after its unbanning in 1990 and after the armed struggle was suspended. The ANC was responsible for the murders of, assaults and attacks on political opponents between 1990 and 1994. This included campaigns of vio-

lence in the homelands and the murder of members of the Inkatha Freedom Party, the Pan Africanist Congress and the Azanian People's Organisation.

The organisation attacked and killed policemen after its unbanning and also established and armed self-defence units, thereby creating a situation where the young took the law into their own hands. The ANC had to take responsibility for violations committed by self-defence units and should have foreseen that these units, without proper command structures and discipline, and operating in a milieu where there was a contest for political terrain could result in the perpetration of gross human rights violations.

The commission said the organisation's top structure should have foreseen that units operating on their own with very little control and communication would misunderstand and ignore official policy, resulting in the perpetration of gross human rights viola-

tions and the loss of civilian life. As far as approved operations were concerned, the commission found that in a number of cases poor intelligence, reconnaissance and mistakes resulted in the deaths of civilians unconnected to the apartheid government's military or security forces.

The landmine campaign, waged by the organisation between 1985 and 1987 and in which about 25 people were killed, was also found to be a gross violation of human rights. In his amnesty application, Deputy Defence Minister Ronnie Kasrils accepted responsibility for the campaign.

The labelling of individuals as collaborators and their subsequent murder were also found to be gross human rights violations. The bulk of the findings dealt with actions taken while still in exile. Inmates and detainees in camps, mainly suspected enemies and mutineers, were tortured and executed, in many cases without proper attention to due process.

killings of political opponents and others inside and outside SA. The period covers the tenure of PW Botha and FW de Klerk as heads of government.

The finding firmly rejects a contention by several former senior National Party politicians and security force chiefs that the killings had been aberrations based on semantic misunderstandings or that they were the work of rogue elements.

The state president, the ministers of defence and law and order, and the chiefs of the security forces "did foresee that the use of words such as 'take out', 'wipe out', 'erad-

icate' and 'eliminate' would result in the killing of political opponents".

The report is unequivocal in its finding that from the late 1970s senior politicians and leaders of the intelligence services, police and defence forces had developed a strategy to deal with opposition through murder.

It says, however, that certain former State Security Council (SSC) members, particularly those not in direct charge of security portfolios, did not foresee that the use of such words would result in killings. They nevertheless remained politically and morally accountable for the deaths because

they failed to exercise proper care in the words they used, failed to investigate the killings and failed to heed complainants about abuses.

The commission said the domestic application of an essentially military counter-revolutionary approach was "a significant landmark".

With the defence force playing an increasing role inside the country, the policing of resistance had become militarised.

Thus, approach had been the expressed policy of the SSC — "perhaps the most influential body in SA at the time". All key

cabinet and security force members had belonged to the SSC and its decisions were almost always accepted by cabinet.

The increasingly strident language used by them in documents and on public platforms made no distinction between opponents of apartheid engaged in military operations or acts of terrorism and those using lawful or peaceful means.

Activists, supporters and their associates were lumped together as "a single category of persons to be killed", blurring the distinction in the minds of the security forces between those who posed a real dan-

ger to public safety and those who did not. The specific dates mentioned in the key finding did not suggest that the state had not killed its opponents prior to 1978.

Beginning with the Sharpeville massacre of 1960 and including the killings of hundreds during the 1976 Soweto uprising, the SA Police's public order policing policy was "an unjustifiable use of deadly force".

The 20 years after Sharpeville saw the steady erosion of any remnants of the rule of law, and the purging of the remaining democratic substance from the public administration.



Hundreds of reporters were placed in a 'lock up' at the State Theatre in Pretoria yesterday to ensure the embargo on the truth commission's final report was kept. Picture: ROBERT BOTHA

## Chemical warfare 'cost SA millions'

Stephané Bothma

PRETORIA — SA's former military command and former surgeon-general Neil Knobel were grossly negligent in approving the country's chemical and biological warfare programme which they did not understand and which achieved little of value despite a probable cost of hundreds of millions of rands.

In its final report released yesterday, the truth commission said the results of its investigation into the country's chemical and biological warfare programme, headed and controlled by cardiologist Wouter Basson, provided a basis for further investigation of the individuals involved and their apparently unprofessional and criminal activities.

"Cholera, botulism, anthrax, chemical poisoning and the large-scale manufacture of drugs of abuse, allegedly for purposes of crowd control, were among the projects in the programme. Moreover, chemicals, poisons and lethal micro-organisms were produced for use against individuals and murder weapons developed for their administration."

The programme displayed numerous bizarre aberrations of policy, management and intent and the scientific research undertaken was pedestrian, misdirected, ineffectual and unproductive.

Overall control of the programme was vested in the hands of Basson, even at a time when sufficient indications existed that he might not be trustworthy. The programme made the self-enrichment of individuals possible, the commission found.

Strong criticism was levelled at Knobel in the report, which stated that he knew of the production of murder weapons but refused to address the concerns raised with him.



# The apartheid state 'the primary violator of human rights'

Stephen Lauter

PRETORIA — The apartheid state was the primary violator of human rights in SA through its security and law enforcement agencies, and in conjunction with other elements such as the Inkatha Freedom Party, the truth commission has found in its chapter titled 'The State and its Allies'.

From the late 1970s to the early 1990s, the state became involved in criminal activities when it "planned, undertook, condoned and covered up the commission of unlawful acts, including the extrajudicial killings of political opponents and others inside and outside SA." The period covers the tenure of PW Botha and FW de Klerk as heads of government.

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The commission found, however, that the greatest number of violations committed by the ANC took place after its unbanning in 1990 and after the armed struggle was suspended. The ANC was responsible for the murders of opponents between 1990 and 1994. This included campaigns of violence in the homelands and the murder of members of the Inkatha Freedom Party, the Pan Africanist Congress and the Azanian People's Organisation.

The organisation attacked and killed policemen after its unbanning and also established and armed self-defence units, thereby creating a situation where the young took the law into their own hands. The ANC had to take responsibility for violations committed by self-defence units and should have foreseen that these units, without proper command structures and discipline, and operating in a milieu where there was a contest for political terrain, could result in the perpetration of gross human rights violations.

The commission said the organisation's top structure should have foreseen that units operating on their own with very little control and communication would misunderstand and ignore official policy, resulting in the perpetration of gross human rights violations and the loss of civilian life.

As far as approved operations were concerned, the commission found that in a number of cases poor intelligence, reconnaissance and mistakes resulted in the deaths of civilians unconnected to the apartheid government's military or security forces.

The landmine campaign, waged by the organisation between 1985 and 1987 and in which about 25 people were killed, was also found to be a gross violation of human rights. In his summary report, Deputy Defence Minister Ronnie Kasrils accepted responsibility for the campaign.

The labelling of individuals as collaborators and their subsequent murder were also found to be gross human rights violations.

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Hundreds of reporters were placed in a 'lock up' at the State Theatre in Pretoria yesterday to ensure the embargo on the truth commission's final report was kept. Picture: ROBERT BOTHA

## 'Chemical warfare' cost SA millions'

Stephané Bothma

PRETORIA — SA's former military command and former surgeon-general Neil Knobel were grossly negligent in approving the country's chemical and biological warfare programme which they did not understand and which achieved little of value despite a probable cost of hundreds of millions of rands.

In its final report released yesterday, the truth commission said the results of its investigation into the country's chemical and biological warfare programme, headed and controlled by cardiologist Walter Basson, provided a basis for further investigation of the individuals involved and their apparently unprofessional and criminal activities.

Cholera, botulism, anthrax, chemical poisoning and the large-scale manufacture of drugs of abuse, allegedly for purposes of crowd control, were among the projects in the programme. Moreover, chemicals, poisons and lethal micro-organisms were produced for use against individuals and murder weapons developed for their administration.

The programme displayed numerous bizarre aberrations of policy, management and intent and the scientific research undertaken was pedestrian, misdirected, inefficient and unproductive.

Overall control of the programme was vested in the hands of Basson, even at a time when sufficient indications existed that he might not be trustworthy. The programme made the self-enrichment of individuals possible, the commission found.

Strong criticism was levelled at Knobel in the report, which stated that he knew of the production of murder weapons but refused to address the concerns raised with him.



TRUTH COMMISSION

# Business berated for its actions during apartheid years

Stephen Lauer

BUSINESS comes in for severe criticism in the truth commission's final report, with the private sector berated for actions and omissions during the apartheid years and for its subsequent failure to take responsibility for its involvement in state security initiatives.

In a finding occupying less than half a page, the commission says most businesses benefited from operating in a racially structured context.

## IFP responsible for human rights violations

Taryn Lambert

THE Inkatha Freedom Party and its leader Chief Mangosuthu Buthelezi were responsible for gross human rights violations committed in the Transvaal, Natal and KwaZulu between 1982 and 1994, the truth commission found.

As IFP president, the KwaZulu government's chief minister and its only serving police minister, Buthelezi had to take responsibility for the violations. The IFP had targeted people who were perceived to be supporters or members of the United Democratic Front, the African National Congress, the SA Communist Party and the Congress of SA Trade Unions.

The commission said the apartheid government had the active and passive support of other elements in society in turning the NP to power in one election after another.

Also responsible for violating human rights were the governments of the former independent homelands, including KwaZulu, which the commission said were a "cornerstone" of the state's apartheid policy.

Economically nonviable, the homelands had little choice but to collaborate with the SA state over security matters. The homeland governments' police forces were generally characterized by "incompetence, brutality and political bias".

many structures had been to the advantage of many businesses.

Business was central to the economy sustaining the apartheid state and certain sectors — particularly the mining industry — had helped design and implement apartheid policies. The white agriculture industry benefited from privileged access to land.

The commission sharply criticized the country's big mining houses for using the apartheid system to guarantee cheap black labour for their mines.

The mining industry bore a great deal of

## Right wing 'mobilised for an insurrection'

Stephané Bothma

PRETORIA — Right-wing groups which became active in the late 1980s and early 1990s in attempts to secure the political interests of conservative Afrikaners committed acts which constituted gross human rights violations, the truth commission found.

Afrikaner leaders such as Freedom Front chief Gen Constand Viljoen and (AWB) leader Eugene TerreBlanche were held accountable by the commission for the human rights transgressions committed by the right wing.

Operating in a loose coalition, right-wing groups set out to disrupt the negotiation process in the early 1990s.

In its findings on the right wing, the commission said violations were committed against perceived supporters of the African National Congress (ANC), the SA Communist Party, the Pan Africanist Congress, the United Democratic Front, the National Party and other groups which did not support Afrikaner self-determination or the establishment of a volkstaat.

The commission found that the Afrikaner Volkfront and structures operating under its broad umbrella were responsible for gross violations of human rights between April 1993 and

"moral responsibility" for the divisive labour practices and brutal repression of workers during the apartheid era, the commission said.

"Mining capital played a major role in shaping and driving cheap labour policies," the report said in a section titled "Costs and Benefits of Apartheid".

Evidence showed that rather than relying simply on the forces of supply and demand, the mining industry harassed the services of the state to shape labour-supply conditions to their advantage. Mining companies took part in several strategies to keep black

May 1994. In an attempt to secure a volkstaat, the movement's leaders advocated the use of violence in pursuit of its aims or in an attempt to mobilise for an insurrection, the commission said.

These findings were based on speeches and orders by the movement's senior leaders which had the effect of inciting its supporters to commit acts of violence against individuals and institutions perceived to be the enemy of the Afrikaner.

The findings were also based on the arming of supporters with weapons in contravention of the law.

There were random attacks on black people, supporters were trained to undertake violent acts to prevent the 1994 elections from taking place and an army was established to threaten insurrection and revolution.

There was also clandestine collusion with members of the security forces and the Inkatha Freedom Party to commit violence or train paramilitary forces to commit acts which resulted in death or injury.

"By virtue of their leadership positions in the movement, the commission found Freedom Front leader Constand Viljoen, Gen Thema Groenewald and AWB leader Eugene TerreBlanche accountable for the violations committed," the report said.

that organised business should have done more to get rid of apartheid. However, Jacob said it had engaged the government over many years in the interests of economic freedom and human rights for all.

The commission says business failed during hearings into the private sector's role in apartheid to take responsibility for its involvement in state-security initiatives. This includes business' involvement with initiatives associated with the national security management system, which was specifically designed to sustain apartheid rule.

In its submission to the commission last year, the SA Chamber of Business admitted wages down and ensure a steady supply of migrant labour from the homelands.

These included influencing legislation that forced black workers into the cheap wage system, divisive practices in compounds and the sometimes brutal repression of black workers and trade unions.

"The mining industry bears a great deal of moral responsibility for the migrant labour system and its associated hardships," the report said.

In its submission to the commission last year, the SA Chamber of Business admitted

that organised business should have done more to get rid of apartheid. However, Jacob said it had engaged the government over many years in the interests of economic freedom and human rights for all.

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## Legal profession connived in 'the pursuit of injustice'

Taryn Lambert

THE courts and the legal profession "generally and subconsciously or unwittingly" connived in the illegitimate and executive pursuit of justice during the apartheid years, the truth commission has found after a three-year investigation into atrocities committed under the former government's rule.

The commission said there were many sectors of the legal profession which had "actively contributed" to the entrenchment and defence of apartheid.

The Pretoria bar, which had refused to admit black advocates, officially apologised for its racism only last October, the findings said.

The commission pointed a finger at prosecutors who had known that the police had used "brutal means" to extract information from suspects and who then helped stop the police from being questioned too closely on their methods.

Attorneys-general were criticised for launching prosecutions "too easily" and for returning bail to suspects on "flimsy evidence".

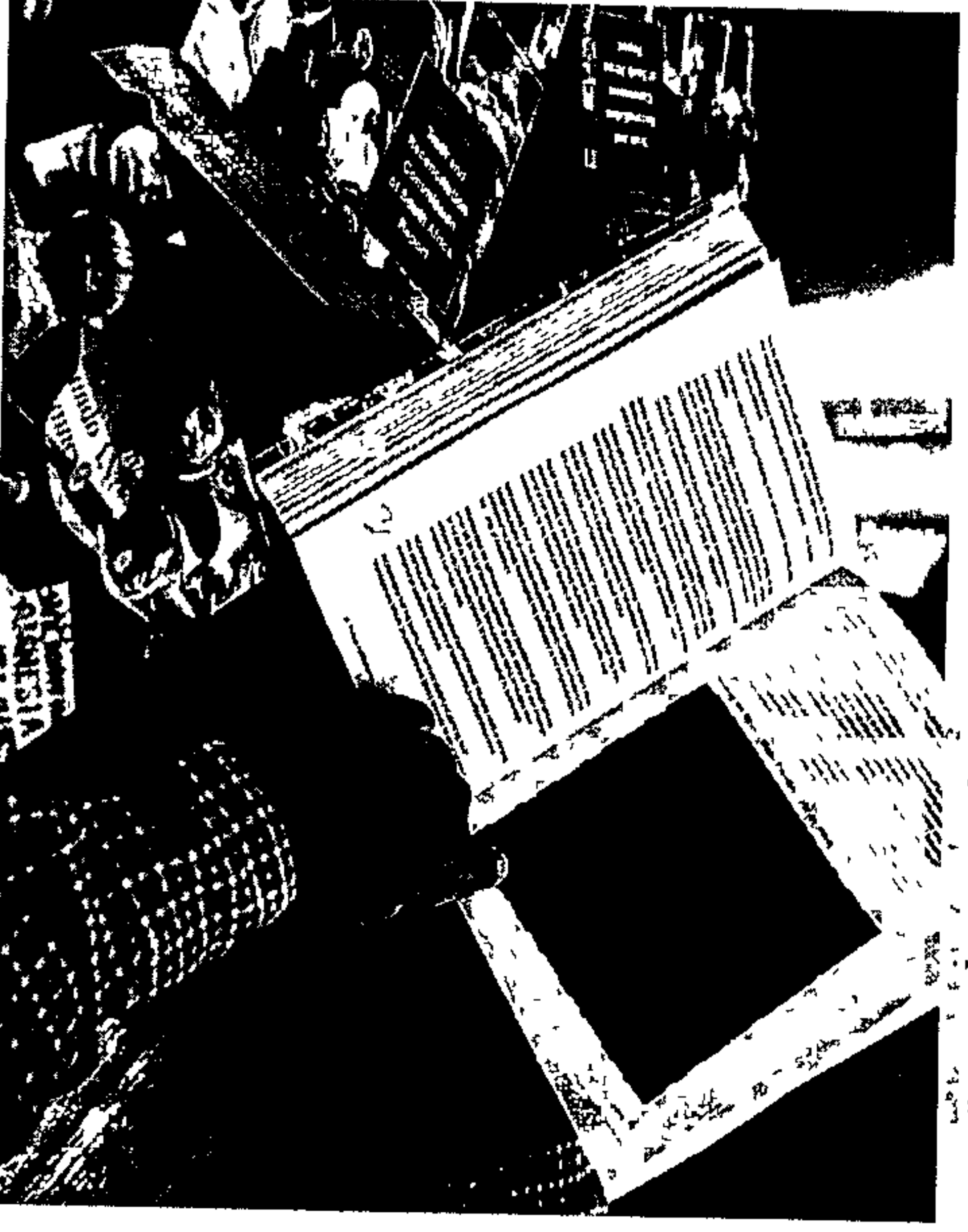
Magistrates were picked out for readily granting police search and seizure warrants and for "occasionally" finding no one responsible for injuries and deaths in death certificate inquests.

The commission also attacked attorneys who had refused to accept clients who were "impoverished" with the government of the day and advocates who had represented the government when its policies were being challenged.

Law teachers were criticised for concentrating on "safe" areas of the law and for failing to impart a "critical ability" to students.

The students had, in turn, chosen to be blinded by the "glamour and material returns" of the conventional mainstream of the profession.

The commission also launched a scathing attack on judges and magistrates who failed to appear before the truth commission.



The page that got away: a reader looks at the blacked-out half-page referring specifically to former President FW de Klerk which was temporarily deleted from the truth commission's report pending litigation. The commission has vowed to fight De Klerk's attempts at censorship at a court hearing set down for next March.



# ANC challenge heard in divorce court

Wynham Hartley

**CAPE TOWN** — The court showdown which saw Judge Wilfred Thring dismiss the African National Congress (ANC) challenge to the release of the truth commission report was ironically heard in Cape Town's divorce court.

Opponents of the truth commission process have in the past accused commission chairman and his 16 colleagues of being biased in favour of the ANC. The proceedings in court 16 should have laid that to rest.

Thring ruled that the ANC had failed to establish that the commission had not adequately considered its response to the commissioner's findings. The 10am judgment followed a drama-filled night after the ANC's midnight challenge and two-and-a-half hours of argument and counter argument from legal counsel.

The ANC contended that it had not been treated fairly. Koedolf van Riet SC argued that, because in early October the commissioner's acting chairman, Dumisa Ntsebeza, had said the

ANC was a "little" late and had urged them to hurry up with their submissions, that this constituted "legitimate expectations" of being heard which the commissioner had failed to satisfy.

John Newdgate, for the commission, said the ANC was first told that adverse findings were to be made in a letter on August 24. According to the law the ANC was given 15 days to respond, he said, but the first contact between the ANC and the commission was a letter on September 9 acknowledging receipt. The letter also said the

implications were being studied and that a reply would be forthcoming by September 18.

He said the ANC had continually asked for a meeting while Ntsebeza had explained why only a written response was appropriate. He said the ANC even apologised for being late in a letter in October. After being told by ANC secretary-general Kgalema Motlanthe that the party's response was almost complete on October 2, nothing was done until October 18. The ANC had been "dilatory in the extreme".

## An emotional rollercoaster of a day

PRETORIA — For Archbishop Desmond Tutu and his commissioners, yesterday's official handover of the truth commission report to President Nelson Mandela was a seesaw between despair and joy.

The day started early with expressions of despair, anger and defiance over the 11th-hour legal challenge to the report by the African National Congress (ANC). It ended at lunchtime with Mandela em-

bracing Tutu as he received the five leather-bound volumes of the final report. Speaking at an impromptu outside news conference as day broke, Tutu said he was "devastated" by the move to prevent publication of the 3 500 page report. The commission had never been unflinching and had made its mistakes, "but I believe that we have done a good job". The

ANC's response was "desperately distressing". Appearing at times to battle against tears of rage, Tutu said he had always opposed the abuse of power. He vowed to continue "with every fibre in my body — that is who I am".

Later the archbishop was much more cheerful. He said he had walked into Mandela's house for a meeting in the morning "with a long face. But I came out with a smile".

Mandela's support for the commission, spelled out again in his speech accepting the report, had convinced Tutu the effort of the past three years had been worthwhile.

The handover ceremony was a sombre moment in SA's post-apartheid history. Normally cheerful, Mandela's wife Graca Machel seemed to be in an unusually subdued mood.

perhaps because she knew the commission had also made findings on the death of her first husband, Mozambican ex-president Samora Machel.



African National Congress secretary-general Kgalema Motlanthe defended the ANC's decision to seek an urgent court order against the release of the truth commission report at a news briefing held at the organisation's headquarters in Johannesburg yesterday. With him is ANC head of presidency Smuts Mgonyama. Picture: ANDY KATZ

APR 20 1998 A P P E X



# Mixed reactions to report as ANC fails to suppress it

Business Day Reporters

MIXED reactions have greeted the final report of the truth commission, with the African National Congress (ANC) saying that although it rejected some of the findings it accepted the fact that the commission was established to lay the foundation for reconciliation and nation-building.

The organisation defended its failed urgent court application yesterday to stop the commission from releasing the report. It said the move was not an attempt to censor the commission but to seek relief. The ANC had attempted to interdict the commission from issuing findings that said the organisation had committed gross human rights violations. United Democratic Movement leader Bantu Holomisa said it was clear that everybody was "in one way or another" implicated in human rights violations and that it was futile to put anyone on trial.

He called for a general amnesty

(293)  
and said victims of human rights violations should be compensated.

Constand Viljoen and Tienie Groenewald, the former SADF military generals who have now become Freedom Front MPs, rejected the way in which they were named as being responsible for human rights offences committed by their followers.

Viljoen, accused for his role in the invasion of Cassinga, Angola, in the 1980s, said it was a legitimate military operation by a legal military force in a war situation.

Groenewald, a former head of military intelligence named for his role in the Volksfront's invasion of Mmabatho in the former Bophutatswana in 1994, described the findings against him as "nonsensical".

National Party spokesman Jacko Maree said the credibility of the report had been compromised by the fact that names were taken out at the last minute.

Health department official Tim Wilson said the commission's find-

BD 30/10/98  
ings on human rights violations in the medical field were "reasonable" and exposed the failure of bodies such as the then SA Medical and Dental Council to investigate breaches of medical ethics.

Wilson was part of a group that took the council to court 19 years ago over its failure to investigate doctors who mistreated Steve Biko. Wilson was speaking in his personal capacity.

Meanwhile, lawyers for former state president PW Botha yesterday remained tight-lipped about comments in the report that Botha was directly responsible for gross human rights abuses. The report said Botha personally ordered the bombing of two buildings in Johannesburg.

Business said the commission's findings on the sector were "broad" and "sweeping" and had been made without business being given the right of reply.

The report said business was central to the economy that sustained the apartheid state.

## 'Cassinga raid violated sovereignty'

Stephané Bothma

PRETORIA — The 1978 SA Defence Force (SADF) raid on Cassinga, Angola, in which 600 people died, was a violation of Angola's territorial sovereignty and resulted in the commission of gross human rights violations against civilian occupants of the military camp, the truth commission has found.

Code-named Operation Reindeer, the raid was possibly the SA state's most controversial external operation during the commission's mandate period, the final commission report states.

The commission holds the late prime minister John Vorster, then defence minister PW Botha, then SADF chief Gen Magnus Malan and generals Constand Viljoen and RH Rodgers, in their capacities as chiefs of the army and air force respectively, responsible.

The SADF's perspective at the time was that Cassinga was a military facility, housing about 1 500 military recruits and about 100 Cuban soldiers, rather than a refugee camp or refugee transit facility as claimed by Swapo, the commission commented.

But evidence showed that abandoned homes in the village of Cassinga had been converted into offices, a kindergarten and primary school, a clinic, a sewing facility and storage and vehicle repair workshops.

"The fact that Cassinga had a nonmilitary dimension is reflected in a United Nations International Children's Fund report published two days before the SADF raid on the village. Although it housed a considerable number of combatants, including senior officers, it also housed considerable numbers of civilians."

After the attack, which lasted

almost an entire day and saw the dropping of 300 Alpha bombs, seven 400kg fragmentation bombs and 370 paratroopers, 159 men 167 women and 298 teenagers and children were dead.

The controversial SA Police unit Koevoet, founded in 1979 to operate on the border areas of then South West Africa, was responsible for gross human rights violations.

The unit, which in operational terms was highly effective, achieved a kill ratio of about one to 25. About 250 white former police officers were involved in about 1 666 "contacts" with the enemy over 10 years. About 3 320 individuals were killed and only 104 prisoners taken in this period.

The violations committed by Koevoet amounted to a systematic pattern of abuse which entailed deliberate planning by the leadership of the police, the report says.



# Court battle divides ANC

## Top officials hit out as grassroots anger erupts

(ANC) ARG 30/10/98

HUGH ROBERTSON  
POLITICAL EDITOR

The African National Congress is being condemned by many of its own supporters for going to court in an attempt to suppress criticism of the ANC in the Truth and Reconciliation Commission's final report.

A surge of grassroots anger has been expressed on radio phone-in programmes countrywide and in calls to newspapers.

And some senior members of the party plan to make known their strong opposition to the court action at an emergency meeting of the national working committee, called in the wake of the court ruling against the ANC.

Although they did not wish to be quoted, claiming that this was an "internal matter", they acknowledged that reaction in ANC ranks against the last-minute court action was "surprisingly strong and hostile".

Two main areas of criticism have emerged. One is that the decision to go to court was politically unwise, because it merely served to draw renewed attention to ANC misdeeds which had already emerged publicly during TRC hearings.

"If the report had simply been released without challenge, the emphasis on the rights abuses of the apartheid regime, which outweighed by far anything the ANC did. Instead, we have drawn national and international attention to ourselves and our own relatively minor wrongdoing," an ANC member of the provincial legislature said.

"Also, there is nothing I can find in the report which was not already in the public domain from the TRC's hearings, so what we were trying to suppress wasn't something new and terrible. I just can't understand the decision to go to court."

The other area of criticism is based on the perception that the ANC hugely discredited the TRC report by seeking the interdict, and thus diminished the struggle.

"We held the moral high ground. There was no doubt, based on the volume of evi-

### Make up your own mind

The Cape Argus will publish comprehensive extracts from the TRC report on Monday to Friday next week.

■ We would like this momentous document to go to as many schools as possible. If you or your company would like to sponsor pupils, call Belinda Breeze on 488 4043. She will arrange to have newspapers delivered to schools at the special price of only R1,10 a copy.

■ Monday's first supplement contains the text of Archbishop Desmond Tutu's foreword to the report and the TRC's account of activities of the State outside South Africa between 1960 and 1990.

### Staying in the limelight on Monday

ence to the TRC over the past two-and-a-half years and based on the TRC's findings that the preponderance of human rights abuses came from the apartheid government.

"But we've gone and messed it up by going to court, because what we are saying to our people is that this report really isn't to be believed. That is a tragedy, it is a huge tragedy, and we are having a branch



Madiba shuffle: President Nelson Mandela and TRC chairman Archbishop Desmond Tutu celebrate after the handing over of the TRC's final report yesterday meeting urgently to discuss this. A senior Western Cape ANC member said today. In a statement today, the ANC's department of information and publicity said the party was "disappointed" by the High Court judgment against it. "The ANC finds it very unfortunate that the report of the TRC is now being handed to the president and the nation without having

Meanwhile the Western Cape director-general, Niel Barnard, issued a statement today rejecting TRC findings against him. "Some of the gross inaccuracies contained in the report will now unfortunately become part of South African history." When asked to comment on the ANC statement today, a senior Western Cape member said: "That's not very convincing."

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Hand-over is just a new beginning, page 14



# SPECIAL REPORT: THE TRC

## We, as South Africans, have chosen to see and to hear

ARL 30/10/98

**WILHELM VERWOERD**, grandson of the architect of apartheid Hendrik Verwoerd, a lecturer in political philosophy at the University of Stellenbosch and Contributing Editor of the Cape Argus, says there is a central message in the Truth and Reconciliation's final report, a message that might be lost in the din of the political noise around it



The public TRC hearings provided spaces for singing - where we could sing sad songs for some of the biggest tears in our "mortal dress", where we could lament some of the scars in our body politic.

The TRC process gave us opportunities to clap hands, softly, for those who have survived.

But it also was a place to refrain from singing. To be silent. A place to cover our faces in shame for our moral blindness and deafness, for our fellow South Africans, in the past and in the present.

The TRC process, despite all its shortcomings, thus made room for the fragile "soul" of a new nation to breathe, to grow, to be nurtured.

Focusing too much on these shortcomings, being too hasty to criticize turns the very real risk of overlooking this deeper meaning and potential of the TRC process.

Yes, the report that has just been released is far from perfect, but let us not throw out this baby with the dirty bath water.

For I agree with Mr Mbeki that "the formation of a new nation that has a soul (should) be an inalienable part of our rebirth."

"Above all else, we must create the situation in which the soul can sing and louder sing to restore a social morality that says the pursuit of material gain at all costs is not and cannot be what distinguishes us as South Africans. (we must create) a patriotism that is imbued by love and respect for the fellow citizen, regardless of race, colour, gender or age, and a recognition of our common humanity."

This call to enable our national soul "to sing and louder sing" is an extension of this beautiful imagery in a poem by W B Yeats

*An old man is but a paltry thing  
A tattered coat upon a stick  
Unless soul clap hands and sing  
And louder sing in its mortal dress*

Indeed, as Mr Mbeki said, "we are all 'a paltry thing' unless our souls sing and louder sing to give meaning, dignity and the elevation of humanity to the bodies that are us but are, after all, mere bodies."

Perhaps Yeats' imagery may be even further extended to throw light on the fragile deeper meanings of the TRC process.

It highlights the strong links between a nation with "a soul" and the elusive notion of a "culture of human rights" - to have a soul is to see clearly, to hear properly, that is to be morally sensitive, to respect each other's human dignity

"Soul", Mr Mbeki went on to say, refers to that part of human existence, embodied in the arts and also described as culture, "which constitutes the barrier which blocks your path and mine from regressing to the ways of the animal world" Therefore, it "is not a luxury reserved for the idle rich"

The TRC process put on permanent public record the dangers of losing our soul

"And because some decided neither to see nor to hear, we can,

recovered not only its freedom but its soul also"

As we began to digest the report - in the midst of ongoing party politics and confusing controversies - it is important to remember this statement like call made by Deputy President Thabo Mbeki during an address in February, 1997

For I am convinced that helping to nurture a nation "with a soul" lies at the heart of the continuing TRC process. Yes, "soul of a nation" is a vague expression, but this metaphor contains a vital truth. I believe this truth should be among the primary lenses through which we must read the report of the Truth and Reconciliation Commission

The rest of Mr Mbeki's speech helps us to wipe these lenses clean.

He saw his best friend chase a seven year-old girl into a women's toilet in a Nevada casino

He followed him and watched as he clamped his hand over the struggling girl's mouth, tore off her clothes

Instead of stopping his friend, he walked away

Instead of calling for help, he waited outside

His friend told him afterwards that he had sexually molested the girl and strangled her to death.

Still he did nothing

Later David Cash, 19, told the Los Angeles Times that "I didn't want to be the person who takes away his last day, his last night of freedom"

He went even further, showing no remorse for Sherrice Iverson - and no regrets about keeping quiet

"I am not going to get upset about someone else's life

"I am not going to lose sleep over somebody else's problems

"I just worry about myself first."

Cash's moral indifference triggered public outrage across the United States

I share this outrage

And, following the release of the TRC's final report, the moral blindness and deafness of David Cash helps me to see and hear a central message of this report, a message that might be lost in the din of political noise

This deeply disturbing example of gross moral insensitivity reminds us all of, perhaps, the deepest meaning of the TRC process

For, as a democratically elected body, which received its mandate from our elected representatives in Parliament, the TRC conveys, among other things, this simple message with its report: we, as South Africans, have chosen to see and to hear

We are prepared to lose sleep over the "sins of the fathers"

We as a nation are not going to walk away from victims of past conflicts, we are not remaining silent about the suffering of survivors - children and the elderly, women and men, black and white.

As citizens we are not each "just going to worry about myself first"

We are not going to follow the example of the young man with the severely blinded soul

No, we are saying together "we shall each do what we have to do to contribute to the common effort to ensure that ours is a people that has



# 'anc-over is jus: a new beginning

*'We have placed building blocks of rule of law and accountability'*

**JOHN YEAD**



**ON THE TRUTH COMMISSION**

The ceremony in Pretoria to hand the Truth Commission's final report to President Mandela started in a solemn, sombre atmosphere, with the President himself frowning and severe.

But when it ended an hour later, it was on a wonderfully upbeat note, with a beaming Mr Mandela and TRC chairman Archbishop Tutu jiving and shuffling together on the corner of the stage to the reverberating song of the Imhlonji Kanti Choral Society, while on the floor commissioners, TRC staff, victims, politicians, diplomats and journalists were all on their feet, swaying and clapping in unison.

The colourful ceremony, boycotted by some of the political parties, was held in the Sammy Marks Hall in the city centre in Pretoria.

The wall behind the speaker's podium on the stage was dominated by a huge colour picture of Madiba, flanked by the TRC's standard "Healing through truth" banner and another reading "Reconciliation needs a hand - your hand".

While most of the remaining 15 commissioners were seated in the front row, former *Verligte* National Party MP Wyndand Malan, who submitted a minority report, sat well back among the TRC staffers.

But at the end of the ceremony, when Mr Mandela greeted many of those involved, his security men made a point of getting Mr Malan to him, and there was a warm exchange between them.

At the start of his address, Archbishop Tutu asked everyone to stand and observe a moment's silence. "In honour and memory of all those who were victims of gross violations of their rights at, for instance, Sharpeville, Bopatsong, Sebokeng, Soweto, Table Mountain, Maritzburg, King William's Town golf club, Church Street and St James Church, Bishop, Heidelberg Tavern, who were tortured or who were executed in prisons and camps inside and outside South Africa, and even those who died on the border needlessly in unnecessary wars"

He paid tribute to his fellow commissioners and staff, saying "many are bearing wounds and scars of the traumatic work of the TRC"

Archbishop Tutu said many people would be upset by their report, and some



The Air't Heavy - TRC chairman Archbishop Desmond Tutu presents President Mandela with the final report of the Truth and Reconciliation Commission, said to weigh 8kg

*You (the TRC) have shown us that the dignity of every human being is sacrosanct... that is the beacon that South Africa needs*

had attempted to discredit it pre-emptively. However, this would not change the fact that gross human rights violations had occurred, he said.

He asked South Africans to accept the report as "an indispensable way of healing" - "We have looked the beast in the eye, we will have to come to terms with our horrendous past and it will no longer keep us

hostage," he said.

Archbishop Tutu also asked all South Africans to work together and, by looking at the past, to commit themselves to saying "Never again!"

He then presented Mr Mandela with leather-bound copies of the five-volume report, joking about its reported 8kg weight as he handed it over.

- Minister of Justice Dullah Omar

had been in 1983 when the interim constitution - which gave rise to the TRC - had been adopted.

"Today we reap some of the harvest of what we sowed at the end of a South African famine," he said.

again, over and over, to sustain our livelihood, to flourish as a community, and for our generation to know that when we finally go to rest forever, our progeny will be secure in the knowledge that two simple words will reign.

"Never Again!"

Mr Mandela handed copies of the report to the Speaker of the National Assembly, Dr Frene Giniewala, and the Deputy Chairperson of the National Council of Provinces, Naledi Pandor.

Justice Minister Dullah Omar, whose department was politically responsible for the TRC and who acted as master of ceremonies for the event, made what some observers considered the most eloquent remarks of the day.

He used the metaphor of a beacon, likening the TRC's final report to a beacon which would guide South Africans to a human rights culture.

"You (the TRC) have shown us that the dignity of every human being is sacrosanct - that is the beacon that South Africa needs," he said.

Referring to the various legal challenges which had been mounted against the TRC during its two-and-a-half years - including the two High Court applications this week by former president F W de Klerk and the ANC - Mr Omar said this was indicative of the strength of the constitutional democracy that South Africa had established.

"The strength of our democracy is that we all submit ourselves to law and the final arbiter (of that law) is an independent judiciary."

"And what has happened here is that we have put into place building blocks for the rule of law and accountability."

Mr Omar said the TRC's final report would be closely scrutinised and analysed, and that there would be strong disagreements about it.

"(Such disagreements) are a reflection of the healthy state of democracy we have built."

Mr Omar said the work of the TRC was only the start of the process of reconciliation and nation building, and that reconciliation could not be "institutionalised" by leaving all the work to bodies such as the TRC.

"It is the responsibility of every South African"

Afterwards, as commissioners and staff and well-wishers mingled, hugging and smiling and shaking hands and offering congratulations, there was a palpable sense of relief that one of the most difficult emotionally-wrought and controversial processes in South African history was effectively at an end.

But Mr Omar's words were still in their ears. In effect, they all realised this was just another beginning.



# ANC has shot itself in the foot with its 11th-hour interdict

ZIBELIA JAFFER  
GROUP PARLIAMENARY EDITOR

In bringing the 11th hour interdict to delay the TRC report, the ANC has shot itself in the foot.

The action has reduced the organ- sation, at a critical moment in our history, to the same level as former state president F W de Klerk.

The ANC has allowed Mr De Klerk to set the tone for the nation.

His actions, however, are not out of character. He has consistently worked to reinterpret South African history to accord him a lily-white place on its pages, irrespective of the hurt and damage this continues to

inflict on the vast majority

He has failed consistently to grasp that the generosity of the majority provides an opportunity for healing, not an admission that NP rule was not experienced as a tyranny

In bringing the court action this past week, he has placed himself above his party and its membership.

He has reduced the country's dilemma to a fight about his personal reputation.

The ANC action, however, is out of character. Over many decades, it has consistently sought to focus the attention of the country and the world on broader moral issues affecting humanity

When it could have encouraged

the widespread feeling that whites should be driven into the sea, it educated its young cadres that the fight was not against white people but against a system of oppression.

It was this policy of non-racialism that more than anything else made it possible for South Africans to tread the path of reconciliation and trans- formation.

Just think about it. Just imagine that the leading liberation movement had actively encouraged the baser human instinct to direct hate against all whites. Instead, it has actively kept that instinct in check.

When its greatly loved leader

Chris Hanu was brutally assassinated

and the country teetered on the edge of civil war, the ANC put country above party. Mr de Klerk had to stand aside and allow the leader of the ANC, Nelson Mandela, to calm the nation in pursuit of the common good.

The DP's Tony Leon could not do it. Nor could the PAC's Clarence Makwetu. It was left to Mr Mandela to address the nation and the ANC to organise the funeral in such a way that the ritual of it all helped give expression to an enraged population.

It is, therefore, not easy to understand why the ANC has chosen to disrupt a historic moment which could potentially allow us as a nation to

make an important paradigm shift.

By acknowledging that some of the actions taken during a just war were contrary to the values which the movement was fighting for does not detract from the glory of that struggle. Instead, it acknowledges that war is ugly and that the morally right decisions are not always made. It is a call to all of us to commit ourselves to never again allow a tyranny to be imposed on us, and never again in- dvidually to behave in a way that inflicts harm on others.

The ANC, like any other party, has a right to object to any of the TRC findings and a way should be found to record its objections and other objec-

tions as addenda to the final report.

The law does not say it is obliged to accept the accuracy of every state- ment in the report.

It would have been wiser if the TRC was less hasty this week. But, it decided to proceed and this should have been respected by Mr De Klerk and the ANC.

The TRC report is like a tree that will stand for all posterity. Our enraged reactions over the next few days will dislodge some leaves or branches. And it is right that we rage. This is a moment which provokes all our submerged pain.

The ANC needs, however, not to lose sight of the goal which it has

fought for hard and long - a non- racial democratic South Africa where all of us belong and can live in peace and friendship. The final clause in the historic Freedom Charter adopted in 1995, is explicit. South Africa shall strive to maintain world peace and the settlement of all disputes by nego- tation - not war. Our rage must now so consume us that we destroy the tree which provides a beacon to help us begin to move beyond our past.

More than any other time, the ANC is now called upon to act for the good of the country and not the party. If it fails, Mr De Klerk's behaviour will set the tone for the country, our people and the world. God forbid.

(252) ARK 30/10/98



# Reconciling the nation 'impossible'

Pretoria - Reconciliation - half of the TRC's name, half of its mandate and, in many respects, by far the most difficult of the two. This is acknowledged by the TRC in its Final Report, which states in the last chapter of the final volume "With its short lifespan and limited mandate and resources, it was obviously impossible for the Commission to reconcile the nation."

"Clearly, everybody who came before the commission did not expect healing and reconciliation."

And in his foreword, TRC chairman Desmond Tutu said some people had been upset by the suggestion, as indicated in a recent survey, that the TRC could have resulted in making people angrier and race relations more difficult.

"It would be naive in the extreme to imagine that people would not be appalled by the ghastly revelations that the commission has brought about. It would have been bizarre had this not happened," he said.

"What is amazing is that the vast majority of the people of this land - those who form the bulk of the victims of the policies of the past - have said they believe reconciliation is possible."

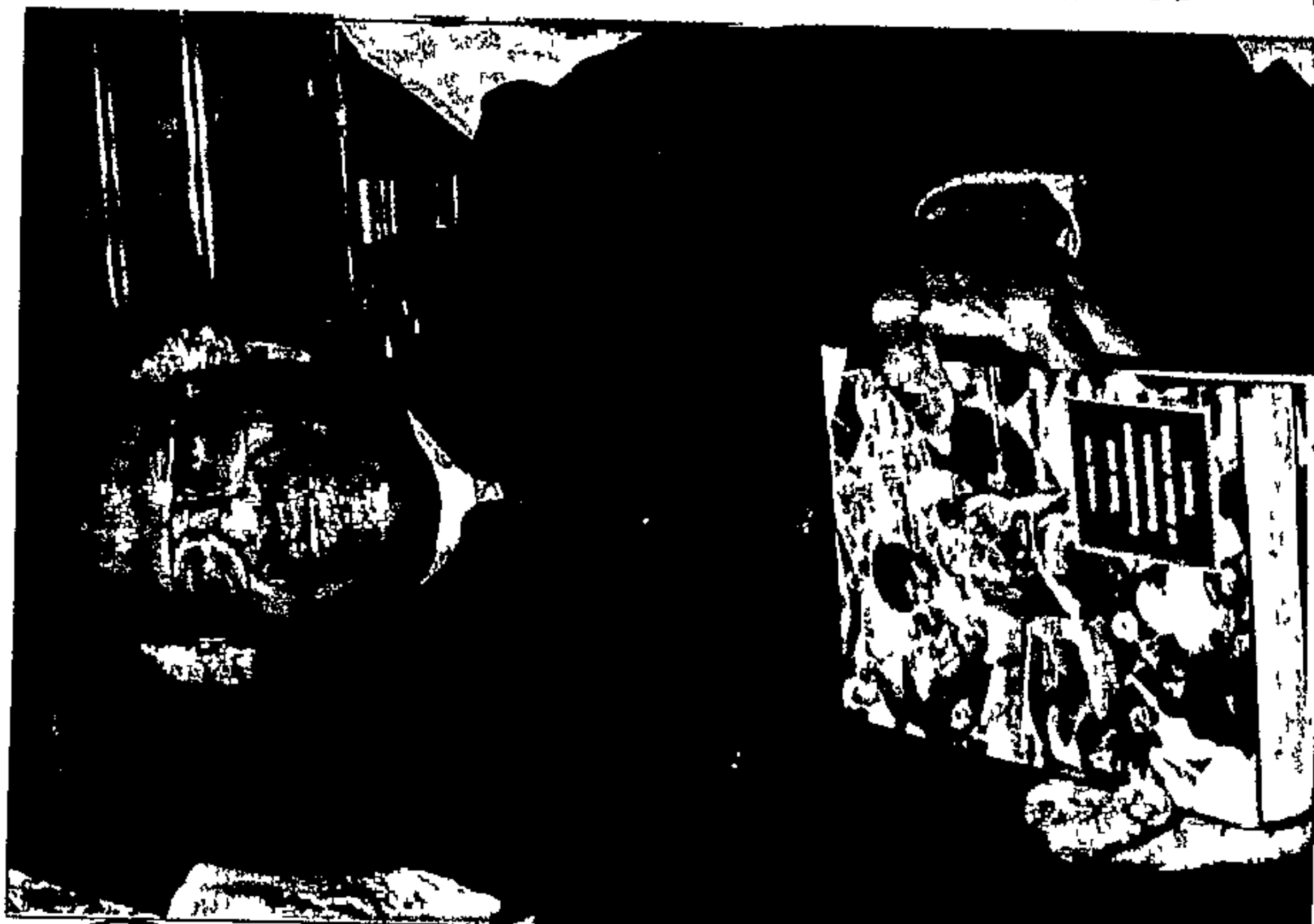
Archbishop Tutu said the problem related to "erroneous notions" of what constituted reconciliation.

"Reconciliation is not about being cosy. It is not about pretending that things were other than they were."

"We should accept that truth has emerged, even though it has initially alienated people. The truth can be, and often is, divisive."

"However, it is only on the basis of truth that true reconciliation can take place. True reconciliation is not easy; it is not cheap."

The full disclosure of truth and an understanding of why violations took place encouraged forgiveness. Reconciliation did not necessarily involve forgiveness, but it did involve a minimum willingness to co-exist.



In print at last: Archbishop Desmond Tutu holds a copy of the TRC report

## 'Prosecute the perpetrators' call

Pretoria - The prosecution of perpetrators of gross human rights violations who did not apply for amnesty or were denied amnesty should be considered, the Truth Commission says.

In particular, the Attorneys General should pay "rigorous" attention to police found to have tortured, assaulted or killed people in their custody. The TRC says it will make general amnesty should be avoided.

available to the authorities all the information it has about alleged serious violations of human rights, apart from privileged information in amnesty applications. However, the Government should consider imposing a time limit on such prosecutions.

The TRC also says that to entrench the rule of law and avoid creating a culture of impunity, the granting of a general amnesty should be avoided.

# TRC sets out sins of struggle Findings 'wrong and misguided', says Mbeki

The Truth and Reconciliation Commission has endorsed the international position that apartheid was a crime against humanity and that the African National Congress and the Pan Africanist Congress were internationally recognised liberation movements conducting a legitimate struggle.

But it draws a distinction between a "just war" and "just means" while fighting that war.

Because of that, it found that, in terms of international conventions, the ANC and its organs - the national executive council, national working committee, Umkhonto weSizwe, revolutionary council and the secretariat - and the PAC with its armed formations, Poqo and Apla, committed gross human rights violations in the course of their political and armed struggles. For these, they are held morally and politically accountable.

In a 40-page section dealing with the ANC, the TRC makes a number of findings about such violations.

These include

- Instances where MK members conducted unplanned military operations using their own discretion and



ON THE TRUTH COMMISSION

without adequate control or supervision at the operational level, such as the 1977 Goch Street shoot-out and the 1980 Silverton bank siege.

Military operations in which "military" or "security" targets were selected, but where mistakes were made for a variety of reasons, including poor intelligence and reconnaissance - such as the Magoo's Bar and Durban Esplanade bombings.

Suspected agents being routinely subjected to torture and severe ill-treatment in ANC camps, with some charged, convicted and sentenced to death by military tribunals without due process.

Routine use of torture by the ANC's security department to extract confessions and information, particu-

larly between 1979-89, solitary confinement and/or deliberate withholding food and water and/or medical care from detainees.

Failure to take adequate steps in good time against those responsible for such violations.

Another important finding in respect of the ANC is that large numbers of gross human rights violations were perpetrated, particularly in the 1980s, by civilians who saw themselves as ANC supporters, although they were not members or under the ANC's control.

The commission finds that the ANC is morally and politically accountable for creating a climate in which such supporters believed their actions to be legitimate and carried out within the broad parameters of a 'people's war' - including killings, attempted killings, arson and severe ill-treatment.

The TRC said one ANC member, who had experienced "a close encounter" with it, had not done so voluntarily.

Ms Winnie Madikizela-Mandela's contempt, not only for the commission, but for the notion of accountability, was palpable to the millions

who followed the hearing in which she appeared.

As the TRC's stance became clear, there was outrage among the liberation movements that the struggle against apartheid had been equated with apartheid atrocities.

Hopewell Radebe and Raphael Banda in Johannesburg report that Deputy President Thabo Mbeki expressed dismay, saying the commissioners were "wrong and misguided". He said many elements in the report were incorrect.

The Pan Africanist Congress, which has also been accused of human rights violations, said the TRC had condemned the struggle.

PAC president Stanley Mqoba said, "Although the context of hostilities, war and the struggle for survival is grudgingly admitted, the condemnation is nevertheless made."

He noted that apartheid had been declared a crime against humanity internationally and that victims of the system could not be placed in the same scale as its defenders.

In another statement, the ANC said the TRC had pursued objectives "contrary to the spirit and the intention" of its founding act.

## Barnard evidence rejected

Pretoria - Evidence to the Truth and Reconciliation Commission by Niel Barnard, former National Intelligence Service chief, on his agency's links to opponents is "unacceptable".

The TRC states in its report that it rejects the standpoint of Dr Barnard and other former NIS operatives who denied involvement in, and/or knowledge, that intelligence gathered was put to operational use.

The former NIS chief is now director general of the Western Cape government.

The TRC said Dr Barnard had conceded that information from the NIS had been provided to both the SA Defence Force and the security branch, but had claimed neither of these security force branches were under his responsibility.

He told the TRC "What the police or the army did with the information, I do not know".

The TRC states "His viewpoint that the manner in which intelligence supplied by his agency was used, was not his concern, is unacceptable."

## Human rights culture needed

Pretoria - A strong human rights culture must be established in South Africa to prevent gross human rights violations in the future, states the TRC.

But for this to become a reality, it emphasises there have to be several simultaneous actions - including accelerated closure of the "intolerable" gap between South Africa's advanced and disadvantaged, a reduction in the "unacceptably high" rate of serious crime, and a "ruthless" stand against corruption and maladministration.

The TRC says it will be impossible to create a meaningful human rights culture without high priority being

given to economic justice by the public and private sectors.

The commission urges the private sector in particular to consider a special initiative in terms of a fund for the training, empowerment and opportunities for the disadvantaged and dispossessed in South Africa.

The TRC also recommends that a scheme be put in place whereby South Africans who benefited from apartheid policies can contribute towards the alleviation of poverty.

"The commission recommends urgent consideration be given by Government to harnessing all available resources in the war against poverty."



Desmond Tutu  
Moral leader



# On a wing and a prayer:

*With its staff drawn from such diverse backgrounds, there was as much tension within the TRC as at the public hearings, writes Gaye Davis*

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The three-year life span of the Truth and Reconciliation Commission (TRC) has been marked by public sensation throughout the hearings. But behind the public drama of tortured faces, the torturers and killers facing the families of those they had killed, private dramas were being played out within the commission itself, possibly more significant to the "new" South Africa.

By December 1995, the TRC's 17 commissioners had been appointed — chosen from a shortlist culled from names suggested by political parties, churches and other organs of civil society.

Although many had a human rights track record, the deciding factor in their selection was the constituency they represented. "There were names there I did not like," Nelson Mandela said. "But in order to unite the nation I had to bring them in." This stamped the commission as a political organisation, rather than the impartial machinery envisaged by the Act, and would have consequences.

A lawyer on the commission, Paul van Zyl, would later describe one of his most difficult tasks at the TRC as getting the commissioners moving in one direction. "There were whites and blacks, some sympathetic to the National Party, some who had been tortured, and so very often we got bogged down in tiny issues... it was a microcosm

of what was happening in South Africa."

Staff were drawn from similarly diverse backgrounds. Many were from a struggle tradition and were survivors of apartheid abuses themselves. They had their own expectations of what the commission would be and how it would function. Its strict hierarchy — some would say patriarchy — came as a shock.

One of the abiding ironies of the TRC is that while it was created from scratch in post-1994 South Africa, its structure would later be criticised by staff as replicating apartheid divides. There was an enormous gulf between commissioners and staff — statement takers, briefers, interpreters, data processors, logistics officers and investigators.

Commissioners, earning the salaries paid to judges, flew first class, stayed in luxury accommodation and received a range of perks. Staff travelled economy and shared one-star hotel bedrooms. They felt they carried the bulk of the workload. Resentment was heightened.

# For Nomonde Calata, the truth is not enough

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Guy Oliver

When Nomonde Calata speaks of the defining moment of her life — the death of her husband, activist Fort Calata, in 1985 — 13 years disappear as if they had never been.

The moment has not been dulled by the grand designs of the Truth and Reconciliation Commission. In many ways, it has made the pain more keenly felt, and the family has a pervading sense of abandonment and betrayal by the commission, the African National Congress and President Nelson Mandela.

It was a Tuesday. The stabbed, beaten, shot

and mutilated bodies of Sicelo Mhlau and Sparrow Mkhonto had been found on the previous Saturday on the outskirts of Port Elizabeth amid the scrubland of Bluewater Bay. Fort Calata and Matthew Goniwe, who were travelling with them, were still missing.

Nomonde Calata — six months pregnant with Thamani, her two children Dorothy and Lukhanyo by her side — went to her mother-in-law's house.

The Anglican priest Reverend Chris Dano was there — not unusual, Nomonde Calata says. He had been making the daily rounds since her husband had disappeared five days before. The reverend greeted her and said they

should pray. Calata bowed her head, still full of hope that Fort had been detained by the security police, as he had the countless times before.

But in his prayer, the reverend said. "We should thank God that the bodies of Fort and Matthew have been found." Hearing those words Lukhanyo's three-year-old body shuddered and he began to vomit. Dorothy wanted to continue praying. The 10-year-old then broke into a hymn before being consumed by her own sobbing.

"And then I cried and I was just nobody," Calata says.

When Calata recounted her loss to the truth commission, the tears ran freely, providing a brief outlet for the grief that had plagued her. "The TRC panel listened to me. That was good of them," she says.

But soon after giving her testimony, her anger resurfaced and with it a sense of being "used" and discarded by the commission. She says she has been paraded so that "there is a feeling that they have done their job, the world has seen they can heal the wound."

"The truth has been told by one side. I don't know about the other side."

Last year she was reprimanded by Mcebisi Xundu, of the truth commission's Eastern Cape human rights violations department, after amnesty applicant Eric Taylor asked for a meeting with relatives of the Cradock Four at a Kabega Park NGK church, so he might be forgiven by them.

Before the meeting Xundu and his colleague June Crichton insisted that the families agree to the meeting remaining confidential. Neither the amnesty committee nor Taylor's lawyer was informed of the meeting.

Calata found the meeting devastating — after a 12-year search she had finally come face to face with one of her husband's killers. But worse,

she had been ordered to maintain a vow of silence over it.

When reports of the meeting appeared in the media a few weeks later, providing the first graphic details of the killings of the Cradock Four, Xundu accused Calata of jeopardising the commission's work. Calata said Xundu asked what more she wanted, now that she knew who her husband's killers were.

This year, a local branch of the ANC informed Nomonde of a planned memorial service for the Cradock Four only on the day it was to be held. She refused to attend, since she had not been consulted.

"That is what they are trying to do — deny me my rights to say anything about my late husband." The ANC branch later apologised for the manner in which the matter was handled.

She said she was accused at another meeting of "coming with her emotions", as "though we are made of stone." The meeting was called to discuss a possible education trust fund. She had questioned the meeting's purpose and asked if this was just another empty promise. "I am sick of empty promises."

She has tried to find bursaries for her children. Dorothy, now a third-year psychology student at Stellenbosch University, Lukhanyo at boarding school and Thamani, who attends a former white school in Cradock.

She lives on R1 160 a month. This is interest on what she has left of the R390 000 compensation for her husband's death after buying a house and paying off debts. The compensation was paid by the police and army after the second inquest.

Education costs take care of most of her available income. Early this year she phoned Eastern Cape Premier Makhnesi Stoffie to ask for assistance in finding her children bursaries. He has yet to return her call. Yet, in his speech at a 1996 rally in Cradock to mark the second anniversary of the elections, he spoke of the sacrifice of the Cradock Four for democracy.

Speaker of the Eastern Cape Legislature Gugile Nkwinti, an old friend of both Goniwe and Fort Calata, offered to stand surety for the student loan, but it was refused by Volkskas Bank on the grounds that he lived in Bisho.

Says Nomonde Calata: "I don't want to seem racist, but it is white people who have helped — people like Alex Boraine and Rory Rordan."

Boraine, through an education trust fund, paid for Dorothy's first year of studies before funding dried up. Rordan, of the Human Rights Trust, organised fee payment for her second year.

But by the start of her third year Dorothy

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## TRC FINAL REPORT

# Buthelezi roasted for KZN atrocities

Ann Eveleth

**T**he Truth and Reconciliation Commission's (TRC) final report has found Inkatha Freedom Party leader Mangosuthu Buthelezi responsible for all the gross human rights violations committed under his leadership of the party, the KwaZulu government and the KwaZulu police.

"Chief MG Buthelezi served simultaneously as president of the IFP and as the chief minister of the KwaZulu government and was the only serving minister of police in the KwaZulu government during the entire 13-year existence of the KwaZulu police. Where these three agencies are found to have been responsible for the commission of gross human rights [sic] Chief Mangosuthu Buthelezi is held by this commission to be accountable in his representative capacity as the leader, head or responsible minister of the parties concerned," the report says.

The TRC said the "most devastating indictment" of the IFP's role in political violence was found in the commission's statistics, which "established the IFP as the foremost perpetrator of gross human rights violations in KwaZulu and Natal between 1990 and 1994. IFP violations represented nearly 50% of all violations reported to the commission's Durban office and more than one-third of the total number of violations committed during the 34 year period of the commission's mandate."

The TRC said its database showed

that the IFP was responsible for some 3 800 killings in the KwaZulu and Natal areas during the TRC's mandated period for investigation, compared with about 1 100 attributed to the African National Congress and 700 to the South African Police (SAP).

The report added that the IFP remained a major perpetrator of killings, allegedly responsible for more than 4 500 killings, compared with 2 700 attributed to the SAP and 1 300 to the ANC. The TRC pointed out, however, that these figures were influenced by the IFP's initial decision to discourage its members from testifying.

The report on the IFP allocates specific individual responsibility for three well known instances of human rights violations in KwaZulu Natal. These are the killings, attempted killings and incidences of severe ill treatment resulting from the deployment of the paramilitary unit trained in the Caprivi Strip during 1986 by the South African Defence Force (SADF), the creation of a hit squad in Esikhawini during 1990, and the training, in 1993 and 1994, of between 5 000 and 8 000 IFP self protection unit (SPU) members at the Mlaba training camp. The report specifically holds Buthelezi — with several other senior IFP and KwaZulu officials — responsible for human rights violations associated with the Caprivi and Mlaba training projects.

Buthelezi was not prosecuted in 1996 in the trial of former defence minister Magnus Malan and 19 others for the 1987 KwaMakhutha massacre of 13 friends and relatives of United Democratic Front activist Victor Ntuli. All

20 accused were acquitted, but Judge Jan Hugo found that Caprivi trainees had carried out the massacre. Buthelezi's name resonated through that trial. Now the TRC has effectively held him responsible for the murders.

"The SADF conspired with Inkatha to provide the latter with a covert, offensive paramilitary unit (or hit squad) to be deployed illegally against persons and organisations perceived to be opposed to both the South African government and Inkatha," the report says.

The TRC found former state president PW Botha, former defence minister Magnus Malan, Buthelezi's then personal assistant Melchizedec "MZ" Khumalo, and security force members Pieter Groenewald, then vice-admiral Andries Putter, Louis Botha, Cornelius van Niekerk and Mike van den Berg accountable for violations resulting from this deployment.

It was findings like these that led the TRC to describe the IFP as an ally of the apartheid state. This finding has reportedly angered the ANC, which now believes that this description — first applied by the ANC itself — runs counter to the current détente between the two parties.

But the report says this description "derives largely from the covert collaboration of senior Inkatha/IFP office bearers with senior members of the SAP security branch and SADF military intelligence. At a time when it portrayed itself nationally and abroad as a liberation movement, the IFP, through the intervention of its senior members, was receiving direct fi-



Mangosuthu Buthelezi Held accountable for all the gross human rights violations committed under his leadership

financial and logistical assistance from the highest echelons of the apartheid state's security apparatus."

The TRC also held Buthelezi responsible for training at the Mlaba camp. The TRC found that the purpose of this training was to furnish the party with the military capacity to prevent the 1994 elections. "The SPU project constituted a gross violation of human rights in as far as it entailed deliberate planning on the part of the IFP and members of the then KwaZulu government and police force."

IFP MP Phillip Powell, former KwaZulu police deputy commissioner General Sipho Mathe, former KwaZulu police VIP unit head Captain Leonard Langeni and other KwaZulu government members who supported the project are also held accountable.

The TRC also found the IFP re-

sponsible for violations in the former Transvaal, Natal and KwaZulu, against people perceived to be leaders, members or supporters of the UDF, ANC, South African Communist Party and the Congress of South African Trade Unions as well as persons who were identified as posing a threat to the IFP and members and supporters of the IFP whose loyalty was doubted.

The commission found that little evidence existed of a centrally directed, coherent and formally constituted third force. However, it found that "a network of security and ex security force operatives, often acting in conjunction with right wing elements and/or sectors of the IFP, fomented, initiated, facilitated and engaged in violence which resulted in gross violations of human rights, including random and targeted killings."

## Tutu's TRC memoirs in print next year

David Shapshak

**D**esmond Tutu's personal story of the time he spent as head of the Truth and Reconciliation Commission (TRC) has been sold to publishers Random House and is scheduled to be in print by late next year.

The deal was confirmed this week by Stephen Johnson, the head of Random House in South Africa. Earlier this year Tutu submitted a detailed proposal to the publisher's London office, which had been accepted, Johnson confirmed. TRC representative John Allen confirmed only that talks were under way.

"It will be Desmond Tutu's own personal account of his journey as head of the commission," he said. The Nobel Peace Prize winner is scheduled to hand in a manuscript by April next year and the publication target has been set for November 1999.

Johnson could not confirm if a contract had been signed but a book deal of this kind is thought to be worth a sizeable amount.

As a respected figure with a good

standing abroad, the advance was likely to be significant, one local publisher told the *Mail & Guardian*.

Tutu's tenure as the head of the controversial commission since early 1996 has been as turbulent a time in his life as it was in the country's.

The personal journey is all the more poignant because of Tutu's own battle against prostate cancer, which was discovered last January. He underwent treatment in the United States for several months before taking up the chair again.

Tutu was drawn into the amnesty committee's controversial decision to grant his son, Trevor, amnesty for a bomb hoax in the 1980s.

He has presided over revelations about apartheid era dirty tricks and torture by state-sponsored assassins like Eugene de Kock and Dirk Coetzee, allegations of torture and thugery against struggle icon Winnie Madikizela Mandela and torture in African National Congress camps in Angola.

Tutu has openly wept during disclosures of the brutality of South Africa's struggle for freedom and



Desmond Tutu: His TRC story has been sold to Random House and will be in print next year

the previous attempts to stifle it.

The commission was forced to reconsider blanket amnesty for 37 ANC leaders after objections from other political parties.

## Apartheid's dirty secrets went up in smoke

Mungo Soggot

**T**he National Intelligence Agency (NIA) destroyed key state documents as late as November 1996, complementing the wholesale destruction of state records undertaken by the previous government from 1990.

The Truth and Reconciliation Commission's (TRC) final report says in a section on South Africa's gutted archive that the NIA destroyed records from the intelligence services of the former homelands between April 1995 and November 1996. The report says the NIA's top management must be held accountable for the destruction.

The TRC says the former government and its security apparatus embarked on a systematic destruction of records from 1990. Up until then, the government sanctioned the erasure of "sensitive" records, a practice deemed legal according to legal opinion obtained by the state president in 1991.

The TRC said responsibility for the post 1990 destruction rests with the head of state of the time, but that the pre-1994 National Intelligence Service carried a heavy burden of responsi-

bility for managing the destruction. "The mass destruction of records has had a severe impact on South Africa's social memory. Swathes of official documentary memory, particularly around the inner workings of the apartheid state's security apparatus, have been obliterated."

The commission made special mention of the "complete destruction" of records confiscated by the security branch — "what may arguably have been the country's richest accumulation of records documenting the struggle against apartheid."

Meanwhile, the report deals at length with the former government's foreign operations. The report said the bombing of the African National Congress's offices in London in 1982 was executed by the South African police on the direct instructions of former state president PW Botha.

It said the attempt to overthrow the Seychelles government was an "operation undertaken by senior operatives of the National Intelligence Service and the Department of Military Intelligence with the collusion of elements within the SADF [South African Defence Force]."



# McNally banished to Pretoria

*In the two months since his appointment, Bulelani Ngcuka has effected dramatic changes in South Africa's criminal justice system.*

**Chiara Carter,  
Wonder Hlongwa and  
Mungo Soggot report**

**(252) M&G 30/10 - 5/11/98**  
**T**he new "super attorney general" — whose post was created and fast-tracked through Parliament in July — will personally head a division to prosecute those implicated in the Truth and Reconciliation Commission

Bulelani Ngcuka, national director of public prosecutions, said in an interview that his division would be responsible for bringing charges against all those implicated who had failed to apply for amnesty. This decision formed part of the decisive steps taken this week to transform the criminal justice system, which included the removal of controversial KwaZulu-Natal Attorney General Tim McNally.

McNally, who has been criticised for his apparent reluctance to prosecute alleged Inkatha Freedom Party assassins and police accomplices, will be transferred to Pretoria as special director of public prosecutions in Ngcuka's office.

Ngcuka said he had no option but to remove McNally from his post. He could not remain in a position where "one of my representatives has completely lost his credibility. We are prosecuting on behalf of the people. Everywhere I go people say there are problems with that office."

McNally's removal could clear the decks for high-profile political prosecutions in KwaZulu-Natal, although it is more likely the African National Congress, the National Party and the IFP will agree on a general amnesty. Such politi-

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**Removed: KwaZulu-Natal Attorney General Tim McNally will be transferred to Pretoria. PHOTOGRAPH: ROLF ASHBY**

for his speedy efforts to plug the scores of vacancies that plague the courts. He has appointed about 30 senior officials — many of them at deputy attorney general level — since starting in the new job three months ago.

Ngcuka said this week he had not yet found a replacement for McNally.

One of McNally's most controversial omissions during his six-year stint in KwaZulu-Natal was his reluctance to prosecute alleged perpetrators of the Shoboshabane massacre in 1996. McNally also presided over the unsuccessful prosecution of the former minister of defence, Magnus Malan. McNally failed to call the leading state witness, Daluxolo Luthuh, the commander of the IFP's notorious Caprivi hit squad.

McNally has also adopted unusual strategies in more recent cases implicating police and IFP officials. The *Mail & Guardian* reported last month his public announcement that he was pulling off the witness protection programme a businessman who had implicated IFP officials in a scheme to transfer money from provincial government coffers to the IFP.

McNally publicly questioned the integrity of the businessman, Sateesh Isseri, in a statement — despite the fact that Isseri remains a chief witness in a police probe into provincial government corruption.

McNally also said at the time he had not seen documents from a civil trial launched by Isseri against the provincial government in which the government conceded senior bureaucrats had fraudulently conspired with Isseri. The IFP fêted McNally's decision as a "victory for justice" and issued summons against the M&G for R250 000. The IFP is likely to mourn McNally's departure from its province. The party organised a march in support of the attorney general after the ANC had organised a march calling for his dismissal.

In another intriguing case investigated by the M&G this week, a senior Durban policeman is facing disciplinary action for questioning a decision by McNally not to prosecute another senior policeman charged with five counts of

fraud and unauthorised use of police vehicles. Senior Superintendent Bobby Naidoo wrote McNally a letter expressing his disappointment at the decision not to prosecute Director Jolian Stoltz. KwaZulu-Natal's controversial police Provincial Commissioner, Chris Serfontein, then charged Naidoo "for failing to comply with the instruction to inform him about the contents of the letter". Naidoo was tried without legal representation last month and his hearing was postponed until November 30. McNally maintained that he had not prosecuted Stoltz since the senior policeman had been ignorant of the regulations on the use of police vehicles.

Some police sources suspect a cover-up. "How can a police station commissioner be ignorant of the regulations?" said a police source. Stoltz is the only white policeman in charge of more than 700 black and Indian police.

McNally recommended the matter be settled internally. Stoltz was fined R450 and suspended for 12 months. But the police watchdog, the Independent Complaints Directorate (ICD), probed the case and came to a different conclusion. "The ICD felt that the evidence was of such prima facie nature that a prosecution would have been a formality," said Stix Mladla, the unit's director in Durban. "The matter was discussed at length with a member from the attorney general's office who dealt with the matter and he stood by his decision."

The docket has since been taken by South African Police Service members from the national office in Pretoria for further investigation. The other personnel announcement this week is that Transvaal Attorney General Jan d'Oliveira will become deputy national director responsible for prosecuting organised crime. D'Oliveira has also headed a special team to probe third force activities and will take unfinished work with him to his new job.

Ngcuka said he had had a frantic opening stunt in his new office and suffered from a lack of resources. He said he had few permanent staff and had yet to be given a budget by the Department of State Expenditure.



# What FW did not want you to see

(252) MCG 30/10-11/10/98

Howard Barrell

**T**he Truth and Reconciliation Commission (TRC) was ready to declare FW de Klerk "an accessory to gross human rights violations" before the former president brought an urgent court action to stop this conclusion being carried in the TRC's final report, released in Pretoria on Thursday.

The commission had provisionally concluded that De Klerk's failure to take legal action against senior government officials who, it alleges, he knew were involved in unlawful acts had "contributed to creating a culture of impunity within which gross human rights violations were committed".

The TRC also intended finding that De Klerk had "lacked candour" in his dealings with it. Moreover, the commission intended holding De Klerk "morally accountable for concealing the truth from the country when he, as executive head of government, was under an obligation not to do so".

The harsh preliminary judgment reached by the commission was sent

to De Klerk on September 1 for his response, as required by law.

De Klerk contested the intended findings bitterly, and on Wednesday brought an urgent legal action asking the Cape High Court to forbid the commission from making the intended findings against him, from including these findings in its report and from submitting the findings to President Nelson Mandela.

In terms of an agreement between the parties on Wednesday afternoon, which Judge EL King made an order of the court, the TRC made no findings on De Klerk in the final report. The dispute about the TRC's intended findings will be heard in the Cape High Court on March 4 next year.

The commission found that, despite telling the TRC that "neither he nor his colleagues in Cabinet and the state security council authorised or instructed the commission of unlawful acts", De Klerk "knew and had been informed by the former minister of law and order [Adriaan Vlok] and the former commissioner of police [General Johan van der Merwe] that the former state presi-

dent P W Botha and the former minister of law and order had authorised the former commissioner of police to bomb Khotso House", the head quarters of the South African Council of Churches.

"The commission finds that the former state president De Klerk failed and lacked candour to the extent that he omitted to take the commission into his confidence and/or to inform the commission of what he knew despite being under a duty to do so," the TRC said in its notice to De Klerk on September 1.

"The commission finds that FW de Klerk failed to make full disclosure to the commission of gross human rights violations committed by senior members of government and senior members of the South African Police despite being given the opportunity to do so.

"The commission finds that his failure to do so constitutes a material non-disclosure, thus rendering him an accessory to the commission of gross human rights violations," the notice added.

"The commission finds further



FW de Klerk. 'An accessory to gross human rights violations'

that Mr de Klerk was present at a meeting of the state security council where former state president PW Botha congratulated [Vlok] for the successful bombing of Khotso House.

"The commission finds that the failure of FW de Klerk to take legal

action against minister Vlok and General Johan van der Merwe for the commission of unlawful acts when he was under a duty to do so contributed to creating a culture of impunity within which gross human rights violations were committed.

# Winnie at centre of football murders

(252) MCG 30/10-5/11/98

Wally Mbhele

**W**innie Madikizela Mandela stands accused of being central to the formation and activities of the Mandela United Football Club, whose members were involved in at least 18 cold blooded murders.

In a harsh judgment on her association with the football club, the Truth and Reconciliation Commission's (TRC) final report said most Mandela United operations were launched from her home, with Madikizela Mandela knowing about these matters, or having participated actively in these assaults, assisted in covering them up or obstructed the course of justice.

"What is tragic about such a heroic figure as Madikizela Mandela, with her own rich history of contribution to the struggle, is how she became embroiled in a controversy that caused immeasurable damage to her reputation," the report says.

The report said people were labelled informers in a number of incidents, which legitimated their execution by football club members. Madikizela Mandela denied all these allegations.

"There can be no doubt that she showed poor judgment in ignoring the advice of community leaders and mass democratic movement leaders. The TRC has been unable to arrive at a satisfactory conclusion as to what went wrong and why she was not accountable to the democratic

structures inside the country, what influence the external liberation movement had over her and why she became so isolated from democratic and community structures."

The commission said it was of the view that both the Mass Democratic Movement and the ANC must accept responsibility for not bringing her into the fold or disciplining her when things were beginning to go wrong.

The TRC found the football club was involved in a number of criminal activities in the community. These included killing, torture, assault and arson.

The TRC said Madikizela-Mandela was aware of the club's criminal activities and chose not to address the problems emanating from the football club. Those who opposed her and the club were branded informers, hunted down and killed.

The commission cited the examples of her participation in the abduction in 1988 of Lolo Sono and Siboniso Tshabalala, who have never been found.

It accused her of deliberately and maliciously slandering the name of Bishop Paul Verryn in an attempt to divert attention away from herself and club members about 14-year-old activist Stompie Sepele's killing and torture.

It said also that she was involved in and responsible for the attempted murder of Lerotodi Ikaneng, who was stabbed in the throat by her former friend Gerry Richardson.

The TRC said the football club phe-



Harshly judged Winnie Madikizela-Mandela

nomenon was replicated in vigilante actions of other similar groups across the country during this period. The fundamental difference, however, was that this group enjoyed the patronage, support and protection of Madikizela Mandela and the prestige of association with the Mandela home.

The club was initially admired by many in the local community, but within a few years it became feared and hated as it engaged in a series of acts of terror. Madikizela Mandela's proximity to these events, according to the TRC is as undeniable as her complicity.

But the commission found there was no evidence linking her to the assassination of the former Soweto human rights doctor Abubaker Asvat, despite consistent rumours of her involvement.

It said the pending amnesty hearing relating to that matter may provide the clues.

# Interdict a blunder, say ANC leaders

(252) MCG 30/10-5/11/98

From PAGE 3

The ANC's action against the TRC included a 25-page affidavit containing a vicious attack on the commission.

The TRC's findings implicated the liberation movement in gross human rights abuses, including the killings of civilians in its military operations, torture in its military camps and the deaths of civilians in its landmine campaign in the former Eastern Transvaal.

The TRC was also critical of the ANC's attitude to informers and state witnesses, whom the movement saw as legitimate targets.

It described the TRC's findings as "misdirected", "arbitrary" and "capricious", adding they bore no relation to the purposes for which the truth commission was originally established.

The ANC said the TRC's findings sought to establish "a new jurisprudence governing the conduct of warfare which is comical, irrational and absurd".

It argued that the TRC had failed to acquaint itself with the simple constitutional rules that committed all South Africans to "honour those who suffered for justice and freedom in our land".

"Had they understood these, they would not have taken positions [that] seek to criminalise the struggle for the liberation of the people of South Africa," the ANC said in its court affidavit.

"The findings would have re-

flected the truth that the struggle we waged helped our country to avoid the death of millions of civilians and radically reduced the hostility of the majority of our people towards those who belonged to the oppressor nation as well as their black partners who were bribed or intimidated to participate in the commission of the apartheid crime against humanity.

"Inherently any attempt to place on par guerrilla formations and state security forces, as well as irregular and regular warfare, will be fake and contrived and will necessarily lead to wrong conclusions.

**T**his includes conclusions based on requirements that a movement which does not control a state and a state machinery must be judged in the same terms as would apply to an oppressive state such as the apartheid state, which used its illegitimate power to ensure that its popular opposition is denied access to any means which might enable it to operate as an alternative state and thus compete with and counter the oppressor state," the ANC affidavit added.

If the oppressed masses of South Africa had followed the TRC in the prosecution of their struggle, argued the ANC, the legitimate struggle against apartheid would have had to be abandoned.

"Arguably," said the ANC, "South Africa would still not be a democratic country."



TRC FINAL REPORT

# ANC blunders with TRC interdict

(257)  
MG 30/10 - 5/11/98  
Howard Barrell, Wally Mbhele and  
Sechaba ka Nkosi

The African National Congress is counting the cost to its reputation and support after its attempt to gag the Truth and Reconciliation Commission (TRC) ended in failure in the Cape High Court on Thursday.

Top-ranking ANC leaders went into an emergency meeting shortly after the court hearing ended, as MPs and other senior members of the party interviewed by the *Mail & Guardian* called the attempt to interfere with the TRC's findings a serious blunder.

They questioned the judgment of those ANC leaders responsible, adding that the court action to suppress criticisms of their party in the final TRC report appeared to have been the decision of a small leadership group.

After a night of high legal drama, Judge Wilfred Thring dismissed the ANC's application with costs in a courtroom packed with journalists at 9 55am on Thursday.

On Wednesday, also in the Cape High Court, former president FW de Klerk had obtained the TRC's agreement not to publish any findings against him — pending a court hearing on March 4 next year. Judge EL King made the De Klerk/TRC agreement an order of court.

Observers believe the TRC process could now bring further trouble for the ANC government. The ANC is expected to come under considerable pressure to grant a blanket amnesty to all people involved in human rights violations during the apartheid years, whether or not they have satisfied the TRC's requirements for amnesty.

A number of politicians and others named in the TRC report on human rights abuses may otherwise face a near endless series of criminal and civil proceedings, meaning there would not be the closure on the apartheid years which the TRC process was intended to bring about.

But any blanket amnesty could meet strong opposition from the victims of human rights violations and from those who argue it would undermine the entire TRC process.

A number of ANC MPs and senior members believe that their party's application to court has begun that process of undermining.

One ANC MP, who spoke on condition of anonymity, said the court application was "absolute nonsense".

"God only knows where that decision was taken and how it was taken," he added.

Another ANC MP called the application "unbelievably stupid". He thought it had damaged his party's reputation locally and abroad for "fair-mindedness" and a willingness to face up to the past.

ANC party sources say that the two party officials most closely involved with the issues raised in the TRC — Minister of Justice Dullah Omar and Mpumalanga Premier

Mathews Phosa, who heads both the ANC's legal department and its TRC unit — were only notified of the decision to take court action. Their opinion on the matter was not sought. Both men participated on behalf of the ANC in drafting the Act setting up the TRC.

ANC secretary general Kgalema Motlanthe is understood to have spent at least an hour on the telephone to President Nelson Mandela on Wednesday trying to convince the president that the legal route was the best option the party could take after the TRC had refused to bow to ANC pressure for a meeting at which

the ANC planned to challenge findings the TRC intended making against it.

Responding to suggestions that key leaders of the ANC had not been consulted or briefed on the ANC's decision to go to court, Motlanthe said on Thursday: "I don't know where you got that from. All I am saying is that the decision was taken by the leadership of the ANC."

In papers before Judge Thring at Thursday's hearing, TRC commissioner Dumisa Ntsebeza suggested that the ANC may not have taken a properly mandated decision to

bring the legal action.

"I dispute that Mr. Motlanthe is duly authorised by the [ANC] to bring the proceedings on its behalf," said Ntsebeza.

"I note that no resolution of the [ANC] is annexed to the application in purported proof of Mr. Motlanthe's authorisation. If the [ANC] had indeed authorised these proceedings, a resolution to this effect would have been readily available to Mr. Motlanthe and should have been annexed to his affidavit," said Ntsebeza.

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# Interdict a blunder, say ANC leaders

(252)

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From PAGE 3

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to be a democratic country

Madiba had 'no problem' with report, many ANC officials apologise

# Mbeki 'overruled' Mandela on TRC report

(252) SKAN 3/10/98

with report, many ANC officials apologise

**D**eputy President Thabo Mbeki ignored President Nelson Mandela's feelings and led the ANC charge to try to prevent the handing over of the TRC's final report. Mandela was happy to have the report released without the removal of references to the ANC's camps in Angola where inmates were allegedly tortured and killed.

But Mbeki, who is also the ANC president, and the ANC leadership went ahead with an 11th-hour application for a court interdict - which eventually failed - to stop publication.

Mbeki's stand has alienated many of his comrades in the organisation's national executive committee (NEC), a number of whom have phoned TRC chairperson Archbishop Desmond Tutu and TRC commissioners to apologise for the ANC leader's conduct.

And, some TRC commissioners have said it is disturbing to note the difference in attitude to the report between Mandela and Mbeki. As the country's future president, Mbeki was seen to be trying to suppress sections of a public inquiry because it would have damaged the image of his organisation.

Although the ANC's national working committee had taken an agreement in principle on Monday to take the matter to court if need be, many of the ANC's top executives were in-

formed only late on Wednesday night.

This followed an afternoon telephone conference between Mbeki in Cape Town, his deputy Jacob Zuma in Durban and Johannesburg-based secretary-general Kgalema, Motlanthe, deputy secretary-general Thenjwe Mthintso and treasurer Mendi Msimang.

Not all in the NEC agreed with the decision, and one NEC member said: "That decision has damaged us, we should have rather held a press conference and strongly made our point."

Many in the ANC believe that panic overrode prudence by attempting to suppress splinters of information against the party emerging in the report, the ANC damaged its international image as a moral authority.

It was evident that Mandela, who had insisted that the report be released to the public at the same time as he received it, did not agree with the ANC leadership. A senior Mandela aide said: "The decision was Thabo Mbeki's, as head of the ANC. Mandela gave his input but it was ignored."

In receiving the report, Mandela made a point of telling Tutu that he accepted it in its entirety, clearly indicating his own feelings.

ANC chairperson Patrick Lekota, who is overseas at present and was not consulted in the decision to take the TRC to court, phoned Tutu on Thursday night to apologise, and to praise the work of the commission.

# led' RC

SKAN (252)



Charlene Smith



ave chosen a Halloween theme for their nd Paul Seabela Photograph.

## roo meat you've e

er said kangaroo meat, which meant use in sausages, d the processed up of a mixture eat. "The less fat eat, the more lo it can be used to price of the final kangaroo meat as to local game l springbok. ist Louis Mon pe of biltong in shops was usually the most common use, eland, beef, kudu, ostrich. But if the specified as "game" it anything - including Prominent city Katz said: "I would not garoo meat in my it's not a traditional African meat, and also too much emotio There were butcher kangaroo meat in it had to be specified on ping

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# The execution of a camp commander

(257) M+G 30/10 - 5/11/98

The TRC has found that torture and executions occurred in ANC camps in exile. Some of those targeted were killed as a result of bad leadership, jealousies and paranoia, writes Charlene Smith

Chris Hani was once sentenced to death by Umkhonto weSizwe's (MK) high command in Tanzania for putting forward the grievances of MK cadres

In the mid 1960s, recruits had complained about camp conditions and wanted to fight MK high command, in the form of Joe Modise and Joe Matthews, sentenced Hani to death for plotting a mutiny

African National Congress president Oliver Tambo stopped the execution. Minister of Defence Joe Modise today refuses to comment on the issue

ANC guerrillas later became involved with Zimbabwean freedom fighters, taking part in the Wankle Campaign of 1967

But after 1980, many guerrillas — the Luthuli, June 16 and Moncada detachments — refused to return to the Angolan camps. Others began protesting at being held in poor conditions, rather than being permitted to fight.

The ANC leadership said this discontent was evidence that a spy ring was intent on replacing the leadership with South African security branch

plants. The security arm began a witch-hunt during which many were detained and tortured.

At one stage almost half of the people at the organisation's Quibaxe camp in Angola were suspected of being involved in the plot.

The ANC's security organ had become far tougher since the post-1976 cadres had returned from training by the notorious East German Stasi. They became known as Mbokodo (the grinding rock) or "The Panel-beaters" by those in exile.

By early 1979, work had begun on a camp 230km east of Luanda that for a decade would be a place where ANC cadres accused of spying would be terrorised. Named the Morris Seabelo Rehabilitation Centre, or Camp 32, it was better known as Quatro.

The camp's first commander, 19-year-old Mtunzi Gabriel "Sizwe" Mthembu, was a graduate of Stasi training. Today a senior official at the National Intelligence Agency, he was prepared to be interviewed, but his superiors forbade it.

In a Truth and Reconciliation Commission Section 29 hearing, Mthembu said "It's difficult to describe the conditions we were exposed to. The conditions were extreme, in a word I would say inhuman, because of deprivation most of us were affected and are still affected."

Mthembu admitted: "We had people who committed acts of indiscipline — very serious cases. We had

comrades who abused their positions. Others ran away with murder. They were not punished, so we did not have a watertight system of dealing with these people."

Atrocities at Quatro included pouring boiling water on men's heads until they burst or dripping burning plastic on their backs. Others were left in their own urine and faeces in tiny cells.

While some detainees were spies, others had committed offences like smoking marijuana, "stealing Angolan peasants' bananas" or having accidents in vehicles. Some had spoken out of turn, or posed a threat to others' leadership ambitions. Minister of Transport Mac Maharaj told the truth commission "there were people who were executed without as much as a hearing, let alone a legal one."

One such victim was Ephraim Nkondo, brother of United Democratic Front activist Curtis Nkondo, who was last seen dragged through Quatro with a rope around his neck in 1984. He had not been afraid to criticise the leadership, particularly Modise and security boss Mzwali Piliso.

**While some detainees were spies, others had committed offences like smoking marijuana or having vehicle accidents. Some had spoken out of turn**

It was a flaw that was to see Timothy Kgotsiele Seremane (known as Kenneth Mahamba) executed.

Born in Bekkersdal in 1952, Seremane was the youngest of six brothers. Two sisters followed. His eldest brother Joe — now chief land claims commissioner — joined the ANC at a young age and was arrested in 1962 and sent to Robben Island.

His sister Mabatho recalls "I was in standard one when they took him. The house was surrounded by police. It was frightening. Because of Joe I don't think it would occur to Timothy to be a spy. We used to hate cops."

As a camp commander, Timothy Seremane's behaviour was often unorthodox. "He didn't use drivers like other camp commanders, and sometimes wrecked cars," said Andrew Masondo, the ANC's national commissar in Angola, whose son served under Seremane at Pango.

A former Quatro inmate, who asked not to be named, said Seremane "was a bit like a hippy, he was unconventional. He was a very strict camp commander, and was not popular with all his men."

In May last year, the ANC submitted to the truth commission that Seremane had been implicated in beating to death an attempted escapee. Then in its October submission it mentioned only an alleged theft of weapons. But in March and April this year, neither Mthembu

nor Masondo mentioned this theft at the Section 29 hearings.

In its October submission the ANC claimed that, before Seremane's "infiltration" into the ANC, he was told by the security police "to maintain a high level of discipline, secrecy and care when collecting information."

And remarkably, it said he was instructed "to deny any involvement in political activity at home [and] was to avoid detailing his family background to the ANC."

Interviewed for this piece, ANC past and present intelligence officers, former South African security branch and a former senior CIA operatives all found it unbelievable that Seremane would have been instructed to avoid mentioning his family's ANC credentials.

General Herman Stadler, former head of security branch intelligence, claimed no knowledge of Seremane. "A person like that would have been ideal. We would have encouraged him to talk about that sort of background."

If the ANC had researched Seremane's past, they would have found that although a brilliant student with leadership qualities, he was expelled from three schools for wild behaviour.

He completed school in Hamanskraal. Here too ANC information was wrong. They said he completed school and was recruited in Mafikeng, 300km away.

In 1976 he went into exile via Botswana. He trained in the former Soviet Union and East Germany and became camp commander of Quibaxe, a transit camp holding around 200 cadres.

One of the fastest rising stars, he succeeded Thami Zulu as commander of Pango, one of the most important camps, with an average of 400 to 500 cadres.

During the camp protests of 1980 and 1981, the leadership was caught off guard. Having held its last consultative conference in 1969, the new cadres were demanding another conference and open elections.

A paper, *A Miscarriage of Democracy: The ANC Security Department*, published in the London based Trotskyist publication *Southlight*, states the leadership began trumpeting the existence of a spy network. Paranoia and repression set in.

"Most of those arrested were known critics of the ANC leadership and were labelled anti-authority. During the whole period of investigation they were tied to trees and slept there."

"In Camalundi camp in Malanje province, Oupa Moloi, head of the political department, lost his life during the first day of interrogation. Zulu, who was the camp commander, threatened to kill more of these culprits who, swollen and in excruciating pain, were lined up in front of the detachment."

As a test for Seremane, Masondo took an ambulance to his camp and forbade him to drive it. Seremane did, and was involved in an accident. He was summoned to Quatro. His weapons were removed by Mthembu, who said he had been implicat-



Joe Seremane. "Why was Timothy executed? Will the ANC facilitate the return of my brother's bones?" PHOTOGRAPH: MAGRIET THERON

ed as a spy by a cadre whom Seremane had apparently beaten up and himself accused of spying.

Gordon Moshoeu, who was also accused in the 1981 "plot", and William Mashotana — now a South African National Defence Force major — were taken to Seremane's cell and confronted with him. This was a technique to force confessions once cadres had seen the condition of their comrades.

Moshoeu said Seremane was unrecognisable. "We could only recognise him by his voice."

Moshoeu denies the existence of a spy ring. An embittered Mashotana refused to be interviewed without an assurance from either Modise or his deputy Ronnie Kasrils that he would not be victimised. Both declined repeated requests to give this assurance.

The ANC's official roll of deaths in exile states Seremane was executed in 1981, but Mthembu says 1982. He was taken in to a ravine behind Quatro and shot, at the behest of Masondo, on the recommendation of Mthembu. His crimes, driving cars badly, going out drinking, beating up cadres and speaking his mind.

Joe Seremane only found out about the fate of his brother last year, when he asked the ANC two simple questions. "Why was Timothy executed? Will the ANC facilitate the return of my brother's bones?"

Receiving no response, he approached the truth commission Commissioners and researchers admit his quest caused anxiety and

division. An investigator recalled "No one wanted to take on the ANC."

The ANC has initiated four commissions of inquiry into abuses in camps, but has not spoken openly about torture and abuses in its camps. The ANC was a signatory to the Geneva Convention, which specifically excludes the torture and execution of prisoners.

In December, the SABC's *Issues of Faith* will screen a documentary on the quest of Joe Seremane. During the making of the film, requests for interviews with Mthembu were turned down by his superior, Joe Nthlanhla — even though Mthembu was willing to speak.

Modise, Kasrils and the Reverend

Frank Chikane all turned down interview requests. The offices of President Nelson Mandela and Deputy President Thabo Mbeki

failed to respond.

Seremane experienced pressure at work from Cabinet ministers and colleagues. He told the truth commission it would be "blood money" if he put his job before his family.

Mali disappeared from film maker Kevin Harris's postbox, telephones were tapped and hackers destroyed files in Harris's computer.

A former Quatro inmate says "Even today we live in fear. Since 1990, 57 former Mbokodo have been assassinated and seven former Quatro inmates — who is killing them? We believe they are being killed because of what they know about those who are in power now. Quatro left a dark shadow that has not retreated."



# How the staff survived

when some commissioners were seen not to be carrying their share of the load.

Mahlubi Mabizela — better known as "chief" — joined the TRC as a researcher in April 1996. He was a survivor as a youth and student activist, he had been hounded, detained and tortured by security police. Like many staff, he joined the TRC because he wanted to make a contribution to the country's future. Like many, his idealism carried a dash of self-interest: the experience would further his career.

And, like many, he was unprepared for the emotions the TRC's work would unleash in him. "You met all sorts of people who could break you. I underestimated the impact it would have on me. I had been through it. I thought, I'm a victim but not like the person testifying. We had to deal with this on top of the strains and stresses of the work itself. There were no arrangements initially for counselling staff."

Working under an oath of secrecy was an added burden. TRC media liaison officer Chris-

telle Terreblanche, a white Afrikaans speaker, described its effect on her: "You worked with things you couldn't share with anybody, not even your closest friend. It was stressful emotionally and the work was hard but in the beginning it got sorted out by everyone having to dive in and get the show on the road. Everyone was busy, our hearts were in it. We would work a 16-hour day, then go out and party."

When Mabizela joined the commission, ordinary South Africans had begun relating their suffering under apartheid in the first public hearings. This in itself was an extraordinary achievement. "We were rapped over the knuckles for not going through the State Tender Board for furniture and so on," commissioner Mary Burton recalls. "But decisions like that meant the TRC was up and running very quickly."

In the headlong rush to get things moving, however, potential problems were not anticipated. No policy of racial representivity governed early staff appointments, although one

later evolved. "In the beginning it was easy for people to say they knew someone who had the skills and who could come in," says Burton. "You tended to rely on people you knew could deliver, without realising you could find other people just as capable."

Adds fellow commissioner Falzel Randera. "Jobs were advertised and management would give them to a white or Indian person and this would raise some people's hackles. There were issues like parking, why it was available for some people and not others. Staff associations started forming in every TRC office across the country."

At the interface between the TRC and the public were the statement takers. "The statement takers were the shock absorbers of the commission," says Mabizela. "They had to explain to people on the ground. Farm labourers saw the TRC's coming as a sort of messiah. But the policy decision was that their suffering was not covered by the Act, it was not a gross violation. The statement takers were the ones to have to say 'Sorry, we are not talking to you.'"

"The people higher up, perhaps they were uncomfortable with the decision, but they weren't face-to-face with people. There was the sense that decisions were being imposed on us on top of the stress and trauma we were experiencing."

Staff were shifted from one position to another to cope with fresh demands, sudden needs. But according to Mabizela, there was no human resources policy. Generally, the human resources department was perceived by staff to be so weak as to be non-existent (it was later disbanded). When contracts finally arrived, months late, they often referred to positions people no longer held. Education and skills levels differed remarkably within sections doing the same work, generating resentment and anger that would often manifest racially.

For many, the commission offered a way of dealing with stored up anger rooted in the past. But there were no built-in mechanisms to allow for that to be managed constructively.

Says Terreblanche: "There was a wall of repressed emotions. We thought we were dealing with racism, but then when someone dropped

a match into the brew you'd find your circuits were already overloaded — and there was nowhere to go to offload. Suddenly I'd be white and Afrikaans. It all exploded into race. Staff had to fight to get group therapy."

Tensions blew up in October 1997 when a key commissioner, Dumisa Ntsebeza — head of the investigative unit head — was implicated in a 1993 Apla attack on Cape Town's Heidelberg Tavern. His accuser, gardener Bennet Sibaya, later confessed he was forced to lie after being arrested for poaching.

The Afrikaans poet, Antjie Krog, gave a contemporary description of the dislocation and controversy the incident sparked within the commission in her book, *Country of My Skull*. "The whites think Ntsebeza is involved, the blacks think he has been set up. And there is no space to argue in — it has become a matter of race. The little bit of healing, the trust, the unity built up over two years, at great effort and with many sacrifices, have been wiped out."

Commissioner Wendy Orr, deputy chair of the reparations and rehabilitation committee, says: "The politicians had covered all the legal bases in drafting the Act — but no one had considered the emotional consequences." The reparations and rehabilitation committee was labelled the locus of racial tension in the TRC after reports in which unnamed black officials claimed they were being sidelined, that the TRC was being run by a coterie of white liberals.

Orr says the tensions reflected what was happening in the commission as a whole. "I don't want to get into psychobabble but it was almost as if the TRC was making the committee the site of the problems so they could split us. We became the repository for the commission's tensions, but the problems weren't only ours."

The committee's request for an outside facilitator's mediation was refused "from the top." "We were just expected to get on with each other. There was no space for conflict, disagreement, anger, hurt, pain — all of which were there and which sometimes came out in very destructive ways," says Orr.

Another commissioner's view was that TRC chair Desmond Tutu disliked conflict and was reluctant to acknowledge it. "The atmosphere was always one of 'don't raise the difficult issues'. Tutu was very proud of us being part of the rainbow nation, that we had managed to overcome our problems, that we could show we were part of a reconciled, new South Africa."

To PAGE 11



In memory: Matthew Goniwe's brothers Alex and Sam at the grave of the Cradock Four. PHOTOGRAPH: JONATHAN ANCER

was bogged down in financial troubles. In desperation, she wrote to Mandela. She feared she would not be able to finish her degree, let alone progress to an honours course — for which her grades were good enough.

In her letter, she said she was unable to find funds or a bursary. The June 4 reply from the Office of the President's administrator reads: "President Mandela has noted the contents of your letter with sympathy and has asked me to forward it to the minister of education to see whether he might be able to help you. In the meantime, you are advised to apply to private companies for a bursary or to commercial banks for a study loan. We sincerely hope that it will be possible to solve your problem."

She received a letter from the Department of Education suggesting the same course of action. A student loan was eventually raised by using the capital Nomonde Calata lives off as security. Nomonde pays R223 a month to service the loan.

In a psychology assignment entitled *Psychology Education: Children of Political Victims*, Dorothy cites a Professor Torado: "One must not be asked to forgive, nor be asked to ask for forgiveness, because then the pure forgiveness is ruined."

"I also feel that pure healing must not be ruined," she wrote.

Outside her academic environment she is more forthright about what she sees as her mother's abandonment and new injustices.

"The Eastern Cape was the fireplace for making a big fire under the seat of the white man's South Africa. How do you forget how that fire was started? You are already warm and you no longer care. You have forgotten what it is like to be cold."

SURVIVAL OF THE FUNNIEST

## It's a Jungle Out There

A New Madam & Eve Collection



See original cartoon art from Madam & Eve's new book *It's a Jungle Out There* exhibited at the Centre Court, Hyde Park Corner, Johannesburg, until 2 November and in the Gardens Shopping Centre, Cape Town, from 26 November until 3 December.

By  
S. Francis  
H. Dugmore  
& Rico

Catch Jungle Fever at a Bookshop near you



**TRC FINAL REPORT**

**How the staff survived the stress**

(252) M+G 30/10 - 5/11/98

From PAGE 9

Tutu was seen on the commission as the moral leader, the helmsman, his deputy, Alex Boraine, the nuts-and-bolts man, the one who made things happen. There were things Tutu could do and say that Boraine — the white liberal — could not. At critical moments, Tutu would step in, restate the task at hand and remind everyone the process was bigger and more important than the individuals involved.

While some commissioners were initially uncomfortable, even irritated, by the archbishop's theological grounding, his reliance on prayer kept things on track by the sheer force of his personality.

"It's hard to imagine the TRC happening at all without Tutu," says Orr. "His moral leadership was enormously important — his integrity, his commitment to the process. There was nothing self-serving about it whatsoever. He would remind us of what we were there to do — and there were times we needed reminding."

It has not been a perfect process. Many thousands of people did not get access to the TRC. Many of those who did have received letters saying they have been found not to be victims. Their victimisation was not politically motivated, their statements were uncorroborated. People can appeal, but it is "the most earth-breaking work" Burton has ever done.

Burton has a list of names of people the TRC has asked for more information — a death certificate, a witness's sworn statement.

People not found to be victims do not qualify for reparations. Nor is this potentially divisive issue yet settled. The president and parliament must consider the TRC's recommendations and they, not the TRC, must then implement them. His distinction will not easily be understood. People who qualified for urgent interim relief have died without receiving it, fuelling anger over government delays in issuing it — anger detected at the TRC. Many communities want the TRC to return and report back, but it will not be doing so.

Amnesty hearings will continue to unravel past the next general election. If reparations are not dealt with soon, the notion that the TRC process has favoured perpetrator over victim will become entrenched.

There is a question-mark over the vigour with which the government will pursue prosecutions of those implicated in abuses who did not apply for amnesty and whether

there will be enough evidence to succeed in them. "It was to be expected that a lot of fish, including big fish, would go through," says Ntsebeza. "You can't expect in 18 months to investigate 34 years of history."

Yet the TRC was a powerful instrument to deal with the past; it un-

covered voluminous portions of it, dispelling decades of secrecy and suspicion. Voices long silenced were heard, bodies found and rightfully buried. White South Africans can no longer say "we didn't know" — about the chemical and biological warfare programme, the bodies burned while

policemen barbecued, the myriad brutalities carried out in the name of moral crusades against ideologies.

The TRC's final report was bitterly contested within the TRC. It will be subjected to rigorous scrutiny and criticism, not to mention shrill objections from parties that turned their backs on the process, but that paradoxically expected it to be a panacea for the country's ills.

Political fallout over the TRC is inevitable. It should not be laid at its

door. The astounding thing about the TRC is that it achieved as much as it did, despite the conflicts and tensions that resonated within it, reflecting those playing out in South Africa as a whole. It worked in spite of itself — on a wing and a prayer. It has laid the foundation for reconciliation — "dug the trench", as "chief" would say.

The full version of this article is published in the latest issue of *Siyaya* magazine, available from Idasa.

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KLATZKO & WALDRON 2052/EMG



Dumisa Ntsebeza doesn't care who he upsets - his job is to unlock the dark secrets of SA's past. Charlene Smith talks to the TRC's investigations chief

# Ntsebeza rides the storm in his tireless quest for the truth

**B**y 1990, the National Intelligence Agency had given former president FW de Klerk a detailed report on third force members and activities, but he failed to act. Why, as one of many questions that plagues the Truth and Reconciliation Commission's Head of Investigations, Dumisa Ntsebeza.

Mr Ntsebeza has some very specific memories - police photographs of young boys whose hands were severed with blowtorches, a confession by a hit squad operative of a Bophuthatswana politician they tied naked to a tree and murdered by applying a blowtorch to his testicles until his genitals were reduced to ashes.

The ANC thus week launched a personal attack on the controversial Umataa lawyer who assiduously pursued the truth and refused to favour any individual or any party.

The ANC accused him of a vendetta against them, but then again they were not the first organisation to do so. And yet, in a long interview with Mr Ntsebeza after he spent sleepless nights compiling affidavits that defeated the ANC's attempts to have records of its human rights violations erased from the TRC report, it is mostly the horrors perpetrated by apartheid's governors that remain etched in his mind. He is sad too that the TRC investigators, under his leadership, did not act more aggressively to uncover more about the involvement of the military in gross human rights violations.

"Tons of records were destroyed. There is a belief that the entire record of the National Intelligence Service was destroyed. The NIS was commissioned by (former state president) De Klerk in 1989 to give him a comprehensive overview of the security situation, and especially if there was tension between the armed forces, the police and the army."

"By 1990, well after he had unbaned the ANC and released Nelson Mandela, the NIS had given him a very clear picture of the existence of a third force not in



(25A) ART 3/110/98

**OFF THE RECORD** the TRC's head of investigations, Dumisa Ntsebeza, shows off the blanked-out page in the final report dealing with findings concerning former president FW de Klerk

in trunks hoarded by chemical and biological weapons supreme Wouter Basson. "At the end of our life as an investigative unit one of the people from Vlakplaas showed us documents we thought had been destroyed.

... use of certain state-owned funeral parlours want to keep a record." The TRC has yet to decide where its precious and damning hoard of records will be stored after it finally dissolves in next year. Mr Ntsebeza continues: "Our breakthrough in exhumations came from buried as paupers or unknown people."

an example, that before they were shot they were given tea spiked with drugs, and then their bodies were burnt to ashes and thrown into the Fish River. "The same players claimed they did the same thing three years later with the Peko Three, but we were told by hit squad operative Joe Mameela that Sipho Hshhe was beaten with lead piping until he bled from wounds to his head, ears and mouth.

"He died a horrible death. But Gideon Nieuwoudt and his colleagues denied this. They did not know we had other affidavits confirming it."

Mr Ntsebeza says his work with the TRC has made him wonder at the depravity of people, "and how political leaders can still claim they were unaware of what was happening. We only revealed the tip of the iceberg. Investigating crime and disappearances in KwaZulu Natal, there was always the pattern of killer squads, disappearances, farms rented by the security police for torture and secret graves - there were dozens of Vlakplaas throughout the country.

"And now we find those same CCB operatives and ex-Koovet people active in the burgeoning security industry or involved in murderous heists. Koovet had a slogan: killing is the name of the business and business is good."

One case he failed to unravel still troubles him. Nokumle Simelane, a young student at the University of Swaziland, reported as a courier for the ANC, was disappeared on the day her parents travelled to Swaziland to see her graduate.

Nokumle had received a false invitation to take her to a graduation ceremony at the CAJIBO Centre in Mbabane, Swaziland, where she was to be married to a Swaziland national. She was never seen again.

Mr Ntsebeza clasps his hands reflectively



the NIS had given him a very clear picture of the existence of a third force, not in the form of a separate army, but of people in the military and security police who did specific things such as murder activists. The question is why he failed to act, particularly as the situation became worse and worse."

Mr Ntsebeza also says that although all records were supposed to have been destroyed, many emerged in surprising circumstances, most often during amnesty hearings, and files were found

unit one of the people from Vlakplaas been destroyed.

"They told in precise detail about the capture of guerrillas, how they were turned, the modus operandi, their life as an askari and how on their first mission they were always made to kill.

"They had details of who their members were, what they received as payment. Why did they keep such meticulous records? Perhaps they thought they would never be out of power. There is something perverse about how perpetra-

to be stored after it finally dissolves in the next year. Mr Ntsebeza continues.

"Through in exhumations came from one investigator, Pam Molapo, approaching the ANC for a list of all their people who had disappeared. They were quite precise about presumptions of their fate, dates presumed to have fallen and areas Mr Molapo found most people had disappeared close to borders. He went to all police stations in border areas and removed inquest and murder dockets. We couldn't believe what he found.

"Inquest dockets showed a pattern of

orders for burial we found a complete but predictable pattern of people buried as paupers of unknown people.

"Yet the inquest dockets showed the police knew who those people were, the dockets would have their names, the word 'terrorist' and photographs, often colour photographs, of their deaths.

Mr Ntsebeza rubs his eyes and leans back in his hotel chair. "There was always the question of whether we were getting the truth. We were told by hit squad operatives that in the case of Simphiwe Mtshali and Topsy Madaka, as

Mr Ntsebeza clasps his hands reflectively. "I have often asked myself whether when we followed investigators to a grave in the Rustenburg area where we expected to find three bodies and found 12, if she was one. She was in her early 20s but her strength of character touches me."

Mr Ntsebeza says he will go back to being a lawyer in private practice, probably in Cape Town to be close to his wife who is the new head of the SA Publications Control Board.



PRINCE GOBINGCA



JOHNSON NXOBONGWANA



PW BOTHA



WINNIE MADIKZELE-MANDELA



FW DE MEEK

# Accountable for gross human rights violations

ARL 3/10/98

2/22

2/22

**Kwazulu Natal/IFP**

- Operation Marton: PW Botha, General Magnus Malan, Chief Mangosuthu Buthelezi, MZ Khumalo, Pieter Groenewald, Vice Admiral Andries Putter, Louis Botha, Cornelius van Niekerk and Mike van den Berg.
- Esikhaswini hit squad: Prince Gideon Zulu, Lindiwe Mbuyazi, Captain L Langeni, MZ Khumalo, Robert Mzembe, Chief Makhaba and Robert Mkhize.
- Matiba self protection unit camp: Philip Powell, Mangosuthu Buthelezi, General SM Mathie, Captain Leonard Langeni and certain unnamed members of the Kwazulu legislature.

**Rightwing opposition groups**

- General Constand Viljoen, General Pieter Groenewald and Eugene Terre-Blanche as well as the Orde van die Boerevolk, the Boere Weerstandsbeweging and the Afrikaner Weerstandsbeweging.

**Security police and other police:**

The riot unit: Western Cape security branch headed by Brigadier SJ Strydom,

**Western Cape Development Board,** Major Nic van Rensburg (Ernie), Lieutenant Val du Toit.

**SADF**

SADF Western Province Command under Brigadier AK de Jager, Eastern Province Command, in particular its Comops division, Army Intelligence (GS2) structures under Brigadier Ferdi van Wyk.

**Third force**

Military intelligence and an MI source, Prince Gobingca of the Western Cape, Johnson Nxobongwana, Sam Ndima, SA Police hit squads, high-level security branch sources such as the ANC's Sifiso Nkabinde and the IFP's David Mtshali, Mzwandile Eberhazer Maguza.

**Liberation movements:**

The ANC and its organs - the National Executive Council, the National Working Committee, the Revolutionary Council, the Secretary and its armed wing MK, as well as the PAC and its armed formations Pogo and Apla - committed gross violations of human rights in the

course of their political activities and armed activities, for which they are morally and politically accountable.

It is accepted that targeting civilians was not ANC policy. MK operations nonetheless ended up killing fewer security force members than civilians.

Gross human rights violations, Mago's Bar bombing and Durban Esplanade bombings, Landmine campaigns.

The ANC's security department regularly used torture to extract information and confessions from those being held in camps, particularly in the period 1979 to 1989. Many were executed without due process.

The ANC must account for the many hundreds of people killed in conflict.

The ANC leadership after its unbanning should have been aware of the consequences of training and arming members of SDUs in a volatile situation where they had little control over such members.

Winnie Madikzela-Mandela, who formed the Mandela United Football Club, which was involved in killing, torture, assaults and arson in the community.

Ms Madikzela-Mandela was aware of

the criminal activity, but chose deliberately not to address the problem arising from the football club.

Those who opposed Ms Madikzela-Mandela and the MUFPC or dissented were branded as informers and killed. Ms Madikzela-Mandela had knowledge of and/or participated in the activities of club members and/or they were arrested and/or sanctioned by her. Ms Madikzela-Mandela is accountable politically and morally for the gross human rights violations committed by the MUFPC and she herself was responsible for committing such gross violations of human rights.

Other ANC members involved in gross human rights violations include: Lubanile Danville (Morris Seabelo), Sam Mkhisi (George Zulu), Gabriel Mthembu (Sizwe Mkhonto).

Pan Africanist Congress: The PAC not only targeted civilians for killing but killed numbers of its own members in camps in Tanzania on the instructions of its high command. Members branded as informers inside the country were also killed.

United Democratic Front: The UDF

failed to take action to stop necklacing or the abusive enforcement of campaigns such as consumer boycotts. The ANC/UDF also targeted IFP leaders for killing, constituting a gross human rights violation.

**Business**

- Isor melted weapons used in a state planned massacre to destroy evidence.
- Escom attempted to sell a portion of its armory to a political party engaged in a civil war, knowing these would be used against alleged ANC supporters.
- Air hostesses of South African Airways were put under pressure to eavesdrop on passengers conversations and to report those of a suspicious nature to the security police.
- Public vehicles such as ambulances were used to transport weapons supplied by the state to surrogates for use against opponents of the state.

All the TRC documentation carries the words "Reconciliation needs a hand, your hand." In the next few days much will be said, lots will be debated, but in the end all that is needed is your hand for reconciliation to happen, and for the Truth Commission to finally succeed.



# Where do we go from here?

CHARLENE SMITH

These are some of the findings and recommendations of the Truth and Reconciliation Commission's final report

### Recommendations

The commissioners said factors mitigating against the establishment of a human rights culture included the high incidence of serious crime "Security of person and property is a fundamental human right." It called for the introduction of community policing as a matter of urgency.

It said the public and private sectors needed to take a ruthless stand against corruption, inefficiency and maladministration at every level.

"The Government should never again pass legislation indemnifying police or other security forces against prosecution of civil claims for illegal actions carried out in support of the state."

### Prosecutions

The commission will make available to attorneys-general information about serious human rights violations, except for privileged information arising from amnesty hearings, with a view to prosecutions

### Governance

The commissioners called for the Government "to recommit itself to regular and fair elections, clean and transparent governance and human rights." They called for curricula on human rights to be introduced.

### Restitution suggestions

Suggestions included wealth tax, a once-off levy on corporate and private income and a once-off donation of 1% of market capitalisation from each company listed on the stock exchange. Other suggestions were a surcharge on golden handshakes given to senior public servants since 1990, compensation to people who lost their land and a business reconciliation fund to help small black-empowerment entrepreneurs



THE BIG BOOKS vice-chairman Alex Borlino, chairman Desmond Tutu and Dumisa Ntsebeza indicate where comments about F W de Klerk were blocked out

### Business

According to the commission's report, the Reserve Bank needs to become more transparent by reporting directly to Parliament every year.

The banking industry must develop a subsidised loan scheme for the development of small businesses and labour intensive industries.

The State must consider compensating people who lost their businesses or other means of income during the unrest period of the 1980s and 1990s, particularly those not insured against such loss.

The Government and business must ensure that plans for economic

development, industrial growth and agricultural expansion include provisions for environmental protection.

### Inkatha

The report says "In 1986, the SA Defence Force conspired with Inkatha (Freedom Party) to provide the latter with a covert, offensive paramilitary unit or hisquad to be deployed illegally against persons and organisations opposed to the SA government and Inkatha."

"The SADF provided training, funding and logistical management. This led to killings and severe ill treatment."

Those who tried to conceal information from the Truth and Reconciliation Commission

Of certain members of the police, including former generals, and the South African Defence Force, the commission report said their submissions frequently consisted of "little more than recitations of policies under which they operated."

"These were " often unconvincing apologies for excesses", the commission found.

The commission found the security forces, including the SA Defence Force, were guilty of gross violations of human rights "on a massive scale."

### Ex-president P W Botha

The commission said former president P W Botha was obstructive "The irony is that the man who took the state into the realms of criminality close to incur a criminal record at the hands of its democratic successor."

### Ex-president F W de Klerk

His appearance before the commission as spokesman for the National Party "was a particular disappointment." "As one who had done so much to turn the tide of SA history, his evasiveness and unwillingness to acknowledge the full bur-

den of the NP's responsibility seemed to the commission a missed opportunity to take the reconciliation process forward."

### ANC leadership

It hailed the frankness of the African National Congress leadership in dealing with its questions. However, that did not extend to all individual members at senior level.

### Mrs Madikizela-Mandela

"Her "contempt for the commission (and) for the notion of accountability was palpable to the millions who followed the hearing"

It's make your mind up time

# TRC

**FOREWORD**  
By Archbishop Desmond Tutu  
**THE STATE OUTSIDE SA**  
The special 1998-1999 412 pages

**WITNESSES**  
Extra! Extra!

Wrong Misguided Grossly Inaccurate Just some of the words politicians have used to describe the TRC report

Next week is your chance to decide for yourself, when the Cape Argus and sister newspapers around the country publish comprehensive extracts from the report in 12-page special sections from Monday to Friday

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**CAPE ARGUS**  
From Monday



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## FW has own reconciliation plan

JACKIE CAMERON

Former president F W de Klerk announced in Cape Town yesterday that he plans to launch his own Centre for Reconciliation and Democracy.

But before making his starting disclosure, Mr De Klerk accused the Truth and Reconciliation Commission of vengeance, retaliation and victimisation.

Mr De Klerk lashed out at the commission's damning and controversial final report, saying it had "failed lamentably to carry out its mandate to establish the truth concerning the conflict of the past and to promote reconciliation."

The commission omitted its findings about Mr De Klerk's alleged role in the bombings of Khotso House and Cosatu House after he threatened a court interdict that could have delayed the release of the report.

The High Court hearing was adjourned to March to give the commission's lawyers time to file affidavits in response to Mr



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## Former National Intelligence chief threatens court action

JACKIE CAMERON

Dr Neil Barnard, the former chief of the National Intelligence Service, has threatened court action over the Truth and Reconciliation Commission's report - at the taxpayer's expense.

The report rejected Dr Barnard's denial of his involvement in or knowledge of his agency's link to the state's killing of political opponents.

Dr Barnard, NIS chief during the 1980s and early 1990s and now director general of the Western Cape, said last night that he would not resign following the report's findings.

"I will not let what is happening now have a negative impact on my job. I have informed colleagues in the management of the province that I will handle this in such a way that it will not have a negative impact."

He said his only option was to take the matter to the High Court.

However, he would not reveal whether he was considering seeking financial compensation, although he said the Government would "certainly have to pay" for his legal expenses.

Dr Barnard said the truth commission had ignored his advice not to "brand" the NIS operatives as being "somehow responsible or guilty of complexity." This, he said, would be "detrimental and potentially fatal to the process of national reconciliation."

He denied that this was a veiled warning that South Africa could expect political retaliation or violent acts from his former colleagues.

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The period 1960-1990  
412  
Lanseria

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**CAPE'S ARGUS**  
From Monday



# Hani pair deny link to global

## extremist front <sup>(252)</sup>

ARL 3/11/98

Johannesburg - Clive Derby-Lewis and Janusz Walus, convicted murderers of SA Communist Party leader Chris Hani, yesterday denied claims in the TRC report of links with the World Apartheid Movement and the World Preservationist Movement.

Gaye Derby-Lewis said in a statement yesterday that her husband and Walus also never had any dealings with the leader of the organisations, Koos Vermeulen.

She said Mr Vermeulen offered to pay Walus' legal fees when he was arrested and in so doing publicly endeavoured to connect his organisation to Walus, but he never contacted either Derby-Lewis or Walus or made any contribution to their legal fees.

"At no time during their lengthy amnesty hearing was this so-called connection brought up either by the (Hani's) attorney or the amnesty committee," said Mrs Derby-Lewis.

"It is thus strange that this latest TRC report should make this connection, seeing that no evidence supports this assumption."

The report states that Derby-Lewis and Walus had strong ties with the movements, suspected of being South African Police fronts, but said no indication could be found that the two men acted on the instructions of international groups or the security forces.

The report said, "The commission was unable to find evidence that the two murderers received orders from international groups, security forces or from higher up in the rightwing echelons."

Derby-Lewis, a former Conservative Party MP, and Walus, a Polish immigrant, are serving life sentences for Mr Hani's assassination outside his Boksburg home in 1993.

The TRC said allegations still abound that the murder was part of a wider conspiracy.

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Mrs Derby-Lewis said the men applied for amnesty as the act was committed on behalf of or in support of a publicly-known political organisation as was required by amnesty legislation. - Sapa



BOOK PRIZE Nelson Mandela and Desmond Tutu at the handover of the TRC final report in Pretoria. There is no way you can assume yesterday's oppressed won't become tomorrow's oppressors' Picture PRETORIA NEWS

# 'Freedom is eternal vigilance'

JOHN YELD  
ON THE TRUTH COMMISSION

ings and investigations during the past two-and-a-half years and which is now substantively documented in the TRC's final report handed to President Nelson Mandela on Thursday.

As the Truth and Reconciliation Commission prepared to go into "cold storage" today until its semi-autonomous amnesty process has been completed some time next year, chairman Archbishop Tutu declared "I think we have done enough."

He was referring to the level of truth about South Africa's political conduct during the past four decades uncovered during the TRC's hear-

leave it to chance

"I hope it is taken up by organisations of civil society because there is a great deal still to be done." They were speaking at a media conference here yesterday, which marked the TRC's last official function before it goes into abeyance until next year. It will reconvene briefly once the amnesty process has been completed - probably only in the middle of next year - to draft a codicil to the report handed to Mr Mandela this week.

At the media conference, Archbishop Tutu dismissed the ANC's claim - made during its surprise High Court application for an interdict to stop publication of the report

RAH 31/10/98

- that it had not been given sufficient time by the TRC to respond to its proposed findings about the African National Congress.

"That's absolute twaddle - and I want to say that respectfully," he said.

Asked to explain his tough comments on Thursday, in which he likened the ANC's demands for changes to the TRC's report as a form of "tyranny", Archbishop Tutu said the fact that the ANC was the majority party in Parliament did not give them special privileges - "and that they ought to know".

He said he had supported the liberation struggle and the ANC's efforts

(259)

In this regard, but added "I don't support them at any cost."

"The price of freedom is eternal vigilance, and there is no way you can assume yesterday's oppressors won't become tomorrow's oppressors."

"We have seen it happen all over the world, and we shouldn't be surprised if it happens here."

Commissioner Dumisa Ntsebeza stressed that the TRC had confirmed that the struggle against apartheid by the liberation movements had been morally justifiable. In its report, the TRC had not condemned those who had been engaged in the "legitimate pursuit of war", even in

circumstances where lives were lost. "But torture could never be accepted or condoned," he said.

Archbishop Tutu said he and his fellow commissioners were in "a totally different mood" to early on Thursday when the ANC had been bringing its court action against them.

"We were in the pits of despondency," he confessed.

However, the handover ceremony had created "a strange sense of exhilaration."

"We have been given an incredible privilege, to attempt to contribute to the healing of our land, and I have no doubt in my mind that God has

blessed this enterprise."

Archbishop Tutu said this was also the international perspective on the work of the TRC.

He said he would be happy for South Africans to debate and argue about the report, and even to tear it up, as long as its recommendations were accepted.

"The most important things to say is that we have dealt with our past. There are not many countries who can say that."

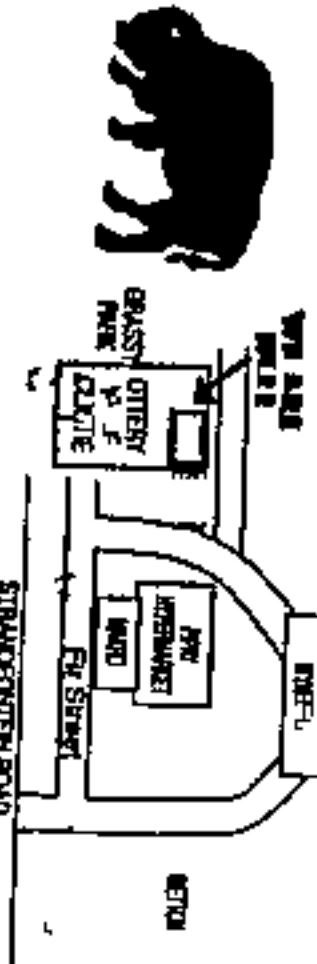
"It's not our whole past but a significant part of it. Let's get out of denial mode. It's (the past) there, it was awful, it was for all of us... "Now let's move on."

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## SANDEF played meddling role

Pretoria - The SA National Defence Force's official "nodal point" - set up to co-ordinate all contact with the Truth and Reconciliation Commission - had delph-erately frustrated an attempt by one of its officers to apply to the TRC for amnesty.

This was revealed during the TRC media conference by radio journalist Zenzile Khonsan, who worked for the TRC as an invest-

gator. Mr Khonsan also said there had been cases where amnesty applications to the TRC had been amended after the official cut-off date and that some of the amendments involved murder. - Sapa





ANC's failed interdict highlights divisions within party that has fallen from pedestal



# TRC lays bare a tale of terror

By CHARLENE SMITH

**D**ramatic and urgent behind the scenes discussions within the top echelons of the ANC ensued over what should be done about the final TRC report's "damaging" indictment of the movement's involvement in gross human rights violations.

And the decision finally taken - to attempt an interdict to stop the final handing over of the report - was not what many in the ANC thought should happen. Many believe panic overrode prudence by attempting to suppress splinters of information against it emerging in the TRC report, the ANC leapt off its pedestal as an international moral authority and placed itself in the ranks of every warring human rights abuser in the world.

It was evident that President Nelson Mandela, who insisted that the report be released to the public at the same time as he received it, did not agree with the judgment of the ANC leadership (of which he is no longer part) in trying to stop TRC criticism.

A senior Mandela aide said, "The decision was not to ignore it, as head of the ANC Mandela gave his input but it was ignored." At the TRC report handover function, Mandela said, "The wounds of the period of repression and resistance are too deep to have been healed by the TRC alone. When the TRC appointments blame, it points at previous state structures, political organisations, institutions and individuals but never at any community - or language group."

But a telephone conference at 5.30pm on Wednesday between ANC president Mbeki in Cape Town, his deputy Jacob Zuma in Durban, and Johannesburg based secretary-

general Kgalema Motlanthe, deputy secretary-general Thangwane Mtshato and treasurer Mendi Msimang saw the decision taken to go to court to stop publication of sections of the TRC report accusing it of gross human rights violations from 1960 to 1994.

ANC spokesperson Thabo Masebe and other leading ANC officials said this was because the TRC had taken into consideration the "Stratkom funded Douglas report" into human rights abuses in its camps. The official ANC excuse was simply: The TRC also took into account the ANC's four commissions of inquiry into those abuses, as well as the results of its own investigations and hearings into those matters.



OBSTRUCTIVE P W Botha was not forthcoming

By midnight on Wednesday court papers had been filed. Cape Town's High Court began hearing the matter at dawn on Thursday.

Deputy commissioner in charge of the committee on human rights violations Yasmin Sooka, a lawyer who, with investigative chairperson Dumsa Ntsebeza, worked through the night on court papers opposing the ANC motion, barely hid her anger. "The commission has been steered in these matters for two-and-a-half years listening to the stories of victims and people who died. There is a list of 400 names of people and organisations who committed gross

human rights violations. This is not about political parties, it is about us, ultimately the country is the victim."

And in response to rumours that the government will grant a blanket amnesty, TRC deputy chairperson Alex Boraine said, "To go for a blanket amnesty will be a disaster; it takes away accountability."

Another commissioner said, "We have a president who, we are in an era of benign openness, it's disturbing that the next president led efforts to suppress parts of this report."

The five-volume, 3,500-page report is too large to analyse at this stage, what is clear is the TRC acted with out fear or favour. These are a few of its findings and proposals:

- **Recommendations** The commissioners said factors militating against the establishment of a human rights culture included the high incidence of crime, "Security of person and property is a fundamental human right." It said there had to be a ruthless stand against corruption and maladministration.
- **Prosecutions** The commission will make available to attorneys-general information regarding serious human rights violations, except for privileged information from amnesty hearings, with a view to prosecutions. "The granting of general amnesty in whatever guise should be resisted."
- **Governance** The commissioners called for "government to reconmit itself to regular and fair elections, clean, transparent governance, and human rights"
- **Restitution** Suggestions include a wealth tax; a once-off levy on corporate and private income, each listed company to make a one-off donation of 1% of its market capitalisation.
- **Business** Reserve Bank needs to become more transparent by reporting directly to Parliament on an annual basis, the state must consider compensation for people who lost their businesses

during unrest in the 1980s and 1990s

■ **Inkatha** The report says "In 1988 the SA Defence Force conspired with Inkatha to provide the latter with a covert, offensive paramilitary unit or hit squad to be deployed illegally against persons and organisations opposed to the SA government and Inkatha. The SADF provided training, funding and logistical management."

■ **Those who tried to conceal information from the TRC** Certain members of the SA Police, including a group of former generals, and the SA Defence Force, the commission found that the security forces including the SADF, were guilty of gross violations of human rights "on a massive scale"



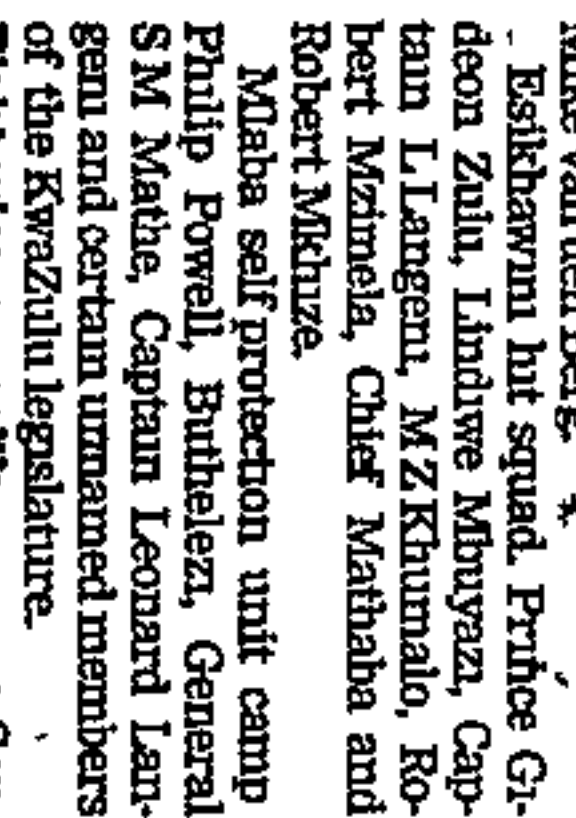
MAILED Winnie Madikizela-Mandela deemed responsible for human rights violations

■ It said former president P W Botha was obstructive. "The appearance before the commission of former president F W de Klerk as spokesperson of the National Party perspective was a particular disappointment." However, the TRC praised former NP ministers Rolf Meyer and Leon Wessels for their admissions. "It hailed the frankness of the ANC leadership, but said this spirit of openness did not extend to all members at senior level of the ANC, in particular those who were in exile. The former United Democratic

Front failed to give a submission.

■ **The IFP made no pretence of co-operating with the commission.** "The TRC was disturbed that high-ranking office-bearers of the IFP visited IFP members in prison to persuade them not to apply for amnesty, for fear that their applications would reveal collusion by senior IFP leaders in gross violations of human rights."

■ **The PAC's submissions were "flimsy and incoherent"** ■ Submissions from the media, health, business and the judiciary were characterised by defensiveness. ■ **Those accountable for gross human rights violations including killings** KwaZulu Natal/FP Operation Marion. P W Botha, General Magnus Malan, Chief Mangosuthu Buthelezi, M Z Khumalo, Pieter Groenewald, Vice-Admiral Andrew Putter, Louis Botha, Cornelius van Niekerk and Mlisa van den Berg. ■ **Esikharini hit squad** Prince Gideon Zulu, Lindwe Mbuyazi, Captain L Langeni, M Z Khumalo, Robert Mzimela, Chief Mathaba and Robert Mkhuzo.



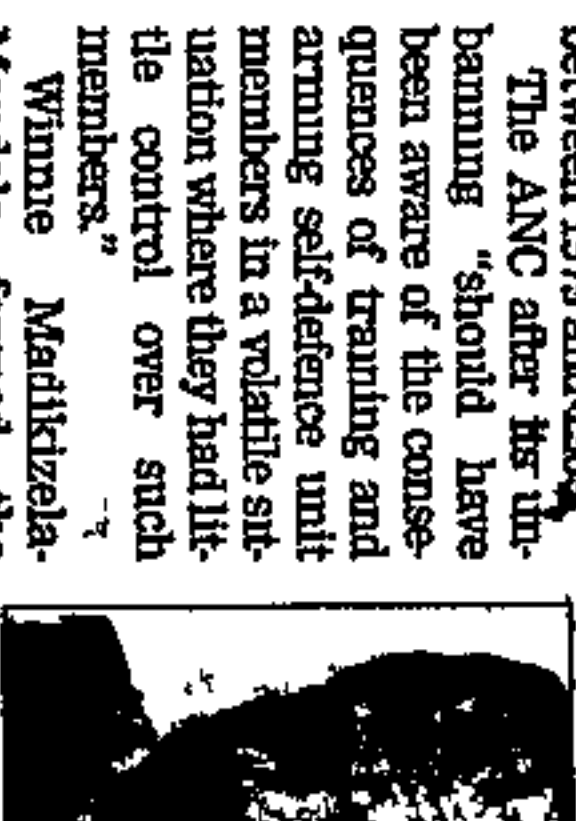
MAILED Winnie Madikizela-Mandela deemed responsible for human rights violations

■ **Right-wing opposition groups** General Pieter Groenewald and Eugene TerreBlanche as well as the Orde van die Boerevolk, the Boere Vreerstandsbeveging and the Afrikaner Weerstandsbeweging. ■ **Security police and other police** The riot unit, Western Cape security branch headed by Brigadier S J Strijdom, the Western Cape Development Board, Major Nic van Rensburg (Ernelo) and Lieutenant Wal du Toit. ■ **SADF SADF Western Province Command** under Brigadier A K de Jager, Eastern Province Command, in particular its Comops division, Army Intelligence (GS2) structures under

Brigadier Ferdi van Wyk.

■ **Third force Military Intelligence** and an MI source, Prince Gubungca of the Western Cape, Johnson Nxosibongwana, Sam Ndima, SA Police hit squads, "high-level security branch sources such as the ANC's Stifos Nkandule and the IFP's David Ntombela", and Mzwandile Epenzer Maguza. ■ **Liberation movements** The ANC and its organs, and the PAC and its organs, had committed gross violations of human rights in the course of their political activities and earned activities, for which they were morally and politically accountable.

■ **ANC gross human rights violations with regard to Magoo's Bar bombing and Durban esplanade bombings** Landmine campaigns. ■ **The ANC's security department** regularly used torture to extract information and confessions from those held in camps, particularly between 1973 and 1986. ■ **The ANC after her unbanning** "should have been aware of the consequences of training and arming self-defence unit members in a volatile situation where they had little control over such members."



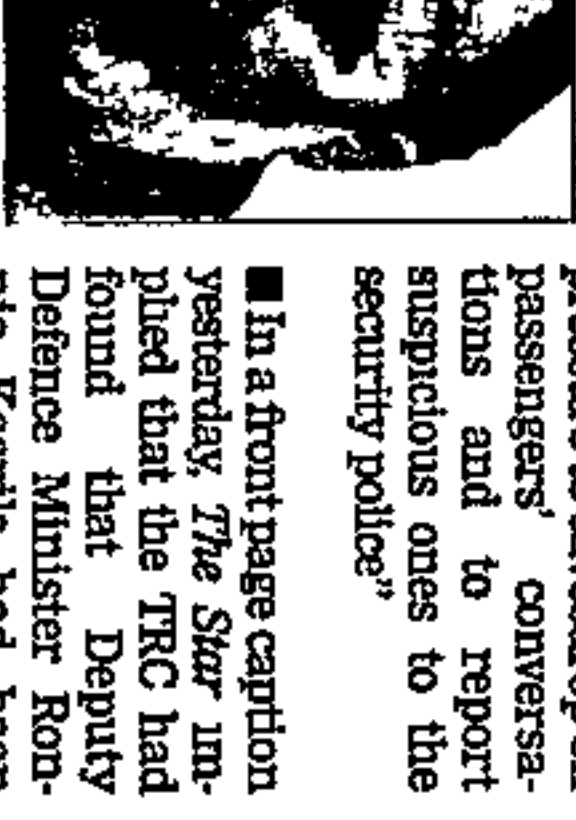
RESPONSIBLE Eugene TerreBlanche

Winnie Madikizela-Mandela formed the Mandela United Football Club which was involved in killing, torture, assaults and arson in the community. She was aware of the criminal activity but chose deliberately not to address the problems emanating from the club. Madikizela-Mandela was accountable, politically and morally, for the gross human rights violations committed by the club and she herself was responsible for committing such gross human rights violations. Other ANC members involved in gross human rights violations include Lulamile Dantle (Morris Seabelo), Joseph Voolet, Captain Lentsoe, Sam Mhisi (George Zulu),

Gabriel Mthembu (Sizwe Mkhonto) ■ **Pan Africanist Congress** not only targeted civilians for killing but killed some of its own members in camps in Tanzania on the instructions of its high command. Those members branded as informers inside the country were also killed. ■ **United Democratic Front** failed to take action to stop necklacing or the abusive enforcement of campaigns such as consumer boycotts. The ANC/UDF also targeted 76 IFP leaders for killing, constituting a gross human rights violation.

■ **Iscor melted weapons** used in a state-planned massacre to destroy evidence. ■ **Esikom tried to sell some of its armoury** to a party engaged in a civil war, knowing these would be used against alleged ANC supporters. ■ **SAA air hostesses** were "under pressure to express on passengers' conversations and to report suspicious ones to the security police"

■ **In a front page caption** yesterday, *The Star* implied that the TRC had found that Deputy Defence Minister Ronnie Kasrils had been responsible for gross human rights violations in ANC camps. This was incorrect. There is no mention in the TRC report of Kasrils being involved in human rights abuses in ANC camps.



RESPONSIBLE Eugene TerreBlanche

The *Star* also said in the accompanying article, headlined "The villains of the dark years", that Kasrils, who led a march in Bisho in 1992, had been held partially accountable for the massacre that resulted. This too was incorrect. All reference to his accountability for the Bisho massacre has been removed from the TRC report. *The Star* apologises for any embarrassment caused to Kasrils

## Lawyer pursued truth despite vendetta accusations

By CHARLENE SMITH

By 1990 the National Intelligence

units, under his leadership, did not act more aggressively to uncover more about the involvement of the military in

"They told in precise detail about the capture of guerrillas, how they were tied, the modus operandi their life as

question of whether we were getting the truth. We were told by hit squad operators that in the case of Simpshwe



The ANC ensued over what should be done about the final TRC report's "damaging" indictment of the movement's involvement in human rights violations. And the decision finally taken — to issue an interdict to stop the final handover of the report — was not what many in the ANC thought should happen. Many believe panic and imprudence, by attempting to splinter information emerging in the TRC, led the ANC to leap off its pedestal and place an international moral authority in the ranks of whingeing human rights activists in the world.

It was evident that President Nelson Mandela, who insisted that the report be released to the public at the same time as he received it, did not agree with the judgment of the ANC leadership (of which he is no longer a member) in trying to stop the TRC criticisms.

A senior Mandela aide, Thabo Mbeki's, as head of the ANC, Mandela's input but it was ignored. At the TRC report handover function, Mandela said: "The wounds of a period of repression and resistance are too deep to have been healed by the TRC alone. When the ANC apportions blame, it points at previous state structures, political organisations, institutions and individuals but never at any community — or language group."

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General TRC report accusing it of gross human rights violations from 1960 to 1994.

ANC spokesperson Thabo Mbeki and other leading ANC officials said this was because the TRC had taken into consideration the "Stratkom-funded Douglas report" into human rights abuses in its camps. The official ANC excuse was flimsy. The TRC also took into account the ANC's four commissions of inquiry into those abuses, as well as the results of its own investigations and hearings into those matters.

Although the ANC's national working committee had taken an agreement in principle on Monday to take the matter to court if necessary, many of the ANC's top executives were informed only late on Wednesday night. Not all agreed with the decision. One national executive committee member said: "That decision has damaged us; we should have rather held a press conference and strongly made our point."

By midnight on Wednesday, court papers had been filed, Cape Town's High Court began hearing the matter at dawn on Thursday.

Deputy commissioner in charge of the committee on human rights violations Yasmin Sooka, a lawyer, who, with investigative chairperson Dumisa Ntsebeza, worked through the night on court papers opposing the ANC motion, barely hid her anger. "The commission has been steeped in these matters for two-and-a-half years listening to the stories of victims and people who died. There is a list of 400 names of people and organisations who committed gross

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Another commissioner said: "We have a president we love, we are in an era of benign openness. It's disturbing that the next president led efforts to suppress parts of this report"

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# Lawyer pursued truth despite vendetta accusations

By CHARLENE SMITH

By 1990 the National Intelligence Agency had given former president F W de Klerk a detailed report on third force members and activities, but he failed to act. Why this is so is one of many questions that plague Dumisa Ntsebeza, TRC head of investigations

Ntsebeza has some very specific memories, such as police photographs of young boys whose hands were severed with blowtorches. Or a confession by a hit-squad operative of a Bophuthatswana politician they tied naked to a tree and murdered by applying a blowtorch to his testicles until his genitals were reduced to ashes.

## Attack

The ANC this week launched a personal attack on the controversial Umtata lawyer who assiduously pursued the truth and refused to favour any individual or party. The ANC accused him of a vendetta against it, but it was not the first organisation to level that charge at him

And yet, in a long interview with Ntsebeza after a sleepless night compiling affidavits that defeated the ANC's attempts to have records of its human rights violations erased from the TRC report, he said it was mostly the horrors perpetrated by apartheid's governors that remain etched in his mind

He is sad, too, that the TRC investiga-

tors, under his leadership, did not act more aggressively to uncover more about the involvement of the military in gross human rights violations

"Tons of records were destroyed. There is a belief that the entire record of the National Intelligence Service was destroyed. The NIS was commissioned by De Klerk in 1989 to give him a comprehensive overview of the security situation, and especially whether there was tension between the armed forces, the police and the army

"Well after he had un-banned the ANC and released Nelson Mandela, the NIS had given him a very clear picture of the existence of a third force, not in the form of a separate army, but of people in the military and security police who did specific things such as murder activists. But why did he fail to act, particularly as the situation became worse and worse?"

Ntsebeza also said that although all records were supposed to have been destroyed, many emerged in surprising circumstances, most often during amnesty hearings, and piles were found in trunks hoarded by chemical and biological weapons supremo Wouter Basson

"At the end of our life as an investigative unit, one of the people from Vlakplaas showed us documents we thought had been destroyed.

"They told in precise detail about the capture of guerrillas, how they were turned, the modus operandi, their life as askaris, and how on their first mission they were always made to kill. They had details of who their members were and what they received as payment."

Ntsebeza continued: "Our breakthrough in exhumations came from an investigator, Fani Molapo, who approached the ANC for a list of all their people who had disappeared

"They were quite precise about presumptions of their fate, dates presumed to have fallen and areas. Molapo found most people had disappeared close to borders. He went to all police stations in border areas and removed inquest and murder dockets.

"Inquest dockets showed a pattern of use of certain state-owned funeral parlours, and by a comparison of the records of those funeral parlours with dockets and orders for burial, we found a complicated, but predictable, pattern of people buried as paupers or unknown people. Yet the inquest dockets showed the police knew who those people were, the dockets had their names on them as well as the word 'terrorist', and photographs, often in colour, of their deaths."

Ntsebeza rubs his eyes and leans back in his hotel chair. "There was always the

question of whether we were getting the truth. We were told by hit-squad operatives that in the case of Simphiwe Mtshali and Topsy Madaka, as an example, that before they were shot they were given tea spiked with drugs, and then their bodies were burnt to ashes and thrown into the Fish River.

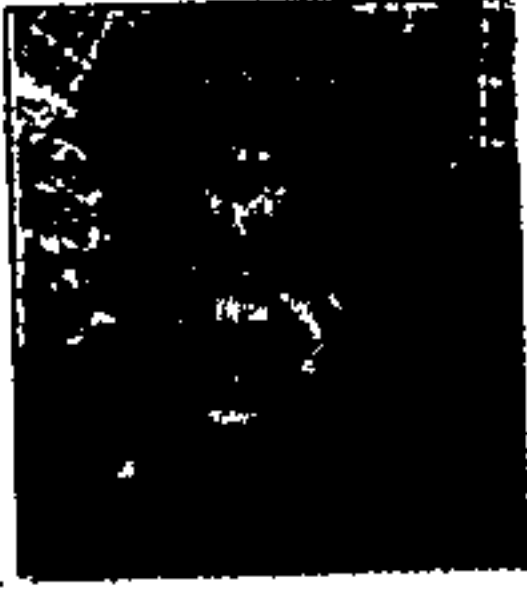
"The same players claimed they did the same thing three years later with the Pebco Three, but we were told by hit-squad operative Joe Mamasela that Siphoshe was beaten with lead piping until he bled to death from wounds. But Gideon Nieuwoudt and his colleagues denied this. They did not know we had other affidavits confirming it"

## Depravity

Ntsebeza said his work with the TRC has made him wonder at the depravity of people, "and how political leaders can still claim they were unaware of what was happening"

He added: "While investigating crime and disappearances in KwaZulu Natal there was always the pattern of killer squads, disappearances, farms rented by the security police for torture and secret graves. There were dozens of Vlakplaases throughout the country. And now we find those same CCB operatives and ex-Koevoet people active in the security industry or involved in heists"

Now that his work is done, Ntsebeza will go back to being a lawyer in private practice



STILL MANY QUESTIONS: Lawyer Dumisa Ntsebeza worked tirelessly