

PUBLIC SECTOR-GOVT. JUSTICE  
1998 - JUNE

# PW's trip after surgery stress-free, court told

George - Less than three months after hip replacement surgery, former state president P W Botha travelled from the Wilderness to Graaff-Reinet to stay at his former fiancée, Reinhette te Water Naude's guest lodge.

The visit, in late November, was described during Mr Botha's trial yesterday as being stress-free and for "relaxation".

A former bodyguard of Mr Botha, retired police superintendent Andries Botes, testified yesterday that he had accompanied Mr Botha on the drive to Graaff-Reinet, which had taken three-and-a-half hours or slightly longer.

He said that one week before the trip, Mr Botha had consulted a surgeon who had told him he could manage if he stopped every 200km and stretched his legs.

"His advice was just that we should not do it all in one go," Mr Botes said.

Asked by prosecutor Bruce Morrison, SC, the reason for the three-day trip, he replied "I'm making a deduction Mr Botha wanted to go and relax".

He said Mr Botha had still been walking with difficulty at that stage but there had not been any stress involved.

The issue was raised by the prosecution because part of Mr Botha's defence is that in spite of his being advised by surgeons not to travel for three months after the operation, the Truth and Reconciliation Commission acted with malice by changing the venue for the hearing to which he was subpoenaed from George to Cape Town.

# Khotso blast 'a scene out of hell'

## Cleric recalls 'utter devastation'

George - Khotso House in Johannesburg in the aftermath of the bomb-blast which destroyed it was "a scene out of hell" and people lying nearby were fortunate to survive.

This was evidence in the P W Botha trial by former head of the Methodist Church and SA Council of Churches Peter Storey, who said he was amazed elderly pensioners and mentally disabled people in church-owned flats across the road were not killed.

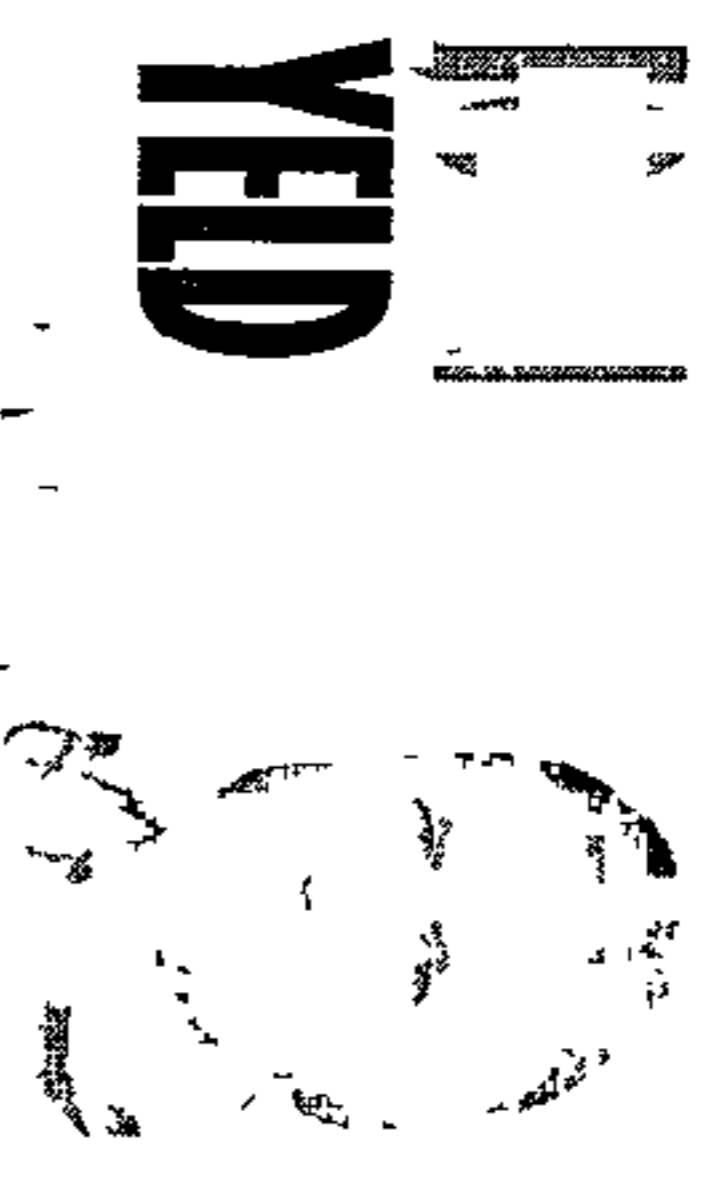
Mr Botha, who has pleaded not guilty to ignoring a subpoena to attend a Truth Commission hearing in December, alternately hounding the Commission in its work, has been accused of giving the order to destroy Khotso House, headquarters of the Council of Churches, the Church of the Province of South Africa, the Lutheran Church, the Black Sash and the Free the Children Campaign.

The accusations against Mr Botha have come from his former law and order minister, Adriaan Vlok, former police commissioner Johann van der Merwe, and former Vlakplaas commander Eugene de Kock.

Mr Vlok's claim is in his amnesty application which is due to be considered at a public hearing next month, while De Kock and General Van der Merwe have testified at Truth Commission hearings that security policemen from Vlakplaas set the explosives for the blast.

Yesterday, Mr Botha sat impassively in his chair next to the dock and listened as Bishop Storey and Welcome Ntumba, a security guard at Khotso House at the time, testified about the explosion and its aftermath.

Mr Botha's counsel, Lapa Laubacher SC, objected to their giving evidence, saying it was unnecessary.



**YIELD**  
**ON THE TRUTH COMMISSION**

a waste of time, but his objection was not upheld by magistrate Victor Lugau.

Bishop Storey said pieces of steel and masonry had been embedded in the walls of the flats across the road and some of tenants had been cut by glass from broken windows.

"Some of them were bleeding, their faces and forearms were lacerated. Some were in such shock they could not reply to me," Bishop Storey said.

"What I saw horrified me when I saw how close these people must have come to death."

At Khotso House the blast had caused "utter devastation".

"I've never seen anything like that in my life. A lot of the face of Khotso House had gone and the street was covered in rubble, glass and twisted metal and masonry. The landscape had changed."

"The foyer had an enormous hole and you could look straight down into the basement, which was a shambles. There were still flames burning there."

Bishop Storey said the relationship between the Council of Churches and Mr Botha's government was "tense, strained" at the time as the churches had believed they had a duty to oppose Mr Botha's policies as strongly as possible.



The accused: PW Botha arrives at court



The witness: Bishop Peter Storey

Mr Ntumba told the court three uniformed policemen came to the locked door of Khotso House minutes before the explosion on August 31 1998, but he had not let them in.

"Two of the policemen went to an



The law: magistrate Viktor Lugau arrives at George Magistrate's Court yesterday

unmarked car while the third moved towards the parking garage.

He sat down at reception and then heard "a very big noise" like thunder. "I stood up and tried to look outside if it was raining, but I could not

ACT 3/6/98 (252)

# 'Orders to kill anyone in the way - even cops'

operation like that on South African soil, and he had wanted to know where the orders had come from. "I wanted to make sure what our cover was - how high it went - because we are talking major terrorism."

After a week-and-a-half of reconnaissance, he had been called in by Brigadier Schoon and told there was impatience at the delay in carrying out the operation.

Asked by prosecutor Bruce Morrison to state what his response had been to Brigadier Schoon, De Kock replied: "My reaction was that if Mr Botha wanted to blow up the building and felt he could do it better, he should do it himself."

De Kock said the operation to blow up Khotso House had been done by a team of about a dozen Vlakplaas operatives, backed up by other policemen. They had been armed with Uzis sub-machineguns and two grenade launchers, while the back-up team had been armed with AR47s.

They had initially planned to use 150kg of explosives from the Eastern bloc, but he had reduced this to about 60-90kg because he was concerned that the explosion would be powerful enough to destroy or damage the surrounding flat blocks.

De Kock said they had not intended to kill anyone during the operation, but they had foreseen this possibility.

The Vlakplaas team would have killed anyone who got in the way of the operation - including police in uniform. "This came directly from General Erasmus," De Kock said.

The

from page 1 (252)

OGBED ZILWA

# Police dirty tricks 'included bogus terrorist attacks

Pretoria - Security police staged bogus terrorist attacks in the 1980s and created arms caches which were then "discovered" to provide excuses for cross-border raids on African National Congress bases, the Truth and Reconciliation Commission has been told.

Giving evidence in Pretoria yesterday, retired police commissioner

Johan van der Merwe said the government ordered security police to commit acts outside the law to fight the ANC. These included bomb explosions at two Johannesburg buildings used by the organisation.

General Van der Merwe said former minister of law and order Adrian Vlok approved the attack on Cosatu House. Later Mr Vlok told Kim that former state president P W

Botha also wanted Khotso House to be destroyed.

Members of the Vlakplaas police unit carried out both operations.

The security police's bogus terrorist attacks included actions in townships planned to create the impression that the perpetrators were members of the ANC.

"On both sides of the battle there were people who inherited the situa-

tion. To that extent we were footballs of circumstances, and we did things we would not even have considered otherwise."

He also said he had had no choice but to cover up the death in detention in 1988 of Mamelodi activist Stanza Bopape. Handling the matter differently would have sparked demonstrations and could have destroyed the morale of security police.

General Van der Merwe, head of the security police at the time, said he had kept up the charade in the ensuing years that the activist had "disappeared after escaping from police custody."

Neither former police commissioner Johan Coetzee nor Mr Vlok was told that Mr Bopape's body had, in fact, secretly been thrown into the crocodile-infested Komati River.

## and arms caches

4/3/6/98

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8/16/98

General Van der Merwe and nine other policemen have applied for amnesty for offences arising from Mr Bopape's death during police torture in Johannesburg on June 12, 1988.

Five of the applicants were directly involved in subjecting Mr Bopape to electric shocks.

They are Lieutenant-Colonel Adrian van Niekerk, Major Charles Zeelie, Warrant Officer Hendrik Mostert,

Sergeant Johan du Preez and Constable Jakobus Engelbrecht.

Brigadier Schalk Visser and Captain Leon van Loggerenberg are seeking amnesty for their role in getting rid of Mr Bopape's body. General Van der Merwe and two other former police generals, Gerrit Erasmus and Petrus du Toit, were involved in covering up Mr Bopape's death. The hearing continues - Sapa

## Order to kill 'a coded message'

Port Elizabeth - The final order to kill United Democratic Front activist Matthew Goniwe was probably given by way of a coded message or a scrambled telephone call, a former member of the security police intelligence unit told the Truth and Reconciliation Commission.

Major Jacob Jan van Jaarsveld told the TRC's amnesty committee in Port Elizabeth yesterday that he believed the security authorities at the time would never have given an

order of that nature in writing

Major Van Jaarsveld was testifying at a hearing in which six former security policemen are applying for amnesty for the murder of Mr Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlauhi on June 27, 1985.

Those applying for amnesty are Captain Isak van Zyl, Major Herman Barend du Plessis, General Nico van Rensburg, Lieutenant Eric Taylor, Sergeant Gerhardus Lotz and Colonel Harold Snyman - Sapa

## TRC chairman Archbishop

Desmond Tutu told George Magistrate's Court today that he was giving evidence with "the greatest possible reluctance and filled with considerable distaste".

After asking magistrate Viktor Lugaju if he could make an opening statement before his testimony in the PW Botha trial, Archbishop Tutu said "I believe this is something that should not have happened".

He said he had tried to reach out to

Mr Botha "out of a deep compassion for him" and had told the former state president he was "his brother" many years ago, before it was politically correct to do so.

Under questioning from Western Cape deputy attorney-general Bruce Morrison, prosecuting, Archbishop Tutu denied having agreed to let Mr Botha respond to all the TRC's questions in writing.

He also denied telling Mr Botha that he would not have to appear

before the commission, as claimed by the former state president.

"I am surprised at that assertion I did not give such an undertaking."

"I have never given that kind of immunity to any potential witness of the commission. I do not believe I have the power to do so."

Archbishop Tutu said the TRC was deeply concerned about allegations made against Mr Botha by senior policemen, and wanted his perspective on what transpired - Sapa

## Tutu: 'This should not have happened'

## SAA four quizzed on Helderberg

STAFF REPORTER

Four South African Airways employees give evidence today at a Truth and Reconciliation Commission hearing in to the Helderberg air disaster.

The commission is looking into the case after a radio journalist turned up new information during an investigation, and the Friends of the Victims of the Helderberg claimed that the report of the crash

inquiry led by Mr Justice Cecil Margo was flawed.

A commission spokesman said Themie Willemse, John Hare, Vernon Nadel and Joseph Braizblatt had been invited to answer questions and give evidence about the crash.

He said their evidence might give details of the relationship between SAA and Armscor, and shed light on missing tape-recordings between the Helderberg's cockpit and Jan Smuts Airport.

ARC. 216/98

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## TRC rejects applications of 13 involved in 1993 massacre

(252) Star 4/10/98

Cape Town - The Truth and Reconciliation Commission's amnesty committee has turned down the applications of 13 members of a self-defence unit who applied for amnesty relating to their role in the 1993 Kaitleng massacre, the TRC said in a statement yesterday.

The applicants, some of whom are serving prison terms, are Michael Armoed, Michael Nkomo, Mohale Motlokwa, Petrus Mthembu, Zola Sonto, Paulos Shongwe, Tsekimyana Rodrick Singo, Norman Mashini, Lefu Mokoena, Thobile Luphundo, Joseph August, Bennet Ndaba and Themba Mtshali.

The applicants, all ANC members, applied for amnesty for the

killing of nine ANC Youth League members at Molekeli section on December 6 1993.

The committee granted amnesty to Andries Gous, a member of the former police security branch who bombed the property of a leading political activist in Springs in 1989.

It also granted amnesty to four Afrikaner Weerstandsbeweging members - Harry Jardine, Morton Christie, Andrew Howell and Christo Brand - and Inkatha Freedom Party leader James Zulu (who was killed in Port Shepstone earlier this year) for acts relating to an attack on a police station in Flagstaff in the Eastern Cape on March 5 1994.

- Sapa

# De Kock calls leaders cowards to PW's face

BY ROBERT BRAND

Georgé - Politicians who refused to take responsibility for the illegal actions of their followers were cowards, convicted assassin Eugene de Kock said yesterday in the George Magistrate's Court where he was testifying as a state witness against former state president P W Botha

De Kock, who is serving a prison sentence of more than 200 years, stood 4 metres from Botha when he accused the National Party's former leaders of selling out their "foot soldiers"

Looking straight at Botha, he said "The politicians wanted lamb, but they didn't want blood and guts. I did the fighting, and I am proud of

that. But the politicians have no pride."

De Kock was testifying about his role in the 1988 bombing of Khotso House and the South African Council of Churches headquarters in Johannesburg

Former law and order minister Adriaan Vlok and former police commissioner Johan van der Merwe have both claimed in amnesty applications that the bombing had been authorised by Botha

Botha, facing charges of defying a subpoena to testify at the Truth and Reconciliation Commission about human rights violations during his presidency, has denied involvement in the Khotso House bombing

Although stopping short of

implicating Botha directly in the Khotso House bombing, De Kock said political leaders approved of covert security actions which were "by their nature illegal"

He said Vlok had personally congratulated him and his colleagues for the Khotso House and Cosatu House bombings

He had also been involved in the bombing of the ANC offices in London in 1981, and subsequently had received a decoration normally reserved for officers of the rank of general, De Kock said

The decoration, the Star of Excellence, could be awarded only with the approval of the state president, he said. At the time, Botha was prime minister

When De Kock's superior,

Brigadier Willem Schoon, ordered him to bomb Cosatu House in 1988, he was "extremely surprised", De Kock said.

"It was the first time we had to do this on South African soil. I wanted to know where the order came from, because this was terrorism."

After De Kock and his team had monitored Cosatu House for a week before the attack, Schoon complained that the "higher-ups" were getting impatient.

"I told him that if P W Botha wanted to bomb the place, then he could do it himself if he could do it better," he testified

► No ill intent

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(252) Star 4/6/98

# Ex-police chief praises officers for Bopape plot

BY SIMON ZWANE AND SARA

The police officer who dumped Stanza Bopape's body in the crocodile-infested Komati River in 1988 had acted in an "excellent" manner, former police commissioner Johan van der Merwe said yesterday.

Van der Merwe, who is seeking amnesty for covering up the death, also praised the police plan to stage a bogus escape in order to conceal the fact that they had killed the Mamelodi activist. "I thought it was an excellent plan," he said.

He said it would not have been wise to bury Bopape in a shallow grave because fresh soil could have raised the curiosity of a passer-by.

"The simplest plan is usually the best. The way in which Captain (Leon) van Loggerenberg acted was excellent."

Van der Merwe said he did not inquire how Bopape's body was disposed of. He found out only during the hearing that the body was thrown into the river.

He also said he believed that then law and order minister Adriaan Vlok would have approved the plan to cover up Bopape's death. As he was killed four days before June 16, his death would have caused an outcry and the instability in the country at the time would have

influenced Vlok, he said.

"The state pathologist and district surgeon would not have let themselves be manipulated into keeping quiet. My influence did not stretch that far," he added.

General Gerrit Erasmus, who engineered the coverup, said National Party politicians had created a climate where police could act unlawfully.

"Statements were made about the elimination of terrorists. To policemen like me, that meant we had to kill these people," he said.

Erasmus has been implicated in a number of atrocities in the Eastern Cape. He has applied for amnesty for the deaths of Port Elizabeth activists Sizwe Kondile, Topsy Madaka and Siphwe Mthimkhulu.

He also sought amnesty for bombing the Why Not nightclub in Johannesburg in September 1988.

At the time, the incident was blamed on the liberation movement.

Eight other police officers have applied for amnesty in connection with Bopape's death. They are Constable Johann du Preez, Lieutenant-Colonel Adriaan van Niekerk, Major Charles Zeelie, Warrant Officer Hendrik Mostert, Constable Jakobus Engelbrecht, Brigadier Schalk Visser, Van Loggerenberg and General Petrus du Toit.



Stanza Bopape

# TRC had no malicious intentions towards Botha and went out of its way to help him

By **ROBERT BRAND**

George - The TRC had gone out of its way to treat P W Botha with respect, but received no cooperation in return, TRC chairman Archbishop Desmond Tutu told the George Magistrates' Court yesterday

Botha's trial on charges of ignoring a TRC subpoena, Tutu said the TRC was even now prepared to ask Western Cape attorney-general Frank Kahn to withdraw the charges against Botha if he agreed to testify before the commission.

But Tutu denied that any such agreement existed, pointing out that Botha's lawyers had made no mention of an agreement when it asked that it was acting maliciously, and that it was reneging on an agreement that he could answer in writing to written questions supplied by the commission.

Three subpoenas were served on Botha The first, in October 1997, was withdrawn because Botha was recovering from a hip operation, the second was legally defective, and Botha failed to arrive for a hearing as ordered in the third

Tutu also denied Botha's claim that the commission had acted maliciously when it decided to subpoena him to appear at a hearing on the activities of the State Security Council.

The TRC was prepared to hold a hearing especially for Botha in George so that he would not have to travel to Cape Town. It had also agreed to hold the hearing in camera and supply Botha with a list of questions beforehand.

"We were not trying to

Botha claims the commission had no reason to subpoena him,

that it was acting maliciously, and that it was reneging on an agreement that he could answer in writing to written questions supplied by the commission,

the first subpoena be withdrawn on medical grounds

The commission acted with respect towards Botha's position as former president and also took into account his age

and poor health, Tutu said

humiliate him, we were just trying to get him to assist us." Tutu said when Botha's lawyers requested more money to assist the former president in his dealings with the commission, he himself intervened to obtain the extra funds.

Mr Botha, I went to (Justice Minister) Dullah (Omar) and said to him 'please see what you can do.'"

make an appearance, says Tutu

*(2/5/98) Spar 4/6/98*



can mail or using Internet forums to regulate the amount of interaction they have with others," Dittmann explains. "In such settings, other perpetrators worked in the computer industry, or spent much of their free time at the PC. The same is true for many cases I know."

GENEVA - Even seasoned police officers are moved to tears when they hear how René Osterwalder, recently sentenced in Switzerland,



PROTECT me, don't abuse me" is ATIMA SCHROEDER

the problem from four directions. The first had been to draft legislation to ensure the protection of children.

8619111111

additional toll-free helpline for children

8619111111

That is one service I think

STAYET MOJ NO AWAYS JO

ROCKET FUEL INGREDIENT BLAMED FOR AIR DISASTER

# Helderberg's carried contraband?

**"JUDGE** Cecil Margo's report on the Helderberg disaster is not worth the paper it is written on," says David Klatzow, one of South Africa's top forensic experts. "The investigation into the crash by the Directorate of Civil Aviation points either to stunning incompetence or a cover-up of Olympian proportions."

Klatzow believes the Helderberg was carrying ammonia perchloride — a compound used to make rocket fuel — the night it made its fiery plunge into the sea near Mauritius.

"The Russians' new MiG fighter in Angola was shooting down South African planes dramatically. At that time, the world wouldn't sell South Africa arms, so it had a major problem. They were flying in the chemicals on flights like the Helderberg so that they could copy the weapons they needed," he said.

Klatzow said two fires had broken out on the Helderberg the night it crashed. The first, one hour after take-off from Taipei. Although this fire had been extinguished by the crew, the pilot, Captain Dawie Uys, should, according to the golden rule of flying, have landed at the nearest airport.

But he had continued flying under instruction from the ZUR radio station at Jan Smuts Airport. An emergency landing would have led to forensic authorities finding the contraband chemicals.

"Ammonia perchloride is extraordinarily unstable. Nudge it and it will go bang," said Klatzow, who was appointed by Boeing to investigate the crash while...

*(2017) A decade after the Helderberg disaster, David Klatzow, a leading forensic expert, who has spent several years studying the crash, will be given the opportunity to present his findings to the Truth and Reconciliation Commission today.*

**TROYE LUND reports.**  
CT 11/6/98

malfunctioned. The recorder wires run along the top centre of the plane and were probably affected by the smoke and fire."

Klatzow believes that Judge Cecil Margo, who led the former government inquiry into the crash, did not allow all the reconstructed recording to be considered at the hearing. This would have shown that when the first fire broke out the plane had been denied permission to land.

Armed with nine volumes of his own research, Klatzow will illustrate why he believes the Margo report, which found no evidence to attach blame to anyone, is flawed.

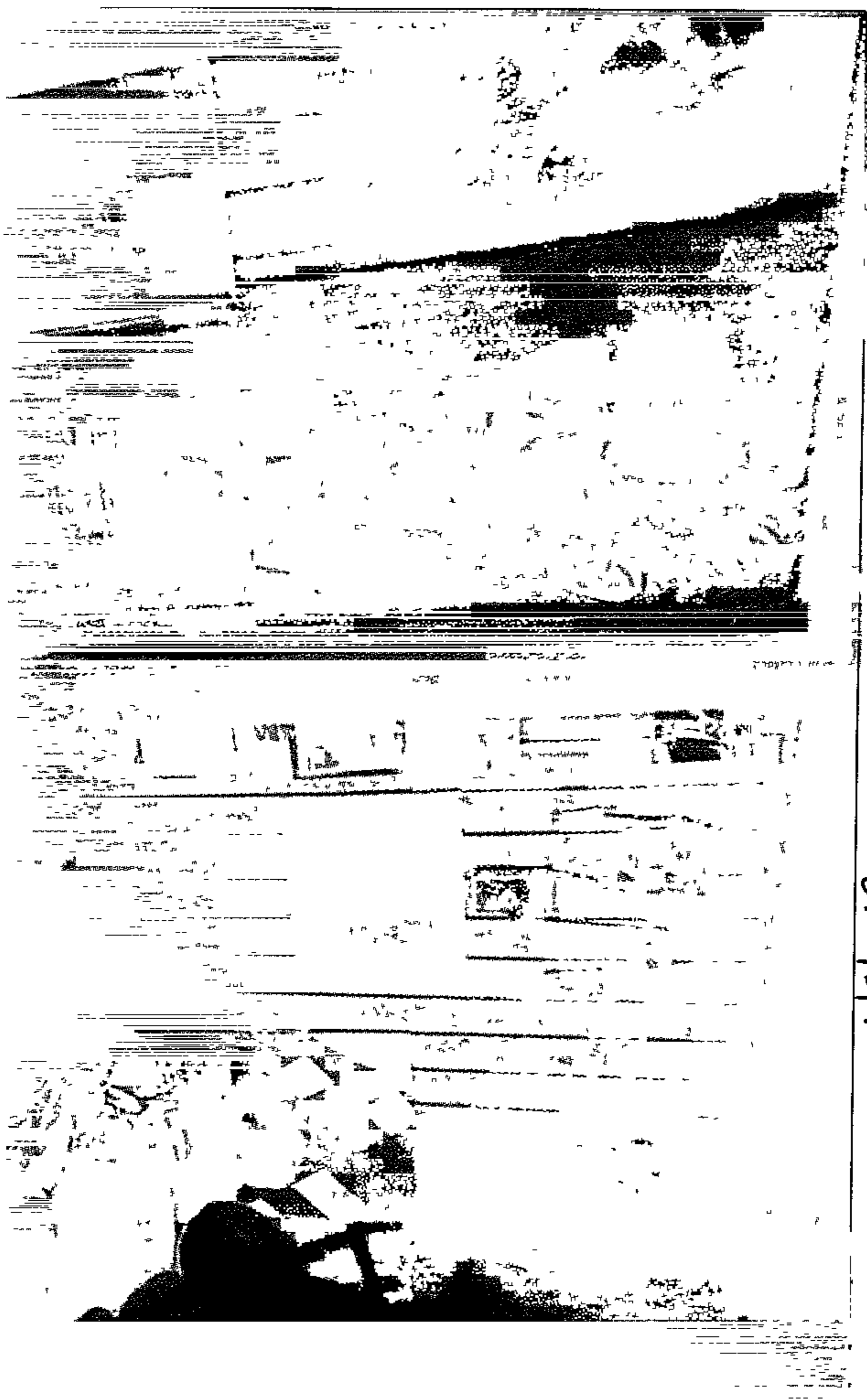
The answers about what happened that night are contained in three tapes. The cockpit voice recorder, the recording of the last 20 minutes of Helderberg's flight that was made by the Plaisance Airport in Mauritius, and the tape-recording of the entire flight that was made by the ZUR radio base at Jan Smuts Airport.

Klatzow has transcripts of two of the tapes, the ZUR tape went missing directly after the crash.

In a recorded telephone conversation between Klatzow and SAA pilot Jimmy Deal, Deal admits he signed the ZUR tape out that night and gave it to senior SAA officials.

Klatzow will point the TRC to another incongruity.

He says the Plaisance Airport tape-recording of the last 20 minutes of the flight should be exactly the same as the cockpit voice-recorder. But crucial parts of the



**NIGHTMARE:** Peter and Loretta Hayward

## Parents recall painful events,

the three-day in-camera TRC hearings that began today.

"I believe the first fire broke out just an hour from Taipei, because dinner is mentioned at the time that the cockpit voice recorder

the independent investigation done for the International Federation of Pilots Association concludes in a preliminary report that the crash was due to a consignment of hazardous cargo in "disguise form"

## Unanswered questions

- **Why did the pilot, Dawie Uys, not divert the flight and land at a Malaysian airport or Singapore's Changi Airport when the first fire broke out?**
- **Was Uys unhappy with the cargo he was carrying?**
- **Why was information about the cargo on the Helderberg shredded in Taiwan about the same time the Margo Commission was set up?**
- **Why, when the commission claimed to have investigated computer printouts of the cargo manifest, did Roger Yu, computer manager at Taipei's CKS Airport, state that no computers had been used to document the cargo?**
- **How did 24 hours of vital tape recordings between the Jan Smuts Control Tower (ZUR radio base) and the Helderberg disappear?**
- **Why was Vernon Nadel, the person in charge of the audio tapes at Jan Smuts not called before the Margo Commission to explain how the Helderberg tapes were lost?**
- **Why, after losing the tapes, was Nadel promoted and appointed as SAA's Station Commander in Miami?**
- **Did Armscor arrange passports for 45 of the agency's employees immediately after the plane crashed?**
- **Why does the tape from the Plaisance Airport in Mauritius have nothing in common with the reconstructed cockpit voice recorder?**



**INQUIRY WON'T BRING HER BACK:** Peter and Loretta Hayward lost their 22-year-old daughter in the Helderberg air disaster. They have kept her room as it was when she left for her trip to Taiwan.

PICTURES: GARTH STEAD

## Key witnesses to appear before TRC

**WITNESSES** who will be called to give evidence before the TRC hearing into the Helderberg air disaster, which begins today, include:

- **David Klatzow** — a forensic expert who has been investigating the crash since it happened. Boeing asked him to investigate why their plane went down.
- **Timus Jacobs** — an SAA official who was in charge of loading the cargo into the Helderberg at Taipei's airport.
- **John Hare** — an Armscor official who is now a senior executive for SAA.
- **Mickey Mitchell** — a former senior flight operations director at SAA and control officer in charge of the disaster centre after the crash. He is now working for Air Mauritius.
- **Gert van der Veer** — chief executive of SAA at the time.
- **Vernon Nadel** — in charge of listening to radio ZUR on the night of crash.
- **An attorney who served on Judge Cecil Margo's inquiry** will also appear. Margo will not appear as a witness.

## 10 years on

TROYE LUND

IN May 1987, Peter Hayward's mother passed away. Six days later his sister was killed in a car accident on her way from the funeral.

When his 22-year-old daughter Lynne heard this she sank down on to the front porch step where she stood and said "Who will be next?"

Six months later, Lynne plunged to her death on the Helderberg, the plane that went into the sea off Mauritius 10 years ago.

Peter and Loretta Hayward have kept their daughter's room exactly as she left it when she set off for her adventure in Taiwan.

*I am so glad she died at a time in her life when she was so happy. Her life was just beginning.*

"Each time I pass that door I remember that time. It's like losing a limb," said Loretta.

At 2.10am on the night of the crash, Peter woke up having a nightmare about his daughter. At 2.18 am, Lynne's plane plunged into the sea.

Peter looks around his daughter's room. Her nail polishes are neatly lined up on her desk, and a pile of faded, stuffed toys lie quietly under an image of James Dean on the wall.

He said "I never have nightmares. This was like a telepathic message she must have been going through a terrible time it was on fire."

"You raise her for 22 years. You have expectations. You're getting old and imagine watching her career and looking forward to grandchildren. All that has been taken away from us."

His wife added "I am just so glad she died at a time in her life when she was so happy. Her life was just beginning and everything was taking off."

The renewed inquiry into the crash by the Truth and Reconciliation Commission is an unnecessary exercise for the Haywards.

"Nothing is going to change," said Loretta before Peter conceded that, if some good could come from it, it would be worthwhile.

He added "If it can apportion blame or make someone happy then it's fine."

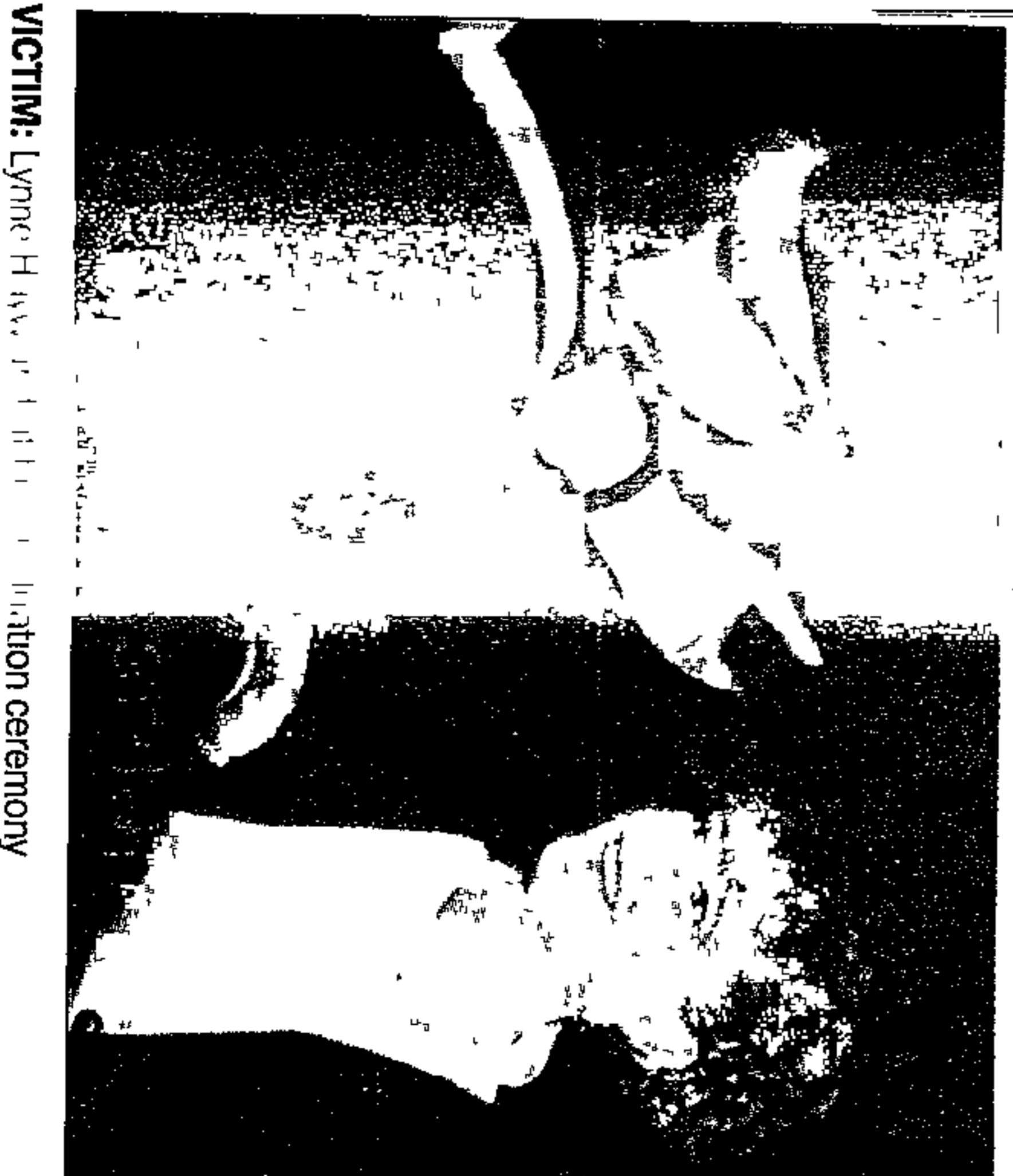
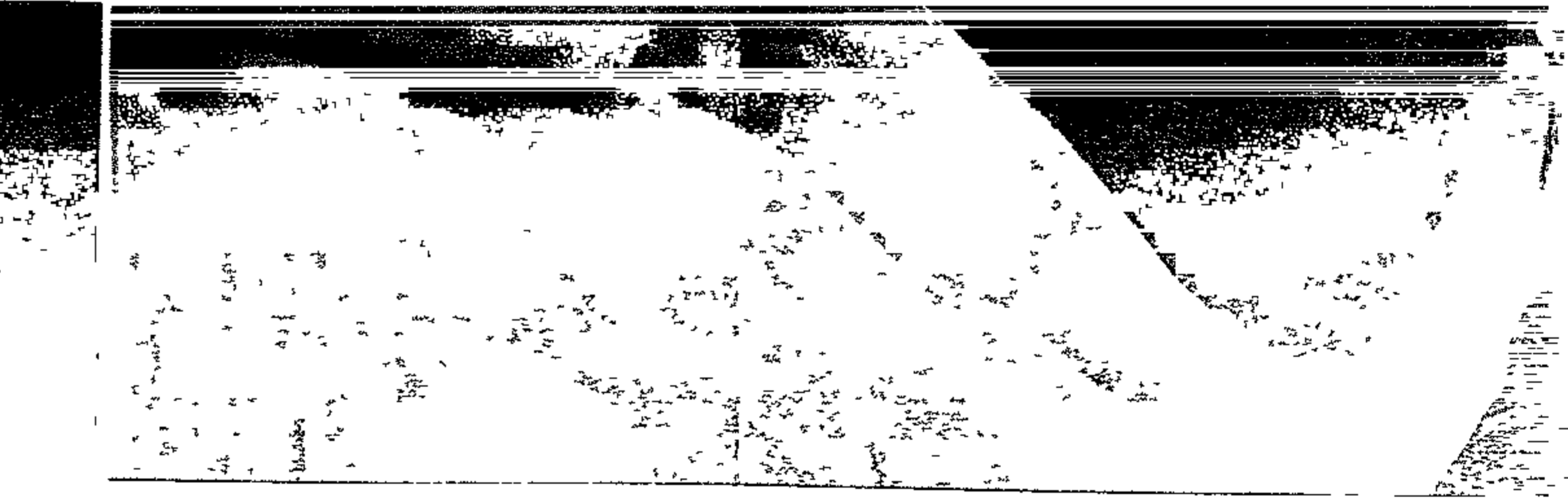
Loretta said, "The pilot's wife has said that her husband was not happy with the cargo he was carrying. It was his last flight and he had to do it."

But whatever happened that night, the reality that the Haywards have to live with is that nothing will bring their "precious, bouncy baby" back.

The R40 000 that SAA paid out to them was a small help.

"I never desired to get rich out of my daughter's death. I agree that she was worth much more. But, they told us we could take it or leave it."

"I did not have the will to try to fight for more in court and end up with nothing. It was damned unfair, but I have made peace with it now," said Peter.



**VICTIM:** Lynne Hayward at a memorial ceremony.

# TRC probe into Helderberg crash

(252)

TROYE LUND

CT 11/6/98

THE new inquiry by the Truth and Reconciliation Commission into the Helderberg air disaster begins in Cape Town today — a decade after the crash occurred.

The aim of the next three days of in-camera hearings will be to discover what cargo the South African Airways Boeing 747 was carrying on the night of the crash. All 159 people aboard, passengers and crew, died.

The debris was found four kilometres below the surface, strewn across three square kilometres of ocean floor.

Apart from the findings of a forensic expert, the TRC decided to look into the case after media investigations and the Friends of the Victims of the Helderberg claimed that the report of the inquiry led by Judge Cecil Margo was flawed.

Evidence that was not taken into account by the previous government's judicial inquiry will be presented and analysed by experts for the TRC.

Questioning is also expected to establish how many fires broke out on board, when these occurred, why the pilot never attempted an emergency landing and what happened to the missing tape-recording between the Helderberg's cockpit and the ZUR radio base at Jan Smuts Airport.

A key witness, SAA pilot Jimmy Deal, who admitted taking the missing ZUR tape that night, died last September. But the conversation in which he admits taking the tape was recorded and will be presented to the TRC.

Eleven witnesses will appear before the commission, including present and former Armscor and SAA employees.

● See Page 14

# Ferdi killed Webster, says judge

## *Sentence looms*

ARG 1/6/98 (aha)

ARGUS CORRESPONDENT

Pretoria - Ferdi Barnard was today found guilty of the murder nine years ago of Witwatersrand University academic David Webster.

Mr Justice Johan Els is to hand down sentence in the Pretoria High Court either tomorrow or on Wednesday.

Barnard was also found guilty of the murder of a friend, Mark Francis, and the attempted murder of Dullah Omar, at the time an anti-government activist and now Minister of Justice.

Barnard had told the Harms Commission of Inquiry as well as the Webster inquiry that he had not murdered Webster, but the judge today said that he and two assessors, F W Mostert and T van Rensburg, had come to the conclusion that Barnard was guilty.

This was based on evidence given by 11 witnesses - including Barnard's former wife and two girlfriends - all of whom told the court that Barnard had told them he had fired the fatal shot which killed Webster in Troyeville, Johannesburg, on May 1, 1989.

Barnard, dressed in a dark blue suit, sat impassively as the judge found him guilty

but Webster's girlfriend, Maggie Friedman, smiled broadly in the public gallery.

The judge also found Barnard had been working for the notorious Civil Co-Operation Bureau (CCB) and that he had been handled by "Slang" van Zyl and Calla Botha, both full-time members of the CCB's internal operations group known as Sector 6, which the judge said had specialised in the assassination of enemies of the state.

Mr Botha was in court today.

Judge Els said Barnard had lied to both the Harms and Webster inquiries and it had now been proven that "he is a person who speaks too much".

He had been unable to recall with any accuracy at this hearing what he had been doing the day Webster had been killed, but he had immediately said he had been in Cape Town on the day Swapo lawyer Anton Lubowski had been shot dead in Windhoek.

A month before Webster was killed by a shotgun blast, Barnard had practiced with a shotgun. This was "too much of a coincidence".

In regard to the Francis murder, with a baseball bat in a Hillbrow alley, the judge said that Barnard's detailed evidence meant he must have been on the scene.

## PW 'knew of plans to kill'

(272) ARG 1/6/98

George - Former president PW Botha, back on trial for ignoring the Truth and Reconciliation Commission, was accused today of knowing of plans to kill opponents of apartheid.

In a full-frontal attack on Mr Botha, an official from the TRC presented a host of documents detailing the state's plans to crush all opposition.

The 82-year-old Mr Botha has insisted he will apologise only to God for his sins. He has denied all knowledge of state-sanctioned murders and has said he did nothing while he was in power he needs to apologise for.

Paul van Zyl, commission executive secretary and the first witness at Mr Botha's trial for refusing to cooperate with the body, said Mr Botha had chaired security meetings where unlawful state killings were mooted.

In one document from 1979 the State Security Council was briefed on plans for top-secret operations against anti-apartheid activists abroad, he said - Reuters

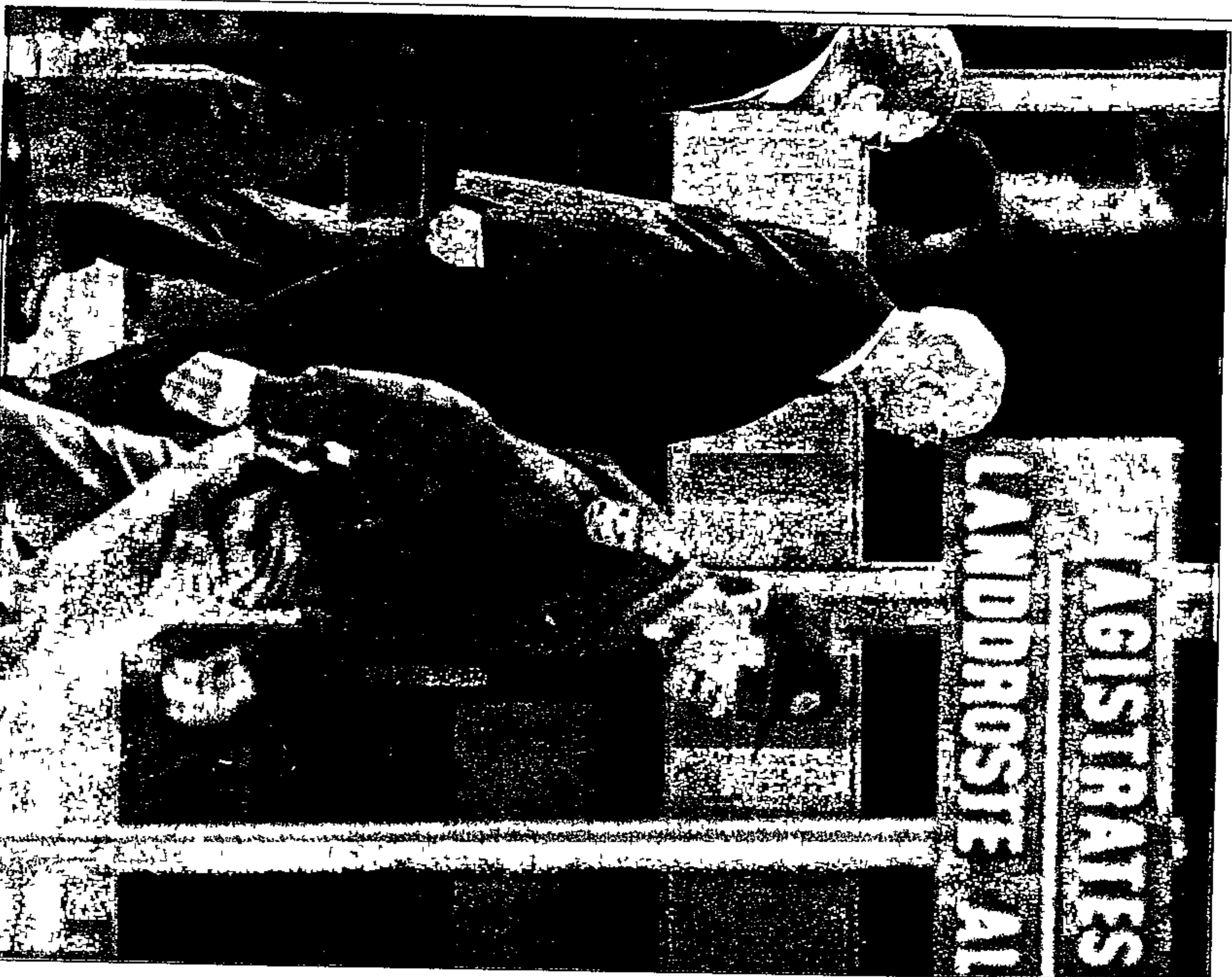
What the TRC wanted to ask PW, page 5

# What the TRC wanted to ask PW

**George - P W Botha wanted to ask former president P W Botha about a warning to him by his National Intelligence Service head, Niel Barnard, that his government's security forces were apparently committing illegal acts such as murder**

**Romance sidelines PW court drama**

**MAGISTRATES LANDROOSTE AI**



Warned that security forces were committing murder? former president P.W. Botha arrives at court today

George - The Truth Commission wanted to ask former president P W Botha about a warning to him by his National Intelligence Service head, Niel Barnard, that his government's security forces were apparently committing illegal acts such as murder

This was evidence today by the commission's legal secretary, Paul van Zyl, when Mr Botha's trial resumed in the Magistrate's Court here

Mr Van Zyl said the commission had also wanted to question Mr Botha about a warning in a State Security Council document of February, 1979, that certain kinds of clandestine operations were in contravention of international law

Meanwhile, it is understood that former Vlakplaas - commander Eugene de Kock has been subpoenaed to give evidence for the State against Mr Botha and is likely to appear tomorrow

Mr Van Zyl said the commission was investigating clandestine operations such as the assassination in Paris of African National Congress representative Duce September, parcel-bomb attacks that had killed Jeanette Schoon and Ruth First and the letter bomb that had maimed priest Michael Lapsley

"These were all clearly illegal actions in terms of international law, and we wanted to ask Mr Botha whether the SSC had authorised such operations," said Mr Van Zyl

Mr Botha has pleaded not guilty to ignoring a subpoena to appear before the Commission in December to answer questions about the State Security Council, of which he was head, alternately bringing the commission into disrepute

Part of Mr Botha's defence is that he had an agreement with commission chairman Desmond Tutu that he would provide written answers to questions, and would not be required to testify personally

Mr Van Zyl continued his evidence-in-chief today, telling the court the commission wanted to question Mr Botha about Dr Barnard's testimony to the commission in December

Mr Van Zyl read to the court excerpts from Dr Barnard's evidence to the effect that he had warned Mr

**JOHN YEID**



**ON THE TRUTH COMMISSION**

Botha that he suspected the government's security forces were murdering people, and that he was "very worried" about apparent murder standoffs giving rise to this.

He said he also discussed these concerns with colleagues heading the then Defence Force and the police.

Mr Van Zyl said Dr Barnard had testified that Mr Botha had responded to his warning by saying he was also very worried and that he would deal with it "on a political level"

Mr Van Zyl said commission investigators had not found any documentary evidence that proved Mr Botha had in fact raised such concerns at any State Security Council meeting

Also, the commission had wanted to know whether Mr Botha had made any effort to clarify the "misunderstandings" by indicating that the use of words such as "eliminate" and "neutralise" did not constitute authority for murder and other illegal activities

Mr Botha, wearing a dark striped suit, entered the court about 9.20am. As he made his way to his chair next to the dock, he smiled and shook hands with a few friends and supporters in the public gallery

His daughter, Eleanza Maritz, was in her usual place in the front row

Mr Botha also shook hands with commission deputy chairman Alex Boraine - his arch political foe - and with Mr Van Zyl and Jeremy Ganslett, SC, who has a watching brief for the commission.

Archbishop Tutu is also being called as a witness and he may give evidence later today

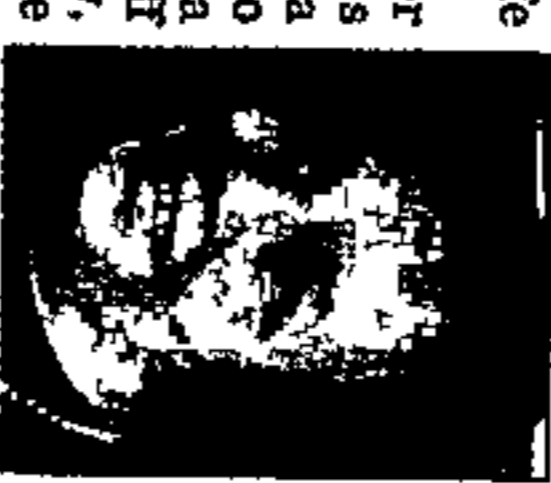
Bushnessman Boet Troskie is still trying to persuade Mr Botha and the commission to settle their differences out of court, and remains optimistic he will be successful - Sapa

George - P W Botha was back in court today for refusing to appear before the Truth Commission - but court reports were upstaged by the news that the 82-year-old former president had yet another woman in his life

Barbara Robertson, 57 and a divorced mother of two, is said to have packed up her Gardens flat in preparation for moving to George and marriage to Mr Botha later this month.

Ms Robertson is apparently a friend of Mr Botha's daughter Rozanne, who introduced the couple at the launch of Mr Botha's book, *Seven Days in Wilderness*, some weeks after the death of Mr Botha's wife Elise

Soon after Mrs Botha's death Mr Botha said he was to marry a wealthy Graaf Reinet widow, Renette de Water Naude, Barbara Robertson but this engagement was called off about a month ago, apparently because she was still seeing a former boyfriend



A spokesman at Mr Botha's home in the Wilderness declined to comment today about Ms Robertson or her relationship with his boss

The former state president arrived alone at the magistrate's court in George, where York Street - the main thoroughfare - was blocked off. Razor wire surrounded the court building and there was a strong police presence.

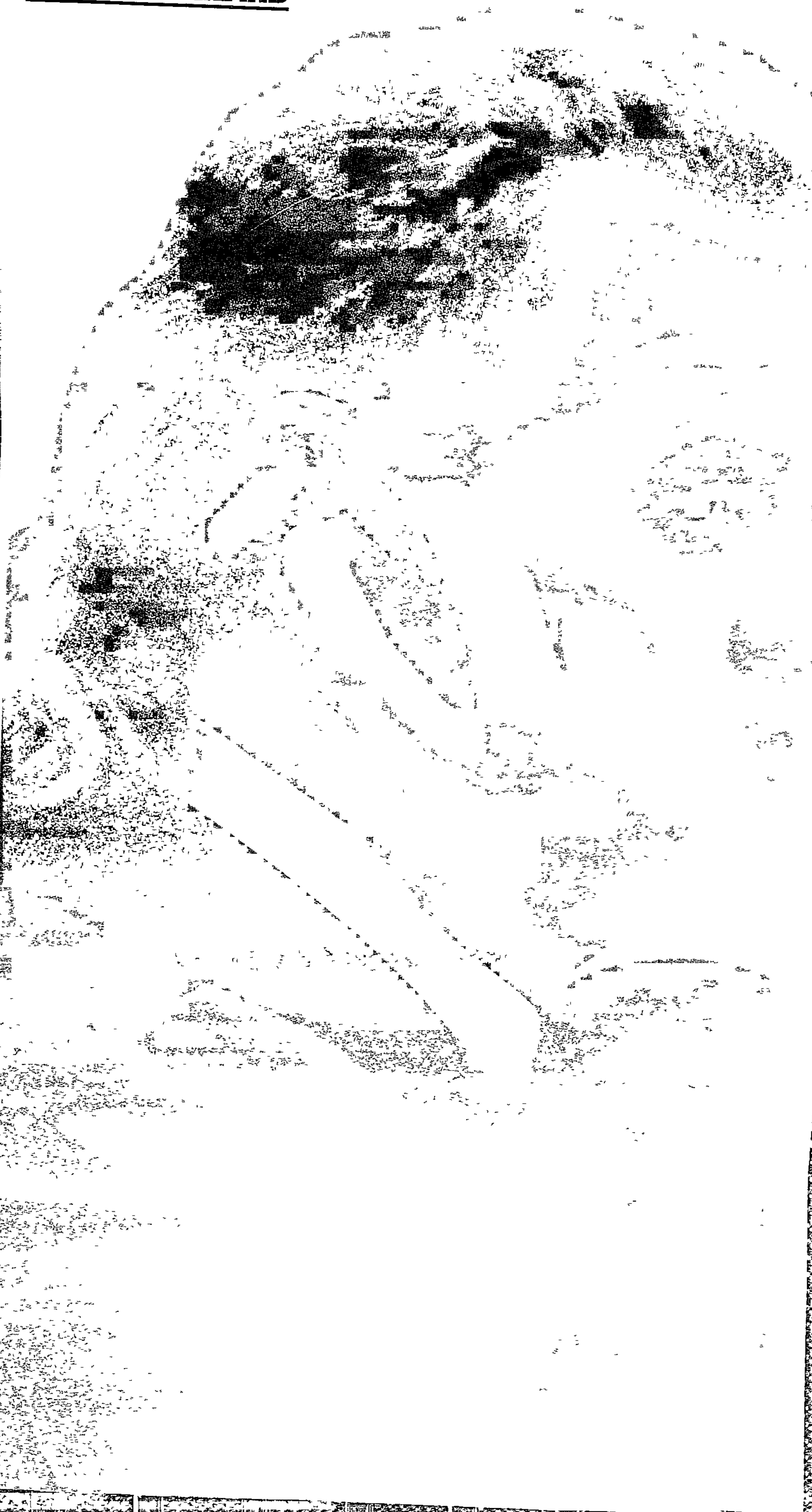
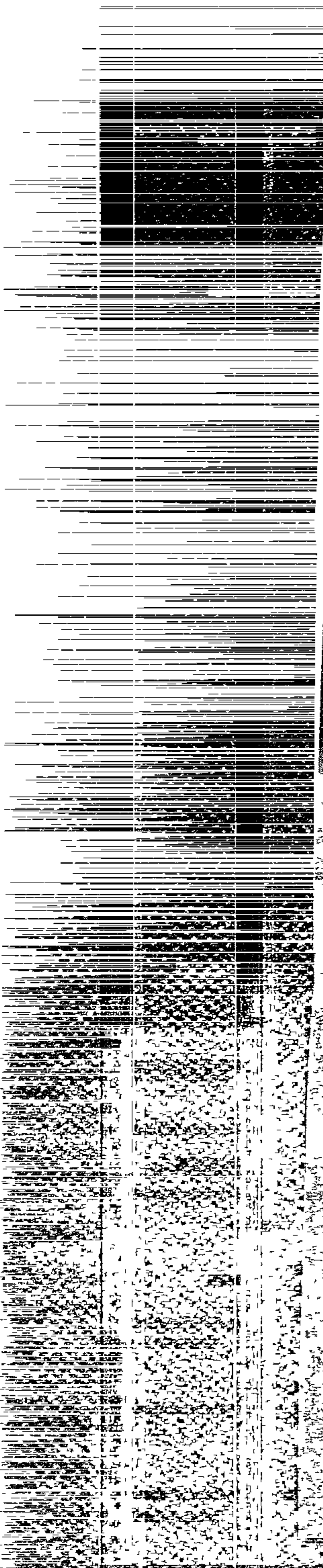
## Top forensic man to testify on air disaster

**STAFF REPORTER**

A top forensic expert and a former SA Airways official will testify today at an inquiry by the Truth and Reconciliation Commission into the Heliberg air disaster. David Klaczow is among experts invited to give evidence at the in-camera hearing

# **FERDI BARNARD**

T



# The good cop who became a killer

(252) Star 2/6/98

Eleven witnesses, including 'four women with an axe to grind', sink one of apartheid's most notorious operatives

By CATHY POWERS

**E**leven witnesses and a four-month trial cut through the web of lies notorious apartheid operative Ferdi Barnard constructed as he was yesterday convicted of the murder of activist and Wits academic Dr David Webster.

Barnard sat motionless, dressed in a blue double-breasted suit, as Mr Justice Johan Els convicted him of killing Webster and of the attempted murder of Justice Minister Dullah Omar when he was an anti-apartheid activist in 1989.

Judge Els said "We find it highly unlikely that the accused could make the statement (admit to murdering Webster) to 11 different people at 11 different times if it wasn't the truth."

He shot dead Webster outside his Troyeville home on May 1 1989 as Webster was off-loading plants from a bakkie. As the bullet went through him, Webster's girlfriend Maggie Friedman screamed "like a pig." Barnard later told his former wife Maryna Language

Those were the two main charges, of the 34 against him. In total he was convicted in the Pretoria High Court yesterday of 25 of the 34 charges against him including fraud, theft and murder.

What cut through Barnard's lies - a skill which by his own admission he had mastered - was a combination of the 11 witnesses who testified against him and his bragging about his exploits. The four women in Barnard's former life turned against the man they said boasted about his murderous exploits.

Among the other witnesses were close friends, former SAPS members, journalist Jacques Pauw, and former wives and girlfriends of other CCB and

military intelligence operatives.

In his 267-page judgment, Judge Els made special mention of the "four women in the accused's life". He warned that their evidence had to be treated carefully because they each had an axe to grind but he accepted their evidence.

Barnard admitted to killing Webster to each of them - his former wife, Maryna Language, former girlfriends Amore Badenhorst, Brenda Milne and Carol-Anne Human. Seven other witnesses all told the court during the trial that Barnard had told them he had fired the fatal shot.

Judge Els said credibility was central to the case. Barnard "is obviously an intelligent person" who made lies sound like truths, the judge said.

It was evident he was prepared to tell lies when his freedom was at stake, Judge Els said.

Part of the lengthy judgment details the witnesses who stood in defiance of Barnard. Former girlfriend Amore Badenhorst said Barnard told her during the inquest that he had shot Webster. Months later when Barnard and Badenhorst were driving through Nylstroom the former CCB operative pointed out the dam where he said he threw the murder weapon, a shotgun. Language said she read about Webster's death in the newspaper and spoke to Barnard that night. He told her there were three of them in the car: Calla Botha, the driver; Eugene Riley and himself. He said Webster's girlfriend screamed like a "pig" when he fired the shots. Later he told her he received R90 000 in payment for Webster's death.

Milne, who lived with Barnard from December 1987 to January 1996, made notes of Barnard's movements out of fear for her life and that of her child. She testified that Barnard had a list of tar-

gets, including Webster. Days after Webster's death Barnard visited Milne.

"He was very excited, he was agitated, he was nervous, he was, I think, scared. Things had happened very unexpectedly," she said. Barnard waited anxiously for the news to come on the radio. Before the news broadcast started he told her that he had shot Webster with a shotgun.

The most damning evidence, however, came from someone not connected to Barnard.

A passerby, Cornelius du Plessis, was coming out of a Troyeville cafe. He saw a white car with three people, saw the shooting and rushed to help Webster. He recognised Barnard as the person who was sitting in the back of the car and who had shot Webster.

The others who hammered slow nails into Barnard's coffin were Johan Kruger (Baadjies), a friend and collaborator. He told the court that at a braai, Barnard had boasted to a group of people that he was a member of the CCB and that they concentrated on assassinating ANC leaders. He mentioned that he had killed Webster.

To journalist Jacques Pauw, Barnard said: "I shot him, it is true, I shot him, I killed him." This was said during a meeting with Pauw following the making of the documentary *Prune Evil* for TV in 1995.

Another friend of Barnard's, Willie Smit, told the court that Barnard, and his brother Calla Barnard, had visited him in the early hours of the morning because he needed an alibi. Barnard then told Smit he had killed Webster.

Former friend, Chris Ras, told the court that Barnard hid weapons at his house. Barnard showed him a shotgun and said it was the one he used to shoot Webster.

## Honourable intentions of 'clearing the world of drugs' pulled down in the same bottomless pit

STAFF REPORTER

Ferdi Barnard had good intentions when he joined the police force, but ended up on the wrong side of the law after becoming involved in a world of drugs, sex, theft and murder.

The good cop turned thug was originally on a mission to "clear the whole world of drugs". Instead, he will be remembered as a Civil Co-operation Bureau (CCB) operative who killed anti-apartheid activist David Webster and for his involvement in a variety of crimes.

Former wife Maryna Language, whom he married in 1991, said Barnard hated taking pills for headaches and once objected to her consuming a glass of white wine.

"Then, he was a totally committed

cop," she told journalist Jacques Pauw in the May issue of *Marie Claire*.

But Barnard's life was dramatically transformed in December 1984 after he killed two drug dealers who had been set up to rob a Roodepoort pharmacy. As a sergeant with the Narcotics Bureau on the West Rand, Barnard, then 25, told the court he had become unhappy about the crime rate and the state's inability to deal with it.

A lenient six-year sentence resulted in Barnard being held at Pretoria Central Prison. After his release on parole four years later he was employed by the CCB. It was the start of his life of crime as a CCB member and gangster. Women and cocaine became an integral part of it.

Barnard set up a brothel in a Johannesburg northern suburb in 1992 and

asked his first wife Amor to run it so that Military Intelligence could entertain and debrief ANC contacts.

Pauw describes Barnard, at the age of 39, as grey and gaunt, the result of too much crack and cocaine and too many years in Johannesburg's sleazy underworld.

He reportedly spent R50 000 on his drug habit. "I was dying from all the crack," he told Pauw.

"I once had four TV sets in my house, but they are all gone, sold to get crack."

"Some nights I was too scared to go to sleep in case I overdosed. I walked up and down the street and couldn't control the muscles in my face," he said.

But the freedom of walking the streets has been replaced by a prison cell.



# Hard men of CCB look on as one of their kind goes down, perhaps for life

BY NORMAN CHANDLER  
Pretoria Bureau

The hard men of the notorious Civil Co-operation Bureau went on a pilgrimage to the Pretoria High Court yesterday to see one of their own kind go down.

Ferdit Barnard sat ramrod stiff in the accused's box as Mr Justice Johan Els read a 267-page judgment which found him guilty of the murder of Wits academic and left-wing activist David Webster, the murderer of Mark Francis and the attempted murder of Justice Minister Dullah Omar.

Within a few days, after evidence in mitigation is given, Barnard will know how many more years he will serve in prison, probably in Pretoria Central Prison's C-Max top security wing and in a cell close to his friend and mentor, Eugene de Kock, himself a killer of note.

He is not holding his breath because as he told The Star after the judgment was handed down: "I expect a long prison sentence."

Behind Barnard - whom the court found had worked for the Civil Co-Operation Bureau, a special forces unit of the army - sat row after row of men who had once worked with him, supported him through thick and thin, drank hard liquor with him, shared his love of

wine, women and song - and then, when the chips were down, deserted him.

Not one had had the courage to give evidence on his behalf. Not even Calla Botha, the man Barnard had said was his alibi that fateful Sunday afternoon nine years ago when Webster was shot dead in the street outside his home in Troyeville, Johannesburg.

But yesterday Calla Botha, another large man, and the others came to lend a sort of moral support to the slightly balding giant known as "Tonk", the man who acknowledged that his nickname came from his prowess at welding a baseball bat.

The same prowess which saw him also found guilty yesterday of having murdered a friend, Mark Francis, with a baseball bat in a dirty alley behind the Summit Club in Johannesburg's Hillbrow.

In the end it was the evidence of 11 just men and women which sank Ferdit Barnard.

The judge called them all good witnesses, signalling out three women as having given trustworthy testimony. The three were Amor Badenhorst, the girlfriend who knew so much about the Webster murder and Barnard's involvement that she was placed on a witness protection programme, Maryna

*Star 2/6/98 (252)*

Language, the former wife who was described by the judge as having had a type of brother/sister relationship with Barnard, and another former girlfriend, Brenda Milne.

Then there was a fourth woman who had sat patiently right through the marathon trial, listening quietly to the evidence against Barnard.

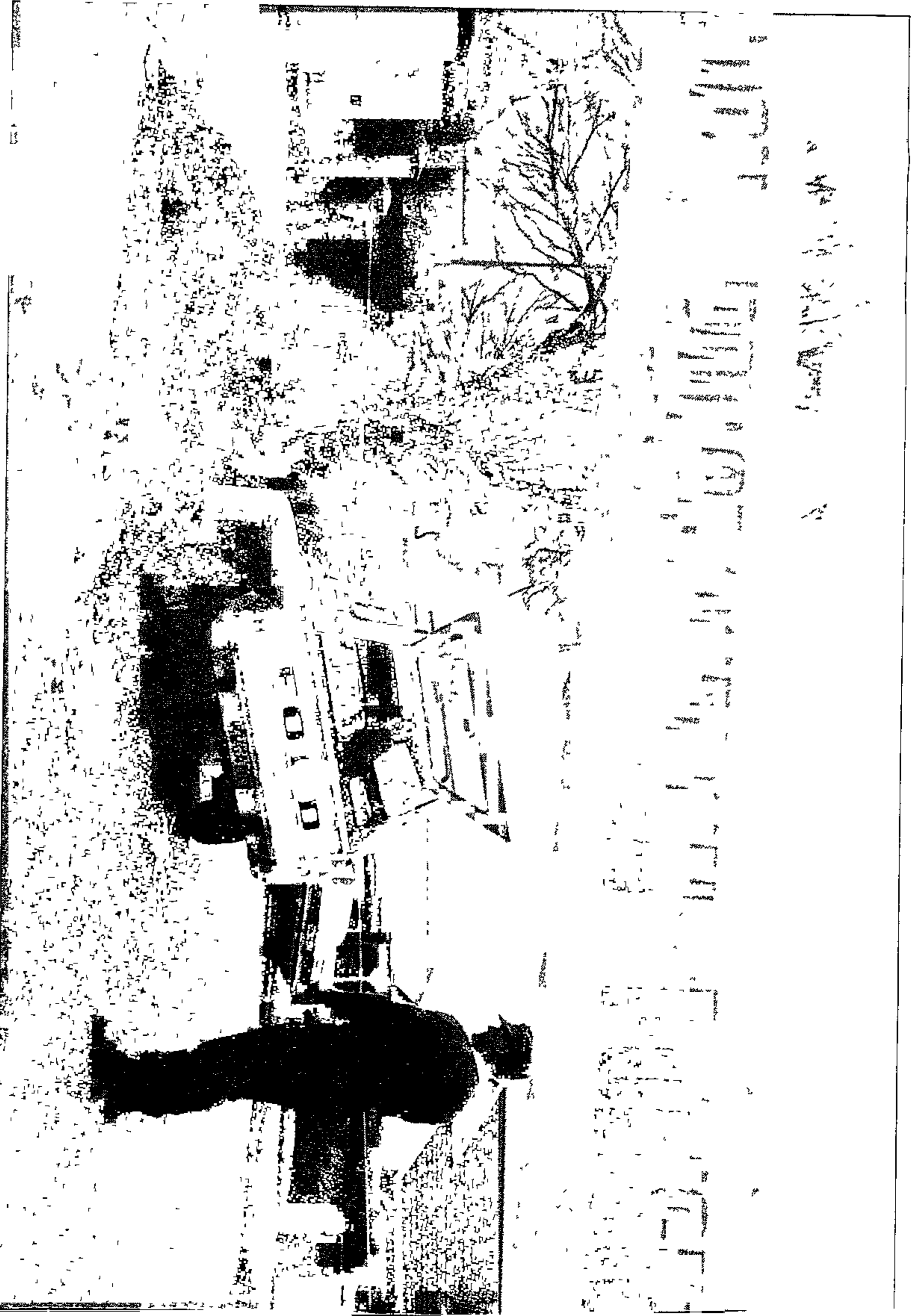
She is Maggie Friedman, the girlfriend of Webster, and in the only emotion she has really shown throughout, yesterday was a time for the widest smile imaginable.

She can now sleep easier, knowing that at long last a court of law has done to Ferdit Barnard what the Harms Commission and the Webster inquiry were unable to do - find him guilty.

Expressing her delight and relief, she said: "I hope this will give hope to other people who have been waiting for years for justice in other cases."

Barnard said after his conviction the ruling had not surprised him. He added that he had adapted to prison life - he is serving a 10-year sentence for diamond smuggling - because "that's how the human spirit works".

He was in fact more worried about his family than about himself because he knew he could take care of himself.



Scene of the crime . . . police cordoned off the area shortly after the murder of David Webster in 1989

# Bid to broker deal between PW and TRC appears likely to fail

(252) Star 2/6/98

AP

By ROBERT BRAND

George - Flamboyant Bloemfontein millionaire businessman Boet Troskie has appointed himself mediator in the dispute between former state president P W Botha and the TRC.

But Troskie's efforts to broker a deal which would see Botha escape prosecution in return for testifying before the commission appeared doomed to fail yesterday

Troskie, who described himself as a longstanding friend of Botha's, said he had visited the former president on Sunday to discuss an out-of-court settlement, and that Botha was prepared to enter into discussions with the TRC but was still unwilling to testify.

Troskie said he would try to arrange a meeting with TRC chairman Archbishop Desmond Tutu today.

TRC sources said Botha appeared to be sticking to his position that he would only be prepared to hold one-on-one talks with Tutu. The TRC rejected this demand before the start of the trial in April.

"We have not had an approach from Troskie yet," TRC spokesman John Allen said yesterday.

Freedom Front leader Constand Viljoen, one of a handful of Botha supporters who



In the spotlight ... P W Botha leaves court in George, where he is on trial for ignoring a summons to appear before the Truth Commission.

attended the trial yesterday, said he was in favour of a settlement, provided Botha was not expected to renounce his principles and be "manipulated" by the TRC.

He said he had been asked by the Botha family to take care of media liaison. Retired general Paul Lombaard has been appointed Botha's spokesman.

Court proceedings were briefly interrupted yesterday when a woman, who identified her-

self as Adele Pretorius, stood up in court and told Magistrate Victor Lugaju she wanted to "serve a summons" on him and on Botha "for ruining my life and the lives of many others".

She walked towards Botha, who was speedily ushered out of the courtroom.

Pretorius handed a document entitled "Amazing saga of the rise and crash of SA, 1954 (sic) to 1998" to Botha's legal team

# Barnard's conviction 'may not be the end of Webster probe'

Stephané Bothma

PRETORIA — There were no witnesses to link Ferdi Barnard to the 1989 assassination of David Webster, but Barnard's uncontrollable need to boast about his abilities as a state hitman left the High Court without any doubt that the former policeman had pulled the trigger that left the Witwatersrand lecturer dead.

Barnard told at least 11 people, including four former mistresses and a journalist, that he had killed Webster with a sawn-off shotgun from a moving vehicle driven by Civil Co-operation Bureau (CCB) colleague Calla Botha. In many cases he gave graphic details of how the anthropologist died while loading plants from his vehicle on May 1 outside his Troyeville home.

The court accepted the testimony of all

11 witnesses as the truth.

Barnard's boasting could also see some of his former CCB friends and masters landing in hot water over the Webster killing. Deputy Transvaal attorney-general Anton Ackermann SC, who prosecuted Barnard, said Barnard's conviction was not necessarily the end of the probe into the death of Webster.

Barnard may have believed that, as had been the case during the 1990 Harris commission of inquiry and the 1993 inquiry into the death of Webster, no judge would be able to find beyond reasonable doubt that he had been the killer. Nobody had seen him do it, his alleged accomplice Calla Botha was not talking and no murder weapon could be found.

But in his 270-page judgment delivered yesterday, Pretoria High Court judge Jo-

han Els, well known for his expertise in criminal law and assisted by two retired magistrates, expressed no doubt.

Barnard admitted that he had left the CCB because of a breach in security. This is not surprising because it became clear in this case that he tends to talk too much — from there all his damning admissions.

About all the various admissions (about Webster) made to the witnesses, Barnard testified that he would never lightly admit to a crime or boast about another person's achievements because he realised the implications of such admissions. If this court therefore accepts that he had made these admissions, as is the case, the possibility of Barnard having joked or having boasted about killing Webster can be excluded. That he had joked when he told all the witnesses that he had shot Webster, also did not form

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part of his defence in this court," Els said.

Other evidence supported the court's finding. "As far as the Webster murder is concerned, evidence showed that one month before the killing Barnard was still in possession of a friend's sawn-off shotgun, which Barnard wanted to test by shooting from the window of a moving vehicle.

"One month later Webster is shot with a shotgun from a moving vehicle — what a coincidence," the judge said.

Barnard also admitted that he had possessed a woman's blonde wig, but claimed he used it while still a member of the police's narcotics bureau. An identikit drawn up after the Webster killing depicted one of the people near the scene as wearing a blonde wig. Barnard had also told several witnesses he had been wearing the wig at the time of the assassination.

But the conviction of Barnard for the Webster killing, almost a decade after the event, does not mean the end of the draw-out saga. "The matter of CCB involvement and also the involvement of other persons in the killing will still be investigated," Ackermann said yesterday.

Although the CCB clearly stated that Barnard was not in its employ at the time of the Webster killing, Ackermann presented the court with documentation proving that this was not true.

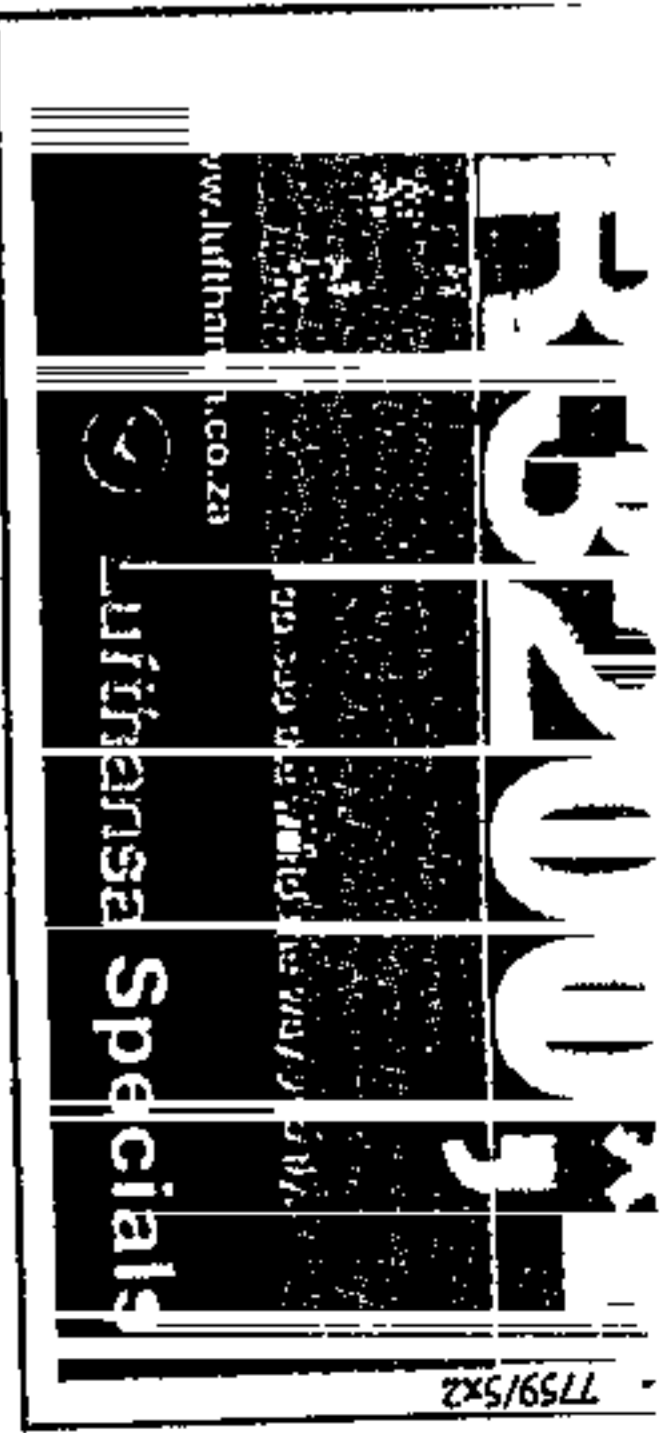
Maggie Fredman, who at the time was living with Webster, also expressed her disapproval at the fact that the court had made no finding on possible CCB involvement. "I am very relieved that this has now finally been settled — it's been so long. I just hope that the link between Barnard and the CCB will be followed up," Fredman told

journalists outside court.

Barnard's defence lawyer, Faan Coetz, however, would not be drawn into a discussion on the matter.

The conviction of Barnard also sparks hopes that other members of the former security forces will be brought to book for criminal activities.

Pretoria attorney Julian Knight, who represents the Lubovska family, said the judgment meant justice was finally restored. "It seems that the security force members who have not availed themselves of the opportunity to apply for amnesty slowly but surely being brought to justice. I sincerely hope the attorney-general will now proceed to prosecute those responsible for the murder of Anton Lubovska which also happened nine years ago," Knight said.



# Barnard convicted of killing Webster, attempting to murder Omar

Stephané Bothma

**PRETORIA** — Notorious Civil Co-operation Bureau (CCB) agent and former policeman Ferdi Barnard was yesterday convicted of the murder of David Webster, the anti-apartheid activist who was assassinated outside his Troyeville home on May 1 1989.

Barnard was also found guilty of 24 other crimes, including the attempted murder in 1989 of now Justice Minister Dullah Omar as part of a CCB operation. Pretoria High Court Judge Jo-

han Els and two assessors found Barnard intended to kill Omar, but circumstances prevented them.

Other guilty verdicts included for the murder of Mark Frances, a former friend who had implicated Barnard in an attempted robbery in Bophuthatswana in 1991. Frances was beaten to death with a baseball bat in Hillbrow.

Barnard was also found guilty on a number of fraud and theft charges, malicious damage to property and the illegal possession of a submachine gun and ammunition. The court found that

Barnard and former Brixton murder and robbery chief Charles Landman had plotted to blow up Landman's police vehicle to "enhance" his profile.

Barnard, who said he had expected the verdict, was acquitted on nine minor charges relating to fraud and possession of weapons and ammunition. "I also expect to get a very lengthy sentence, but it does not really change my status. I am already serving 10 years, a calm Barnard said.

Els found beyond reasonable doubt that Barnard had killed Webster. He

based this on the "credible and corroborating" evidence of 11 state witnesses, all of whom said Barnard had confessed to them he used a sawn-off shotgun to shoot the witness.

Barnard also told them fellow CCB operative Calla Botha was driving the vehicle from which Webster was shot. Botha, who was not called to testify, attended judgment yesterday morning but left after Els gave his verdict.

Els rejected Barnard's claim that the state witnesses had conspired against him, and described Barnard as

a very unsatisfactory witness who would not hesitate to lie to the court.

"Barnard is very obviously an intelligent person but he talked too much," Els said. It was unlikely Barnard would have confessed to the murder to 11 people if it were not the truth. Els said conflicting statements by state witnesses were trivial, while Barnard had clearly lied to the court. The trial resumes tomorrow when argument in mitigation of sentence will be heard.

Probe not over: Page 4

# PW Botha 'knew of human rights violations'

Taryn Lambert

GEORGE — Truth commission executive secretary Paul van Zyl told the George Regional Court yesterday that former president PW Botha knew his security forces were committing gross human rights violations because former National Intelligence Service head Neil Barnard had told the commission he had informed Botha that members of the security branches were "involved in illegal action."

Botha is charged with ignoring at least one truth commission subpoena last December. In minutes of a meeting of the now defunct State Security Council, of which Botha was chairman from 1978 to 1989, Botha congratulated the police commissioner and security forces who killed Umkhonto we Sizwe cadres in a bank hold-up in Silverton, Pretoria, in the late 1980s. Botha was quoted as saying it was "the only way to deal with terrorists."

Van Zyl also testified that the security council had violated international law in a document which "sets out particular clandestine operations set up by the State Security Council." Van Zyl said the truth commission wanted to ask Botha if he intended to authorise the killings of political opponents including Ruth First, former wife of activist Joe Slovo, and Dulcie September, who was assassinated in Paris.

Deputy attorney-general Bruce Morrison SC, who is prosecuting, said that a subpoena had been served on former Vlakplaas commander Eugene de Kock, who had applied for amnesty for the 1988 bombing of SA Council of Churches head office Khotso House.

Van Zyl referred the court to the Civil Cooperation Bureau's 1987 year planner that listed the SA Communist Party, African National Congress, Pan Africanist Congress and United Democratic Front as enemies of the state. Methods of dealing with "revolutionary forces" included "death, infiltration, bribery, to destroy and to compromise."

"Lapa" Laubscher SC, for Botha, accused the commission of malice in the deadline it set for a series of written questions it gave him in January last year. "I am going to argue that the truth commission was malicious when it tried to set a deadline at the end of September, knowing that they still had to give Mr Botha further particulars," he said.

# Justice for Webster's lover

Star 2/6/98

Maggie Friedman hopes Barnard's conviction will lead to the uncovering of more CCB activities

(252)

By CATHY POWERS

Sipping champagne in a coffee shop two blocks down from the Pretoria High Court yesterday, Maggie Friedman toasted justice. She had good reason to. An hour before, former Civil Co-operation Bureau operative Ferdi Barnard had been found guilty of shooting dead her lover, anti-apartheid activist and Wits academic Dr David Webster.

"To justice," she said, smiling, yet still bearing the burden of the "sadness and huge sense of waste" she feels. Her hope now is that the conviction will lead to the uncovering of more of the CCB's activities.

She is the woman 39-year-old Barnard said "screamed like a pig" as he fired the shotgun shell that killed Webster on May 1 1989. In a drive-by attack, Barnard gunned down Webster outside his Troyeville home as he was offloading plants.

Barnard was also convicted of the murder of a friend from the drugs underworld, Mark Francis.

Barnard's conviction is the culmination of nine years of investigations into the dealings of his CCB underworld.

Five years ago, Mr Justice Michael Stegmann exonerated Barnard in an open ruling of the inquest into Webster's death. He found that Barnard, a prime suspect, could not be convicted because most of the evidence against him came from "trained, skilled and accomplished liars".

Barnard was yesterday convicted on 25 of the 34 charges against him. The inquest had two of murder, two of attempted murder (including the attempted murder of Dullah Omar, now justice minister), and charges relating to fraudulent transactions and the illegal possession



NICOLENE OLCKERS

Relieved and elated ... but for Maggie Friedman a sense of waste still endures.

of weapons and ammunition. He was acquitted on a further nine charges, including two attempted murder charges, because of a lack of evidence.

Mr Justice Johan Els was scathing in his criticism of Barnard, saying he had lied to the court. He convicted Barnard on the strength of the 11 witnesses who said Barnard had told them he murdered Webster.

"It is highly unlikely that (Barnard) could make the statement (admitting to Webster's murder) to 11 different people at 11 different times, if there was no truth in it," the judge said.

The judge pointed to numerous examples of how Barnard had contradicted himself: if at the High Commission and in the High Court.

"If is, for example, the first time this court that he acknowledges that he knew Dullah Omar must be killed," Calla Botha - who, the State

alleges, drove the car during the Webster murder - was in court yesterday but left as soon as Barnard was found guilty of the Webster murder.

Visibly relieved that the ordeal was over, Barnard ripped off his tie after the judge left the courtroom. He took out a packet of cigarettes as he turned to talk to his supporters.

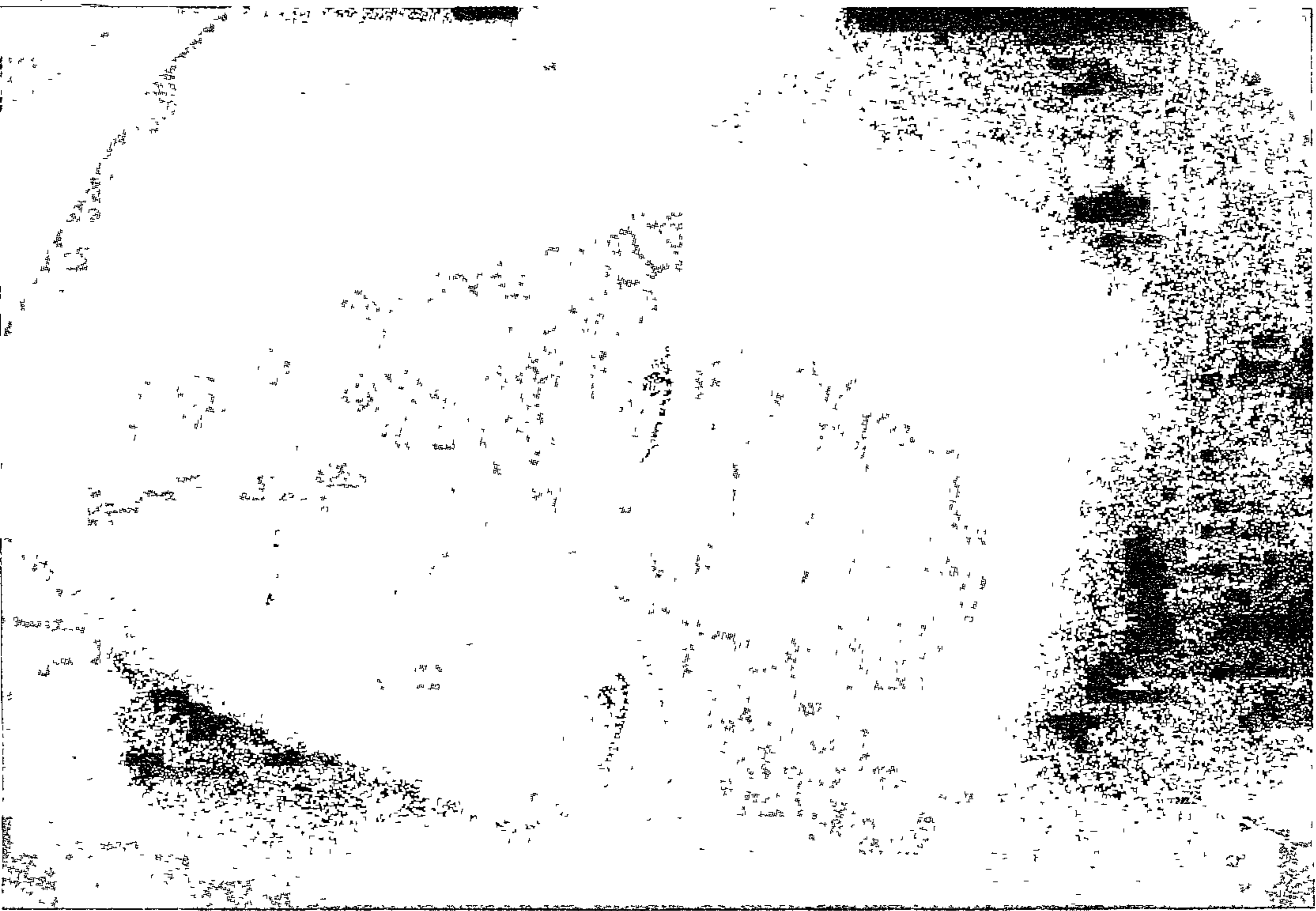
According to his defence counsel Fanie Coetzee, Barnard has applied for amnesty on several counts but not for the Webster murder, because he pleaded not guilty to that charge.

"We will work through the judgment and consult with him tomorrow. Then we will consider our position regarding some of the charges. I don't think there's a dead point in appealing," Coetzee said.

Judge Els will hear arguments in mitigation tomorrow.

More reports

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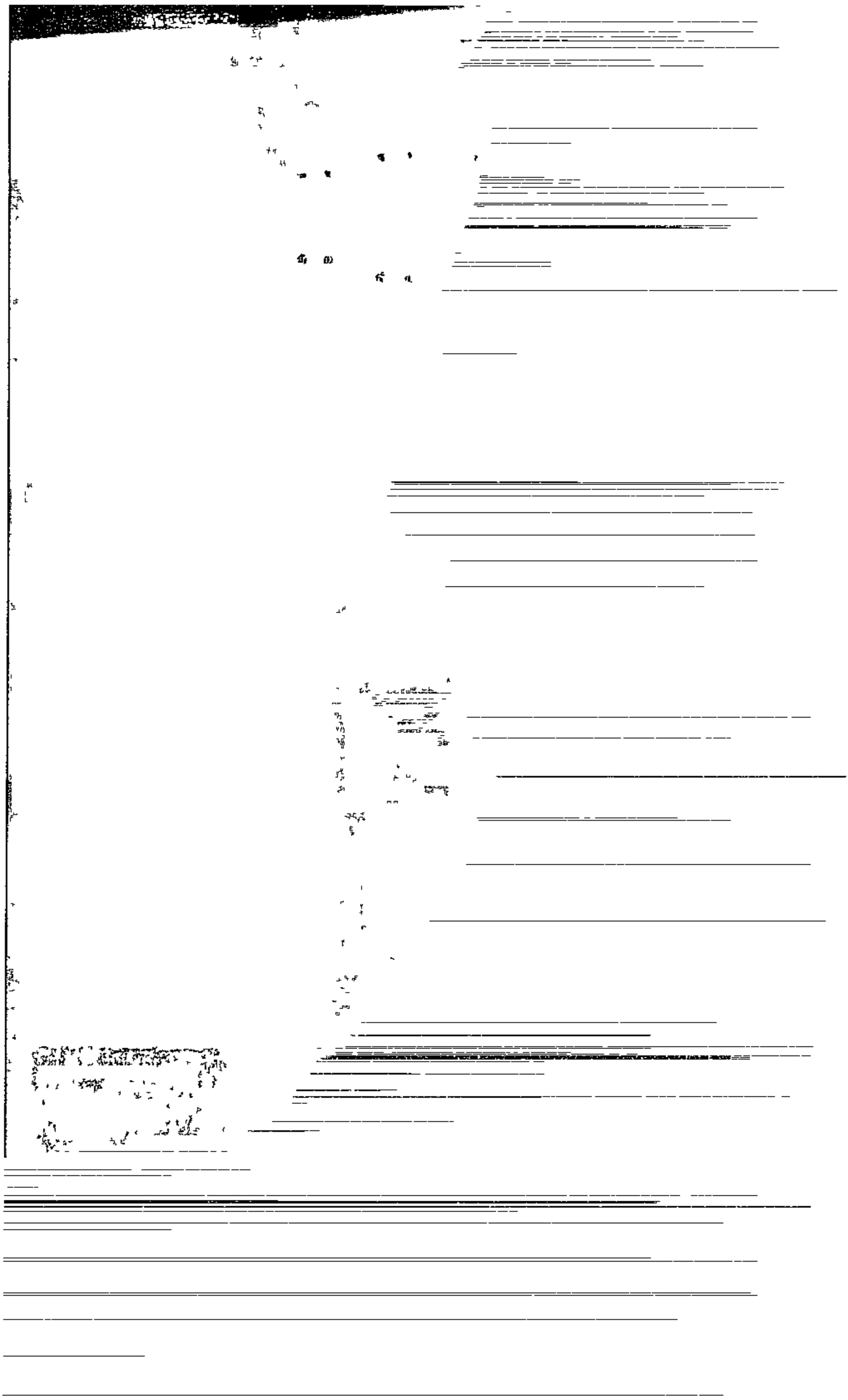


Ferdi Barnard walked free after an inquest and the Harms Commission hearings, but yesterday he was convicted on 25 charges

# Webster's murder puzzle finally solved



**IFVED** For Maggie Friedman, justice was served in the Pretoria High Court yesterday



**CONVICTED:** Ferdi Barnard is driven to court yesterday

PICTURES PRETORIA

## LOCAL CORRESPONDENT

PRETORIA: Sipping champagne in a coffee shop two blocks down from the High Court here yesterday, Maggie Friedman toasted justice. She had good reason to. An hour before, former CCB operative Ferdi Barnard was found guilty of killing her partner, anti-apartheid activist David Webster.

"To justice," she said, smiling. She is relieved at Barnard's conviction, but a toast is not going to eradicate the "sadness and huge sense of waste" she feels. Hopefully, it would bring everyone concerned closer to the tangled workings of the CCB that underpinned Barnard, she said.

This is the woman 39-year-old Barnard said screamed like a pig as he fired the shot that ripped through Webster on May 1, 1989. Webster was killed in a drive-by attack outside his Troyeville home as he was off-loading plants from a bakkie. With Barnard in the car were Calla Botha and

## Victim's lover toasts justice

Eugene Riley

A visibly shaken Barnard, found guilty on 25 charges including Webster's murder, told reporters that he had expected the verdict. He expected to get a long jail sentence and was prepared for it.

"At this stage nothing will change, because I am just going to go back to the place I came from — Pretoria Maximum Prison."

Asked if he was getting used to life behind bars, he said "You get used to anything. That is how the human spirit works. Actually I am

CT 216/98 (252)  
more worried about my family outside than I am about myself inside I can look after myself"

He said he did not think he would apply for the right to appeal, but would consult his defence team.

His father Pret Barnard, a former South African Police brigadier, interviewed before the judgment was read, said he was not nervous about the outcome, and just wished the case was over.

Afterwards he had tears in his eyes. Reluctant to comment, he said he was disappointed, but had

expected the judgment.

Faan Coetzee, who had appeared for Barnard, said his client had expected the outcome. "I cannot say we are happy with it, but we will live with it."

Coetzee did not know if Barnard was going to give evidence in mitigation of sentence.

Barnard's conviction is the culmination of nine years of investigation into the dark dealings of his CCB underworld.

This is the first conviction of a CCB operative.

It's been hard work. Five years ago, Mr Justice Michael Stegmann exonerated Barnard in an open ruling at the inquest into Webster's death. He found that Barnard, a prime suspect, could not be convicted because most of the evidence against him came from "trained, skilled and accomplished hars".

Barnard was convicted on 25 of the 34 charges against him. These included two of murder.

Turn to Page 3

P.T.O.

## Webster puzzle solved (252)

□ From Page 1

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two of attempted murder, including the attempted murder of Justice Minister Dullah Omar, and various charges relating to fraudulent transactions and the illegal possession of arms

Mr Justice Johan Els convicted Barnard on the strength of the 11 witnesses who said he had told them he murdered Webster

"It is unlikely that (Barnard) could make the statement (admitting Webster's murder) to 11 different people at 11 different times if there was no truth in it."

Barnard was solemn when he entered the courtroom neatly dressed in double-breasted jacket, sea-green shirt and patterned blue and yellow tie. He walked to the edge of the bench, quietly kissed and hugged his mother and greeted his father

His mother, with gold chains around her neck and a glittering purple dress, looked intently at the son she was there to support, motherly concern all over her face. His father, dwarfed by his son,

stood back listening but silent. His only movement was to press a couple of R50 notes into Barnard's hand

They smiled at something Barnard said and turned and left him alone on the bench.

For the past four months his parents listened as each of the women in his life added strokes to a portrait of Barnard.

Amore Badenhorst told of his drug and alcohol problem. "I want to hurt him like he hurt me."

Brenda Milne left Barnard when he made her life unbearable with his selfish pursuit of drugs, drink, pornography and promiscuity. "He wanted to show within the organisation that he had what it took to be an assassin... he just wanted to be important."

His former wife Maryna Language said: "I believed the man was going to kill me, he told me many, many times and I did not want my child growing up with him."

Barnard has applied for amnesty on several counts but not for the Webster murder because he pleaded not guilty to that charge



VLAKPLAAS AND THE SSC

# Prosecution calls on 'Prime Evil' in PW trial

AP/1/8/13

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(252)

**GEORGE:** Eugene de Kock has been subpoenaed in connection with P W Botha's trial for snubbing the TRC.

**C**APE Deputy Attorney-General Bruce Morrison, who is prosecuting, told journalists at the resumption of Botha's trial yesterday he wanted to hold consultations with De Kock, but declined to say whether the former Vlakplaa hit squad commander would actually testify, or what he wanted to question him about.

De Kock, known to his Vlakplaa colleagues as Prime Evil, testified at his 1996 murder trial that Botha had authorised numerous security force raids into neighbouring countries.

Morrison's only witness to be called thus far, TRC executive secretary Paul van Zyl, resumed earlier testimony indicating that Botha could have authorised the killing of anti-apartheid activists during his tenure as chairperson of the State Security Council Botha held this position from 1978 to 1989.

The TRC wanted to question Botha about whether the SSC had violated international law by authorising clandestine operations against its enemies all over the world, Van Zyl said.

In particular, it wanted to know about the killing of Dulcie September, the African National Congress chief representative in Paris, and the circumstances under which parcel bombs were sent to anti-apartheid activists Ruth First, Michael Lapsley and Jeanette Schoon, Van Zyl said.

He also quoted from minutes of SSC meetings which called for enemies of the state to be eliminated or destroyed. He said the TRC wanted to ask Botha if the SSC's intention had been to authorise

## Botha friend tries to mediate

**GEORGE:** Rimbout Bloem, a fifteen millionaire Boer, Troskie is appointed himself mediator in the dispute between former state president P.W. Botha and the TRC.

But Troskie's efforts to broker a deal yesterday appeared doomed to fail.

Troskie, who described himself as a long-standing friend of Botha's, said he had visited the former president on Sunday and Botha was prepared to enter into discussions with the TRC, but was still unwilling to testify.

Troskie denied rumours that he was bankrolling Botha's legal costs, but said he would consider doing it if he were asked. "I have no mandate to act as arbiter. But it is in the best interests of the country that both parties come to a settlement."

He said he would try to meet TRC chairperson Desmond Tutu today.

The killing of political opponents. The 82-year-old Botha, who wore a dark pin-striped suit and white shirt, showed little emotion during proceedings.

Botha has argued that he and TRC chairperson Desmond Tutu had an agreement that he would be able to answer the TRC's questions in writing and would not have to testify.

## TRC sources said Botha appeared to be sticking to his position that he would only be prepared to hold one-on-one talks with Tutu. The TRC rejected this demand before the start of the trial in April.

Freedom front leader Conrad Viljoen, who attended the trial yesterday, said he was in favour of a settlement, provided Botha was not expected to announce his principles and be manipulated by the TRC.

Court proceedings were briefly interrupted yesterday when a woman, who identified herself as Adelle Pretorius, stood up in court and told magistrate Victor Kung'u she wanted to "serve a summons" on him and on Botha "for ruining my life and the lives of many others".

She walked towards Botha, who was speedily ushered out of the courtroom. — O n C. spondent

fall sentence is considered unlikely given his age.

Under cross-examination by Botha's counsel Lappe Laubscher, Van Zyl said while Tutu had initially attempted to accommodate Botha by allowing him to respond to questions in writing, he had never undertaken to indefinitely "immunise" him from testifying.

Laubscher is to continue questioning Van Zyl today, after which Morrison is expected to call Tutu to the stand.



**RETURN** P W Botha leaves the Magistrate's Court in George yesterday at the re-start of his trial. He is charged with ignoring three subpoenas to appear before the Truth and Reconciliation Commission. **PICTURE AP**

# Webster's murderer says he is braced for life behind bars

ARGUS CORRESPONDENT

(252)

ARL 2/6/98

Pretoria - Ferdi Barnard, killer of academic David Webster, is expecting a long term behind bars as he waits for argument in mitigation of sentence tomorrow.

He was found guilty yesterday of a long catalogue of crimes, including two charges of murder

Although visibly shaken, he told reporters after the guilty verdicts that he was not really shocked

Before judgment began, Barnard was in high spirits as he was led to the dock by police

However, after the judgment, he said he was expecting to get a long jail sentence and that he was prepared for it

"It is something that just happened. It cannot be undone now. There were just so many charges against me

"I can look after myself. Everything is fine in prison. I am sure my family will accept it as well"

He said he did not think he would apply to lodge an appeal at this stage, but that he would still speak to his defence team about the matter

Mr Justice Johan Els and two assessors found Barnard guilty on 25 charges, including two of murder, and the attempted murder of Dullah Omar, now Minister of Justice. He was acquitted on nine charges

Family members and friends of Barnard sighed repeatedly as he was convicted on charge after charge

Significant was the absence from court of the women formerly in his life

Judge Els said Barnard had the direct intent to murder Dr Webster and a friend from the drug underworld, Mark Francis

In a 267-page judgment, the judge said the court had rejected Barnard's version of most of the events

"The accused is an intelligent man who has the ability to tell lies in such a

way that it seems true," he said

Judge Els said he and his assessors found the State had proved beyond a doubt that Barnard killed Dr Webster. Barnard appeared to be a man who was inclined to talk too much, which resulted in damning confessions.

There were 11 State witnesses to whom Barnard had confessed that he had killed Dr Webster. Although he per-

sisted in denying he had made such confessions, the court found that he had

Judge Els said there were sufficient grounds in the circumstantial evidence, improbabilities in Barnard's version and his lack of credibility as a witness to find him guilty of the Webster murder

"We find it highly unlikely that Barnard would have made a confession to 11 different people at different times if it was not true. A month before the murder he practised with a shotgun to shoot out of a moving car. A

month later Dr Webster is shot with a shotgun out of a moving car. What a coincidence," said Judge Els.

He referred to Barnard's persistent claim for years that he could not remember what he had done on May 1, 1989 - the day Dr Webster was gunned down outside his Troyeville home in Johannesburg

"Nine years later he suddenly remembered that he and his long-time friend Calla Botha went jogging. He acknowledged the fact that this was a perfect alibi, yet for years he never mentioned it," said Judge Els

Referring to a conspiracy by the Civil Co-operation Bureau to kill Mr Omar, Judge Els said it was clear that Barnard had tried to murder the present Minister of Justice (then an activist). He said it was possible that the accused wanted to murder Mr Omar himself in order to improve his image in the eyes of the CCB.



Waiting to hear his fate: Ferdi Barnard

# Khotso House bomb: TRC to tackle PW

## Former president implicated in amnesty hearing, court told

(252) ARG R16/98

**JOHN YELD**

**ON THE TRUTH COMMISSION**

This allegation was repeated in a leaked version of Mr Vlok's amnesty application, which has not yet been heard publicly. Bishop Storey worked at Khotso House and visited the scene soon after the blast.

Mr Laubscher told the court the team was "deeply concerned" about this development, because of the increased costs - Mr Storey was being brought from the United States - and because calling them would draw the trial out.

"We are going to object to the calling of these witnesses. Their evidence will be totally irrelevant and we will want to argue about the admissibility (of their evidence) before the costs are incurred."

Prosecutor Bruce Morrison SC, Cape deputy Attorney-General, said it was a case of "the pot calling the kettle black" as far as costs were concerned, because the cost of bringing witnesses was "minimal" compared with what had already been spent defending Mr Botha.

The witnesses would contribute materially to the state's case, Mr Morrison argued.

"The Attorney-General does not lightly take the decision to prosecute an 82-year-old.

"I will definitely call (Bishop) Storey and may call De Kock, and I will lay out the basis for their evidence," Mr Laubscher said.

George - The Truth Commission is preparing to serve a notice on former president P W Botha telling him he has been implicated in an amnesty application related to the bombing of Khotso House.

This was disclosed at Mr Botha's trial in the Regional Court here today by commission executive secretary Paul van Zyl during his cross-examination by Mr Botha's lawyer, Lapa Laubscher, SC.

Khotso House, Johannesburg headquarters of the South African Council of Churches, was wrecked by an explosion in 1988.

Mr Van Zyl also disclosed that the commission had had amnesty applications from a former head of the South African Defence Force, a former police commissioner and "eight or nine" former police generals.

He did not name the applicants, but they are understood to be former Law and Order Minister Adriaan Vlok, police commissioner Johann van der Merwe and SADF head Janus Geldenhuys.

During his cross-examination, Mr Van Zyl also disclosed that there had been an "important breakthrough" in the commission's investigations into cross border raids by the former defence force.

Mr Botha has pleaded not guilty to ignoring a subpoena to attend a Truth

Commission hearing in December into the activities of the State Security Council, of which he was chairman, alternatively hindering the commission.

It was confirmed today that the focus of Mr Botha's trial would switch to the bombing of Khotso House once Mr Van Zyl's cross-examination was completed.

Before resuming his cross-examination, Mr Laubscher told magistrate Viktor Lugaaju that the defence team had learned in the media that the state was considering calling former Vlakplaas commander Eugene de Kock and former Methodist Church head Peter Storey to testify.

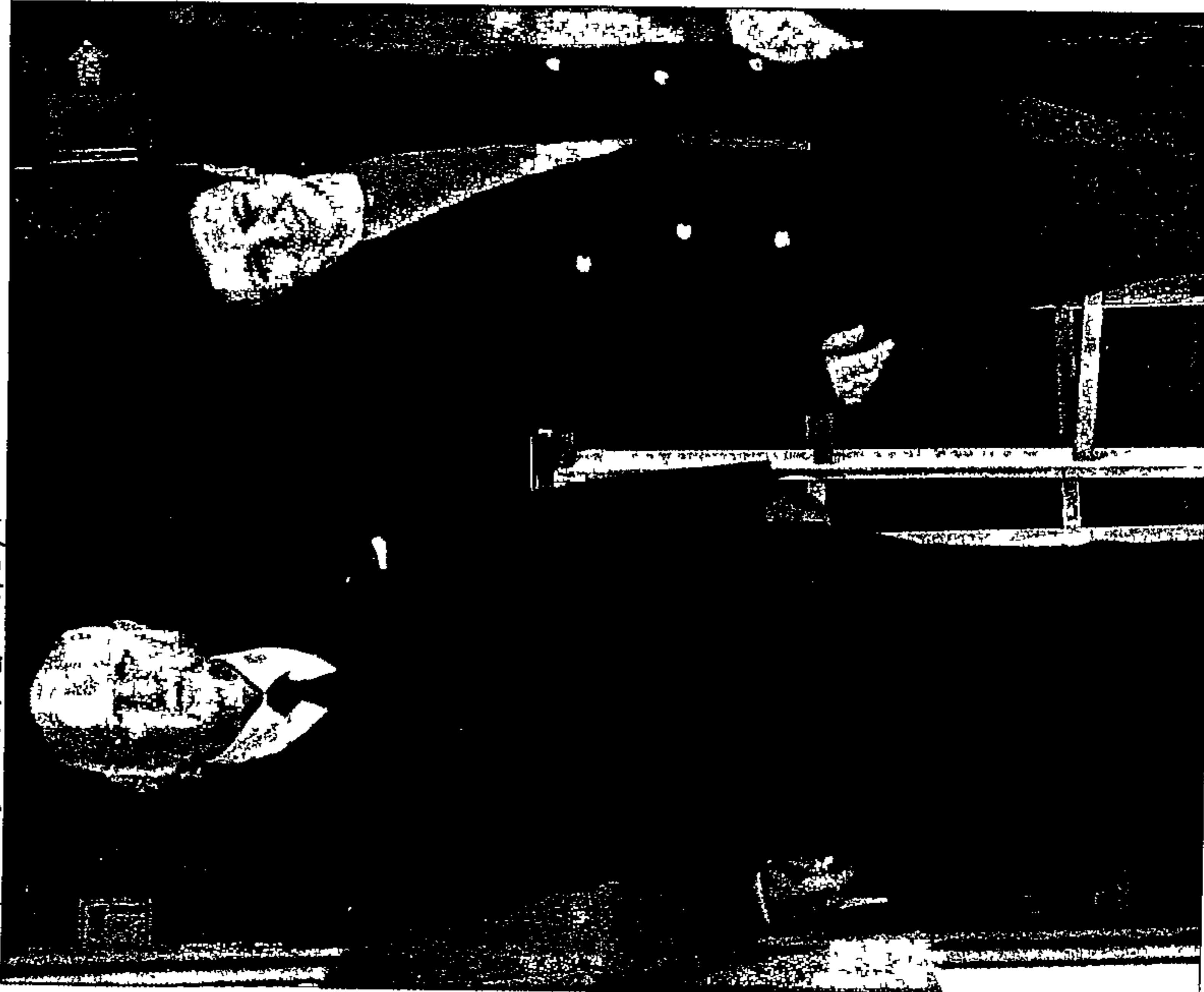
De Kock, who is serving more than 200 years in jail for crimes, including six murders, committed while serving at Vlakplaas, has already told the commission Mr Botha had personally ordered the bombing of Khotso House.

the time police claimed he escaped.

Van Loggerenberg and nine other policemen are seeking amnesty for offences arising from Bopape's death.

Five of the applicants were directly involved in torturing Bopape. They are Lieutenant-Colonel Adriaan van Niekerk, Major Charles Zeelie, Warrent Officer Hendrik Mostert, Sergeant Johan du Preez and Constable Jakobus Engelbrecht.

Van Loggerenberg and Brigadier Schalk Visser are seeking pardon for their role in getting rid of Bopape's body. Retired commissioner General Johan van der Merwe and two other police generals, Gerrit Erasmus and Petrus du Toit, are seeking amnesty



Family matter former president P W Botha leaves the George Magistrate's Court with his daughter, Eianza Maritz

088D ZAWA

## Policeman 'risked crocs to dump body'

Pretoria - A police captain today told the Truth and Reconciliation Commission he was worried he might be grabbed by crocodiles while disposing of Mamelodi activist Stanza Bopape's body.

Leon van Loggerenberg told the TRC in Pretoria that he spent as little time as possible at the scene "I was worried that there might be crocodiles lurking around."

Van Loggerenberg recounted how he rolled Bopape's body into the Komati River between South Africa and Mozambique on the night of June 12, 1988.

Bopape had died earlier under police torture in Johannesburg. At

for having covered up his death.

Van Loggerenberg said the spot where he disposed of the body was teeming with hippos and crocodiles.

He drove from Bronkhorstspuit to the Komati River with Bopape's body in the boot of his car.

In a video shown to the amnesty committee, Van Loggerenberg told investigators "I first shone the lights of the car on the water to make sure the river was clean."

He parked his car at the edge of the water and switched off the headlights.

"I lifted the body out the boot and laid it on the ground. I then rolled it into the river" - Sapa

Colonel 'did not know of bid to tame Goniwe'

Port Elizabeth - The government was losing the struggle against the African National Congress in the Eastern Cape in the 1980s when it was decided to eliminate Matthew Goniwe and three other activists, the Truth and Reconciliation Commission has heard here.

The TRC's amnesty committee is hearing an application for amnesty by six former security policemen who have admitted killing Goniwe, Sparrow Mkhonto, Fort Calata and Sisco Mhlau in Port Elizabeth on June 27, 1985.

Herman Barend du Plessis told the committee the Port Elizabeth area was going up in flames at the time and the security police were finding it impossible to keep the unrest under control.

He believed the government was losing the battle against the ANC, which was gaining ground by the day. Then, as a last resort, it was decided to eliminate activists, who were seen as the ones spearheading revolution.

George Bizos, SC, for the families of the activists, put it to Colonel Du Plessis that at the time of Mr Goniwe's death a high-level government meeting was debating whether or not to reinstate the activist at the school from which he had been suspended as a teacher.

Colonel Du Plessis replied that he never knew of the meeting or of the plan to reinstate Mr Goniwe.

Mr Bizos quoted from government documents which showed that the former minister of national education, Gerrit Viljoen, and of law and order, Louis le Grange, were discussing whether to reinstate Mr Goniwe as a way of keeping him under control.

Colonel Du Plessis said he never knew of the idea but would have opposed it because it would have done nothing to stop the unrest.

The other policemen applying for amnesty, and who have already testified, are General Nico van Rensburg, Colonel Harold Snyman, Captain Sakkie van Zyl, Lieutenant Eric Taylor and Sergeant Gerhardus Lotz.

The hearing continues - Sapa

Family matter former president P W Botha leaves the George Magistrate's Court with his daughter, Eianza Maritz

088D ZAWA

## Former security policeman tells TRC about order to kill Goniwe

Port Elizabeth - The final order to kill United Democratic Front activist Matthew Goniwe was probably given by way of a coded message or a scrambled telephone call, a former member of the security police intelligence unit told the Truth and Reconciliation Commission yesterday.

Major Jacob Jan van Jaarsveld told the TRC's amnesty committee in Port Elizabeth he believed the security authorities at the time would never have given an order of that nature in writing.

Van Jaarsveld was testifying at a hearing in which six former security policemen are applying for amnesty for the murder of Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlahi on June 27 1985.

Van Jaarsveld was called as a witness by George Bizos SC, appearing for families of

(252) Stan 3/6/98  
the deceased, and told the hearing that the inner workings of the security system at the time had been extremely complicated.

"I would need a very long time to explain to you how they worked," he said.

In 1985, after studying the ANC's revolutionary strategies, the government initiated a counter-revolutionary unit called Trewits, which operated secretly.

Van Jaarsveld said Trewits was responsible for identifying targets and recommending strategies for dealing with them. He said it was possible that Trewits might have given the order to kill the Cradock Four, but he could not say for sure.

"It's still not clear to me how they operated and who were the people involved. The people who may know these answers have not come forward," he said.

Replying to questions

about a signal sent from the Eastern Cape Joint Management Centre to the State Security Council in which the "permanent removal from society" of Goniwe is mentioned, Van Jaarsveld said this appeared to him to be a proposal to have Goniwe killed.

He said that if the final order to go ahead with the elimination had been given, it would not have appeared in writing. He said the security establishment at the time had technology that could send messages in a coded form or by way of a scrambled telephone call.

Van Jaarsveld also told the committee he had been sent by his superior, Major Craig Williamson, to the Eastern Cape to look into the possibility of eliminating Goniwe a year before the Cradock Four were murdered.

The hearing continues today - Sapa

# Ex-police chief tells of state terror

Star 3/6/98

(252)

Commissioner admits covering up death in detention, and involvement in cross-border raids and bombing of buildings

BY SIMON ZWANE

The apartheid government's top policeman, commissioner Johann van der Merwe, yesterday confessed to involvement in a range of dirty tricks which included crimes inside and outside South Africa, coverups, and the bombing of buildings which housed anti-apartheid organisations.

Even before taking over the reins as head of the police, Van der Merwe was already involved in illegal action, he told the Truth and Reconciliation Commission in Pretoria yesterday.

As commander of the security branch in June 1988, he conspired with the notorious John Vorster Square security police to cover up the 1988 death in detention of Mamelodi civic activist Stanza Bopape.

He also misinformed his bosses, then-commissioner Johann Coetzee and former law and order minister Adriaan Vlok, about the circumstances surrounding the activist's disappearance.

Van der Merwe also admitted that security police were involved in organising cross-border raids and violent acts in the country to discredit the liberation movements.

Coetzee and Vlok were told that Bopape had escaped from custody while being transported by the police, and had fled the

country. This was a false story created by Van der Merwe and former head of the security police at John Vorster Square, General Gerrit Erasmus.

Van der Merwe conspired with Erasmus to arrange a bogus escape on June 12 to conceal Bopape's death.

Van der Merwe, Erasmus and eight other former policemen are seeking amnesty for Bopape's death. Five officers who took part in the interrogation of the activist have testified that he died of a heart

## Coverup for officers who killed Bopape

attack while they were administering electric shocks.

These officers - Johann du Preez, Lieutenant-Colonel Adriaan van Niekerk, Major Charles Zeelie, Warrant Officer Hendrik Mostert and Constable Jakobus Engelbrecht - have also testified how a bogus escape was staged near De Dur in the Vaal Triangle to conceal the death.

Two other officers - Brigadier Schalk Visser and Captain Leon van Loggerenberg - have informed the committee that Bopape's body was disposed of

by throwing it into the crocodile-infested Komati River on the Mozambique border.

Van der Merwe, Erasmus and General Petrus du Toit are expected to provide details on how the death was covered up for 10 years.

Van der Merwe also admitted that he organised the 1987 bombing of Cosatu House with Vlakplaas operatives. The decision to blow up the building was taken by himself and Vlok.

Van der Merwe also organised with Vlakplaas operatives to bomb Khotso House, which housed the South African Council of Churches. He said the decision was taken by former state president P W Botha, who gave the order to Vlok.

Van der Merwe was unrepentant as he told the amnesty committee that the security police had played an important role in defending the lives of the country's citizens.

"There was an undeclared war, and the ANC and South African Communist Party alliance wanted to take over power by force. It was the responsibility of the authority to defend the country," he said.

Seventeen members of the South African Police and 98 security branch members were killed in this war, he said.

► More reports

# 'Govt told police to commit illegal acts'

PRETORIA — The former government ordered security police to commit illegal, including bogus terrorist attacks, to fight the African National Congress (ANC), retired police commissioner Gen Johan van der Merwe told the truth commission yesterday.

"In 1988, the security police was the only line of defence against total anarchy in the country," Van der Merwe testified in the amnesty application by him and nine other policemen for offences arising from the death of Mamelodi activist Stanza Bopape on June 12 1988.

Bopape died under police torture, but police secretly disposed of his body and claimed he had escaped.

Van der Merwe headed the security police at the time.

Five of the applicants were directly involved in subjecting Bopape to electrical shocks. They are Lt-Col Adriaan van Niekerk, Maj Charles Zeelie, W/O Hendrik Mostert, Sgt Johan du Preez and Const Jakobus Engelbrecht. Brig Schalk Visser and Capt Leon van Loggerenberg are seeking pardon for their role in getting rid of Bopape's body.

Van der Merwe and two other former police generals, Gerrit Erasmus and Petrus du Toit, were involved in covering up Bopape's death.

Van der Merwe said the months preceding Bopape's death had been worse than a conventional war.

The ANC/SA Communist Party had embarked on a full-scale people's war, seeking to mobilise the masses against the government. It also used intimidation to compel moderate blacks to join the revolution, he said.

"This was an undeclared war in which the enemy operated outside the Geneva convention." The government ordered the security police to commit acts outside the law. Former law and order minister Adriaan Vlok, for example, instructed police to blow up Cosatu House in Johannesburg.

He said Vlok later told him that former state president PW Botha also wanted the Johannesburg offices of the SA Council of Churches, Khotso House, destroyed as well.

Both operations were planned and carried out by members of the Vlakplaas security police base.

The aim of bogus terrorist attacks, Van der Merwe said, was to create a climate for justifying cross-border raids on ANC bases.

The Bopape family's legal representative, Gys Rautenbach, earlier asked the amnesty committee to subpoena Vlok to testify. "We have to know whether it was only the police or the politicians as well," Rautenbach said.

The committee decided to give a ruling on the matter only after all the evidence had been heard.

Capt Van Loggerenberg testified that he was worried he might be grabbed by crocodiles while disposing of Bopape's body. He said he rolled Bopape's body into the Komati River between SA and Mozambique on the night of his death. "I later visited the place again for braais," Van Loggerenberg said. — Sapa.

## Sanco demands taxi regulation

THE SA National Civics Organisation (Sanco) called yesterday for immediate regulation of the taxi industry to end violence and hinted at boycott action.

Government had to protect the poor who were most affected. People used minibus taxis because public transport was inadequate. Lack of regulation led to "mad capitalism" and "extreme" competition.

"We cannot allow our people to be maimed, killed and become victims of a war that has no end," it said.

Sanco called on Transport Minister Mac Maharaj for a single industry association with which all minibus taxis would have to register. It also urged business, which punished workers for lateness and absenteeism to become involved. — Sapa.

## Slating of equity bill 'based on ignorance'

Reneé Grawitzky

FEARS of affirmative action should not result in unnecessary criticism of the Employment Equity Bill, Arthur Andersen's employment law unit head William Berry said yesterday.

Berry said negative criticism was based partly on the fact it had not been read properly.

The bill proposed a great deal of flexibility and encouraged em-

ployers to find their own solutions to employment equity, he said. Affirmative action was central to the democratisation of the workplace.

Government had initially adopted a hands-off approach and made some provision for affirmative action in the Labour Relations Act. This did not, however, facilitate sufficient progress in implementing programmes, he said.

The bill currently facing debate in Parliament was an attempt to

get employers to implement programmes without too much government interference, and if this did not work government might be forced to implement quotas.

The Employment Equity Bill and the Skills Development Bill have yet to be tabled as they are facing approval by the state law adviser. It is understood public hearings will be held on the bills after the parliamentary recess near the end of July.

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# Truth body probes rights abuse accusations against PW

Taryn Lambert

**GEORGE** — The truth commission succeeded yesterday in probing allegations of gross human rights violations against former state president P.W. Botha in the George Regional Court, where witnesses of the 1988 bombing of Khotsiso House were called to give evidence.

Botha, who is facing charges of ignoring at least one commission subpoena in December last year, has been implicated in the bombing of the SA Council of Churches head office in central Johannesburg by former law and order minister Adriaan Vlok.

Vlok, who has applied for amnesty for the bombing, said the orders to bomb Khotsiso House came directly from Botha.

Witnesses — including security guard

Welcome Ntumba, injured in the blast, and former council president the Rev Peter Storey — were called to the stand yesterday by deputy attorney-general Bruce Morrison, SC, who is prosecuting the case. Former Vlakplains commander Eugene de Kock has been subpoenaed and is expected to arrive in George today.

Botha's counsel "Lappé" Laubscher, SC, objected to the witnesses' evidence on the bombing, because it was "irrelevant" to Botha's charge of flouting a subpoena.

In a written submission to the commission, Botha said the allegations against him were "incorrect and based on untested, unconfirmed and unsubstantiated hearsay evidence".

He said he had been advised that damage to property did not constitute a gross violation of human rights and thus fell outside the ambit of

the commission's investigations.

Laubscher conceded yesterday that the commission was entitled to ask questions about the bombing, but said that by calling the witnesses, the state would be "wasting time".

"We are deeply concerned about costs. We wouldn't want to see public funds go to waste if the case is drawn out. Mr Botha doesn't have the funds available," he said.

Magistrate Victor Lugany allowed the state to call the witnesses because it was "important to know what happened at Khotsiso House".

Storey painted a dramatic picture of the "utter devastation" left by the blast which occurred in the early hours of August 31 1988.

He said he had entered a Methodist mission station housing disabled pensioners across the street from Khotsiso House and saw residents

emerging from their rooms covered in blood with lacerated forearms and faces. "I couldn't understand at first how anyone survived."

Botha's former bodyguard, Andries Botes, testified that he had driven Botha to the guest house of his former fiancée Renette Te Water Naude in Graaff-Reinet for two days at the end of November last year.

Botha has accused the commission of being malicious for subpoenaing him when it was known that he could not travel for three months after a hip operation. In April, Botha rejected the commission's offer of an in-camera hearing at his home town, George, opting to face prosecution instead.

Reuter reports that commission executive secretary Paul van Zyl said yesterday Botha had led a state whose servants — from top po-

lice commanders to the courts — covered up gross human rights abuses.

Van Zyl said the institutions of law and order had failed black South Africans. He rejected assertions from Botha's lawyers that apartheid-era police had investigated complainants of torture or murder, and that the courts had not shown bias against anti-apartheid activists alleging torture.

Instead, Van Zyl said the truth body had evidence police "sweepers" were called in to disperse of activists' bodies and hide police involvement in their killings.

Van Zyl, the commission's main witness, also lashed out at SA's courts for their role in propping up apartheid.

If convicted of contempt, Botha faces a fine of up to R20 000.

PH 3/6/98

(17)

# Witness tells PW hearing of blood, dust and dazed people

(2012) Star 7/16/98

ANNA ZIEMINSKI / AFP



**Hello, Dad ... former apartheid-era president P W Botha kisses his daughter Elanza Maritz as they leave the Magistrates' Court in George at the end of the session yesterday, the second day of the resumption of his trial for refusing to testify before the TRC.**

**BY ROBERT BRAND**

George - When Methodist minister Peter Storey arrived at Khotso House minutes after the building had been rocked by a bomb blast, he was greeted by "a scene from hell", the George Magistrates' Court heard yesterday.

"The street was covered in rubble, glass and twisted metal ... people were wandering around, covered in dust and blood," Storey said.

He was testifying for the state in the trial of former state president P W Botha, who allegedly ordered the bombing in 1988.

Botha is facing charges of defying a TRC subpoena to answer questions about Khotso House and other incidents during his term as state president. He claims that the commission had no reason to subpoena him because it had agreed that he could answer in writing to written questions.

Botha's lawyer, Lapa Laubscher SC, objected strongly when prosecutor Bruce Morrison called Storey and another Khotso House witness, former security guard Welcome Ntumba, to the stand.

Laubscher argued that their evidence was irrelevant to the charges against Botha. But magistrate Victor Lugaju dismissed the objection after Morrison had argued that the evidence was vital to show that the TRC had sufficient cause to subpoena Botha.

In an amnesty application before the TRC, former police minister Adriaan Vlok claims that Botha had authorised the bombing of Khotso House, then the headquarters of the South African Council of Churches, in 1988.

The bombing was carried out by three policemen, among them former Vlakplaas commander and state assassin Eugene de Kock, who has applied

for amnesty for the incident. De Kock, who is serving 212 years after being convicted of several murders, has also been subpoenaed by Morrison and might testify today.

TRC executive secretary Paul van Zyl said that when Vlok's amnesty application is heard soon, a notice would be served on Botha informing him that he would be implicated in the Khotso House blast.

Botha has denied involvement in the attack and, in written answers to questions by the

TRC, claimed that the incident amounted to "damage to property" and did not constitute a gross violation of human rights.

But Storey painted a different picture. A number of people, including Ntumba, were injured, he said.

At the Methodist old-age home in a building across the road, pensioners were "wondering about in their night clothes in a daze".

"Some of them were bleeding, their faces and forearms

had been lacerated. I went into each apartment which faced (Khotso House) ... what I saw horrified me when I thought how close these people must have come to death. Windows were blown in, beds and floors were covered in glass. I couldn't understand how anybody had survived."

Ntumba, who was on duty in the foyer of Khotso House on the night of the blast, described how three uniformed policemen had come to the door and asked to be let in. When he re-

fused, one of them went into the basement garage.

Minutes later, he heard a "sound like lightning". The floor of the foyer caved in, and he fell into the basement, sustaining back injuries.

Activist Shirley Gunn was detained after the blast and accused by Vlok in Parliament of having caused it. She is now suing Vlok for damages, alleging that he knew at the time that the police were responsible.

The case continues.



# PW: Bomb did not violate human rights

**GEORGE:** Former law and order minister Adnaan Vlok, in his amnesty application, has accused P W Botha of authorising the bombing of Khotso House. **ROBERT BRAND** reports.

ET 7/6/98 (M2)

**W**HEN Methodist minister Peter Storey arrived at Khotso House minutes after the building had been rocked by a massive bomb blast, he was greeted by "a scene from hell", the George Magistrate's Court heard yesterday.

"It was utter devastation. The street was covered in rubble, glass and twisted metal people were wandering around, covered in dust and blood," Storey said.

He was testifying for the state in the trial of former state president P W Botha, who allegedly ordered the bombing in 1988.

Botha is facing charges of defying a Truth and Reconciliation Commission subpoena to answer questions about Khotso House and other incidents during his reign as state president. He claims the commission had no reason to subpoena him because it had agreed that he could answer in writing to written questions.

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ness, former security guard Welcome Ntumba, to the stand.

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*It was utter devastation.*

*People were wandering around covered in dust and blood*

In an amnesty application before the TRC, former minister of law and order Adnaan Vlok claimed that Botha had authorised the bombing of Khotso House, then the headquarters of the SA Council of Churches, in 1988.

The bombing was carried out by three policemen, among them former Vlakplias commander and state assassin Eugene de Kock, who has applied for amnesty for the incident.

De Kock, who is serving a 212-year prison sentence after being convicted of several murders, has also been subpoenaed by Morisson and may testify today. TRC executive secretary Paul van Zyl said a notice would soon be served on Botha telling him he would be implicated in the Khotso House blast when Vlok's amnesty applica-

tion was heard.

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But Storey painted a different picture. A number of people, including Ntumba, were injured, he said. At the Methodist old-age home in a building across the road, pensioners were "wandering about in their nightclothes in a daze".

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Ntumba, who was on duty in the foyer of Khotso House on the night of the blast, described how three uniformed policemen had come to the door and asked to be let in. When he refused, one of them went into the basement garage, Ntumba said.

Minutes later, he heard a "sound like lightning". The floor of the foyer caved in, and he fell into the basement, suffering back injuries.

Activist Shirley Gunn was detained without trial after the blast and accused by Vlok in Parliament of having caused it. She is now suing Vlok for damages, alleging that he knew at the time the police were responsible. The case continues.



**PRESSURE BUILDS:** Former state president P W Botha arrives at court in George yesterday.

PICTURE: AP

EX-POLICE CHIEF IMPLICATES PW

# Commissioner of terror and lies

**JOHANNESBURG:** Top policemen conspired to deceive their superiors into thinking that an activist in their custody had escaped, Van der Merwe claims. In fact Stanza Bopape had died of a heart attack while being tortured with electric shocks. **SIMON ZWANE** reports.

**T**HE apartheid government's top policeman Johann van der Merwe yesterday confessed to his involvement in a range of "dirty tricks", including conniving with death squads to commit crimes inside and outside South Africa, organising cover-ups and bombing buildings housing anti-apartheid organisations.

He also repeated former minister of law and order Adriaan Vlok's allegation that then-president P W Botha had ordered the bombing of Khotso House, which housed the South African Council of Churches.

He was involved in illegal activity even before taking over the reins of the police force, Van der Merwe told the Truth and Reconciliation Commission in Pretoria.

As commander of the security branch in June 1988 he connived with the John Vorster Square security police to cover up the death in detention of Mamelodi civic activist Stanza Bopape and deliberately misinformed his bosses, the then-commissioner of police Johann Coetze, and Vlok, about the circumstances surrounding the activist's disappearance.

Van der Merwe also admitted that security police were involved in organising cross-border raids and staging violence in the country to discredit the liberation movement.

Coetze and Vlok were told that Bopape had escaped from custody while being transported by police and fled the country. This was a false story created by Van der Merwe and former John Vorster Square head Gerrit Erasmus.

Van der Merwe conspired with Erasmus to arrange a bogus escape on Sunday June 12, 1988. "General Erasmus phoned the same night and informed me that Mr Bopape had escaped. That confirmed that the mock escape had been carried out," he told the committee.

Van der Merwe, Erasmus and eight other former policemen are seeking amnesty for Bopape's death. Five officers who took part in the interrogation of the activist have testified that he died of a heart attack while they were administering electric shocks to his body.

These officers — Lieutenant-Colonel Adriaan van Niekerk, Major Charles Zeelie, Warrant Officer Hendrik Mostert, Sergeant Johan Du Preez and Constable Jakobus Engelbrecht — have also testified how a bogus escape was staged near De Deur in the Vaal Triangle to conceal the death.

Two other officers, Brigadier Schalk Visser and Captain Leon van Loggerenberg, have informed the committee that Bopape's body was disposed of by throwing it into the crocodile infested Komati River

(257) CT 3/6/98  
*There was an undeclared war and the ANC and South African Communist Party alliance wanted to take over by force. It was the responsibility of the authorities to defend the country*



**DIRTY TRICKS:** Van der Merwe

on the Mozambique border.

Van der Merwe also admitted that he organised the 1987 bombing of Cosatu House with Vlakplaas death squads. The decision to blow up the building was taken by himself and Vlok. "We had information that the building was used for underground activities and it played an important role in planning acts of terror," he said.

The killing of scab labourers by striking members of the Cosatu-affiliated South African Railway and Harbour Workers' Union shortly before the bombing had also influenced Van der Merwe and Vlok in their decision.

Van der Merwe also arranged for Vlakplaas operatives to bomb Khotso House. He said the decision was made by Botha, who gave an

order to Vlok. Botha is currently on trial in George for defying a subpoena by the TRC to explain the role of the State Security Council in the deaths of political activists and the destruction of property.

Van der Merwe told the amnesty committee that the security police had played an important role in defending the lives of the country's citizens.

"There was an undeclared war and the African National Congress and South African Communist Party alliance wanted to take over by force. It was the responsibility of the authorities to defend the country," he said. Seventeen members of the police and 98 security branch members were killed in this "war", he said.

● See Page 3

# General 'dismayed' by death of Bopape

CT 5/6/98 (252)

PRETORIA: A retired police general yesterday recounted his dismay upon learning in June 1988 that Mamelodi activist Stanza Bopape had died under police torture.

"I was shocked and upset when I heard that his death was caused by electrical shocks," Petrus du Toit told the Truth and Reconciliation Commission here.

He said he had been opposed to the torturing of detainees. Du Toit later examined Bopape's face for injuries.

Du Toit, at the time a colonel in the security police, said he would have instituted disciplinary steps against those responsible if he had found any marks on Bopape's body.

Du Toit and nine other policemen have applied for amnesty for offences arising from Bopape's death in Johannesburg on June 12, 1988.

Police concealed Bopape's death by saying he had escaped while being escorted to Vereeniging. His body was secretly dumped in the crocodile-infested Komati River between South Africa and Mozambique.

Five of the applicants were directly involved in subjecting Bopape to electrical shocks. They are Lieutenant-Colonel Adriaan van Niekerk, Major Charles Zeelie, Warrant Officer Hendrik Mostert, Sergeant Johan du Preez and Constable Jakobus Engelbrecht.

Brigadier Schalk Visser and Captain Leon van Loggerenberg seek pardon for their role in getting rid of Bopape's body.

Former police commissioner Johann van der Merwe and one other former police general, Gerrit Erasmus, along with Du Toit, were involved in covering up Bopape's death.

Du Toit said Erasmus had telephoned him on the evening of June 12, asking him to attend a meeting at John Vorster Square in Johannesburg. Erasmus, Van Niekerk and Zeelie attended.

"They told me that Bopape died of a suspected heart attack while receiving electrical shocks and said that a mock escape had to be staged the same night."

It was arranged that Du Toit would be informed once the fake escape was completed. His task was to inspect the scene, alert the detective branch that the activist had "escaped" and report to police head office.

Du Toit said he went along with the plan in view of the political climate at the time. News of Bopape's death would have caused a range of problems for the police and the former government.

The amnesty hearing adjourned until today to give the legal representatives of the parties an opportunity to study documents.

Counsel for the Bopape family is to cross-examine the three generals — Sapa



## Issues on Goniwe remain

PORT ELIZABETH: The Truth and Reconciliation Commission's amnesty hearings into the murder of the Cradock Four ended here yesterday with many unanswered questions about the incident in 1985.

Six former Eastern Cape security policemen are applying for amnesty for the murder of Matthew Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlauli of the United Democratic Front on June 28, 1985.

General Nico van Rensburg, Colonel Harold Snyman, Major Herman du Plessis, Captain Izak van Zyl, Lieutenant Eric Taylor and Sergeant Gerhardus Lotz will certainly be brought to trial if they do not get amnesty.

At the end of the hearing, committee chairman Judge Ronnie Pillay called on the lawyers representing the various parties to apply their minds to some of the questions raised during the inquiry.

The lawyers will present arguments to the committee in writing by July 7.

Pillay said the questions that needed to be addressed were:

- Who gave the order to kill Goniwe;
- When and where was the murder planned;
- Did the applicants make full disclosure about the incident, and
- Was Mhlauli an activist at all

The problem of who gave the order for the elimination of the four was made more difficult because five of the policemen said it came from their commanding officer, Snyman, who did not testify.

He is too ill to leave his sickbed, according to his doctors.

The committee devoted a great deal of time to the death of Mhlauli, who was a school principal from Oudtshoorn and had been visiting his home town of Cradock.

The policemen insist that he was also a UDF activist, but there was evidence that the security police had no file on Mhlauli.

George Bizos, SC, for the families of the deceased, called former South Western Cape UDF chairman Reg Ohfant, who testified that Mhlauli had never been actively involved in politics. — Sapa

# De Kock links PW to bombing

*Prime Evil testifies*  
ARC 3/6/98 (252)

**JOHN YELD**  
ON THE TRUTH COMMISSION

**George - Former Vlakplaas commander Eugene de Kock today implicated P W Botha in the 1987 bombing of Cosatu House in Johannesburg.**

He also testified he had direct orders to shoot uniformed police if they interfered in the operation to bomb Khotso House, headquarters of the SA Council of Churches, in August 1988

De Kock has previously testified on hearsay evidence about Mr Botha's involvement in the Cosatu House bombing

Now serving 212 years for a string of murders, De Kock was testifying in the Magistrate's Court trial here of the former state president.

Mr Botha has pleaded not guilty to a charge of ignoring a subpoena to appear at a Truth Commission hearing in Cape Town last December

His former law and order minister, Adriaan Vlok, former police commissioner Johann van der Merwe and De Kock have all said he gave a direct order for Khotso House to be destroyed

Mr Botha's advocate, Lapa Laubscher, SC, objected to De Kock's being called, saying his evidence was irrelevant. His objection was overruled

At a previous Truth Commission hearing and during his criminal trial for the murders, De Kock testified he had been told by his commanding officer, Brigadier Willem Schoon, that Mr Botha had given the order to blow up Khotso House

However, Mr Laubscher told the court today he would object whenever De Kock appeared to be giving hearsay evidence

In his testimony, De Kock said the initial order to destroy Khotso House - after an earlier bid by policeman Charles Zeelie had failed - had been conveyed to him by Captain Zeelie from General Gerrit Erasmus

De Kock then referred to Cosatu House, which had been also been damaged by a bomb planted by a Vlakplaas team planted in 1987

He said he had been ordered by Brigadier Schoon to blow up the building. He had been "truly surprised", as it was the first time that they had been ordered to undertake an

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P.T.O.

**Final wage, semi-skilled** Wages for workers from community but in supervisory, managerial or other more skilled positions where wages are higher than for main workforce

**Labour disputes:** List any work stoppages or other incidents where there were labour disputes and how issue was resolved. If there were none, indicate this

## TRAINING DATA

**Name of Training institution** Organization responsible for conducting training

**Type of training** Which of the following types NGO course off-site, private sector course off-site, government course off-site, on-the-job training Mention all if there were two or more

**# Training-days:** Total number of days of training received by all workers on the project, including off-site and on-the-job training

**Training content** Nature of training given, e.g bricklaying, bookkeeping, first aid, etc

**Training before or after project start date?:** Indicate whether training for the project was done before or after the project start date stated above

## OTHER

**Maintenance/Management Arrangements** Name of body - government department (local or other), NGO, CBO, etc that has formally agreed to take responsibility for maintaining and managing assets over long term

**Is infrastructure being adequately maintained?** Answer Yes/No

**Second-round effects** Economic or social activities undertaken as a later result of initial project, e.g hawkers using informal market structures, new development activity by former project committee

**Comments** Any other points about the project that are important or interesting

'Orders to  
kill anyone  
in the way -  
even cops',  
AKG 3/6/98  
(252)

from page 1  
operation like that on South African soil, and he had wanted to know where the orders had come from. "I wanted to make sure what our cover was - how high it went - because we are talking major terrorism."

After a week-and-a-half of reconnaissance, he had been called in by Brigadier Schoon and told there was impatience at the delay in carrying out the operation.

Asked by prosecutor Bruce Morrison to state what his response had been to Brigadier Schoon, De Kock replied: "My reaction was that if Mr Botha wanted to blow up the building and felt he could do it better, he should do it himself."

De Kock said the operation to blow up Khotso House had been done by a team of about a dozen Vlakplaas operatives, backed up by other policemen. They had been armed with Uzi sub-machineguns and two grenade launchers, while the back-up team had been armed with AK47s.

They had initially planned to use 150kg of explosives from the Eastern bloc, but he had reduced this to about 60-90kg because he was concerned that the explosion would be powerful enough to destroy or damage the surrounding flat blocks.

De Kock said they had not intended to kill anyone during the operation, but they had foreseen this possibility.

The Vlakplaas team would have killed anyone who got in the way of the operation - including police in uniform. "This came directly from General Erasmus," De Kock said.

The trial continues.

Prisoners given a reprieve by the revocation of the death sentence may have had their lives saved, but they are still plagued by conditions over which they have no control, writes Cathy Powers

# End to gallows doesn't mean an end to uncertainty

(AP) Star 4/6/98  
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**E**very Friday at 7am the crash of the gallows trapdoor echoed through the walls of Gert Swart's Pretoria Central prison cell. This was the weekly test warders conducted to ensure the noose was ready for the next victim.

Thirty-nine-year-old Swart shudders in his olive-green prison uniform and grimaces as he remembers the low hum of the iron bars, always accompanied by the fear that one day he would get his "seven days' notice" and be the next to hang.

"The warders would mock us. Sometimes at two in the morning they would tell us the sheriff was coming and we were next," he said. "Then we felt that shock (of when we were first sentenced) again."

Swart and a friend were sentenced to death in March 1990 for murdering a hitchhiker. His co-accused was trying to get out of going to the army and together they concocted a hare-brained scheme to fake the friend's death. After a drinking spree with a hitchhiker they drugged the man and blew up his car.

The day he got the death sentence is still a palpable memory. "I felt the blood leave my face. My wife was sitting directly behind me. My sister was there as well. She just screamed 'Oh, my God'."

A former ambulance department employee, Swart doesn't live under the fear of the noose any longer. In 1995 the death sentence was declared unconstitutional and capital punishment was struck off the books. "We were all in the courtyard and the radios were on loud when the announcement was made," he remembers. "Some people just fell on the floor and started praying, some started crying, some just hugged each other."



SIAC 4/6/98

Pic 2

Swart's voice rises as he relives the excitement. "My first thought was, now I'm going to be able to hold my wife and children again."

David Nkuna, a fellow death row prisoner, also remembers the joy "I just fell down and rolled on the floor," he says.

But the euphoria was short-lived. Gone is the uncertainty of when death would be handed out to them, but former death row prisoners are still in limbo as they wait to be re-sentenced. They don't know when this will be. All they have to rely on are promises from ministers and circulars from the Legal Aid Board. Sometimes, in giving them some vague and nameless hope, this limbo is worse than the death sentence, Swart says.

Willie Hofmeyr, acting

chairman of the portfolio committee on justice, envisages that the re-sentencing of the 453 people still theoretically on death row will be finished within 18 months. The legisla-

tion dealing with re-sentencing deals with three categories:

Those whose sentences were confirmed by the Supreme Court of Appeal and have exhausted all legal remedies will be sent back to the original trial court. There is no appeal against this sentence, although there is a possibility of review in the event of a wrong procedure having been used, he said.

People who have appealed against their sentence and not their conviction will be sent back to the full Bench of their original court. The full Bench will then impose a new sentence which can be appealed against. A further appeal is unlikely, however, said Hofmeyr.

The Supreme Court of Appeal will impose new sentences in cases where the appeal is against both conviction and sentence or in cases where the Supreme Court of Appeal has partly heard the appeal

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This may seem unnecessarily complicated. "We were worried about the burden on courts that were already overburdened," Hofmeyr said. "This was a way of short-circuiting and speeding up the process."

The Judicial Matters Amendment Bill, dealing with a technical clarification within the legislation on re-sentencing, the bulk of which is contained in the Criminal Law Amendment Act, was passed by the National Assembly recently and is expected to be put into operation within a few weeks, Hofmeyr said.

Away from the statute books and parliamentary debates, this legislation is unlikely to have much of an effect on the prisoners around the country save to give them a vague thread of hope.

The actual abolition of capital punishment, however, brought some tangible changes

"There was a lot of loosening up (of the rules)," Swart said. "It gave us hope."

Life on death row was devoid of books (other than the Bible), television, radio contact with other people was prohibited for 23 hours a day. A one-hour period afforded death row prisoners a walk - in silence - around the prison courtyard, Nkuna says. Prisoners had to endure many a sleepless night with the lights left on all the time.

"That is why they called them the condemned cells. To sit 23 hours like this" - Nkuna hunches over, arms folded - "without listening to a radio, without reading a book."

"On the white side," Swart interrupts, "the radio was on so loud it blew you out of your mind."

Now some of those awaiting re-sentencing are allowed contact visits. Books, radios and

televisions have become the norm. The uncertainty over the years since Swart was sentenced eight years ago and Nkuna in 1992 has come close to quite literally driving them mad.

But the people Swart sympathises with most are the people who don't have family to visit them. Although all death row prisoners were moved from Pretoria Central Prison to prisons closer to their families after the death sentence was scrapped, 37-seven year old Nkuna was unlucky. A former Frelimo captain, this softly spoken Mozambican was sent to South Africa to assassinate a target with Renamo connections.

"For people with no visitors life is very difficult," he says. "I'm always busy reading books, watching TV. It's a strategy I use as a way of escape. For the past eight years I have

never seen my relatives, so that brings a lot of pain to me."

Replies to his letters can take three months or more, he says, making the interminable wait until he is re-sentenced and can apply for extradition seem longer. His anger at having to wait indefinitely to be re-sentenced is understandable. The 1995 ruling by the Constitutional Court was a false hope he didn't need in what was already for him a hopeless situation.

"Imagine the trauma we've been through," says Nkuna. "We are not normal any more." Not that he is under any illusion of a miraculous pardon when he is re-sentenced. With the gallows trapdoors silent and the noose limp and empty, all Nkuna holds on to is the dream of seeing his mother before he dies.

Once the wait in limbo is

Page 3



## The life of the death sentence

STAR 4/16/98

**1910:** Capital punishment was on the law books since the Union was formed.

**1977:**

The Criminal Procedure Act 1977 obliged a court convicting a person of murder to impose the death sentence except if the person was under 18 years old, the person was a woman convicted of the murder of her newly born child or there were extenuating circumstances.

Capital punishment could also be imposed for crimes such as treason, kidnapping, rape and robbery with aggravating circumstances.

**1989:**

Last execution on November 14.

**1990:**

Former State president FW de Klerk de-

clared a moratorium on February 2. This only applied to the execution of people who were sentenced to death and did not prevent the courts from imposing the death sentence.

**1990:**

The Criminal Law Amendment Act 1990 did away with the compulsory imposition of the death sentence and gave the High Court the discretion to impose the death sentence in "appropriate" cases.

This also gave a person sentenced to death the automatic right to appeal.

**1995:**

The Constitutional Court declared capital punishment inconsistent with the Constitution in State v Makwanyane.

All those being kept on death row were to remain in custody until their sentences were set aside.



# Dumping Bopape in river 'a good idea'

PRETORIA — It had been an excellent idea to dispose of Mandlodi activist Stanza Bopape's body in a river, retired police commissioner Gen Johan van der Merwe told the truth commission yesterday.

Bopape died under police torture in Johannesburg on June 12 1988, apparently of a heart attack caused by electric shocks.

Later that day Van der Merwe, then head of the police security branch, was informed of Bopape's death by former police general Gerrit Erasmus.

The two men decided that the corpse had to be disposed of. To bury it would have taken a long time, and disrupted soil would have

raised the curiosity of passersby, Van der Merwe said.

"The simplest plan is usually the best. The way in which Capt (Leon) van Loggerenberg acted was excellent." After giving permission for Bopape's body to be disposed of, he did not check that it had been done, he said.

He said members of the security branch were imaginative, and he was sure they had "done it properly". They were experienced enough to handle any conceivable situation, Van der Merwe said.

Van der Merwe and nine other policemen are seeking amnesty for offences arising from Bopape's death on June 12 1988.

After Bopape died, police claimed he had escaped from custody and then secretly disposed of his body by dumping it into the Komati River.

Van der Merwe said there had been no option but to conceal Bopape's death. Soweto Day (June 16) was just around the corner, and had news of his death leaked out, the African National Congress and its allies would have exploited the situation to increase the revolutionary climate, he said.

Had a formal inquest been held into Bopape's death, there would have been no way to keep the incident quiet until after June 16, Van der Merwe said.

"The state pathologist and district surgeon would not have let themselves

be manipulated into keeping quiet. My influence did not stretch that far."

Van der Merwe denied Bopape's body was destroyed because it displayed signs of severe torture. "That is far-fetched," he said in reply to a question by the Bopape family's legal representative, Gys Rautenbach.

"No member of the security branch would make himself guilty of such an act," Van der Merwe said he did not inform then law and order minister Adriaan Vlok about Bopape's death because he wanted to protect him.

Had Vlok been informed, it could have held negative consequences for him and the National Party government, Van der Merwe said. — Sapa.

## No amnesty for 13 Kathlehong applicants

CAPE TOWN — The truth commission's amnesty com-

mittee has turned down the applications of 13 members of a self-defence unit who applied for amnesty relating to their role in the 1993 Kathlehong massacre, the commission said yesterday.

The applicants are: Michael Arnoed, Michael Nkomo, Mohale Motlokwa, Petrus Mthembu, Zola Souto,

Paulos Shongwe, Tsekinyana Rodrick Singo, Norman Mashumi, Letu Mokoena, Thobile Luphindo, Joseph August, Bennet Ndaba and Themba Mtshali. They are all African National Congress (ANC) members who applied for amnesty for the killing of nine ANC Youth League mem-

bers at Molekeli section on December 6 1993. Those killed were Alfred Buthelezi, Thokozani Buthelezi, Itumeleng Mootsi, Lucas Hatshwayo, Isaac Mogasdi, Databa Mthembu, Peter Modshwa, Miles Simelane and Isaac Moutourng. The committee granted

amnesty to a member of the former police security branch who bombed a property belonging to a leading political activist in Springs in 1989. Andries Gous applied for amnesty for the bombing of the property of a Dr Bulbuita at Bakerton, Springs, in 1989. Four Afrikaner

standsbeweging (AWB) members and a slain Inkatha Freedom Party (IFP) leader were granted amnesty for acts relating to an attack on a police station in Flagstaff, Eastern Cape before the 1994 general election. They are Harry Jar-dine, Morton Christie, Andrew Howell and Christo Brand (AWB) and James Zulu (IFP), who died in Port Shepstone earlier this year. — Sapa

# De Kock calls stoical Botha 'a coward'

BO 4/6/98

(252)

Taryn Lamberti

GEORGE — Former State President PW Botha sat unmoved yesterday as apartheid government footsoldier and convicted assassin Eugene de Kock called him and his fellow cabinet ministers cowards for not taking responsibility for security force atrocities.

Botha is charged with ignoring at least one truth commission subpoena and failing to appear before the commission in December last year.

De Kock, the former Vlakplaas commander and colonel who is serving a 212-year jail sentence and two life sentences, said in the George Regional Court that orders to bomb union headquarters, Cosatu House, in 1987 had

come "straight from the top".

De Kock said Botha had awarded him a staff excellence commendation after the bombing of the African National Congress headquarters in London in 1982. The honour was usually only bestowed on generals.

De Kock said he had been criticised for his planning of the Cosatu House bombing and had replied by saying: "If PW Botha feels he can do it better than me he should go and do it himself."

De Kock said he felt that he and other security force members were "sold out" by the National Party in particular. "They are cowards. We did the fighting and I am proud of that. The politicians have no pride. They made sure that they only looked after a small

5% of a little incestuous Afrikaner group," De Kock said.

He had known there was a strong possibility people would be killed in the 1988 bombing of SA Council of Churches head office Khotso House and that his actions were illegal and would infringe on people's rights. "The government of the day did not disapprove, in fact they encouraged it," he said.

Later, truth commission chairman Desmond Tutu told the court that he had warned Botha his government would "bite the dust". He had warned Botha's government that its "evil would not prevail over God's goodness". He denied agreeing that Botha would not be required to give oral evidence to the commission.

## Goniwe 'had known he might be attacked'

PORT ELIZABETH — Murdered activist Matthew Goniwe feared he might be attacked while travelling from Cradock to Port Elizabeth at night but undertook the journey to be with his family, the truth commission heard yesterday.

The then secretary general of the Eastern Cape United Democratic Front, Prof Derek Schwartz, was one of the last people to see Goniwe and three other UDF activists before they were killed by police on June 28 1985.

He was testifying before the TRC's amnesty committee in Port Elizabeth at which six policemen have applied for amnesty for the murder of the Cradock Four — Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlauh near Port Elizabeth in an attack made to look like the work of vigilantes.

Schwartz said he attended a UDF meeting with the activists in Cradock on the night of June 27 1985. He said he warned Goniwe and the others after the meeting about the possibility of being intercepted by police who had regularly made death threats against UDF leaders.

However Goniwe had replied that he appreciated the danger of travelling at night but wished to be with his family in Port Elizabeth. He said he would not stop for anyone except official police vehicles.

Police at first denied any involvement in the death of the four who were found stabbed and burnt at the roadside near Port Elizabeth.

The six policemen admitted more than 10 years later in their applications for amnesty that they planned the murder of the four and intercepted their car, handcuffed them and then killed them at a desolate spot — Sapa (252) B04/6/98

# 'Barnard's earlier sentence a failure'

Stephané Bothma

PRETORIA — Had Civil Co-operation Bureau (CCB) operative Ferdi Barnard served his full prison term in the 1980s for killing two drug dealers instead of being released on early parole, Wits university anti-apartheid activist David Webster could have been alive today, High Court judge Johan Els said yesterday.

Barnard's defence counsel told the court that the CCB and former military intelligence structures had "created a monster" by recruiting Barnard into their ranks while the former policeman was still serving a prison sentence and by leaving him out in the cold when his involvement in the Webster killing became known.

"He had no option but to turn to a life of crime," counsel Faan Coetzee told the court.

Barnard, convicted this week on 25 charges including the May 1 1989 assassination of Webster and the attempted murder of justice minister Dullah Omar, was released from jail in 1987 — three years before he served his full six-year sentence.

Barnard was a member of the SA Police narcotics bureau when the two murders were committed.

He was this week also convicted of the murder of a former close friend, Mark Frances, and of a host of fraud, theft and illegal possession of firearms charges.

Both defence advocate Faan Coetzee and state prosecutor deputy Transvaal attorney-general Anton Ackermann SC yesterday argued that Barnard should be given a sentence of life imprisonment for his crimes. Coetzee told the court he was very pleased that the death sentence was no

longer an option in this country.

"I don't know how I would have argued in mitigation if the death penalty were still in place."

He argued that the only mitigating factors were that Barnard was 39 years old and that he had probably assassinated Webster on the orders of his employer, the CCB.

"If it were not a direct order, the killing definitely had the approval of the CCB top structure," he argued. In addition, Webster's murder had a very strong political flavour to it, he said.

Ackermann described Barnard as a "39-year-old murderer, thief and criminal" and argued that the community demanded that he be given a very stiff sentence. "When he was sentenced previously (in the 1980s for the killing of the drug dealers) the judge was lenient and all emphasis was placed on rehabilitation and on giving Barnard a sec-

ond chance.

"The interest of the community was not taken into consideration at the time and that sentence of six years failed completely."

"Within two years of being released on parole, Barnard again killed two people," Ackermann argued.

"Barnard was recruited by the CCB for only one reason — his expertise as a hitman," the court heard.

Ackermann said the state had proved beyond reasonable doubt that Barnard had committed the Webster murder on the orders of his CCB masters. "But this fact does not make any difference to the sentence," he said, saying the only appropriate sentence would be life in prison.

This would mean that Barnard would spend at least the next 25 years behind bars, he said.

Barnard will be sentenced today.

# 'Excellent idea' to dump body in river

## Goniwe had feared attack on way to PE

CT 4/6/98 (2523)

PRETORIA : It had been an excellent idea to dispose of Mamelodi activist Starza Bopape's body in a river, retired police commissioner General Johann van der Merwe said yesterday.

"I thought it was an excellent plan," he told the Truth and Reconciliation Commission here.

Bopape died under police torture in Johannesburg on June 12, 1988, apparently of a heart attack caused by electric shocks.

Later that day Van der Merwe, then head of the police security branch, was told of Bopape's death by former police general Gerrit Erasmus. The two decided the corpse had to be disposed of.

To bury it would have taken a long time, and disrupted soil would have raised the curiosity of passers-by, Van der Merwe

said.

"The simplest plan is usually the best," he said. "The way in which Captain (Leon) van Loggelenberg acted was excellent."

After giving permission for Bopape's body to be disposed of, he did not check that it had been done, Van der Merwe

told the commission. He said members of the security branch were imaginative, and he was sure they had "done it properly".

Van der Merwe and nine other policemen are seeking amnesty for offences arising from Bopape's death.

After Bopape died, police claimed he had escaped from custody and then secretly disposed of his body by dumping it into the Komati River.

Five of the applicants were directly involved in torturing Bopape with electric shocks. They are Lieutenant-Colonel Adriaan van Niekerk, Major Charles Zeebe, Warrant Officer Hendrik Mostert, Sergeant Johan du Preez and Constable Jakobus Engelbrecht.

Van Loggelenberg and Brigadier Schalk Visser are seeking pardon for their role in getting rid of the corpse.

Van der Merwe, Erasmus and another former police general, Petrus du Toit, were involved in covering up Bopape's death.

Van der Merwe said there had been no option but to conceal Bopape's death. Soweto Day (June 16) was just around the corner, and had news of his death leaked out, the ANC/SACP alliance would have exploited the situation to increase the revolutionary climate, he said.

Had a formal inquest been held into Bopape's death, there would have been no way to keep the incident quiet until after June 16, Van der Merwe said.

"The state pathologist and district surgeon would not have let themselves be manipulated into keeping quiet. My influence did not stretch that far."

Bopape's legal representatives and family were only informed of his "escape" on July 4, but, Van der Merwe said, it had been orchestrated to become known as soon as possible. Police deployed the police dog unit to search for Bopape, and all border posts were notified.

In reply to a question by the Bopape family's legal representative, Gys Rautenbach, Van der Merwe denied that Bopape's body was destroyed because it displayed signs of severe torture.

"No member of the security branch would make himself guilty of such an act."

Van der Merwe said he did not inform then-law and order minister Adriaan Vlok about Bopape's death because he wanted to protect him and the National Party government — Sapa

PORT ELIZABETH: Murdered activist Matthew Goniwe feared that he might be attacked while travelling from Cradock to Port Elizabeth at night but undertook the journey to be with his family, the TRC heard yesterday.

Professor Derek Schwartz was one of the last people to see Goniwe and three other United Democratic Front activists before they were killed by police on June 28, 1985.

He was testifying before the TRC's amnesty committee here at which six policemen have applied for amnesty for the murder of Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlathi near Port Elizabeth in an attack made to appear the work of vigilantes.

The policemen are Colonel Harold Snyman, General Nico van Rensburg, Major Herman du Plessis, Captain Izak van Zyl, Lieutenant Eric Taylor and Sergeant Gerhardus Lotz.

Schwartz, who was the secretary-general of the Eastern Cape United Democratic Front at the time, attended a UDF meeting with the activists in Cradock on the night of June 27, 1985, and he had warned the others about the possibility of being intercepted by police. He advised the four to sleep over and travel the next day.

The hearing continues today — Sapa

TRUTH & RECONCILIATION COMMISSION



TRUTH & RECONCILIATION COMMISSION



# Prime Evil fingers 'coward' P.W.

The Nats sold us out ... they wanted the lamb, not the blood and guts'

CF 4/5/98

**A** PARTHEID-ERA assassin Eugene de Kock yesterday came face to face with his former political master, P.W. Botha, and branded him a coward who had no pride

De Kock, dubbed "Prime Evil" by colleagues because of his ruthless *modus operandi*, was testifying in the George Magistrate's Court at the former state president's trial for ignoring a Truth and Reconciliation Commission subpoena

"I do feel myself and others in the security forces have been sold out by cowardly politicians — in the National Party especially," De Kock said. "They want the lamb but they don't want to see the blood and guts, they are cowards."

The 82-year-old Botha sat in his chair next to the dock staring straight ahead as De Kock testified, and turned his back on him during a short adjournment

De Kock repeated his earlier claims that Botha had ordered the 1987 bombing of Cosatu House, the headquarters of the trade union organisation. The attack was the first of its kind on South African soil and De Kock had wanted to know from how high up the order came

He described a meeting with his commanding officer, Brigadier Willem Schoon, who said the "higher-up" person who gave the order had complained it was taking too long to execute. De Kock testified that he had responded "If P.W.



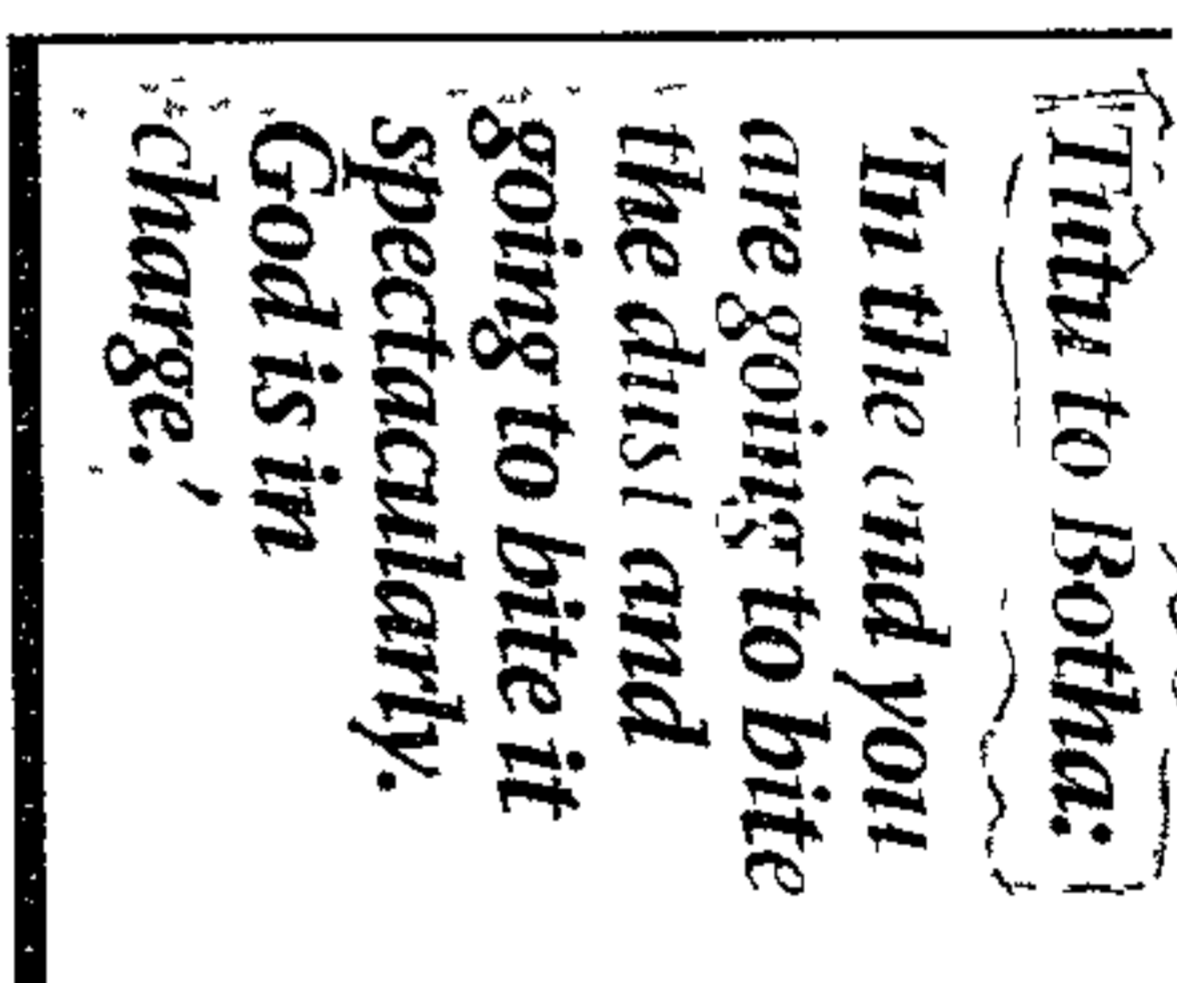
Botha can do it better, he should go and do it himself"

De Kock, 49, is serving a 212-year sentence in Pretoria's C-Max prison after being convicted on 89 charges, including six of murder

He said he and others bombed Khotsiso House, headquarters of the South African Council of Churches, and the headquarters of the African National Congress in London in 1982, for which he received a Star of Excellence. This was a decoration normally reserved for generals and could only be authorised by the state president — P.W. Botha.

Former law and order minister Adriaan Vlok has claimed in his amnesty application for the Khotsiso House bombing that Botha ordered this attack

De Kock was not immediately cross-examined and TRC chaplain Desmond Tutu took the stand. In an opening statement, he



said "I stand here with the greatest possible reluctance and filled with considerable distaste. I believe this is something that should not have happened"

The 66-year-old Tutu said he had tried to reach out to Botha "out of a deep compassion for him". He had told Botha he was "his brother" many years ago before it was politically correct to do so. Under questioning from the prosecutor, Cape Deputy Attorney-General Bruce Morrison, Tutu denied having agreed to exempt Botha from appearing before the TRC, if he answered its questions in writing, as claimed by Botha

Tutu replied "I am surprised at that assertion. I have never given that kind of immunity to any potential witness of the commission. I do not believe I have the power to do so"

Tutu said the TRC was deeply

(qan)

concerned about allegations made against Botha by senior policemen, and wanted his perspective on what had transpired

He said he had never gloated over Botha. "There was no gloating. I don't gloat"

Tutu denied that he ever intended to humiliate Botha, saying all their interaction had been courteous and friendly. He pointed out that he had sent condolences to Botha when he was ill and when his house was flooded, attended his wife's funeral, helped arrange funding for his legal submission to the TRC and set up a special TRC hearing for him in George

"That is extraordinary evidence of malice," Tutu said

The court case follows Botha's refusal to adhere to a TRC subpoena to appear at a hearing on the State Security Council, which he chaired. If convicted he faces a two-year jail sentence or a fine of up to R20 000

The trial has focused on the Botha government's appalling human rights record

Had Botha agreed to testify before an in-camera hearing, as the TRC suggested, much of the evidence led would have been presented out of the public eye.

The trial continues today — Sapa

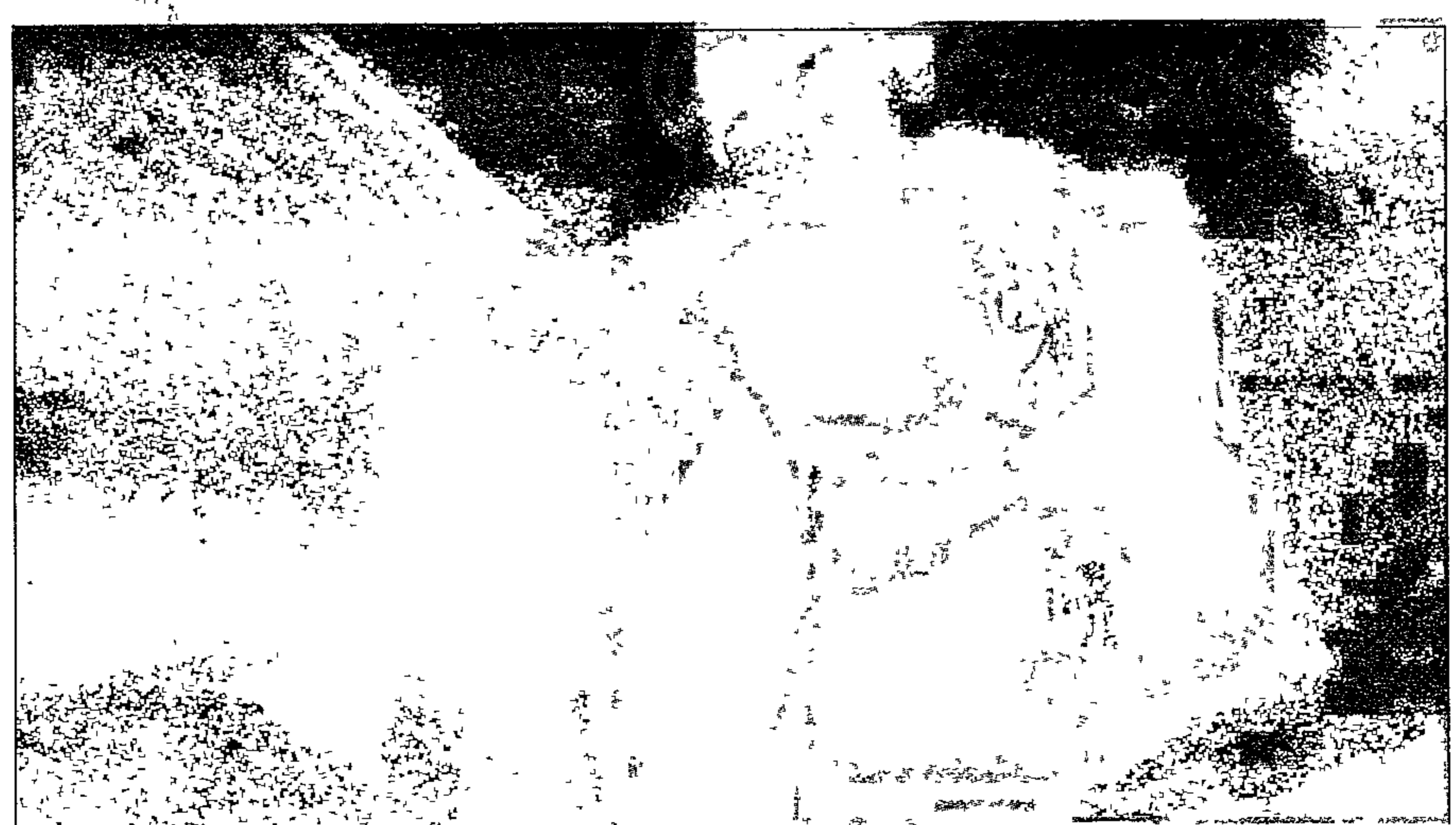
● "The way in which Captain (Leon) van Loggerenberg acted was excellent" —

Ex-police Chief Johann van der Merwe on how police got rid of activist Stanza Bopape's body Page 5



**UNDER PRESSURE:** Former state president P.W. Botha at the George Magistrate's Court yesterday

PICTURE AP



**ACCUSER:** Apartheid-era assassin Eugene de Kock testified against his former political master yesterday

PICTURE BENNY GOOL

# Moves to release evidence on Helderberg air disaster

(252) ET 4/16/98

**TROYE LUND**

EVIDENCE about the Helderberg air disaster at the Truth and Reconciliation Commission (TRC) in-camera hearings is of such public interest that presiding commissioner Dumisa Ntsebeza will ask for permission to release it.

This follows three-days of testimony by forensic experts and past and present Armscor and South African Airways employees

Dr David Klatzow, one of South Africa's top forensic experts, who has been investigating the case for several years, was a key witness

After the hearings yesterday, Klatzow said "There is an urgent need to open the inquiry. It would be a travesty not to"

The *Cape Times* understands there has been new evidence that was not considered in the inquiry led by Judge Cecil Margo

It is also understood that the

new evidence before the commission explains what happened the night the Helderberg Boeing 747 plunged into the sea near Mauritius. All 159 people on board died

Ntsebeza said that under normal circumstances the findings of these hearings would remain secret and form part of the final TRC report. But in this case, he intended asking the TRC to make the evidence public as soon as possible

If the request is granted, the TRC will have to follow a legal procedure that requires all those involved or implicated to be notified in case they want to make further representations

Although the Margo inquiry concluded that no blame could be apportioned, and that there was no evidence to establish the cause of the fire, media probes, forensic experts, other pilots and the victims' families believe Margo neglected to consider crucial evidence

Klatzow's nine volumes of research point to the Helderberg carrying ammonia perchlorate — a highly unstable additive used to make rocket fuel.

This cargo was on board so that the South African military could use it to make arms that matched the advanced Russian weaponry being used against it in Angola at the time

Sanctions made it impossible for South Africa to import the arms, Klatzow believes

His testimony to the TRC also set out to prove that there were two fires on board the Helderberg

He said the first started an hour after it took off from Taipei. This fire was put out, but the pilot was ordered to break the golden rule of landing at the nearest airport to prevent a foreign country discovering the chemicals on board

It was when the second fire broke out, Klatzow says, that the plane went down

# Amnesty refused in Kathlehong case

THE Truth and Reconciliation's amnesty committee has turned down the applications of 13 members of a self-defence unit (SDU) for their role in the 1993 Kathlehong massacre, the TRC said in the city yesterday.

The applicants, all ANC members, applied for amnesty for the killing of

(252) CT 4/6/98  
nine ANC Youth League members at Molekeli section on December 6, 1993, in what became known as the Kathlehong massacre.

The incident occurred at the height of the conflict between the Kathlehong community and IFP-aligned hostel-dwellers, the TRC said.

According to evidence before the committee, the victims were abducted and taken to the veld, where they were shot execution-style and hacked with knives, axes and spears.

Testifying before the committee, the applicants said they regarded youth league members as criminals who were harassing the Molekeli section of the Kathlehong community.

They also claimed the killing of the youth league members was in retaliation for the killing of Malusi "Blanco" Kiyane, who was an SDU chairman, and Bulelwa Zwane, a local ANC activist.

The committee said evidence showed there was a dispute over what triggered the conflict between the SDU and the youth league. "However, what emerged from the evidence is that these two groups accused one another of failing to protect the (Kathlehong) community and of engaging in criminal activities instead."

As a result, the youth league broke away from the SDU and conducted separate patrols.

Rejecting the applications, the committee said "Having regard to the motive for the massacre, the context in which it occurred, in particular, the fact that the attack was not directed at a political opponent, we are satisfied that the killing of the deceased was not an act associated with a political objective as contemplated in the act." — Sapa

## Barnard sentenced today

PRETORIA: Sentence will be passed today in the trial of former Civil Co-Operation Bureau operative Ferdi Barnard, who says he expects a long prison term.

He was convicted on 25 charges earlier this week.

The charges included the murder of anti-apartheid activist David Webster and the attempted murder of Justice Minister Dullah Omar.

Yesterday the state and Barnard's defence asked the court to sentence Barnard to life imprisonment on two charges of murder. Further sentences on charges ranging from robbery to fraud would automatically be served together with a life sentence.

Barnard, dressed in a dark suit and shirt, appeared pale but relaxed.

He told reporters earlier that he expected a long prison sentence.

He is already serving a 10-year sentence for diamond robbery, although an appeal is pending.

Transvaal deputy attorney-general Anton Ackermann, acting for the state, argued that Barnard's previous conviction for the murder of two drug addicts should weigh heavily against him.

In that trial, a high court judge sentenced Barnard — who committed the murders when he was a police detective — to six years' imprisonment with the emphasis on Barnard's rehabilitation.

"That sentence failed miserably. He served only three years of his sentence. He was given a chance, but did not make use of it," said Ackermann.

He said the cold-blooded nature of Webster's murder, as well as the murder of Barnard's business acquaintance, Mark Frances, should count against him.

Frances was clubbed to death with a baseball bat to prevent him from incriminating Barnard and one of his friends in a Bophuthatswana robbery. — Sapa





CAPE ARGUS, THURSDAY, JUNE 4, 1998

# Ferdi Barnard given two life sentences

*'Danger to community'*  
(252)  
AKG 4/6/98

ARGUS CORRESPONDENT

Former notorious Civil Co-operation Bureau operative Ferdi Barnard was sentenced in the Pretoria High Court today to two life sentences and sixty-three years' imprisonment.

He could effectively spend 63 years in prison.

Barnard was found guilty on Monday of murdering anti-apartheid activist David Webster, his own underworld friend, Mark Francis, and attempting to murder Dullah Omar, now Justice Minister. He was also found guilty on 22 other charges. The life sentences are for the murders.

Mr Justice Johan Els said he would serve one life sentence and the other sentences would run concurrently. The judge handed down a seven-year sentence for the attempted murder of Mr Omar.

The judge told a packed courtroom that Barnard was "clearly a danger to the community".

When the sentencing was over Barnard stood up and shook hands with his supporters who crowded him as camera flashes went off.

As he was being led down to the cells Barnard said "the judge has been very fair and lenient" Barnard said he bore no grudges against anyone who testified against him.

"It is no great shock. I will look at it in a positive way and do the best I can."

His father and various friends were in court to support him. Yesterday, Barnard's defence acquiesced to the life sentence, saying it would be lenient enough. Barnard is already serving a 10-year sentence, handed down earlier this year, for a diamond robbery.

He has applied for amnesty for several political crimes, including the attempt on Mr Omar's life.

## 'Hawks' took decision to kill Goniwe and other (257) UDF activists

Port Elizabeth - The decision to kill Matthew Goniwe and four other United Democratic Front activists was probably taken by the hawks in the former government who were willing to go to any lengths to uphold apartheid, the Truth and Reconciliation Commission heard here.

The TRC's amnesty committee yesterday heard that the hawks or securocrats in the government were capable of going ahead with plans to kill Mr Goniwe even though the official government decision had been to reinstate him to his position as vice-principal at the school from which he had been suspended

A former member of the security police intelligence unit, Major Jacob Jan van Jaarsveld, told the committee there had been tension between the hawks and the doves in the government in the mid-1980s. He said the "wings of the hawks" were only clipped in the late 1980s.

Major Van Jaarsveld was testifying at the hearing in which six former security policemen are applying for amnesty for the murder of Goniwe, Sparrow Mkhonto, Fort Calata and Sicele Mhlauli on June 28, 1985  
- Sapa

MAG 2/16/98

# Apartheid was a gross rights violation

## I'm not morally neutral about this, archbishop tells

George - Truth Commission chairman Desmond Tutu said today that apartheid had been an evil system and he was not morally neutral about this.

"I don't make any bones about that," he told the Regional Court in George while testifying at the trial of former state president P W Botha. "The policy (apartheid) is in itself a gross human rights violation."

Mr Botha has pleaded not guilty to a charge of ignoring a subpoena to appear at a Truth Commission hearing in December last year and to an alternative charge of hindering the



### ON THE TRUTH COMMISSION

commission in its work. During cross-examination by Mr Botha's lawyer, Lapa Laubscher, SC, Archbishop Tutu emphasised that

the commission acted independently and even-handedly, and had incurred the wrath of political parties across the spectrum as a result.

"We were not the blue-eyed boys of anyone - even the ANC, whose lackey we are supposed to be," he said. "I have myself never been the lapdog of anybody."

The commission had been extremely patient in its dealings with the ANC, the National Defence Force and Mr Botha, among others.

"We have not been power-drunk and we have sought to engage people. We have spent a lot of time persuad-

ing them that it is in the best interests of the country to testify."

Archbishop Tutu said an example of the commission's bona fides was that it had not released publicly the affidavits given to it by two prominent neurosurgeons who had expressed concern about Mr Botha's mental ability to stand trial. Also, it had not released the medical certificates which Mr Botha's doctors had sent when he had asked to be excused from his first scheduled appearance at a Truth Commission hearing in October last year, which had also referred to Mr Botha's mental state

"We didn't place that in the public domain because we didn't want to embarrass him," Archbishop Tutu said.

Engaging with Mr Laubscher in a lengthy debate about the nature and moral justification for a "just war" against an oppressive system, Archbishop Tutu said human rights violations had happened as a result of apartheid.

"I have to tell you now, I am not morally neutral about apartheid. It's evil, and I don't make any bones about that. The world has already said apartheid is a crime against

## PW trial

ARL 4/6/98

humanity - it's not we, the Truth Commission."

Mr Laubscher asked Archbishop Tutu whether he believed Mr Botha was directly responsible for committing gross human rights violations as defined in the Truth Commission Act - torture, abduction, murder and severe ill-treatment.

He responded "I don't know. We are still going to determine whether that is the case. I hope to make up my mind as far as the evidence is concerned. I am as open-minded as the circumstances dictate."

The hearing is continuing.



Cheerful: Archbishop Tutu arrives at court

# Tutu

# Barnard gets life in prison

(252)

ARGUS CORRESPONDENT

ARL 4/6/98

Johannesburg - Notorious former Civil Co-operation Bureau operative Ferdi Barnard was today sentenced in the Pretoria High Court to two life sentences and 63 years in jail.

He could effectively spend 63 years in prison.

Barnard was on Monday found guilty of murdering anti-apartheid activist David Webster, his underworld friend Mark Francis and attempting to murder Dullah Omar, now Justice Minister. He was also found guilty on 23 other charges.

The life sentences are for the murders

Mr Justice Johan Els told a packed courtroom that Barnard was "clearly a danger to the community."

Full report, page 7

# Bring your men home, De Kock - says - JW

JOHN YELD

George - Former state president  
 W Botha should acknowledge  
 that Civil Co-operation Bureau  
 operatives serving life sentences  
 for sabotage and murder in  
 Zimbabwe had been working for  
 his government, and he should  
 'bring his men home', former  
 Vlakplaas commander Eugene de  
 Kock said today.

His remarks came during cross-examination by Mr Botha's lawyer, Advocate Lapa Laubscher, in the trial in which the former state president has pleaded not guilty to a charge of snoring a Truth Commission subpoena.

De Kock confirmed during the cross-examination that he had been told by his commanding officer, Brigadier Willem Schoon, that Mr Botha had given the order to blow up Cosatu House in 1987.

Mr Laubscher read De Kock extracts of Brigadier Schoon's amnesty application for his role in the bombing, which stated that the orders to destroy the building had come from former police commissioner Johann van der Merwe and former Law and Order Minister Adriaan Vlok. Brigadier Schoon had not referred to Mr Botha at all.

De Kock responded by saying Brigadier Schoon had either not made a full disclosure in his amnesty application, or had been confused.



'Order came from the top': Eugene de Kock leaves George Magistrate's Court after giving evidence in the trial of PW Botha

When Brigadier Schoon had told him the order to bomb Cosatu House had come "directly from the top", he had asked "How high?"

"He said 'Right from the top', and I asked him again, and he said 'From the president'," De Kock testified.

De Kock also said "an excellent example" of apartheid-era footsollers who had been abandoned by the politicians was that of the three former COB operatives - Kevin Woods, Michael Smith and Philip Conway - who were convicted of an attack on an ANC building in Bulawayo, Zimbabwe in 1988 in which a Zimbabwean citizen had died. The men were languishing in jail.

ARLT 4/6/98 (257)

# 'Why order Bopape cover-up'

Pretoria - Retired police

commissioner Johan van der Merwe told the TRC that as head of security police at the time, he had no choice but to cover up the death in detention in 1988 of Mamelodi activist Stanza Bopape.

Handling the matter differently would have sparked mass demonstrations and could have destroyed the morale of the security police, he testified yesterday.

General Van der Merwe said he kept up a charade over the years that the activist had disappeared after escaping from police custody.

Neither former police commissioner Johan Coetzee nor then law and order minister Adriaan Vlok was told that Mr Bopape's body had, in fact, been secretly thrown in the crocodile-infested Komati River.

General Van der Merwe and nine other policemen have applied for amnesty for offences arising from Mr Bopape's death during police torture in Johannesburg on June 12, 1988.

Five of the applicants were directly involved in subjecting Mr Bopape to electrical shocks. They are lieutenant-colonel Adriaan van Niekerk, Major Charles Zeelie, Warrant Officer Hendrik Mostert, Sergeant Johan du Preez and Constable Jakobus Engelbrecht.

Brigadier Schalk Visser and Captain Leon van Loggerenberg are seeking amnesty for their role in getting rid of Mr Bopape's body. General Van der Merwe and two other police generals, Gerrit Erasmus and Petrus du Toit, were involved in covering up Mr Bopape's death.

General Van der Merwe testified that General Erasmus visited him at his Pretoria home on June 12, 1988, to tell him of Mr Bopape's death under torture earlier in the day.

# Helderberg evidence to stay under wraps

NORMAN JOSEPH  
 STAFF REPORTER

Evidence about the Helderberg air crash to the Truth Commission this week will not be made public at this stage.

A commission spokesman was responding today to a comment by commissioner Dumsa Nisebeza that he would ask the commission to make the evidence public.

All witnesses testified this week in terms of Section 29 of Truth Commis-

sion legislation, which meant what they said would be kept under wraps.

The spokesman said the Helderberg and Samora Machel air crash hearings were not isolated probes.

President Nelson Mandela had given the commission a mandate to investigate other incidents and a report would be presented to him in a few months.

New evidence linking the aircraft crash which killed Mozambican President Samora Machel with the former South African Defence Force will be heard by the commission today.

Today's evidence might answer questions raised by Russian aviation experts about a decoy signal, purportedly from Maputo Airport, received by the crew before the crash near the South Africa-Mozambique border.

Meanwhile, former defence force chief Georg Merring has been subpoenaed to give evidence and answer questions about the killing of children by the old defence force in Umtata, at what the government claimed was Apia base in 1993.



*Page 1*

What became clear during amnesty hearings was that the former police force a

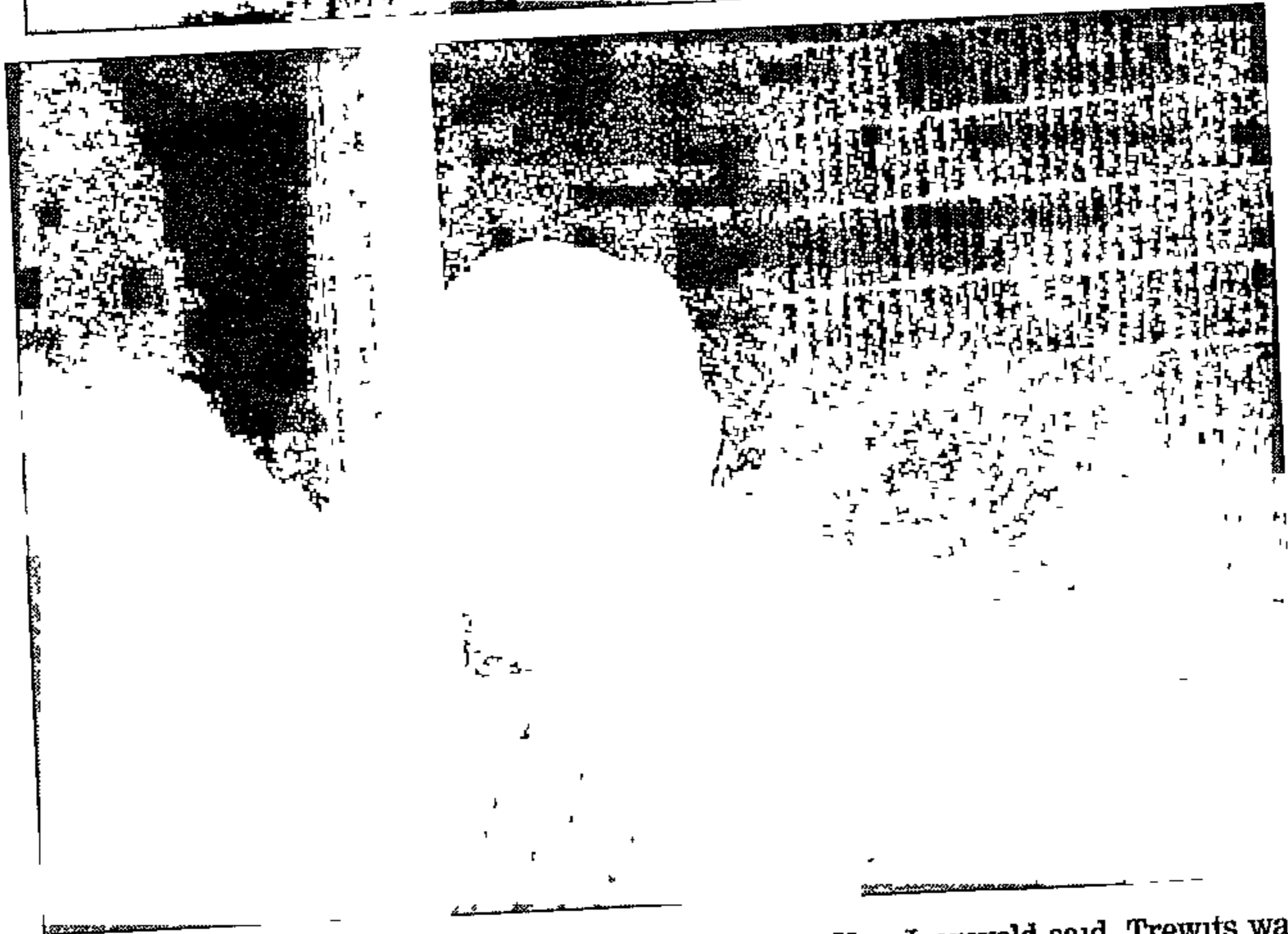
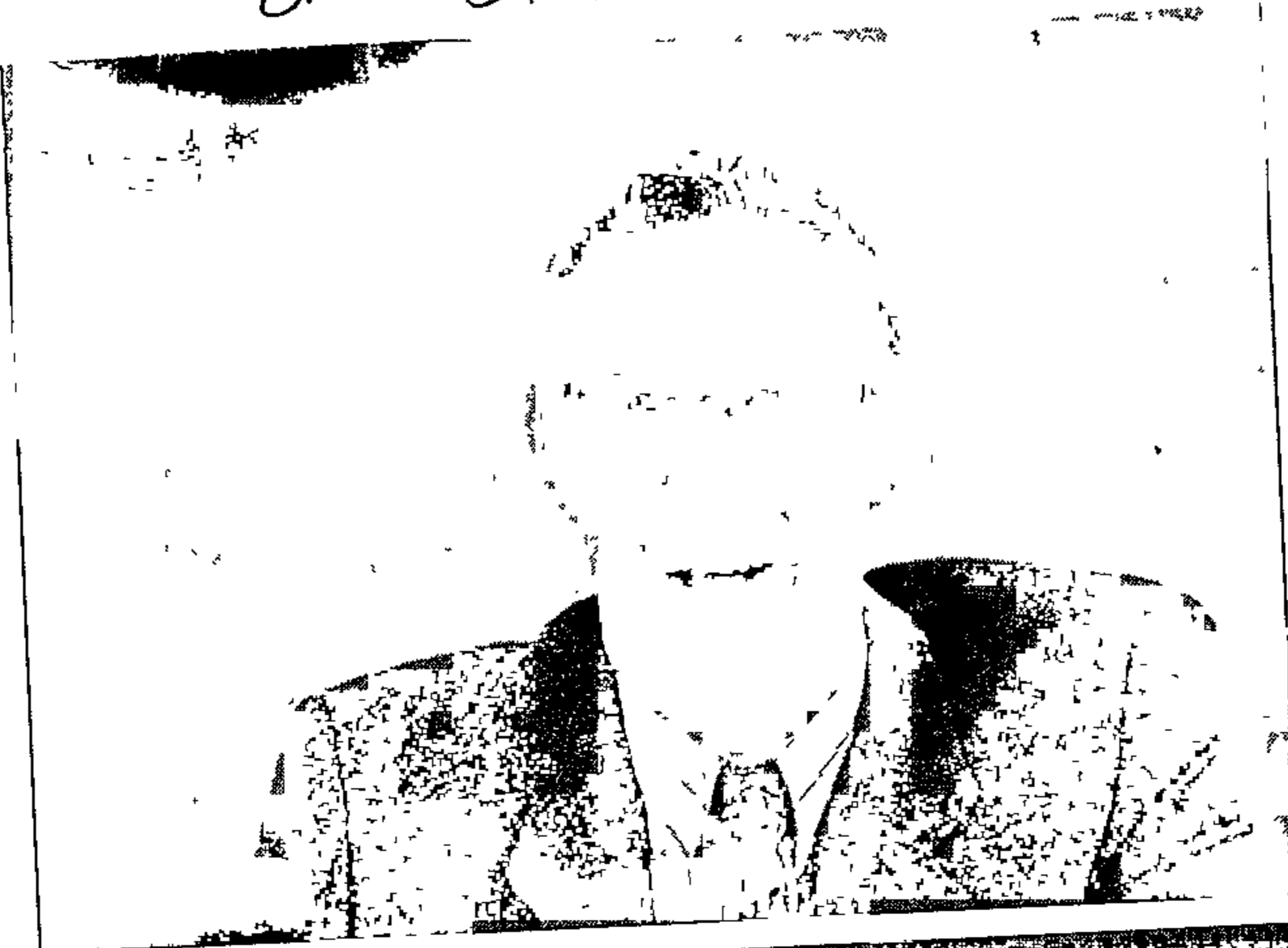
# Third Force mayhem

ected with the approval of its commanders

# no 'accident'

*(257) Shaw 5/6/98*

Star 5/6/98



amnesty for the bombing of the Why Not nightclub in Johannesburg. The 1988 bombing was blamed on the ANC.

Corroboration of police involvement in illegal underground activity also came from Major Jacob Jan van Jaarsveld, a former member of security police intelligence. Testifying at an amnesty on the murder of the Cradock Four in Port Elizabeth, Van Jaarsveld said the NP government had established a clandestine operation to eliminate political opponents.

In 1985, after studying the ANC's revolutionary strategies, the government initiated a counter-revolutionary unit called

Trewits, Van Jaarsveld said. Trewits was responsible for identifying targets and recommending strategies to deal with them. He said it was possible that Trewits might have given the order to kill the Cradock Four - Matthew Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlawuli.

These revelations are beginning to put to rest the myth that Third Force activities were conducted by security force renegades. It is becoming clear Third Force structures and activities were planned, financed and approved by government ministers as part of their grand strategy to cling to power and perpetuate apartheid.

A clearer picture of the Third Force began to emerge this week as the men who ran the apartheid government's dirty tricks apparatus appeared before the Truth and Reconciliation Commission and in court cases around the country

In George, PW Botha, the man under whose presidency the Third Force took shape, was in court on charges of defying a TRC subpoena. In Pretoria former police commissioner and security branch veteran Johan van der Merwe took the stand to plead for amnesty for covering up the murder of Mamelodi activist Stanza Bopape

A stone's throw away, Civil Co-operation Bureau hitman Ferdi Barnard, who in many ways epitomises apartheid-era ex-ecutioners, was sentenced to two life terms or two murders and various other crimes

In Port Elizabeth, four former security police members also made an appearance before the TRC to ask for amnesty for the killing of four Cradock anti-apartheid activists

What became certain during the amnesty hearing on the deaths of Bopape and the Cradock Four was that former policemen engaged in acts of terror with the full approval of their high-ranking commanders and political masters. Their superior were at times involved in planning murder, coverups and deception

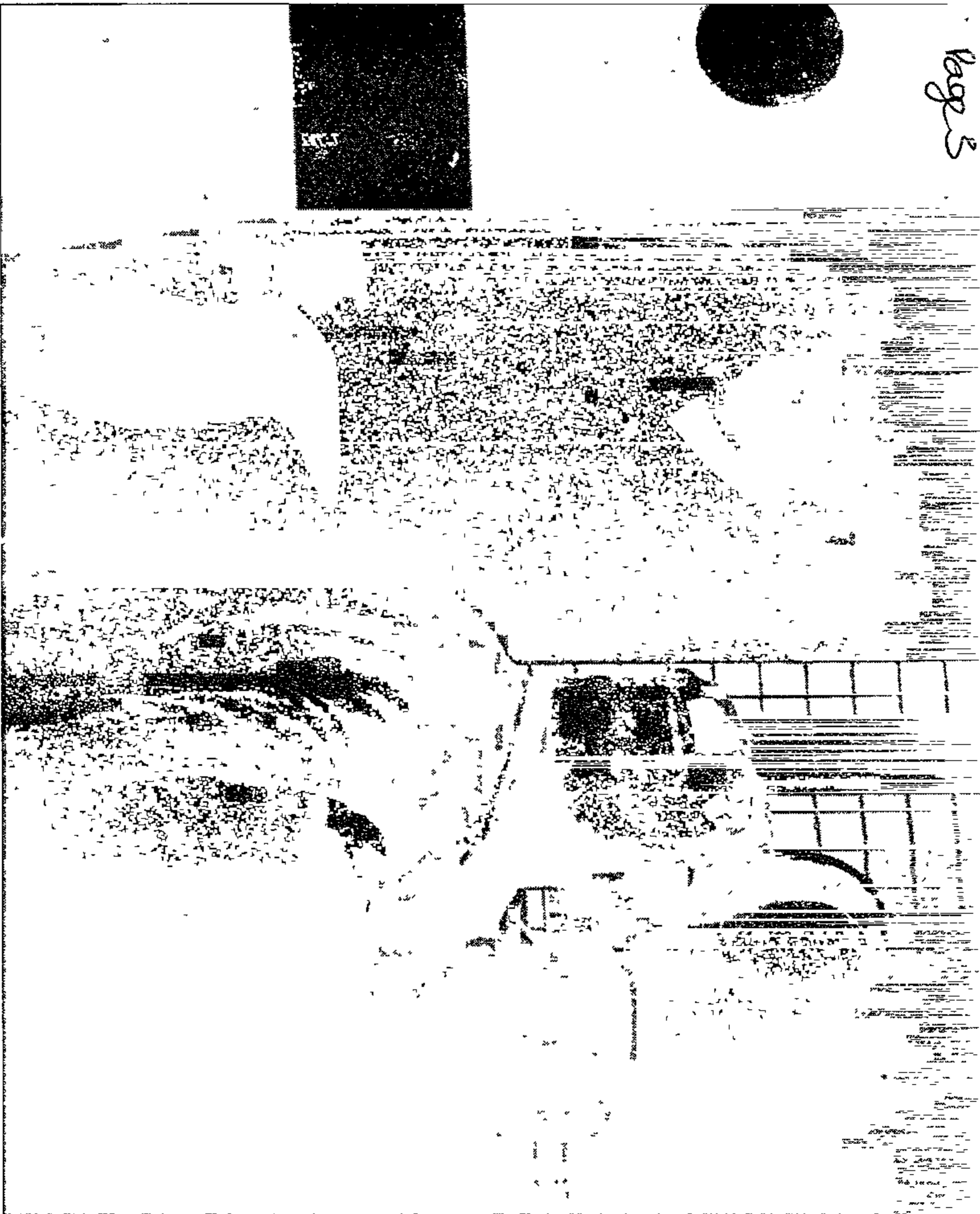
Van der Merwe stunned the country at the Bopape hearing when he described as "excellent" the security police's plan to jump the activist's body in a crocodile-infested river after they had killed him and then claim he had escaped from custody

He was cold, unrepentant and did not show any remorse as he related how he and Gerrit Erasmus, a former John Vorster square security branch commander, decided to cover up Bopape's death

Van der Merwe's evidence further confirmed repeated assertions by policemen who have come forward to seek amnesty that authorisation to engage in terrorist activities often came from the upper echelons, either in the police department or the government itself

Testifying against Botha in George, De Kock reaffirmed that orders came from

page 5



Truth will out ... Eugene de Kock leaves court after giving evidence in the PW Botha case, reaffirming that orders came from 'high-er up'. Top right: former police commissioner Johan van der Merwe asked for amnesty for covering up Stanza Bopape's murder. Bottom right - PW Botha, accompanied by daughter Elna Maritz, leaves court in George on Wednesday.

by Botha and former law and order minister Adriaan Vlok Lake Barnard. De Kock is now paying for crimes committed while he commanded the security police's anti-terror unit. He was sentenced to 200 years in prison two years ago

De Kock and TRC chief executive Paul van Zyl disclosed this week that it was Van

apartheid organisations, following orders from PW Botha  
From 1986 onwards, while Van der Merwe was commander of the security branch police were used extensively in dirty tricks operations. Van der Merwe said the deteriorating security situation in the country compelled members of the se-

- suit of liberation movement guerrillas
- Engaging in mock terror attacks to stop the screening of *Cry Freedom* (a film on Black Consciousness leader Steve Biko)
- Propaganda and disinformation
- The bombing of Cosatu House and Khotso House
- Staging terror acts in townships to cre-



# Craddock Four murders still pose questions

*SAW 5/6/98 (252)*

One victim possibly not an activist

**SAPA**  
Port Elizabeth

The Truth and Reconciliation Commission's amnesty hearings into the murders of the Craddock Four ended in Port Elizabeth yesterday with many unanswered questions.

Six former Eastern Cape security policemen are applying for amnesty for the murders of Matthew Goniwe, Sparrow Mkhonto, Fort Calata and Sicelo Mhlauli of the United Democratic Front on June 28 1985.

They are General Nico van Rensburg, Major Herman du Plessis, Captain Izak van Zyl, Lieutenant Eric Taylor, Sergeant Gerhardus Lotz and Colonel Harold Snyman.

Committee chairman Judge Ronnie Pillay said questions that needed to be addressed were: who gave the order to kill Goniwe; when and where was the murder planned; did the applicants make full disclosures; and was Mhlauli an activist at all.

The question of who gave the order was made more difficult because five of the policemen said it came from their commander, Snyman, who is too ill to testify.

The committee devoted much time to the death of Mhlauli, a school principal from Oudtshoorn who had been visiting his hometown of Craddock when he was murdered.

The policemen insist he was a UDF activist, but evidence suggests security police did not have a file on him.

Former south-western Cape UDF chairman Reg Olifant said Mhlauli had never been actively involved in politics, nor had he been questioned or detained.

Pillay asked the legal representatives to consider whether the murders were carried out with malice. The four were stabbed repeatedly and their bodies burnt.

The police claim that this was done to suggest the attack was the work of vigilantes.



# Du Toit 'dismayed' at Bopape's death under torture

PRETORIA — A retired police general yesterday recounted his dismay upon learning in June 1988 that Mamelodi activist Stanza Bopape had died under police torture.

Du Toit and nine other policemen have applied for amnesty for offences arising from Bopape's death in Johannesburg on June 12, 1988.

"I was shocked and upset when I heard that his death was caused by electrical shocks," Petrus du Toit told the Truth and Reconciliation Commission in Pretoria. He went on to say he was opposed to the torturing of detainees.

Du Toit later examined Bopape's face

for injuries. "I don't really know why I did it. On the one hand I was upset. On the other I was a senior officer with certain responsibilities."

Du Toit, at the time a colonel in the security police, said he would have instituted disciplinary steps against those responsible if he had found any marks on Bopape's body.

Police concealed Bopape's death by saying he had escaped while being escorted to Vereeniging.

His body was secretly dumped in the crocodile-infested Komati River between SA and Mozambique.

Five of the applicants were directly in-

involved in subjecting Bopape to electrical shocks. They are Lt-Col Adriaan van Niekerk, Maj Charles Zeelie, W/O Hendrik Mostert, Sgt Johan du Preez and Const Jakobus Engelbrecht.

Brig Schalk Visser and Capt Leon van Loggerenberg seek pardon for their role in getting rid of Bopape's body.

Former police commissioner Gen Johann van der Merwe and one other former police general, Gerrit Erasmus, along with Du Toit, were involved in covering up Bopape's death.

Du Toit said Erasmus telephoned him on the evening of June 12, asking him to attend a meeting at John Vorster Square

in Johannesburg. Erasmus, Van Niekerk and Zeelie attended.

"They told me that Bopape died of a suspected heart attack while receiving electrical shocks, and said that a mock escape had to be staged the same night." It was arranged that Du Toit would be informed once the fake escape was completed. His task was to inspect the scene, alert the detective branch that the activist had "escaped" and report to police head office.

Du Toit said he went along with the plan in view of the political climate at the time. News of Bopape's death would have caused a range of problems for the police and the former government.

WD 5/6/98

Five years later, Du Toit still maintained the charade about Bopape's disappearance. He described how he took part in a police search for Bopape's grave in Rustenburg without informing colleagues of the truth. "We exhumed several purported graves pointed out by a John Mokaleng, but found no human remains," Du Toit said.

The amnesty hearing adjourned until tomorrow to give the legal representatives of the parties an opportunity to study a set of documents.

Gys Rautenbach, for the Bopape family, is to cross-examine the three generals tomorrow — Sapa

# Truth body accused of prejudice in Botha trial

Taryn Lamberti

GEORGE — Lawyers representing former state president PW Botha, who is on trial in the George Regional Court for ignoring at least one truth commission subpoena in December last year, questioned the commission's legitimacy and "even-handedness" yesterday.

During lengthy cross-examination of commission chairman Archbishop Desmond Tutu, Lapa Laubscher for Botha accused Tutu of being "selective with the facts" when he told journalists that Botha had taken 10 months to reply to written questions he had received in January last year.

Laubscher said Botha had only been given confirmation of funding for legal assistance to answer the questions in June last year.

"Do you agree with me that you have been selective with the facts?" Laubscher said. Tutu replied that he had responded to media queries as best he could.

Asked if he was prejudiced, Tutu said he was not "morally neutral".

"Apartheid is evil, I make no bones about that. We have to measure what has happened even-handedly."

He believed the struggle against apartheid was a just cause but said he had not prejudged Botha and the act which created the truth commission made no distinction between killings committed by either side.

The commission had wanted to question Botha on his role as state president and chairman of the State

Security Council.

Tutu said the Church Street bombing in Pretoria in 1983 was not justifiable in terms of a "just war" but if the African National Congress had targeted a military structure, in the context of a guerrilla war, it would have acted legitimately.

Laubscher asked Tutu why about 250 ANC members had not been "charged for obstructing the commission" — as Botha had been charged — when they had failed to reply to letters sent to them for corroboration.

Tutu replied that subpoenas had not been issued to the ANC members in question because there was no hearing involved. He said there had been other hearings into atrocities committed by the ANC.

Tutu admitted that he had not read the written submissions supplied to the commission by Botha, but said his research unit had.

Botha, who has shown little emotion during the trial, flicked his hand into the air in a gesture of exasperation when Tutu said he had not read Botha's biography *Die Stem Uit Die Wilderness*.

Earlier in the day former Vlakplaas commander Eugene de Kock called on Botha to "bring home" three former Civil Co-operation Bureau operatives who have been languishing in a Zimbabwean prison for 11 years. "Three people had been left to die totally alone with no access to Amnesty International or the Red Cross. I urge Botha here and now to bring these people home."

BD 6/6/98 (252)

# Ex-colonel dismayed by Bopape's death

(252) Stan 5/16/98

A retired police general yesterday recounted his dismay upon learning in June 1988 that Mamelodi activist Stanza Bopape had died under police torture.

"I was shocked and upset when I heard that his death was caused by electrical shocks," Petrus du Toit told the Truth and Reconciliation Commission in Pretoria.

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Five of the applicants were directly involved in subjecting Bopape to electrical shocks. They are: Lieutenant-Colonel Adriaan van Niekerk, Major Charles Zeelie, Warrant Officer Hendrik Mostert, Sergeant Johan du Preez and Constable Jakobus Engelbrecht.

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"They told me that Bopape died of a suspected heart attack while receiving electrical shocks, and said that a mock escape had to be staged on the same night."

The amnesty hearing continues today - Sapa

# Struggle to be judged by rules of Geneva Convention, says Tutu

Star 5/6/98  
BY ROBERT BRAND

George - The ANC's conduct during the armed struggle against apartheid will be judged by the Truth and Reconciliation Commission against the standards of the Geneva Convention, TRC chairman Archbishop Desmond Tutu told the George Magistrates' Court yesterday.

According to those standards, Tutu said, the 1983 Church Street bomb in Pretoria was an unjustified act even if it was aimed at a military target - SA Air Force headquarters - because of the inevitability of civilian casualties.

Tutu was being cross-examined by advocate Lapa Laubscher SC, defence counsel for former state president P W Botha. Botha is on trial for ignoring a TRC subpoena to appear at a public hearing on December 19 last year. He claims the subpoena was not valid because the TRC was acting maliciously and had singled him out for punitive action.

Laubscher questioned Tutu closely about the commission's dealings with Botha, and suggested that it had applied a different standard in its dealings with the ANC. But Tutu defended the TRC's conduct, saying the commission was legally bound to act even-handedly.

However, he said, this did not mean the commission should be morally neutral. Apartheid, Tutu said, was in itself a gross violation of human rights, and the armed struggle against it could be considered a "just war".

Although the TRC legislation demanded even-handedness of the commission, this did not mean the commission would not condemn apartheid or regard it as morally equiva-

lent to the armed struggle.

"There is no moral equivalence between those who use force to maintain an unjust system and those who use force to oppose it," Tutu said.

However, the justness of the ANC's cause had not given the organisation carte blanche to commit human rights violations. It had to conduct the struggle according to the rules of war, including the principle that civilians should not be targeted, he said.

"The killing of air force personnel .. and civilians (in the Church Street bombing) does not accord with the principles of justice in war," Tutu said.

The Church Street carbomb killed 19 people and injured 200 others, most of them civilians.

Aboobaker Ismail, former head of the special operations unit of the ANC's armed wing, has applied for amnesty for the bombing, claiming it was justified because it was aimed at a mil-

itary target.

Tutu admitted that he had not personally read 1 200 pages of written answers provided by Botha to the commission's written questions. But he said the TRC's research department had studied the answers and would take them into account when drawing up the final report.

He added that the answers had been submitted more than 10 months after the commission supplied written questions to Botha, and that new information had justified its decision to subpoena Botha to a public inquiry.

Laubscher was due to continue his cross-examination of Tutu today. The case is expected to be postponed for final argument and judgment.

“  
**TRC is  
even-handed,  
not morally  
neutral**  
”

# Ferdi Barnard sentenced to two life terms for murders

CONVICTED killer Ferdi Barnard, sentenced to two life imprisonment terms yesterday for murdering anti-apartheid activist David Webster and another man, told reporters he would "take a page from President Mandela's book" and not turn on his friends.

"When President Mandela was sentenced in the Rivonia trial, he didn't go the next day and turn on all of his comrades. I'm going to take a page from his book. I'm not going to turn on my friends. I'm just going to do my time," Barnard said.

He was not surprised about his sentence for the murders of Webster and one of his (Barnard's) former business partners, Mark Frances.

Webster was killed by a single shotgun blast in May 1989 while standing outside his house in Troyville, Johannesburg, and Frances was clubbed to death with a baseball bat outside a Johannesburg hotel in August 1991 to pre-



## COLD-BLOODED KILLER:

Former CCB operative Ferdi Barnard

vented him from disclosing Barnard's involvement in a robbery.

Barnard, a former operative of the defence force's covert Civil Co-Operation Bureau, was further sentenced to 63 years' imprisonment for attempting to murder Justice Minister Dullah Omar in 1989, attempting to murder Bophuthatswana businessman Daniel

Mocumi in 1991, charges of fraud involving more than R1,3 million and charges of malicious damage to property, housebreaking, causing an explosion, theft and illegal arms possession. All the sentences are, in terms of the Criminal Procedures Act, to run concurrently with Barnard's life sentences. He could be released on parole at 65. He will turn 40 next month.

Judge Johan Els said Barnard's previous convictions for murder, attempted murder and car theft weighed against him. The court should ensure that he did not endanger the community again.

The evidence justified a conclusion that Webster was killed on the orders of the CCB.

The judge said the murders of Webster and Frances had been well planned and cold-blooded. Webster had never been a threat to any person or organisation. Frances had been murdered because he was possibly a danger to Barnard. — Sapa

(2192)

ET 5/6/98

# APARTHEID'S DEATH MACHINE: 'I AM NOW THE HUNTED'



**JOE MAMASELA:** "I want to appeal to Justice Minister Dullah Omar, who is the only remaining person who can protect my family. He knows how it is, he is a former comrade who has himself been threatened. I appeal to him to protect my family."

## No place to hide for traitor to both sides

(252) CT 25/6/98

**ROGER FRIEDMAN and  
BENNY GOOL**  
SPECIAL ASSIGNMENTS TEAM

IS there place in the new South African sun for the likes of former killing machine Joe Mamasela, the turned ANC guerrilla who confessed to killing at least 30 anti-apartheid activists and soldiers, testified against former hit-

squad colleagues and superiors, and now fears for his own life?

Mamasela, who has worked closely with a special investigative unit attached to the office of Gauteng Attorney-General Jan D'Oliveira for nearly four years, told the *Cape Times* this week he believed his usefulness to the unit was over and he was about to be thrown to the wolves.

He and his family had lately

received death threats, which he was sure came from former security force operatives against whom he had testified.

Mamasela, 45, said he had joined the ANC in the mid-1970s and trained in Botswana and Zambia. He was arrested in Soweto in 1979 and severely tortured. "The police broke me and then sent me back to infiltrate the ANC in Botswana"

He had tried to operate for the ANC as a double-agent, but the ANC had lost faith in him and he had ended up at the Vlakplaas hit-squad base.

The *Cape Times* spoke to a senior intelligence source in Gauteng who agreed that Mamasela was in danger.

"Our concern is that there are even people in the investigative unit who are rotten. There is

no protection for Joe and many other witnesses. Yet, when other hit-squad people such as Nortje, Kloppers and Brood van Heerden felt threatened, they were all taken with their families to Europe for four or five months," the source said.

D'Oliveira did not respond to a request for a telephonic interview yesterday.

● See Page 19

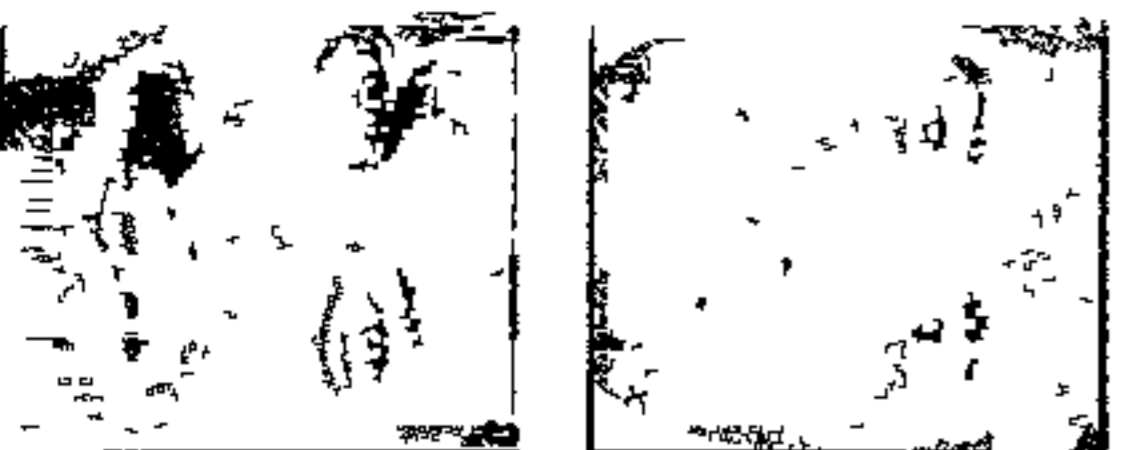


*From MK soldier to double agent to Askari mass murderer to impimpi; Joe Mamasela now has nowhere to turn.*

(2172) ET 3/6/98 Page 1

*“I feel very vulnerable. My life consists of always dodging and avoiding threats. The very people who are supposed to protect me are the people who are threatening me. I live on the verge of death.”*

**FREEDOM FIGHTER** Joe Mamasela was caught and converted into one of the P W Botha regime's most vicious killers of freedom fighters. Then he turned state witness, spilling the beans about 40 murders, 30 of which he helped carry out. Now, he says, hit-squad members he implicated want him dead, and his Justice Department handlers don't seem too concerned. Special Assignments Team **ROGER FRIEDMAN** (top) and **BENNY GOOL** report.



# Hunter, now the hunted

He doesn't know who he can trust and he doesn't know if he is to be prosecuted for any of the crimes he has confessed to committing

"I feel very vulnerable," he says  
"My life consists of always dodging and avoiding threats

"The very people who are supposed to protect me are the people who are threatening me

"I live on the verge of death"  
Do you feel sorry for Mamasela?  
Should you?

Is he just a villain, or also a victim? He views himself as a victim, a prisoner of war who was subjected to extreme torture, turned, and then sent out to kill his own people

"I was arrested in June 1979 at No 1121 Mofolo South in Soweto, the house of Andrew Mazondo, the then ANC political commissar in Angola"

"I was an underground combatant and had been told to spend the weekend at Mazondo's house

"I was sold out by Sipho Makopo, younger brother of Isaac Makopo who today serves on the ANC's national executive committee

"It was in Krugersdorp that they managed to break me in three days

"My uncle, Ernest 'Chief' Mamasela, had been killed in 1977 by the very same East Rand police who captured me

"They really taunted me with that"  
Mamasela says he operated as a dou-

ble-agent for about a year, with the knowledge and consent of his uMkhonto weSizwe commander, co-named Pedro

But then a new commander, Roller Elias Masinga, assumed control of the group.

Mamasela was branded a sell-out and his half-brother was killed. He came rushing back to South Africa from Botswana

"I managed to come back with the corpse of my brother and I gave him a decent burial. It was about June 1981

"It was then that I decided that the ANC was becoming a problem for me

"They knew me but they did not trust me  
"I went to the security police and told

known as Askaris  
Askari's who dared step out of line were murdered

He has not applied to the Truth and Reconciliation Commission for amnesty, and has not been indemnified from prosecution for any of the crimes he admits committing

"Most of the actions I was forced to take against my will were criminal and I would not like to go before the TRC and lie to them that they were criminal acts with political motives

"Secondly, I did not commit these actions willingly

OF MAMASELA believes he is of no more use to Gauteng Attorney-General Jan D'Oliveira's special unit investigating apartheid-era hit-squad activities and is in the process of being spat out

He is angry that the R4 000-R5 000 monthly "allowance" he has received for the more than three years that he has worked with D'Oliveira's unit was recently reduced by 25%, forcing him to cut back on his personal security.

But does he have any right to be angry?

are those third-force elements whose actions he has exposed  
"I have crossed my political rubicon," he says

Which is what PW Botha used to say when he clearly hadn't

"I can now walk freely among my own people.  
"I am welcome in Soweto, but I cannot go to Pretoria because I could be killed

"So the threat comes from the Third Force, rather than the people, and that is how I prefer it"

Mamasela says he is a born-again Christian who wants to be a pas-

He has been receiving regular death-threats, been shot at, had his car tampered with and had to move his wife and three children away from home

Although he says he doesn't fear death, he does believe that his life is in extreme danger  
He points in this regard to the "ambush" of state witness Victor Ndlovu, which took place more than a year ago but was apparently hushed up

Ndlovu was assisting the unit with information of gun-running links between the old security police and the IFP

Whoever hit Ndlovu had access to information from inside the unit, he says.

The pressures on Mamasela are increasing

The days as D'Oliveira's so-called "star witness", of being the subject of a virtual squabble between D'Oliveira and Truth and Reconciliation Commission investigators, of giving evidence against the likes of former hit-squad boss Eugene de Kock, of starring roles in television documentaries, have passed

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CT 3/6/98

"The truth of the matter is I was a

prisoner of war, sold to the enemy by my

own people."



**NO TRUST:** Joe Mamasela (top) says even if he were offered police protection he would refuse, because he can't trust them

**SENZENI NA (WHAT HAVE WE DONE?):** During a recent amnesty hearing TRC logistics officer Meleney Burts (above) comforts Benedicta Godoloz, mother of Qagawuli Godoloz, one of the Pebco Three Mamasela had a hand in killing (file picture)

**VICTIM:** Churchill and Livingstone Mxenge (right) at the grave of their slain brother Griffiths Mxenge near King William's Town Mxenge's murderers, including Vaalklaas commander Dirk Coetzee, were convicted last year. Mamasela, one of the main state witnesses, participated in the murder but was not prosecuted

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them I was afraid and could not return to Botswana

"They said 'Fine, we will take you to a farm called Vlakplaas, near Pretoria, where other people similar in background to you are living

"You will be able to protect each other ' That's when I met Dirk Coetzee (the first commander of the Vlakplaas death-squad) "

Mamasela and the other captured and turned ANC and PAC cadres were

years."

"I was forced to commit these actions or I would have been killed

"I believe I am innocent, it is common cause that we were forced to do these things

"We were prisoners of war

"I cannot go and apply for amnesty on my capturer's behalf I have, however, apologised to the victims, myself "

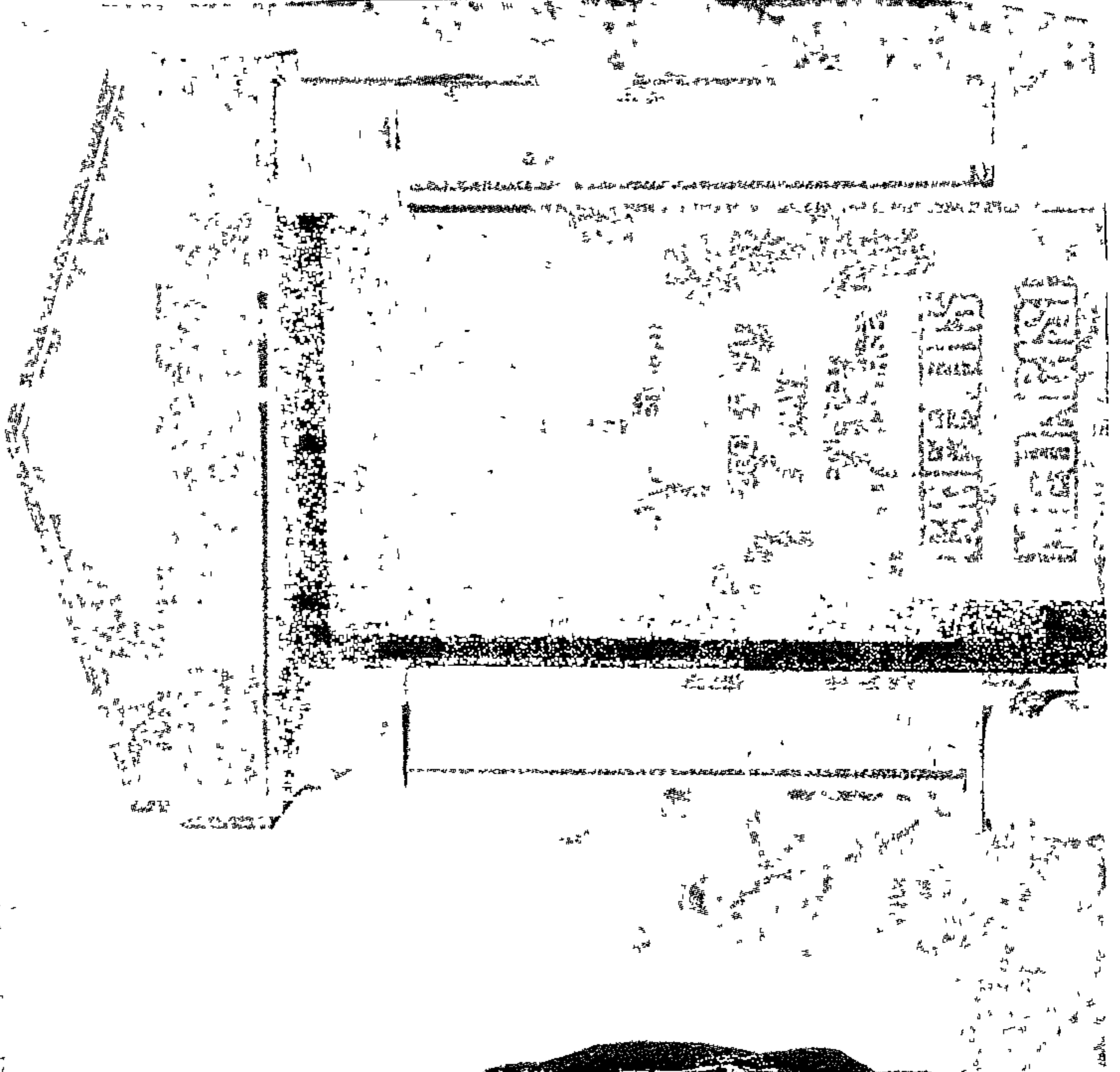
Mamasela is not in any doubt that the people who are threatening him now

tor, if he lives long enough

"I know for a fact as a Christian that God has already forgiven me

"Reconciliation begins with yourself, before you can go out and reconcile with God I know that God's forgiveness is guaranteed, whereas human forgiveness is not "

D'Oliveira did not respond to a Cape Times request yesterday for an interview



Top official at  
Machel hearing

A FORMER Mozambican official who had close ties to Samora Machel was among several witnesses who testified behind closed doors at a Truth and Reconciliation Commission hearing yesterday into the 1986 air crash which claimed the former president's life.

TRC spokesman Vuyani Green said the "highly-placed former official" was questioned about South Africa's relationship with Mozambique at the time of Machel's death.

Other witnesses called by the TRC included a former defence force operative and a former captain at the security branch at Komatipoort, who was apparently the first person at the crash scene.

Green said it was unlikely the identity of the witnesses could not be disclosed for fear of their safety.

The inquiry followed new evidence linking activities of the former SADF to the crash, he said. Machel and 33 others were killed when the aircraft in which they were travelling crashed near Komatipoort. — Sapa

DE KOCK ADMITS HE NEVER MET BOTHA

# Bring jailed agents home, PW told

GEORGE: The trial of former president P W Botha for ignoring a TRC subpoena continued to centre yesterday on whether he ordered the Khoiso House bombing in 1987

P W BOTHA should ensure that three men, serving prison sentences in Zimbabwe for acts of sabotage performed on the orders of the former South African government, were brought back to South Africa, former security police hitsquad commander Eugene de Kock said yesterday.

The former Vlakplaas commander was speaking under cross-examination in the George Regional Court, where Botha is standing trial for ignoring a Truth and Reconciliation Commission subpoena.

De Kock said Mike Smith, Barry Bawden and Kevin Woods, convicted for spying and bombing premises used by the ANC, had been languishing in Zimbabwean jails for 11 years.

Woods was a double agent who had been congratulated for his work and entertained by former National Intelligence Services head Niel Barnard, De Kock said.

"They are left to die totally alone. I would urge the former president now to bring his men home," De Kock said.

Botha's advocate, Lappe Laubscher, questioned De Kock's claims that Botha ordered the 1987 bombing of the trade union federation headquarters Cosatu House in Johannesburg.

De Kock testified on Wednesday that his commanding officer at the time, Brigadier Willem Schoon, who has applied for amnesty for the bombing, had made it clear to him that Botha gave the order.

Laubscher quoted from Schoon's amnesty application, which states that the order came from former law and order minister Adriaan Vlok, and makes no mention that it came from Botha.

De Kock said Schoon had not made a full disclosure of what had happened.

"The name of P W Botha was mentioned quite specifically. I would say Brigadier Schoon is a confused man," he said.

De Kock admitted that he had never personally met Botha. He said he had been congratulated by Vlok for bombing Cosatu House and Khoiso House, the headquarters of the South African Council of Churches, in 1988.

"He said we would fight the ANC for the next 1 000 years, you know," like a Third Reich kind of thing,"

De Kock is serving a 212-year sentence for six murders and 75 other crimes committed while he was a senior security policeman.

Dressed in a dark suit, Botha sat next to the dock and occasionally glanced at De Kock.

The trial continues. — Sapa



STRAIGHT TALK: Desmond Tutu outside the George Magistrate's Court yesterday, where he appeared in the trial of P W Botha

PICTURE AP

## Tutu makes 'no bones' about apartheid evil

GEORGE The apartheid policy implemented and maintained by former state president P W Botha's government constituted a gross human rights violation, Truth and Reconciliation Commission chairman Desmond Tutu said yesterday.

He was testifying in the magistrate's court here where Botha is facing charges of ignoring a TRC subpoena.

Asked by Botha's advocate Lappe Laubscher if he was working on the premise that Botha himself was involved in human rights violations, Tutu said:

"I don't know. We are still going to determine if that is the case."

The TRC wanted to know from Botha whether he authorised or condoned such violations or helped create an environment for them to happen.

"We want to understand people who carried out the apartheid government's policies, who main-

tained its policies."

Tutu pointed out that some of Botha's cabinet ministers and the generals who served under them had lied as a matter of course about operations they carried out against their enemies.

"I don't doubt that they were guilty of human rights violations," he said.

Tutu said the TRC had never intended to be "morally neutral".

"It would be an insult and totally unacceptable."

For example, in the case of murder, the TRC could not say it did not consider it an evil act.

"I am not morally neutral about apartheid. It is evil and I don't make any bones about it," Tutu said.

However, the TRC could not legally make a moral distinction between different evil acts.

"A killing is a killing is a killing and in terms of the (TRC) Act a gross human rights violation" — Sapa

# Ferdi off to life in jail - with box of chocs and no regrets

ARG 6/16/98  
ARGUS CORRESPONDENT

Pretoria - Ferdi Barnard went to begin at least 25 years behind bars - with no regrets and naught for his comfort but a small red box of chocolates, from his policeman

Brigadier Piet Barnard has supported his son daily throughout the trial

Barnard, one of the Civil Co-operation Bureau's most feared operatives, was putting a brave face on his sentence as he was led down to the cells of the High Court afterwards

"I expected it and I am going to look at it in a positive way. I will use my time in jail the best way I can," he said after Mr Justice Johan Els sentenced him to two life terms plus 63 years for a string of crimes that included the murder of

Judge David Webster of Barnard to life for the 1989 murder of anti-apartheid activist Webster. He gave him another life sentence for bludgeoning his underworld friend Mark Francis to death with a baseball bat in 1991.

Barnard was sentenced to a further 63 years on 23 charges including theft, the illegal possession of arms and ammunition and fraud of R1,3-million.

All other sentences will run concurrently with one life sentence. Barnard, who turns 40 next month, will be eligible for parole in 25 years, when he will be 65.

He said that "the judge was very fair and lenient". He bore no grudges against anyone who had testified against him.

"When President Mandela was sentenced in the Rivonia trial, he did not go the next day and turn on his friends. I will take a page from his book. "I am happy I have no regrets looking back on my life."

# Top men 'sowec mayhem'

## Tutu rejects theory of 'a few bad eggs'

AKG 5/16/98 (A72)

George - The theory that only a few "bad eggs" were responsible for all the gross human rights violations committed by the former security forces was not acceptable, Truth Commission chairman Desmond Tutu said in the Regional Court here today.

"I am deeply distressed that you are using the same argument as (former president) Mr De Klerk that there were just a few bad eggs," Archbishop Tutu told Lapa Laubscher, SC, counsel for PW Botha, during cross-examination.

"I could have accepted that had I not heard the evidence from their own mouths."

Archbishop Tutu is the final witness for the state at the trial of Mr Botha, who has pleaded not guilty to a charge of ignoring a subpoena to attend a Truth Commission hearing in December into the workings of the State Security Council.

Archbishop Tutu, who confirmed yesterday that he had not read the questions posed by the commission to

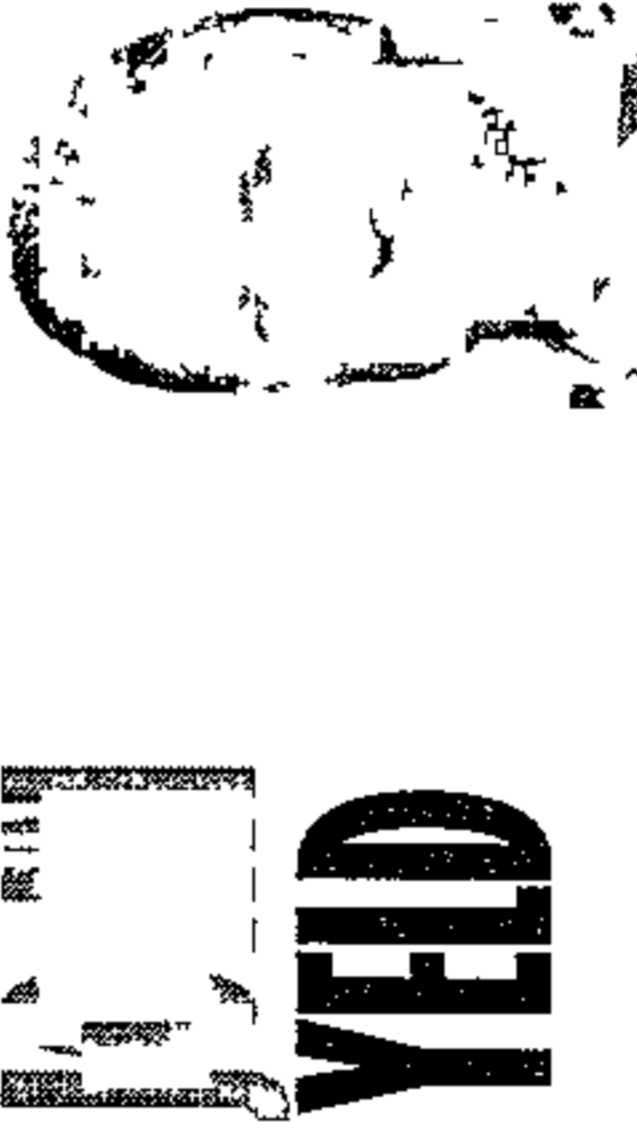
bottom, that's a different kettle of fish from a small group at the top. It isn't just a small, insignificant group - it is a small group who could sow the most awful mayhem because of who they were.

"Even if they were a small group, they were responsible for some of the most ghastly atrocities in this country."

"How many bad apples are you going to concede? No, we can't say they are bad apples. They are people sitting in the State Security Council."

Archbishop Tutu also said that while he had agreed yesterday with Mr Laubscher that the "necklace" murder method had been gruesome, the security forces had also been responsible for murders such as the killing of Durban civil rights lawyer Griffiths Mxenge and the Cradock Four activists, who had been stabbed 60 times.

"How do you measure gruesomeness?" Archbishop Tutu asked. "Any decent human being will say it is a ghastly situation that those who were



ON THE TRUTH COMMISSION

Mr Botha or his lengthy replies, said he accepted Mr Botha's statement that his government had never condoned gross human rights violations. But members of the security forces had stated in their amnesty applications that they believed their actions had been sanctioned by the government.

He also said amnesty applications had come from people in top positions in Mr Botha's government, including former law and order minister Adrian Vlok and police commissioner Johann van der Merwe.

"If it was just a small group at the

meant to maintain law and order do precisely the opposite."

Earlier, Mr Laubscher said he had "clear evidence" that Truth Commission deputy chairman Alex Boraine was prejudiced. He also claimed that Dr Boraine wanted to find evidence at commission hearings to support his prejudices.

He told the court yesterday that he would argue this when summing up at the end of the trial.

But Dr Boraine was defended by Archbishop Tutu, who was in the witness stand being cross-examined by Mr Laubscher at the time.

"I would disagree he (Dr Boraine) is actually a very, very fair person," he said.

Archbishop Tutu had already been cross-examined by Mr Laubscher for several hours, responding to questions clearly designed to suggest that the TRC was biased in favour of the African National Congress and that it had not dealt fairly with Mr Botha.

The hearing continues

# Botha shakes TRC man with 'scary' stare

George - Former president PW Botha has behaved impeccably this week, in contrast to his angry outbursts during the April session of his trial, but there was one bizarre exchange during an adjournment that left Truth Commission deputy-chairman Alex Boraine feeling uneasy and unnerved.

Mr Botha stood up, turned towards Dr Boraine and stared fixedly at him, with just a slight smile playing on his lips.

Dr Boraine, sitting on the bench next to the witness stand held Mr Botha's gaze, with a slight smile in return.

But Mr Botha, standing motionless, continued staring at Dr Boraine for several minutes before eventually turning away.

Dr Boraine told the Cape Argus later that he had been concerned by Mr Botha's behaviour.

"It was very odd. It was a scary experience, which I didn't enjoy," he said.



OBED ZILWA  
n for grilling: Archbishop Tutu arrives at court 'I need a rum and Coke,' he said later

# Tutu calls on PW Botha to apologise

By JOHN YELD

George - Truth and Reconciliation Commission chairman Archbishop Desmond Tutu has made a dramatic appeal to former state president P W Botha to apologise for his government's apartheid policies, which caused "deep, deep anguish and pain and suffering".

His appeal came at the end of his testimony as the last state witness in Botha's trial in the Regional Court in George for ignoring a subpoena to appear at a Truth Commission hearing in December last year.

Botha, who has pleaded not guilty, appeared angered and upset by Tutu's appeal, but did not react directly.

Tutu, who spent two-and-a-half days in the witness box, made his appeal after completing a gruelling cross-examination at the hands of Botha's advocate Lapa Lambescher SC.

He said he believed there was still an opportunity for Botha to make an appropriate gesture, and he did not suggest that the former state president had been personally guilty of any gross human rights violations

"I speak on behalf of people who have suffered grievously as a result of policies carried out by governments, including governments that he (Botha) headed.

"I want to appeal to him to take this chance provided by this court to say that he himself may not have intended the suffering to happen to people .. (but) the governments that he headed caused many of our people deep, deep anguish and pain and suffering.

"Our people want to be part of this country and be part of reconciliation.

## Books

"If Mr Botha is able to say 'I am sorry the policies of my government caused you so much pain' - just that - that would be a tremendous thing."

Botha listened from his usual place on a chair at the side of the dock.

After the trial was adjourned to June 15, he told journalists in the public gallery: "There are a number of books you people can go and read I have nothing more to say."

At a media conference outside the court, Tutu declined to be drawn on whether the Truth Commission would ask for the charge

against Botha to be dropped if he apologised

"For me it doesn't go about legalities, it goes about the people of this country whom I love, and love passionately," he said.

Answering questions from journalists, Tutu said it had been a fortunate coincidence that Botha's trial this week had taken place at the same time as an amnesty hearing and trial.

Former police commissioner Johan van der Merwe and other senior policemen who murdered activist Starza Bopape and covered up his death, applied for amnesty and the amnesty hearing for the Eastern Cape security policemen who murdered the Cradock Four was also being heard.

"Somehow you could say God has a sense of timing," Tutu said. He believed Botha's court case was having a bigger impact than a hearing in terms of their draft agreement - rejected at the last minute by Botha - would have had.

He was not concerned by the sharp criticism levelled at the commission during cross-examination by Botha's lawyers, who were "just doing their job"



# Stonewalling still surrounds the defence force's chemical

By JACKIE CAMERON

Cruel chemical experiments on humans and animals may have been conducted by the former defence force but "were most definitely not part of the registered project".

This was said by SANDF chief of medical force application, Major-General Rinus Jansen van Rensburg, as Truth and Reconciliation Commission investigators were preparing for Monday's inquiry into the apartheid state's involvement in developing chemical and biological warfare

The commission will examine experiments carried out on humans and animals between 1981 and 1994 following a two-year investigation into the secret research

About a dozen military researchers and scientists are expected to testify at the hearings.

A guarded Jansen van Rensburg said: "If (these experiments) happened, they were most definitely not part of the registered project." And his staff member overseeing the current defensive biological and chemical warfare programme, Col-

onel Ben Steyn, said this week that animals were "not really" being used for testing in the current programme.

"If it's happening, I don't know about it. All our (chemical) research is being done by Protechnik, an Armscor subsidiary. They use subcontractors to do specific work. We don't know what they do."

Steyn claimed that the only current work into defensive biological warfare was "paperwork" research.

Jansen van Rensburg said he had

the same kind of control over the biological and chemical warfare programme as US President Bill Clinton has with the nuclear button.

"He doesn't hold the only key. He can't just set it off. We have a detailed programme with boundary management. No one is to exceed the boundary."

He said that what he had "heard" about previous activities within his department was "all hearsay and will not stand up in a court of law".

"I was appointed to this post in

July last year. Prior to that, I was not involved. I was a strategic planner."

Jansen van Rensburg claimed there was "nothing sinister" about current activities and said that "what we're doing now is fairly open" to South Africans, but he refused to divulge the amount of taxpayers' money spent on these programmes.

He said there was a real threat of terrorist groups creating havoc in South Africa using biological and chemical-warfare tactics, and

that one strategy to counteract this was too release as little information as possible about the current programme and developments.

South Africans for the Abolition of Vivisection spokeswoman Beatrice Wiltshire said: "I don't think we'll ever get to the truth. There's still a lot going on and I don't know if the new regime is better in terms of transparency than the old."

"Biological and chemical-warfare experiments were covered up under the old regime. Maybe there are too

many countries with a finger in the pie. There's certainly not transparency about what's going on at the moment."

"They claim that their experimentation in the past was for defensive purposes, but poisoning people is clearly offensive."

"We believe there is still experimentation involving animals. We wrote to Minister of Defence Joe Modise about it and couldn't get an answer. If they weren't experimenting with animals, then surely they would have said no?" she added

warfare programme  
25/6/98  
(252)

# De Kock spews bile on PW

(CNA) M+G 6-11/6/98

## David Beresford

It was one of those definitive moments in South African history, a moment that Eugene de Kock had long been waiting for. His five heavily armed bodyguards had taken up nervous positions around the courtroom. PW Botha was sitting in a well-padded chair, placed next to the dock in vague acknowledgement that he was the accused.

The deputy attorney general of the Cape, Bruce Morrison, lobbed the question, a barely disguised invitation to De Kock to get it all off his chest: sentenced to spend the next couple of centuries in jail, what did he have to say about his predicament?

Botha glanced at the former police colonel through gold-rimmed glasses. There was a momentary pause and then, with the apparent lack of emotion with which he used to murder the state's political opponents, the former assassin began blazing away.

"They were cowards, he said. They were cowardly politicians, especially those from the National Party, who had sold out the police and the army. 'They want to eat lamb, but they do not want to see the blood and guts.'"

The politicians had told them they were fighting for *volk* and fatherland. But it was a sham. They were only fighting for 5% of the people, for the incestuous little world of Afrikanerdom. "We did well. We did the fighting. I am proud of that," declared De Kock.

But the politicians did not have the moral fibre to accept responsibility for the killing. So

he, a lowly colonel, was doing it. I am an Afrikaner," he said. But it was as cowards that God would deal with the politicians.

Botha stared straight ahead. Wearing a grey suit, grey cardigan and grey shoes, he was banality incarnate. If he was the *groot krokodil*, he was one who had inescapably passed his prime, his collar loose on his scrawny neck as he nursed his partially paralysed right arm — a reminder of the stroke that has robbed him and, ultimately, his people, of power.

The magistrate, Victor Lugaju, listened impassively, his black skin speaking loudly of the new authority in the land.

In even tones the retired assassin told the story of the three bombings: the African National Congress offices in London in 1981, Cosatu House in 1987 and the headquarters of the South African Council of Churches, Khotso House, in 1988.

He had received the Police Star for Outstanding Service for the London bombing, recalled De Kock — an award previously reserved for generals, which could only be made by the president himself, then Botha.

De Kock said he had been "extremely surprised" at the order to bomb Cosatu House, because it represented an act of "major terrorism". When he was told by a police general that Botha was getting impatient with his delay in attacking the building, he had retorted: "If PW Botha feels he can do it better, he should do it himself."

He described how he was called in to blow up Khotso House after another sabotage team had fouled the job: the supermarket shopping

bags in which they had packed the mines they were planning to use split open, sending the explosive devices rolling down a road in central Johannesburg.

He had used a back-up team armed with grenade launchers, sub-machine guns and automatic rifles. They had orders to kill any policeman who stumbled across them, to prevent their identification. It was state terrorism that had not gone completely unopposed. Earlier the court had heard that South Africa's spy chief during the apartheid era had confronted former police chief Johan van der Merwe and the head of the former South African Defence Force, Jannie Geldenhuys, with allegations that their men were murdering the government's political opponents.

The executive secretary of the Truth and Reconciliation Commission, Paul van Zyl, told the court the confrontation between the country's spy chief and the security force commanders had emerged from in-camera testimony given by the former head of the National Intelligence Service (NIS), Dr Neil Barnard.

Barnard had told them his agency had become aware that political figures were being murdered and that this was being approved at executive level. "We were very upset and worried about that," he quoted Barnard as saying.

The head of the NIS had challenged Van der Merwe and Geldenhuys, who had demanded whether he had evidence. When he said he did not, they promised they would investigate. He had also raised the issue with Botha himself.

"He said he was also very worried about it



Saurian octogenarian: PW Botha

and would deal with it at a political level," Barnard had told the truth commission.

Truth commission chair Desmond Tutu told the magistrate he was appearing "with the greatest possible reluctance" and was "filled with considerable distaste" at the prospect of testifying against Botha. "I believe this is something that should not have happened," he said of the prosecution.

The ex-president was "my brother" and the day would come when "God will ask me what did I do to help his child", Tutu said.

The case is proceeding

# TRC to probe chemical warfare testing on humans and animals

ARG 6/6/98

(253)

JACKIE CAMERON

Chemical and biological experiments on humans and animals may have been conducted by the former defence force but were not part of a registered project, says Major-General Rinus Jansen van Rensburg, SANDF Chief of Medical Force Application

On Monday, the Truth and Reconciliation Commission will start inquiries into the previous government's involvement in developing chemical and biological warfare

The commission will examine experiments carried out on humans and animals between 1981 and 1994, after a two-year investigation into the secret research. About a dozen military researchers and scientists are expected to testify at the hearings

Maj-Gen Van Rensburg said "If (these experiments) happened, they were most definitely not part of the registered project"

Colonel Ben Steyn, who is in

charge of the current defensive biological and chemical warfare programme, said this week animals were "not really" being used for testing

"If it's happening, I don't know about it. All our (chemical) research is done by Protechnik, an Armscor subsidiary. They use subcontractors to do specific work. We don't know what they do," he said

Colonel Steyn said the only work into defensive biological warfare was "paperwork" research

Maj-Gen Van Rensburg said he had the same kind of control over the programme as President Clinton had with the nuclear button

"He doesn't hold the only key. He can't just set it off. We have a detailed programme with boundary management. No one is to exceed the boundary"

He said what he had "heard" about previous activities within his department was "all hearsay and will not stand up in court"

"I was appointed to this post in July last year. Prior to that, I wasn't involved. I was a strategic planner. I can't stand in for the historical build-up," he said

Maj-Gen Van Rensburg claimed there was "nothing sinister" about their activities but refused to divulge the amount of taxpayers' money spent on these programmes

He said there was a real threat of terrorist groups creating havoc in South Africa using biological and chemical warfare tactics and a way to counteract this was to release as little information as possible on the programme

South Africans for the Abolition of Vivisection spokeswoman Beatrice Wiltshire said "We believe there is still experimentation involving animals. We wrote to Minister of Defence Joe Modise about it and couldn't get an answer"

"If they weren't experimenting with animals, then surely they would have said no?" she added

City Press 7/16/98

# Lover caught boastful Ferdi off guard

By DESMOND BLOW

**K**ILLER and undercover agent of the Civil Co-operation Bureau (CCB) Ferdi Barnard, who was given two life sentences in the Pretoria High Court this week, openly boasted of his murder of academic David Webster and other crimes - but never knew that the woman who shared his bed was informing on him.

Brenda Milne, mother of his five-year-old son, secretly kept notes on her lover, and for two years had secret rendezvous in safe houses with Senior Superintendent Casper Jonker of the Attorney-General's Special Investigation Team, when she handed over the notes to him.

This must have come as a shock to Barnard after his arrest, because he never suspected Milne, with whom he had lived for eight years, of working under cover.

Milne feared that if she left Barnard, as she wanted to do, he would kill her and their son, as he constantly threatened to do.

Barnard had boasted of his evil deeds to many people, but they were all too afraid to testify against him.

Barnard had been the major Webster murder suspect for many years but people either refused to testify - or else lied at the Webster inquest and to the Harms Commission.

There was also a cover-up by senior policemen. One, a general, will be arrested soon, City Press learned this week.

Brigadier Floris Mostert and War-rant Officer "Ras" Rousouw detained Barnard in their investigation of the murder, but he later had to be released on grounds of insufficient evidence.

At the Webster inquest it emerged in evidence that General "Krappees" Engelbrecht, who had been appointed to help the commission, had visited Barnard in prison and told him to "keep quiet".

Milne's father - a senior government official - consulted Gauteng Attorney-General Jan D'Oliviera about her plan to co-operate with his office by keeping a record of what Barnard said - and to whom - while she lived with him.

For two years Milne made notes of events which she handed over to Jonker when they met.

She even took photographs of Barnard playing with his favourite weapon, a sawn-off shotgun he called "Buks Benade", with which he assassinated Webster.

She told the court a month ago that Barnard often threatened people with "Buks Benade".

She said "The whole lifestyle with him was a nightmare - he took drugs and was an alcoholic. His was



**NO FEAR NOW ...** Brenda Milne was always afraid that Barnard would kill her

a life of crime, pornography and womanising. Life with him became unbearable.

Milne was never certain that she would live long enough to see Barnard convicted, but she hoped the notes she turned over to Jonker would be used in time even if she was killed - to prevent their son growing up with his father.

Only D'Oliviera, Jonker, and later Deputy Attorney-General Anton Ackermann, who prosecuted Barnard, were aware of her spying.

With the aid of her information, Jonker, Captain Mike Holmes and Superintendent Piet Pretse were able to approach key witnesses.

Former member of 32-battalion,

Kevin Treisman, who was to give evidence at the Webster inquest to the effect that Barnard had told him he killed Webster, refused to testify after an explosive device was thrown into his garden. But he now came forward and gave evidence against Barnard.

And so did others who, confronted with the overwhelming weight of Milne's notes, felt assured that there was sufficient evidence to put Barnard behind bars for life.

These witnesses included his former wife Maryna Langage and another girlfriend Amore Badenhorst, who had run a brothel for Barnard and the CCB.

Badenhorst was taken into protective custody, as was Milne after she eventually left Barnard.

Milne testified that she would often accompany Barnard while he was monitoring activists for the CCB, including Webster.

She told the court that she had seen the list of people to be monitored and that authorisation would then be given by his CCB bosses for them to be eliminated.

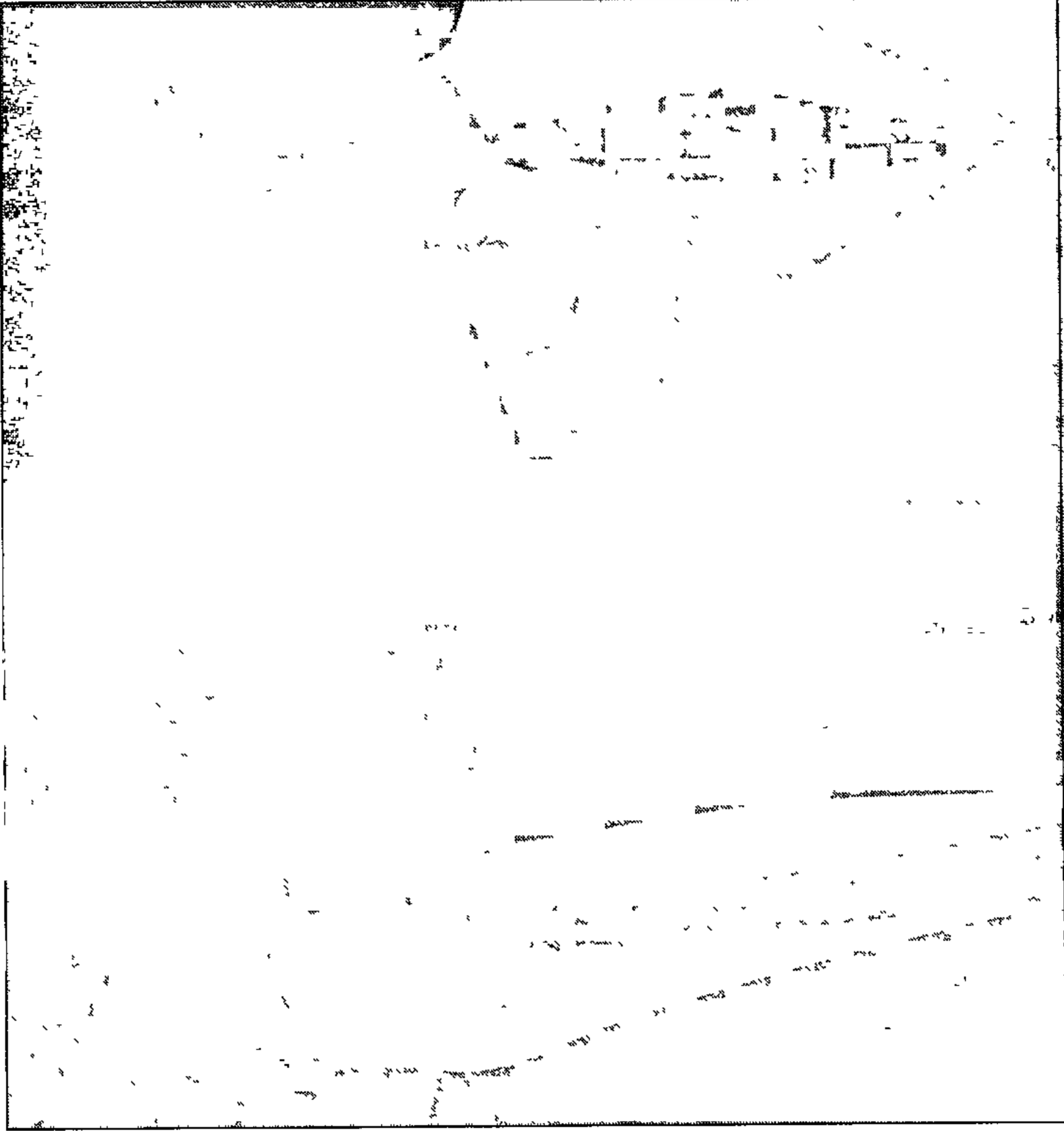
Webster's name was on the list, as was Dullah Omar, now Justice Minister, Jay Naidoo and Frank Chikane.

Barnard, whose plan to murder Omar in Cape Town was aborted when a woman climbed into his (Omar's) car, was convicted of attempted murder in this regard.

Milne said her white Ford Laser had been used on the day Webster was murdered, and she also pointed out the dam where Barnard said he had disposed of the smoking gun, later recovered there.

She also gave information to Jonker about the murder of Mark Francis by Barnard and the late Eugene Riley, a former Natal and Transvaal rugby forward.

The three were involved in a robbery in Tzong in February 1991. Riley and Francis were arrested the same night and Francis made a statement to the police implicating Barnard. Both Riley and Francis



were released on R5 000 bail. One Sunday, Riley enticed Francis into a dark alley in Berea where Barnard was hiding with an aluminium baseball bat.

Milne said that Barnard told her that he and Riley took turns in beating Francis to death with the bat which he called "Tonk" because of the sound it made.

In passing sentence - two life sentences and 63 years on other counts which are to run concurrently - Judge Johan Els said the court concluded that Webster was killed on the orders of the CCB.

Calla Botha, who was said to have driven the car when Webster was killed, "Staal" Burger and others, were mentioned in the charges against Barnard, and are still being investigated.

Barnard has remained loyal, refusing to "rat" on colleagues. Barnard likened himself to President Nelson Mandela, who, he says, did not turn on his comrades in the Rivonia trial.

"When President Mandela was sentenced in the Rivonia trial, he

## Two years of secret notes about Barnard and his 'Buks Benade'

CP 7/16/98 (267)



**TOP COPS ...** Captain Mike Holmes (far left) and Chief Superintendent Casper Jonker (left) both of the A-G's Special Investigations Team, were instrumental in having Barnard successfully convicted. (Above) Barnard in the dock during his trial in the Pretoria High Court this week.

did not turn in his comrades. I'm going to be the same. I won't turn on my friends. I'll do my time."

Barnard kept smiling after he was sentenced as well-wishers came to shake his hand.

"Give me a kiss sweetheart," Barnard told an attractive young blonde and gripped her tightly before he was led away.

# Big name amnesty applicants to shed light on past dirty tricks <sup>(252)</sup>

By CHIARA CARTER

A string of key amnesty applications scheduled to be heard by the Truth and Reconciliation Commission during the next few months is likely to shed further light on apartheid era clandestine operations at home and abroad

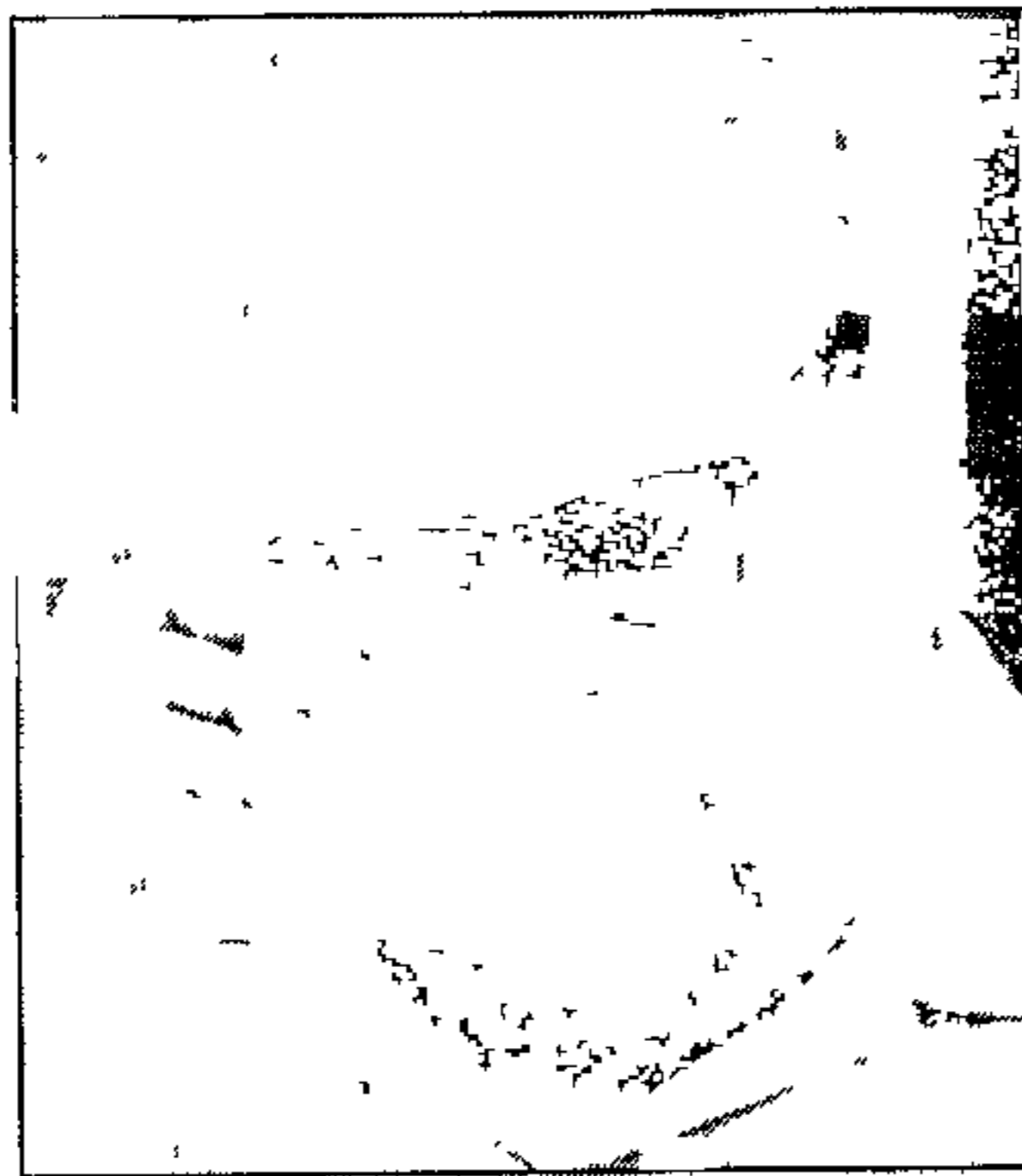
These include an amnesty application by former Minister of Law and Order, Adriaan Vlok, an application by apartheid "superspy" Craig Williamson, and an application by the former Vlakplaas commander Eugene de Kock who is serving a 200-year sentence in Pretoria Central Prison

Later this month in Umtata, the TRC amnesty committee will hear how De Kock changed the identity of a former Vlakplaas operative who is asking for amnesty for his role in several Eastern Cape murders

Earlier this year, the applicant provided the TRC with information at a closed investigative hearing

The amnesty hearings for Vlok, Williamson and De Kock follow an avalanche of testimony this week which saw the men who ran the

*TRC will shortly hear testimonies by Vlok, super-spy Williamson and prime evil De Kock*



*WILL(IE) OPEN THE CAN? ... ask many who closely follow the TRC's proceedings as Craig Williamson prepares himself to testify*

apartheid government's dirty tricks testify in court and before the TRC around the country

In George, former State President PW Botha appeared on charges of

defying a TRC subpoena while in Pretoria, former SAP commissioner Johan van der Merwe asked amnesty for concealing the murder of activist Stanza Bopape.

In Port Elizabeth, former security policemen asked amnesty for murdering the Cradock Four

Meanwhile, former CCB hitman Ferdi Barnard was sentenced to life imprisonment for killing academic and anti-apartheid activist David Webster

The amnesty hearings heard how former policemen acted with the approval of their commanders as well as politicians while in George De Kock accused Botha and his colleagues of cowardice for abandoning the "foot soldiers"

The Port Elisabeth hearing further heard details about the former government's secret counter-revolutionary group- ing, Trewits Former police intelligence officer Jacob van Jaarsveld told the TRC that Trewits' mission was to "eliminate political opponents"

CP. 7/6/98

# Germ war boffins to reveal all

*ARG 8/6/98 (252)*  
**TRC rejects closed session**

**JOHN YELD**  
ON THE TRUTH COMMISSION

The Truth Commission has rejected a request by the Government to hold its hearing on the apartheid state's chemical and biological warfare programme behind closed doors.

The hearing will be open to the public. Commission chairman Desmond Tutu announced this after hearing argument by senior government representatives and the TRC's own legal adviser at the start of the hearing today.

Archbishop Tutu said the TRC was aware of the Government's international obligations regarding the non-proliferation of weapons and would not allow the hearing to be used for "nefarious purposes" by any-

one seeking to release information about technology relating to such weapons.

The hearing, set down for five days, starting today, will focus on the apartheid government's secret programme, headed by SA Defence Force doctor Wouter Basson, to develop chemical and biological weapons between 1981 and 1994.

It will also delve into the illegal manipulation of the programme for political purposes - such as experiments aimed at reducing the fertility of black women - and for personal gain involving millions of rands.

The hearing was adjourned to allow the Government to react to the TRC ruling.

In terms of the 1993 Non-Proliferation of Weapons of Mass Destruction Act, Trade

To page 3

## SA germ war boffins set to tell all at TRC

*ARG 8/6/98*

From page 1

(252)  
and Industry Minister Alec Erwin still has the power to order that the hearing be in camera.

But the government representatives told the Commission they were not aware of any proposal to use this provision should their request for an in-camera hearing be rejected.

The Government will probably use the adjournment to appoint a lawyer to look after its interests at the hearing.

The request for the in-camera hearing was made by a senior delegation comprising the chairman of the statutory SA Council for the Non-Proliferation of Weapons of Mass Destruction, Abdul Minty, President Mandela's legal adviser, Nicholas "Fink" Haysom, and Maojanku Gumbi, an advocate and legal adviser to Deputy President Thabo Mbeki.

Professor Haysom said the Government was concerned that holding the hearing in public could lead to the proliferation of information about the technology of weapons of mass destruction and that South Africa had important commitments in terms of international treaties to prevent such proliferation.

But he said the Government was not trying to censor the hearing and that it wanted the Truth Commission to release the full transcript to the public - once the TRC itself had decided whether any of the information it had heard would constitute a breach of South Africa's non-proliferation obligations.

"We want it clearly understood that we are not looking to hide abuses (committed under the programme)," he said.

The TRC chief legal adviser, Hanif Vally, said there had been discussions with the Government and Mr Minty's council for two years about this hearing and that the commission would engage in "self-censorship" by not releasing certain documents.

However, he did not believe the hearing would promote proliferation.

# SA's chemical warfare horrors

Star 9/6/98

(252)

Military developed, tested – and probably sold – mass-destruction techniques, TRC told

By **ROBERT BRAND**  
Cape Town

South Africa may have sold its chemical and biological warfare secrets to Syria in a deal brokered by former president P W Botha's private secretary Ters Ehlers, it emerged before the Truth and Reconciliation Commission yesterday

Ehlers – Botha's secretary until he retired from active politics in 1989 – introduced a Syrian arms dealer to two of South Africa's military scientists in 1993, the commission was told on the first day of its hearing into South Africa's chemical and biological warfare programme

One of the scientists, Dr André Immelman, subsequently visited Syria. Immelman was a director of Roodeplaat Research Laboratories (RRL), a military front company which did research into biological warfare.

RRL and Delta G Scientific, a Midrand-based front company specialising in chemical warfare research, resorted un-

der Project Coast – established ostensibly to develop a defensive capability against chemical and biological warfare

The head of Project Coast was Dr Wouter Basson, Botha's personal physician, who now faces charges of murder, conspiracy to murder, fraud and possession of the drug ecstasy

The commission yesterday heard evidence from Dr Jan Lourens, a bio-engineer who worked at Delta G and later headed another military front company which manufactured an array of James Bond-style weapons designed to deliver fatal doses of poison

The "poison applicators" were made to order for Immelman and another military toxicologist, Dr James Davies Lourens, who has applied for amnesty from the TRC, said claims by the military that Project Coast was defensive in nature were "absolute nonsense".

The project included the development of an offensive chemical capability. It also researched biological warfare



Dr Wouter Basson ... project head now faces serious charges

agents, including substances to reduce the fertility and virility of blacks, Lourens said

Lourens said the project's scientists experimented on animals. He said RRL, north of Pretoria, kept baboons, dogs and a chimpanzee.

Among the weapons made by Lourens's company Protechnik, were umbrellas and screw dri-

vers with poisoned tips, a signet ring which contained a spring-loaded dose of poison in powder form, and a walking stick which could shoot a poisonous bullet.

"I was never told what they were for, but it was quite obvious. I was never under any illusion that it was for any purpose other than assassinating human beings," said Lourens

The company manufactured sophisticated chemical warfare agents for testing purposes.

Lourens said he reported his concerns to then SADF chief General Kat Liebenberg, who told him to forget about the whole thing. Liebenberg also said, referring to the collection of poison applicators: "Those are my toys. I want them back."

Instead, Lourens buried them at his Northern Transvaal farm and resigned from the military. After Basson's arrest, Lourens told his story to Transvaal Attorney-General Jan D'Chiviera, whose special investigating unit is probing the chemical and biological warfare programme



...nasty seeker ... Pitso Joseph Hlase testifies before the Truth and Reconciliation Commission amnesty hearing that he was involved in the killing of four Soweto Student's Congress members in 1986.

## Azapo members blame dead leaders for killings

BY THEMBA SEPOTOKELE

Two Azaman Peoples Organisation (Azapo) amnesty applicants yesterday blamed two of their leaders, both of whom are now dead, for ordering them to kill political rivals

The two applicants, Pitso Joseph Hlase and Atasio Motlana Mophoreng, told the TRC amnesty hearing that they were acting on the orders of Thami Mcerwa and Sam Seema when they killed members of the four Soweto Students' Congress (Sosco) members in 1986

Mcerwa died in 1995 and Seema in 1987

The four, Vuyani Nkomo, Mbulelo Mabena, Msilana Ronnel and Oscar Mlangeni, were killed during the height of the conflict between Azapo and the

United Democratic Front, to which Sosco was affiliated

Hlase, the first to testify, told the commission that they were infuriated after Sosco members torched the Orlando West house of Azapo member Jefferson Lengane. He said most Azapo members were displaced during the height of conflict between the UDF and Azapo

"We set up camps to protect our members who were displaced, because their houses were attacked and they felt unsafe when they were alone. It was not our organisation's policy to attack people but to defend ourselves when attacked

"It was Azapo's policy to avoid retaliation, but the UDF continued to kidnap and kill our members"

He said the death of Siph

Mingomezulu and the attack on Lengane's house was "the turning point of the policy because our comrades were brutally killed and attacked by Sosco members"

Mophoreng said he had seen the six while they chanted intimidating and belittling slogans against Azapo after the burning of Lengane's home

"After Lengane's home was burnt, he came to one of our hide-outs where he reported to us. I informed other comrades and then accompanied him to clear the debris. As we were busy, a group of 15 to 20 boys passed, singing slogans," he said

Mophoreng said six youths were brought to Lengane's house later that day and interrogated. It was there that Mcerwa and Seema gave an in-

struction that they "deal" with the Sosco member

The Sosco members were then shoved inside the boots of two vehicles, driven to a house in Soweto, where their fates were decided. They were then taken to a veld where they were shot

Simon Morris and Sekao Kgase survived the attack and Kgase reported the incident to the police.

Hlase, Mophoreng and Ernest Thandakubona were later arrested but skipped bail and fled the country.

They were rearrested on their return to South Africa in 1995, and judgment in the trial was reserved pending the outcome of their amnesty applications.

The hearing continues today

'Police got rid of activists files before the elections'

Star 9/16/98

By SIMON ZWANE

Police files on political activists were destroyed on a large scale just before the 1994 elections, former police commissioner Johann van der Merwe told the Truth and Reconciliation Commission in Pretoria yesterday

Van der Merwe told the amnesty committee, which is currently hearing evidence on the death in detention of Mamelodi activist Stanza Bopape, that the files were destroyed to protect the lives of informants

Van der Merwe and nine other former security police have applied for amnesty for their part in the killing and the subsequent cover-up of Bopape's death

Van der Merwe was recalled to the witness stand yesterday by his legal representative, Advocate Louis Visser. Bopape's death had been concealed by Van der Merwe and other security police who spread deliberate lies that he had escaped from custody

Questioning General Petrus du Toit, former deputy commander of John Vorster Square security police, committee chairman Justice Miller said the "destruction of Bopape's file was unusual as investigations into his escape were still on"

Du Toit retorted that it would have been abnormal to make an exception on Bopape's file when all others were being destroyed.

Gauteng MP Bhekis Nkosi, who was detained together with Bopape, was yesterday called to give evidence on how he was treated in police detention in an effort to establish how Bopape was treated. The police claim Bopape died of a heart attack after they had applied brief electric shocks

Nkosi said he had been severely tortured and electric shocks were applied to his whole body, including his genitals



# Legal firms look beyond just giving advice on the law

IT HAS been coming for years. Now SA's legal firms appear to be on the verge of taking further the controversial concept of spreading beyond pure legal advice to form investment firms that will, to a limited extent, invest, take risk and deal in added services beyond pure legal advice.

Quietly, in September, Moss Morris launched Moss Morris Consulting, in which it is the major shareholder.

The new firm, explains Moss Morris chairman Oshy Tugendhaft, is already providing consulting and financial services. It plans to offer a full range of services and take equity stakes in investments.

So far it employs four people and is considering numerous joint venture opportunities.

Edward Nathan & Friedland, the dominant legal advisers in SA's merger and acquisition activity, is poised to form a wholly owned financial and investment service company.

Other major legal firms are also known to be considering this route.

One has moved to create a com-

mercial entity to assist its clients in non-legal services such as marketing and licensing patents.

It is not inconceivable that in the not too distant future advocates and attorneys — still strictly segregated from each other — will soon come together in a single multidisciplinary practice.

Besides being potentially more lucrative than time-based fee income, such a route offers a means for a legal firm to retain and recruit its lawyers. Perhaps the biggest problem facing law firms today is the inability to meet the remuneration offered outside the legal profession.

Not only the law and its practice are changing, but legal firms are also shifting as competition increases, most seriously from auditors who are developing in-house legal divisions in their drive to diversify into truly multidisciplinary service organisations that offer, in addition to legal services, services in corporate finance,

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business consulting as well as information technology. The large auditing firms have leapfrogged attorneys in diversifying towards being multidisciplinary. They have the advantage of being global and closer to clients at the business level than are attorneys.

Formally, SA's lawyers are still prohibited from entering into partnerships with non-attorneys or sharing fees with non-attorneys earned from legal work. Hence the necessity for legal practices to create new companies which undertake no legal work.

Contingency fees, allowing lawyers to take cases on risk in return for a share of the risk, are controversial enough for a conservative profession. Legislation has been passed but not yet implemented to regulate this.

Tugendhaft notes that it is nothing new for legal firms to take an interest in listed companies, sometimes clients. To be sure, law firms will never be able to develop

major investment and finance houses of the likes of Investec or Rand Merchant Bank. They could become effective niche players where they are able to add value in areas such as implementing software programmes.

Nevertheless, attorneys as investment firms are a looming minefield. Where does it end — operating companies, trading in firms? More seriously, how can an attorney avoid ending up competing with clients? Conflicts of interest could become more common — a lawyer acting as legal adviser could have different and even conflicting interests when the same lawyer acts as an investor or shareholder.

The Law Society is aware that legal firms are establishing their own financial, investment and even commercial firms, admits co-president Esme du Plessis. The society, itself looking to be granted statutory status to regulate the profession, has accepted the prin-

ciple. The debate now within the society is how to monitor this and allow legal firms to establish multidisciplinary practices where services go beyond pure legal advice.

"We will have to adapt if SA's attorneys are not to fall further behind their international counterparts. By not changing rules we are falling increasingly behind. We are in a new era which requires a rethink on existing prohibitions that are applicable to legal firms."

SA is not alone in attempting to regulate the trend. At its September conference in Vancouver the International Bar Association is set to discuss guidelines for multidisciplinary legal practices.

This said, Du Plessis cites the major complications with the deregulating process:

- Control over trust money will have to be retained by the attorney who is subject to professional discipline, which non-legal partners are not;

- The client's interest will have to remain paramount;
- The attorneys' Fidelity Fund cannot assume responsibility for non-attorneys. Legislation is before Parliament to exclude investment practices from protection from this fund, and
- The independence of the attorney and the profession's self-regulatory nature is in danger.

The changes in law firms go well beyond external expansion of their services.

Internally, the new-style attorneys are having to more professionally manage their practices along business lines. Legal firms are employing people — mostly non-attorneys — to specifically manage their growing practices.

The largest US legal firms, for example, employ economists, political consultants, specialist analysts and so on. The large local firms have not gone this far but more aggressive marketing of the firms is evident. They are all employing professionals with financial and technological skills.

□ Segal is a freelance journalist.

# SADF weapons expert 'poisoned by own gadget'

CAPE TOWN — A former SA Defence Force chemical weapons expert was knocked out while demonstrating a James Bond-type gadget he had designed, the truth commission heard in Cape Town yesterday.

Jan Lourens, a self-confessed expert in designing and developing poison-bearing weapons, was testifying at the hearing into the former government's chemical and biological warfare programme.

Lourens once headed a front company called Protechnic that supplied gadgetry to the SADF's special operations unit headed by Wouter Basson. He told the commission his company developed screwdrivers, walking sticks and umbrellas that could be used to inject poison into victims.

Lourens said he was asked by Basson to

deliver one of the screwdriver gadgets to a man in England. When he met the man, he demonstrated how the weapon worked. He said while he was installing the vial into the screwdriver it broke and the poison spilled on his hand. "I must have wiped my mouth and I lost consciousness," he said.

He was asked by commission deputy chairman Alex Boraine whether he had realised that the weapons he was developing were probably to be used against humans. He replied that he was under no illusion that they would be used by assassins.

In 1993, Lourens decided to sell the Protechnic company to a Belgian businessman, Charles van Remoortere, who questioned what had happened to the funds.

Lourens said he approached a friend who

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knew the then deputy minister of defence Roelf Meyer. This led to a meeting with the head of the army, Gen Kat Liebenberg, who agreed to resolve the problem. Liebenberg told him he should remember that "those toys are mine" — referring to the gadgets.

Lourens has now applied for amnesty and may be used as a state witness in the trial of Basson.

In an earlier development, the commission ruled that its hearings on the apartheid government's chemical and biological programme would be held in public. The decision followed a government request that the hearings be held behind closed doors to avoid any technology about weapons of mass destruction being revealed. — Sapa.

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# SADF weapons expert 'poisoned by own gadget'

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CAPE TOWN — A former SA Defence Force chemical weapons expert was knocked out while demonstrating a James Bond-type gadget he had designed, the truth commission heard in Cape Town yesterday.

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# Trading in secrets

(257)  
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□ From Page 1

researched biological warfare agents, including substances aimed at reducing the fertility and virility of blacks, in an effort to reduce the birth rate in the black population, Lourens said.

Among the weapons made by Lourens' company, Protechnik, were umbrellas and screw drivers with poisoned tips, a signet ring which contained a spring-loaded dose of poison in powder form, and a walking stick which could shoot a poisonous bullet. Lourens said, although he did not know of specific cases in which these weapons were used to assassinate, he had not doubt that they were meant to kill enemies of the state.

**LEADER: Wouter Basson**



One of these weapons, a poison-tipped screw driver, was delivered to a South African agent in England, Lourens said. Protechnik specialised in designing protective clothing but the company had the ability to manufacture sophisticated chemical warfare agents — and did, for testing purposes, Lourens said. He had reported some aspects of the chemical warfare programme to then-defence minister Roelf Meyer in 1993 through a lawyer friend.

Meyer simply ordered him to discuss his concerns with the surgeon-general, Niel Knobel, then in overall command of Project Coast. Knobel said he knew nothing about the offensive side of the project and referred Lourens to then-SADF chief General Kat Liebenberg, who told him to forget about the whole thing and, referring to Lourens' collection of poison applicators, said "Those are my toys. I want them back."

Instead, Lourens buried the "toys" at his Northern Transvaal farm as "insurance" and resigned from the military. After Basson's arrest, he turned against his former colleagues and told his story to Transvaal attorney-general Jan D'Oliviera, whose special investigating unit is probing the chemical and biological warfare programme.

Sapa reports that proceedings went ahead in public after a request by a government delegation for a behind-closed-doors hearing was rejected by the TRC in the interests of transparency.

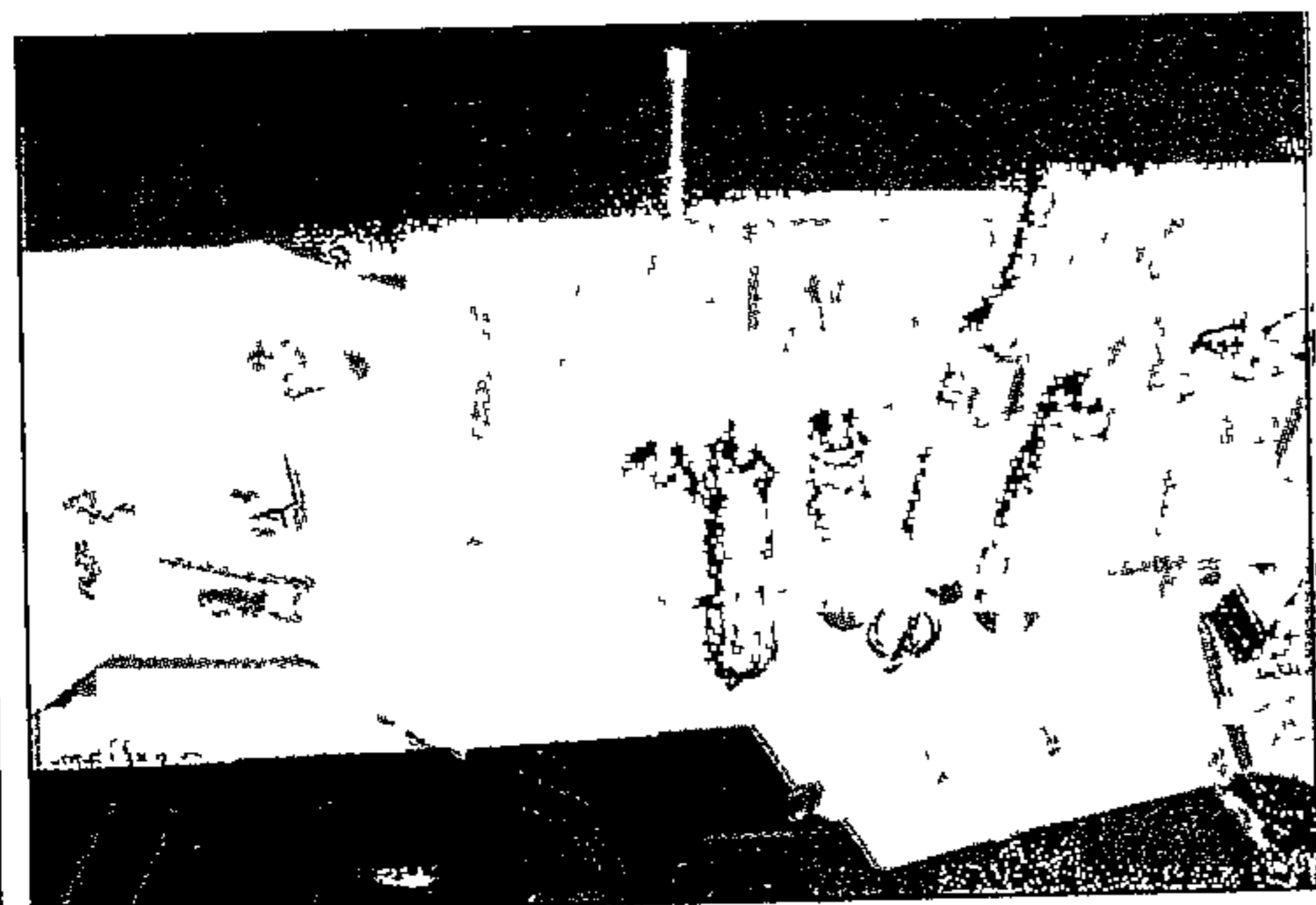
The delegation argued that there was a danger that sensitive information about the manufacture of weapons of mass destruction could be revealed in the hearings.

The project included developing an offensive chemical capability by manufacturing new kinds of teargas and researching chemical substances and the possibilities of manufacturing them. It also

□ Turn to Page 3

weapons designed to deliver fatal doses of poison to victims "were made to order for Immelman and another military toxicologist, Dr James Davies. Lourens, who has applied to the TRC for amnesty, said claims by the military that Project Coast was

**LETHAL WEAPONS** These screwdrivers, walking sticks and umbrellas were designed to inject poison into victims. **PICTURE: THEBINKOSI DWAYISA**



Midrand-based front company specialising in chemical warfare research, resorted under Project Coast, a project established by the military ostensibly to develop a defensive capability against chemical and biological warfare. The head of Project Coast was Dr Wouter Basson, Botha's personal physician. Basson was arrested last year on charges of possession of the drug Ecstasy. He is now facing further charges of murder, conspiracy to murder and fraud. The TRC yesterday heard evidence from Dr Jan Lourens, a bio-engineer who worked at Delta G and later headed another military front company which manufactured an array of James Bond-style

SOUTH AFRICA may have sold its chemical and biological warfare secrets to Syria in a deal brokered by former president P W Botha's private secretary Ters Ehlers, it emerged before the TRC yesterday — the first day of its hearing into SA's programme on such weapons. Ehlers, Botha's secretary until the former president retired in 1989, introduced a Syrian arms dealer to two of SA's military scientists in 1993, it was heard. One of the scientists, Dr Andre Immelman, subsequently visited Syria. He was a director of Roodt-Plaat Research Laboratories (RRL), a military front firm which did research into biological warfare

# SA 'sold chemical warfare secrets'

ROBERT BRAND  
ET 9/16/98  
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# Duped by NIS mole: Rasool 'disgusted'

(112)  
CHRIS BATEMAN  
21 9/16/98  
WESTERN CAPE

African National Congress leader Ebrahim Rasool and former activist Garth Strachan yesterday spoke of their "outrage" on learning they had been unwitting informants for a National Intelligence Service spy who helped set up and infiltrate the agency they worked for.

They were "disgusted" to know that trusted former colleague and prominent businessman Johan Hattingh was also a top NIS "mole" who passed on information to their apartheid enemies.

Hattingh was a board/founder member of the highly respected Foundation for Contemporary Research (FCR). Strachan was a deputy director of the FCR in 1995 and Rasool its chairperson.

Both said yesterday they felt "naive and foolish" at being duped.

They had known Hattingh as a helpful and friendly philanthropist and visited his home and business and even sent his family congratulatory letters on the birth of his son.

The FCR was set up in 1987 as a non-government organisation focusing on training ANC and South African National Civics Organisation members in local government and development.

Rasool said Hattingh had helped raise the R10 000 needed to register the FCR as a section 21 company. "He must have been among the best NIS agents because until a recent Truth and Reconciliation Commission hearing we had no inkling," Rasool said yesterday.

Hattingh was recently questioned in-camera by the TRC about the deaths of ANC cadres Colleen Williams and Robbie Waterwich in an explosion in Athlone before the 1989 municipal elections.

Rasool said he was outraged that Hattingh and other NIS agents "from the grave of apartheid still have the capacity to smear us".

"It's been a classic attempt to smear the names of people who made enormous sacrifices in the struggle," he said.

Adding names such as FCR founder Richard Stevens, Jacob Zuma and ANC legislator Johnny Issel to the list of alleged "witting or unwitting sources of NIS information" was designed to impugn ANC leaders and supporters' integrity. He said they had probably come out with the smear because of the regional ANC's growing cohesion and confidence.

## TRC told of huge order for Ecstasy

JOHN YELD

(247)

The surgeon-general of the old SA Defence Force ordered a ton of the drug Ecstasy from a military front company ostensibly to be used as an "incapacitator" against an enemy. But Johan Koekemoer, the chemist who was told to make the drug - which could have filled 600 to 1 000-million capsules with a total street value of as much as R100-million - told the Truth Commission today that he had been suspicious of the order.

ARC 9/6/98  
Chemist tells of fears over SADF ecstasy order, page 4



Facing fraud charges: Wouter Basson

**'You cheat us - we kill you' ...**

Wouter Basson, head of the apartheid government's biological and chemical warfare programme, was a very private person but also a forthright one, the TRC hearing was told

Businessman Charles van Remoortere, a Belgian who got involved with Dr Basson while sanctions-busting for the SA Defence Force in the 1980s, yesterday said their relationship had been "simple"

"He said 'You cheat us, we kill you' I thought it was a joke," Mr Van Remoortere testified.

Dr Basson, one of 24 senior officers "purged" from the SADF by then president F W de Klerk in 1993, was re-hired by the new SANDF and was arrested in January last year

The TRC heard that Transvaal Attorney-General Jan d'Oliveira was investigating a series of provisional criminal charges against him and that the Office for Serious Economic Offences would probably add 10 fraud charges involving about R50-million

# Chemist tells of his f- SADF's order for ton - *'I doubted claims of plan to inca'*

The surgeon-general of the old defence force ordered a ton of the drug Ecstasy from a military front company, ostensibly to be used as an "incapacitator" against an enemy.

But Johan Koekemoer, the chemist who was told to manufacture the drug - which could have filled up to a billion capsules with a total street value of as much as R100-million - told the Truth Commission today he had been suspicious of the order.

Testifying at the hearing into the defence force's chemical and biological warfare programme, he said he had told Philip Mijburgh, the managing-director of his company: "I don't want to love my enemy if I use an incapacitant on him ... I would rather not kiss my enemy"

He said Ecstasy, which was not illegal at the time, "enhanced interpersonal communication and empathy"

Dr Mijburgh, the right-hand man of Wouter Basson, who headed the programme, told him the drug would be put into a gas grenade or similar delivery system, but he had never had any details

Dr Koekemoer, a research chemist at the military front company Delta G Scientific, said the order for 1 000kg of Ecstasy - code-named Baxil - had been signed by the then surgeon-general of the SADF, Niel Knobel.

He said he was reluctant to manufacture the Ecstasy when ordered to do so by Dr Mijburgh as it was a "drug of abuse"

He had consulted the head of the police forensic department, Lothar Neethling, to make sure that what he was doing was legal

"He was very non-committal during our meeting, but then he started arguing about the chemistry (of

**JOHN YELD**



**ON THE TRUTH COMMISSION**



Johan Koekemoer: 'drug of abuse'

making Ecstasy) and from our discussion I deduced we had his tacit approval," Dr Koekemoer said

He supervised the manufacture and delivery of 912kg of Ecstasy in crystalline form and with a purity of "99,5% plus" between February 1992 and January 1993. He delivered the drug, packed in 12kg white drums, to Dr Mijburgh by car

On one occasion he used a company bakkie to deliver 200kg

He did not know what happened to the drug after delivery, but later heard that police were supposed to have destroyed 912kg.

He had asked his colleagues whether it had been put into capsules and what had eventually happened to it, but never had an answer

"I did say to (Dr Mijburgh) at one stage that if I ever found out that he was smuggling with the stuff, I'd have his skin"

Dr Koekemoer confirmed that at one stage he had attempted to use mercuric oxide to manufacture Ecstasy, but this process was not particularly successful.

Hanif Vally, leading evidence for the commission, told Dr Koekemoer that Alan Kidger was found murdered just days after delivering stocks of mercuric oxide to Delta G

Alan Kidger was the sales director of Thor Chemicals whose body was found in the boot of a car in Soweto in November 1991. His arms and legs had been cut off

Dr Koekemoer said he had never met Mr Kidger and he had only read about the murder in the newspapers

Dr Basson had supplied some raw materials for the Ecstasy which had not been readily available.

Dr Koekemoer confirmed he was aware of research on Mandrax at Delta G in a project code-named "Mx", but said he had not been involved in this "I thought it was part of the normal CBW (chemical and biological warfare) project - it (Mandrax) could possibly be a good incapacitant."

Provisional criminal charges against Dr Basson include the manufacture of one ton each of Mandrax and Ecstasy

# How boffin made deadly 'James Bond toy



Centre stage: Jan Lourens testifies

James Bond-type assassination weapons, including walking-sticks, umbrellas, bicycle pumps and screwdrivers that shot or injected poisons, were developed by the old SA Defence Force.

The weapons were described to the Truth Commission yesterday at its hearing on the apartheid-era chemical and biological weapons programme

Jan Lourens, a scientist involved in the programme, which was code-named "Project Coast" and deemed "super-secret", said the weapons had been described by former defence chief Kat Liebenberg as "toys"

They had been developed by his company, Systems Research and Development, one of the fronts for a special defence force chemical and

biological warfare unit.

The unit, headed by Wouter Basson, who at one time had been the personal physician of former state president Mr P W Botha, was initially part of Special Forces but later became the army's Seventh Medical Battalion.

Dr Lourens, a bio-medical engineer who specialised in producing equipment for doctors and veterinarians employed in Project Coast, also testified about the use of animals by another front company, Roodeplaat Research Laboratories

Some of this company's research around 1986-7 included virility and fertility tests on primates, mainly baboons, and speculation was that it was aimed at reducing the birth rate of black South Africans

"I assume so, but we never dis-

cussed a project in detail," said Dr Lourens

Other animal research included: ■ Shooting a teargas grenade at a baboon in a cage.

■ Strapping a baboon to a "restraining chair" so that experiments could be conducted on it.

■ Developing a gas chamber that could be used to measure the effect of poisonous sprays on animals

■ Using dogs, baboons and possibly a chimpanzee in other chemical and biological weapons experiments.

Dr Lourens said the assassination weapons - "applicators" for powdered or liquid chemical substances - such as screwdrivers were developed by an armourer, Phil Morgan, who had been introduced to his company by Dr Basson.



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ARG 9/6/98

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'Toys': Commissioners Wendy Orr and Fazel Randera with poison-injecting screwdrivers

## Toxic gadget that nearly killed maker

Chemical and biological  
warfare operative Jan  
Lourens said he nearly died  
after accidentally wiping his  
mouth with poison spilt while  
loading a screwdriver-like  
assassination weapon.  
This happened while he was  
demonstrating the device to an  
agent in the English town of  
Ascot, on behalf of Wouter  
Basson.  
"I lost consciousness very  
quickly. I recall going to the bath-  
room where I drank a bottle of  
Dettol.  
"With hindsight I have no idea  
why."  
He vomited severely and lost  
much of his sight temporarily. "I  
woke up later," he said.  
But when he reported the inci-  
dent to Dr Basson and another  
doctor involved in the project,  
Philip Myburgh, they were  
"greatly sceptical".  
They told him even a single  
drop would have been enough to  
make it "highly unlikely" that he  
would have survived.  
"We never discussed it again,"  
he said.

## Attorney apologises for 'intimidation'

Attorney Henne du Plessis, appear-  
ing at the Truth Commission hearing  
for former SADF Surgeon-General  
Niel Knobel, was ordered to apologise  
to Jan Lourens for making a derogatory  
remark.  
Mr Du Plessis called him a "martel  
gat" - a derogatory description for a  
martyr - in an aside to a colleague  
while Dr Lourens, a member of  
Wouter Basson's chemical and bio-  
logical weapons project team, was tes-  
tifying.  
Dr Lourens overheard and com-  
plained to chairman Dumisa Ntse-  
beza, who said the remark was a form  
of "intimidation".

# uses Bond toys' for SADF's secret war

"... a project in detail," said Dr  
Lourens.  
Other animal research included  
■ Shooting a teargas grenade at a  
prisoner in a cage.  
■ Strapping a baboon to a  
straining chair so that experi-  
ments could be conducted on it.  
■ Developing a gas chamber that  
could be used to measure the effect of  
chemical warfare agents on animals.  
■ Using dogs, baboons and possi-  
bly a chimpanzee in other chemical  
and biological weapons experiments.  
Dr Lourens said the assassination  
"applicators" for powder  
or liquid chemical substances -  
developed as screwdrivers - were  
developed by an armorer, Phil Morgan, who  
had been introduced to his company  
by Dr Basson.

Another of the weapons was a ring  
with a concealed compartment con-  
taining poison which could be put  
into someone's drink.  
Panel chairman Dumisa Ntsebeza  
commented, "Rather like a James  
Bond movie?" Dr Lourens replied:  
"Unfortunately."  
Other delivery mechanisms dis-  
cussed informally had been about lac-  
ing sealed bottles and cans of  
coldrink with poison.  
Dr Lourens said he had been given  
other assassination weapons to store  
by Danie Wahl, a second-in-command  
of the CCB (Civil Co-operation Bu-  
reau), a unit of Military Intelligence.  
These had included two washing-  
powder boxes booby-trapped with  
explosives, a box of detonators and  
sheet explosives and detonators for

letter bombs.  
"The soapboxes were primed,  
ready for use," he said.  
Late in 1992 and early in 1993 he  
had a change of heart about the pro-  
ject and the huge amount of money  
being spent on it.  
He had also been worried because  
the buyers of his front company had  
discovered a "missing" R160 000  
which had been spent on "Project  
Screwdriver" - including buying  
umbrellas and walking-sticks in  
Europe for conversion to assassina-  
tion weapons - and he could not  
explain where the money had gone.  
As a result, he attempted to dis-  
cuss his concerns at the highest level.  
Dr Lourens said he had, however,  
been fobbed off by then defence minis-  
ter Roelf Meyer, who would not see

him personally, then by SA Defence  
Force surgeon-general Niel Knobel  
and then General Liebenberg.  
By the time he and his friend  
reached General Liebenberg, the  
defence force chief had been fully  
briefed and was anticipating their  
visit, Dr Lourens said.  
General Liebenberg had told them  
there was nothing to answer for, but  
had added "You must remember,  
those toys are mine - I want them  
back."  
Dr Lourens said, "We had drinks  
and went home. He said, 'It's over,  
don't worry, I'll handle it.' It was as  
simple as that." But he admitted hav-  
ing been "petrified" of being found  
out and sent to jail, and said no one  
had contacted him to confirm that  
everything had been taken care of.



# Military made ecstasy, Mandrax, says scientist

(252)

Defence force paid R2,5-m for consignment of drugs, TRC told

stow 10/6/98

By ROBERT BRAND  
Cape Town

A military front company manufactured almost a ton of the designer drug ecstasy, enough for a million tablets with a street value of R100-million, the Truth and Reconciliation Commission heard yesterday

The drug was made in 1992 at the request of Dr Wouter Basson, head of the SADF's chemical and biological warfare programme dubbed Project Coast, and the written order was signed by Surgeon-General Niel Knobel, scientist Dr Johan Koekemoer told the TRC.

Scientists working on Project Coast also manufactured large quantities of methaqualone, the active ingredient in Mandrax

Koekemoer, chief researcher at Delta G Scientific, a Midrand-based military front company, said he was told the drugs would be used as an "incapacitant" in chemical warfare. He had concerns about the ecstasy order - he did not regard the drug as an

effective chemical-warfare agent - and raised them with Basson

"I did not consider ecstasy to be a very good incapacitant in the chemical-warfare sense. It enhances empathy and interpersonal communication I would not like to love my enemy"

But Basson urged him to press on, and he developed a new method to manufacture the drug to almost 100% purity

Before that, he had also raised his concerns with police forensics chief Lothar Neethling - and ended up discussing the chemistry and manufacture of the drug with him "I gathered that I had his tacit approval."

Koekemoer, a former professor of organic chemistry at the Rand Afrikaans University who joined Delta G in 1986, delivered 920kg of ecstasy to the offices of Dr Philip Mijburgh, managing director of Delta G and Basson's right-hand man The SADF paid R2,5-million for it

"I trusted the people in charge of me were ethical people; I mean they were medical doctors and so on."

Koekemoer said he did not know what happened to the consignment. He later found out it had been put into capsules at Delta G, and he was arrested last year when police found ecstasy capsules in his office. The charges have been withdrawn

Basson, arrested before Koekemoer, is facing charges of possession of 2 000 ecstasy capsules, in addition to charges of murder, conspiracy to murder and fraud

Koekemoer said he was not personally involved in the manufacture of Mandrax, but he had heard the drug was to be used as an "incapacitant" He said it was more suited to that purpose than ecstasy, because it was a "hypnotic sedative which could affect the way you react in a war situation"

Koekemoer also told the commission about experiments with BZ, a chemical-warfare agent used by the US in Vietnam, various insecticides, and a particularly virulent strain of tear gas called CR All the projects were authorised by Basson

## Front company 'sold' poison to SADF

By ROBERT BRAND

Cape Town - In an eight-month period in 1989, military front company Roodeplaat Research Laboratories (RRL) "sold" 67 deadly poisons and bacterial agents to the SADF, according to documents in the possession of the Truth and Reconciliation Commission (TRC)

The poisons were itemised in a RRL "sales list" for March to October 1989. But the list was "undoubtedly a list of murder weapons", former RRL director of laboratory services Dr Schalk van Rensburg told the TRC.

The "sales list" included bottles of beer infected with botulism germs, sugar contaminated with salmonella, anthrax- and cyanide-infected chocolates, whisky laced with a deadly organo-phosphate poison, envelopes sprinkled with anthrax spores, cigarettes treated with anthrax and ampules containing cholera

These biological toxins were made to order for Dr André Immelman, a director of RRL who acted as liaison with the SADF Van Rensburg said poisons manufactured at RRL were used in an attempt to murder South African Council of Churches secretary-general Frank Chikane

Other victims were a SADF conscript who was thought to have ANC sympathies who was killed on the Angolan border with simulated snake poison, a Russian adviser to the ANC who was poisoned with anthrax, and a "black dissident in the SADF or police" whose shirt was laced with a deadly organo-phosphate. The man, however, lent his shirt to a friend, who died instead

Van Rensburg said Immelman had also boasted of a plan to poison Nelson Mandela after his release from prison. "He was very confident that Mandela's brain function would be impaired progressively over

time" The plan apparently failed or was not carried out

At the head of the programme was Dr Wouter Basson, the former military physician who is now facing charges of murder, fraud and possession of illegal drugs Basson was scheduled to testify today, but his lawyers said he objected to testifying because it could affect his criminal trial The matter will be argued today

Van Rensburg said he had once heard Basson say that political unrest in the Eastern Cape could be "solved" by infecting drinking water with cholera, one of the organisms grown in abundance by RRL

Van Rensburg, an internationally renowned scientist with the Medical Research Council before he joined RRL, said the primary purpose of the company was to develop an offensive biological warfare capacity "Less than 5% of our work was of a protective nature," he said

# ANC uses its majority to push through bills

Star 10/6/98 (212)

## Concern over legislation for 'super attorney general'

**BY JOVIAL RANTAO**  
Cape Town

The ANC effectively used its majority in the National Assembly yesterday to pass four major pieces of legislation which were strongly opposed from the opposition benches

Overwhelming majorities passed the National Water Bill (206 votes to 60), the National Prosecuting Authority Bill (211 to 84), the Promotion of National Unity and Reconciliation Amendment Bill (215 to 79), and the Local Government Municipal Demarcation Bill (241 to 52)

Water Affairs and Forestry Minister Kader Asmal's National Water Bill removes the concept of water ownership and the riparian rights of landowners next to rivers, and establishes a system of licencing for water use

The bill obliges the minister to develop a national strategy for water use, conservation and management, and introduces more effective pollution pre-

vention and control

Although passed by the National Assembly, some provisions will be challenged in the Constitutional Court

The NP, the DP, the Freedom Front and the African Christian Democratic Party opposed the bill and asked that it be withdrawn

DP spokesman Mike Ellis said the bill did not have the support of major stakeholders such as the South African Agricultural Union, representing over 60 000 commercial farmers, and other important groupings such as the South African Forest Owners Association

The second piece of legislation approved was the National Prosecuting Authority, which paves the way for the appointment of a national attorney-general - a "super" authority - and nine provincial attorneys-general

The NP and the DP expressed strong concern that the procedure for appointing the national and deputy directors would open the way for politi-

cal appointments

IFP MP Kieren O'Malley said his party, which has argued for a federal system of government, was in principle opposed to a single national prosecuting authority

The PAC and the African Christian Democratic Party supported the bill

The Promotion of National Unity and Reconciliation Amendment Bill allows for the amnesty committee of the Truth and Reconciliation Commission to continue working until it has processed over 1 000 outstanding amnesty applications.

The Municipal Demarcation Bill, which allows the Government to change the boundaries of towns and cities, was supported by all parties except the NP

NP MP Andries Beyers envisaged that the demarcations would be loaded in favour of the ANC

► More reports

# TRC told of torture of UDF men

Star 10/6/98 (212)

**BY THEMBA SEPOTKELE**

Chilling details of how members of the Azanian People's Organisation (Azapo) abducted, tortured and murdered four members of the Soweto Students' Congress in 1986 were related at a Truth and Reconciliation Commission amnesty hearing in Johannesburg yesterday

Amnesty applicant Atasios Motlana Mphoreng (34), admitted that he had used a pair of pliers on the genitals of one of the victims during an interrogation at the Orlando West

house of Jefferson Lengane

Mphoreng, Pitso Joseph Hlase and Ernest Mxolisi Thandakubona are applying for amnesty for their involvement in the killing of Oscar Mlangeni, Vuyani Nkomo, Mbulelo Mabena and Msilana Ronnel

Under cross-examination by Saaleh Ameen, counsel for the victims, Mphoreng said: "I used a pair of pliers on Mlangeni's private parts to extract information about who from the United Democratic Front instructed them to burn down Lengane's house"

Simon Morris and Sekao

Kgase, who were abducted and shot but survived the attack, could only nod in agreement yesterday as the applicants testified that the interrogation had lasted for at least an hour.

Mphoreng claimed instructions to shoot and kill the victims came from Azapo leaders Thami Mcerwa and Sam Seema

Hlase denied that Mcerwa and Seema took part in the shooting

Thandakubona denied having taken part in the shooting.

The hearing is expected to end today

# AWB members who killed 21 seek amnesty

(2/12) Star 10/6/98

STAFF REPORTER

Twelve Afrikaner Weerstandsbeweging members who went on a murderous spree on the eve of the elections in April 1994 are to appear before the Truth and Reconciliation Commission in Boksburg next week.

The group, which embarked on a bombing campaign aimed at derailing the elections, will appear before the amnesty committee to ask for pardon for killing 21 people and maiming 46 others on the East Rand, West Rand, Pretoria and Johannesburg.

The applicants - Nicholas Clifton Barnard, Abraham Myburgh, Etienne le Roux, Petrus Steyn, Jan Bastiaan de Wet, Gerhardus Daniel Fourie, Johannes Andries Venter, Jacobus Petrus Nel, Abraham Fourie, Jan du Plessis, Johannes Petrus Olivier

and Johannes Abraham Vlok - claim their terror campaign was conducted on behalf of the AWB, the Conservative Party and the Afrikaner Volksfront.

They say these organisations met in Ventersdorp and other venues in the then Western Transvaal early in 1994 to discuss where a future Volkstaat would be established.

After these meetings, AWB generals, particularly General Chris van den Heever, gave Kommandos instructions to prepare for war.

The applicants will testify about how they placed a car bomb which killed seven people in Johannesburg's Bree Street, the Germiston trailer bomb which killed 10 people and a Johannesburg airport bomb which injured 10 people on the eve of the elections.

# Inside the poison death factory

Star 10/6/98 (252)

SADF's secret laboratories stockpiled lethal bacteria  
which had the capacity to decimate populations

By **ROBERT BRAND**  
Cape Town

The South African military manufactured poisons and biological agents during the 1980s in amounts which could, theoretically, wipe out entire populations, the Truth and Reconciliation Commission heard yesterday.

Some of the poisons were used against internal "enemies of the state". Deadly bacterial agents were also released in foreign countries, top scientists who worked on the military's chemical and biological warfare project told the commission.

The TRC heard evidence, on the second day of a special hearing on the chemical and biological warfare programme, from Dr Schalk van Rensburg, head of research at Roodeplaat Research Laboratories (RRL), bacteriologist Dr Mike Odendaal, in charge of manufacturing bacterial agents at RRL; and Dr Johan Koekemoer, senior research chemist at Delta G Scientific.

RRL and Delta G Scientific were military front companies operating under Project Coast, the SADF's chemical and biological warfare project. The scientists' evidence directly contra-

dicts claims by the previous government and the SADF that the project was aimed purely at developing a defensive capability.

In fact, the commission heard, RRL was involved almost exclusively in the manufacture of devastating bacteria and lethal poisons. These included cultures of cholera, anthrax, salmonella, botulism and *B. melitensis*, the bacterium which causes Malta fever.

The deadly bacteria were freeze-dried and kept in cold storage at RRL, from where they were dispensed on demand to SADF operatives.

Police forensics chief General Lothar Neethling was also a frequent visitor to the storage facility, the commission heard. In the early 90s, Neethling successfully sued the newspaper *Vrye Weekblad* for alleging that he had supplied poison to Vlakplaas policemen to murder activists.

A plan was hatched to poison Nelson Mandela after his release from prison with a substance which would cause steady deterioration of brain function, Van Rensburg said. The plan was not carried out.

Delta G Scientific manufactured almost a ton of the designer drug ecstasy and a quar-

ter ton of Mandrax as "incapacitating agents" for possible use against the local population, the commission heard.

Sufficient quantities of cholera bacteria to affect the entire population of Namibia was delivered to the SADF as late as September 1989, shortly before the Namibian election.

Then-president F W de Klerk was briefed about RRL's activities in 1990 and put a stop to offensive projects.

Among the victims of RRL's poisons was former SA Council of Churches secretary-general Frank Chikane, now director-general in Deputy President Thabo Mbeki's office. He survived only because the attack was botched. In another attack, a Russian adviser to the ANC in Zambia was killed by anthrax spores secreted into his food.

Van Rensburg, an internationally respected veterinary scientist who was a director of RRL since its establishment in 1985, said two-thirds of the projects at the company involved developing lethal poisons. Less than 5% involved defence against biological-warfare agents.

► More reports

Lab chief  
testifies  
on deadly  
poisons

# SADF laboratory churned out death recipes to order

*Assassins were armed with anthrax*

(252) ARG 10/6/98

Roodeplaat Research Laboratories director and researcher Schalk van Rensburg testified about various assassination attempts on political opponents of the state using toxins supplied by his company.

These included.

■ A claim that in 1984 a white SADF conscript serving on the border and regarded as an ANC sympathiser was murdered with a serum made to look like snake-bite. A similar attempt was made in 1989.

■ A black member of the security forces considered a dissident had his shirt laced with nerve poison. However, he lent his shirt to a friend - who subsequently died.

"This was talked about quite a lot," Dr Van Rensburg told the TRC.

■ The bungled murder attempt on the life of SA Council of Churches general-secretary Frank Chikane by applying poison to his clothes.

Dr Van Rensburg told the TRC: "I said to co-director Andre Immelman: 'What the hell have you done?'"

"And he told me 'Hell, it's a real mess' and he told me the mistakes they'd made and that they would not fall next time."

■ Anthrax was put into the food of three Russian advisers to the ANC in Lusaka, one of whom subsequently died.

■ The suggestion by Dr Immelman that President Mandela's medication had been laced with the "untraceable" heavy metal thallium while he was in Pollsmoor Prison and that his brain function would be impaired for some time after his release.

■ Wouter Basson's claim that black consciousness leader Steve Biko had been fed thallium while in detention.

JOHN  
YELD



ON THE TRUTH COMMISSION

Apartheid government military operatives had deadly substances - including anthrax, botulism, mamba toxin, cyanide and cholera - to murder political opponents or even colleagues considered disloyal.

The poisons were manufactured by Roodeplaat Research Laboratories, a Pretoria front company financed secretly by the defence force medical services division, the Truth Commission has heard.

Some of the company's delivered consignments, described on a "selling list", included 16 bottles of cholera virus, five cigarettes laced with anthrax, peppermint and coffee chocolates containing botulism, anthrax, cyanide and brodifakum (which induces heart attacks), beer cans containing the heavy metal thallium (which can cause symptoms similar to meningitis), whisky mixed with the herbicide paraquat, and 50 capsules of sodium cyanide.

In just eight months between March and October 1989, Roodeplaat supplied more than 40 batches of poisons in various forms to military operatives, believed to have been members of the notorious CCB (Civil Co-operation Bureau) and the SADF's special forces.

This evidence at yesterday's session of the commission's hearing into the SADF chemical and biological warfare programme contradicts claims by senior military officers at earlier hearings that the programme was solely defensive.

Veterinarian and bacteriologist Mike Odendal said he had been responsible for manufacturing the



'Untraceable poison requested': veterinarian and researcher Schalk van Rensburg testifies at yesterday's hearing

OBER ZILWA

toxins, which had been kept in a small bar fridge in the bomb-proof, fire-proof, walk-in safe in the office of Roodeplaat director André Immelman, who liaised with "customers" using code-names.

Dr Odendal said one of the projects was to build up a collection of all the toxic cultures that could be used in a war situation. The SADF had ordered the company to freeze-dry such pathogens as anthrax, cholera and salmonella in "larger quantities than normal".

He confirmed he had produced 32 bottles containing 220ml of cholera, enough to cause "a serious epidemic", with young children and old people most at risk, and which he assumed had been used outside South Africa.

He agreed several of the toxins could seriously affect the natural environment for months or even

years - at least 70 years in the case of anthrax - and that one of the toxins, melitensis, could cause chronic disease in a person for more than 10 years.

It would be "grossly irresponsible" to use these in one's own country, Dr Odendal said.

Asked whether he had been told which was the most effective toxin, he responded: "No - I had to produce a pot pourri of organisms and they made their own choice."

Another RRL director, veterinarian and researcher Schalk van Rensburg, testified that the most frequent instruction to his company had been to make a substance which could kill people in a way that made death look natural and could not be traced in normal forensic investigations.

These orders had come from Wouter Basson, who headed the SADF's chemical and biological war

fare programme, and Wynand Swanepoel, a dentist and former special forces officer who was appointed as RRL's second managing-director.

Referring to the "selling list", Dr Van Rensburg said he had heard of such lists while at RRL, but had never seen one until this week's hearing.

"I was horrified. I never realised the scale of this. Undoubtedly it is a list of murder weapons," he said.

During a formal directors' meeting they had been threatened with death if they revealed any details about the company's secret projects.

"If you let the side down, you die. It's pretty chilling to know you're suddenly a target."

He said the surgeon general of the SADF, Niel Knobel, must have known about the production of poisons at RRL. "Yes, absolutely. That's what the facility was all about. It was its main function."

## 'Front firm' cost millions

Military front company Roodeplaat Research Laboratories cost taxpayers between R70-million and R100 million before it was liquidated in 1993, the Truth Commission heard.

Initially it was strictly audited by Pierre Theron, a friend of then president P W Botha whose company audited all front companies financed from the apartheid government's secret fund.

RRL director Schalk van Rensburg told the Commission that in 1991 he went to see Mr Theron about alleged fraud or theft.

He said Mr Theron had been "exceedingly nervous" of his rocking the boat and jeopardising chances of work for the future government.

Mr Theron had instructed him to ignore both his fiduciary duties as a director and the Companies Act.

## Two want to be excused from testifying

Two key members of the former government's chemical and biological weapons programme - Wouter Basson and Philip Mijburgh - are applying today to the Truth Commission to be excused from subpoenas to testify about their work.

If their applications are rejected, they may seek a High Court interdict.

Dr Basson, who headed the pro-

gramme, and Dr Mijburgh, managing director of two of the programme's main front companies - Delta G and Medchem Consolidated Investments - were subpoenaed to testify at the commission's special hearing this week about the programme.

But Dr Basson is facing at least 10 provisional criminal charges relating to activities connected to the pro-

gramme, including instigation to murder, assault with intent relating to the use of a "truth serum" and manufacturing one ton each of the drugs Ecstasy and Mandrax. He may also be charged with fraud involving about R50-million.

The commission was told today that the Attorney-General of the Transvaal, Jan d'Oliveira, was considering charging Dr Mijburgh.

# Parliament gives truth body new lease of life

CAPE TOWN — Legislation to extend the life of the truth commission was passed by the National Assembly by 215 votes to 79 yesterday.

The Promotion of National Unity and Reconciliation Amendment Bill will allow the body to submit an interim report on October 31 this year, and enable its amnesty committee to conduct more than 1 000 outstanding amnesty application hearings, Justice Minister Dullah Omar said.

Once the committee's work is complete, President Nelson Mandela will reconvene the commission by proclamation so it can complete its final report.

The National Party denounced the legislation, saying the commission's officials were inefficient, arrogant and incompetent. Sheila Camerer (NP) said the life of the amnesty committee would be extended indefinitely. "There are still about 2 500 (amnesty) applications outstanding, more than 1 000 of them involving hearings. Only 600 hearings have been held so far."

The body was biased, had done nothing for reconciliation and had been hopelessly discredited through

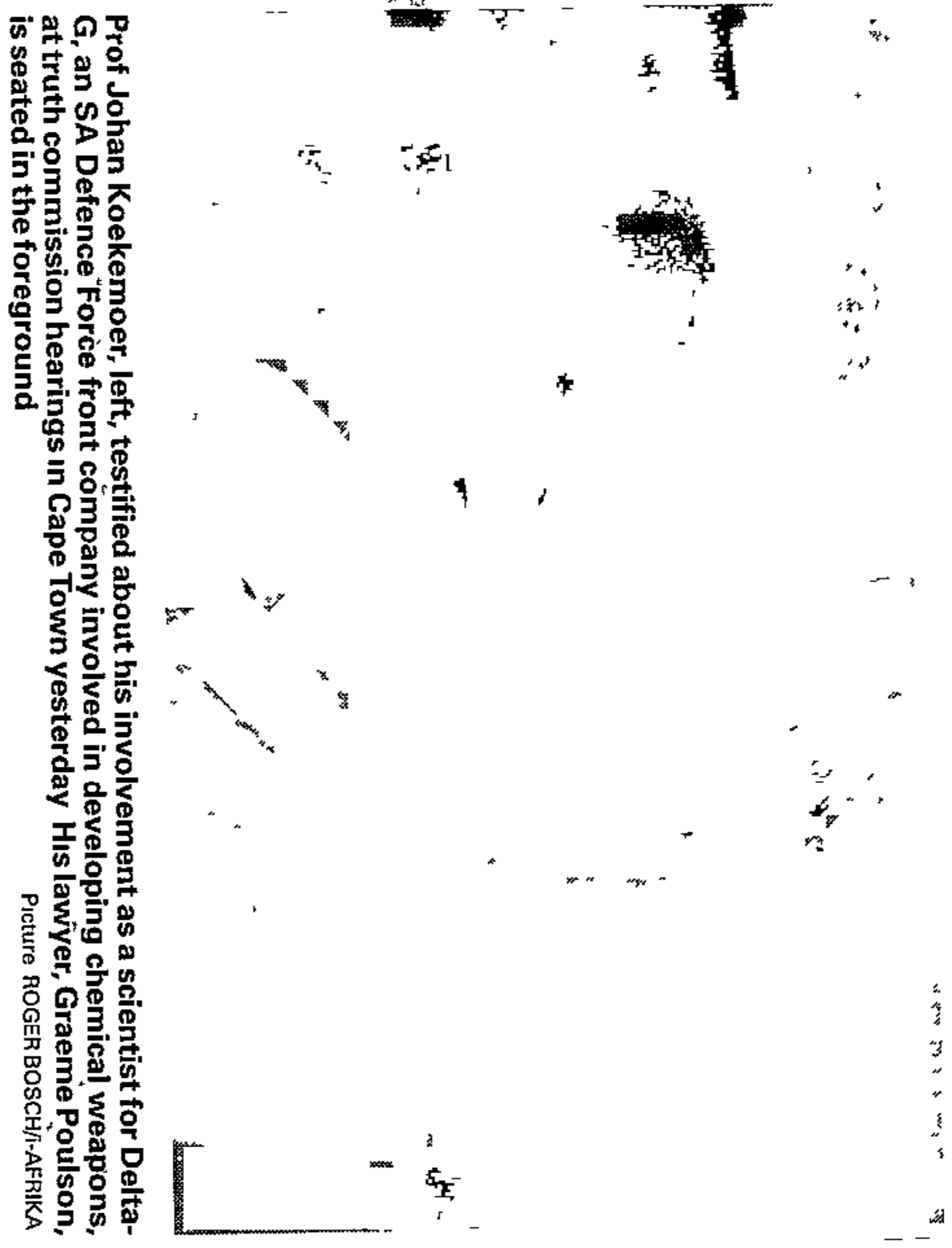
its own actions, she said. The Freedom Front's Corne Mulder said if the body had carried out its work in an objective and unbiased way it would have encouraged national unity, but this was not to be.

Madala Mzizi of the Inkatha Freedom Party said extension of the commission's life was becoming a regular occurrence and something of a national joke.

It had been agreed by all parties that the country should not dwell on its unfortunate past for too long and that the body should complete its work well before the 1999 elections, but this had not happened.

The legislation was opposed also by the African Christian Democratic Party, but supported by the Democratic Party and the Pan Africanist Congress.

In reply, Omar said the NP and Freedom Front were implying the commission was conducting a witch-hunt among Afrikaners. By doing so they were telling people they could not participate in the process of nation-building, making it more difficult for their foot soldiers to seek amnesty — Sapa



Prof Johan Koekemoer, left, testified about his involvement as a scientist for Delta G, an SA Defence Force front company involved in developing chemical weapons, at truth commission hearings in Cape Town yesterday. His lawyer, Graeme Poulson, is seated in the foreground. Picture ROGER BOSCH/AFRIKA

# SADF 'made Ecstasy for riot control'

ED 10/6/98 (252)

CAPE TOWN — Front companies for the former SA Defence Force (SADF) made Ecstasy and Mandrax for use in riot control and interrogating suspects, the truth commission heard yesterday

The testimony was presented at a commission hearing in Cape Town into the apartheid government's chemical and biological warfare programme

The commission was also told that Wouter Basson, who headed the SADF special operations unit, asked medical researchers to produce a serum that could make women infertile

A former researcher for the SADF's Delta G company, Johan Koekemoer, said thousands of kilograms of Ecstasy and Mandrax were produced for the SADF in the late 1980s

He said he was told the drugs were used in making chemical weapons. He received the order for the drugs from the former surgeon-general of the

SADF, Gen Niel Knobel

Medical researcher Schalk van Rensburg said he was approached by Basson at Roodepoort Research Laboratories (a front company for the SADF) in 1985. Basson told him Unita rebels fighting in Angola were having a problem with women soldiers "who could not fight because they were always pregnant". Van Rensburg said he was suspicious of Basson's motives as it was unlikely that millions of rands would be spent on controlling the fertility of Unita women

He said the research was secretly funded through the surgeon-general's office. Former state president PW Botha, Van Rensburg said, appointed his friend Pierre Theron to audit the front companies, as Botha did not want to be responsible for a financial scandal

Commenting on a list of poisons and toxins discovered at Roodepoort Re-

search Laboratories, Van Rensburg said even he had been shocked by the scale of the toxic products being kept on the premises. He said that during a period of Eastern Cape unrest, Basson suggested the locals should be "sorted out with cholera". "So this was a list of murder weapons," the truth commission's Jerome Chaskalson asked Van Rensburg, who replied that this was so

Van Rensburg said he recalled the army being furious that the attempt to poison SA Council of Churches president Frank Chikane failed. He had also heard there were plans to introduce poison into the medication taken by Nelson Mandela while he was in Pollsmoor Prison. He raised the possibility that black consciousness leader Steve Biko was poisoned with Thalium before his death in detention in 1977

Animal groups retaliate: Page 2

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## Auditors did secret work for SADF (252)

**ROGER FRIEDMAN**

et 10/6/98

FORMER president P W Botha appointed a trusted friend to audit all SA Defence Force front companies to prevent a repeat of the information scandal that unseated his predecessor BJ Vorster

Schalk van Rensburg, a medical researcher and director of front company Roodeplaat Research Laboratories, told the Truth and Reconciliation Commission yesterday he visited the auditor, Pierre Theron, to voice concern after the company was acquired by its manager Wynand Swanepoel

Van Rensburg said Theron suggested he turn a blind eye to alleged financial mismanagement, and asked him "not to blow the auditors' cover by exposing their work for front companies" When Theron's firm closed he moved to Coopers and Lybrand Van Rensburg suggested the TRC contact them for front company records.

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# 'MILITARY MURDER WEAPON FACTORY'

# Apartheid's witchdoctors

AMONG the pathogens produced in the apartheid war effort in the late '80s and early '90s was enough cholera to cause an epidemic, and large quantities of anthrax and salmonella. Special Assignment's Team **ROGER FRIEDMAN** and **BENNY GOOL** report.

**M**ANDRAX and Ecstasy, cyanide, thallium, botulism and paraquat

These are just some of the substances produced by the gang of apartheid "witch-doctors" employed by military front companies in the dying days of apartheid

Asked yesterday by the Truth and Reconciliation Commission how he would describe a list of products manufactured by the Roodeploat Research Laboratory in 1989 — which included anthrax-laced chocolates and cigarettes, and botulism in a beer bottle — director of laboratory services Schalk van Rensburg said it was "undoubtedly a list of murder weapons"

Also listed on the document titled "List of sales" — which included delivery dates between March and October 1989 — were 32 bottles of cholera culture that microbiologist Mike Odendaal testified he had prepared

Asked by commissioner Dumisa Ntsebeza what the effect of the cholera would have been on a country such as Namibia which was preparing for independence in 1989, Odendaal said it could have had a "devastating effect on health services and caused widespread disruptions"

Odendaal said his job at Roodeploat was to produce a "pot-pourri" of substances to offer to the South African Defence Force. He was guided in his choices by international guidelines showing which organisms were most pathogenic (disease-producing)

Other startling evidence yesterday, the second day of the commission's special hearing into chemical and biological warfare, included

● A plot to poison Nelson Mandela with an untraceable substance shortly before his release from prison, which would have impaired his brain

● Black consciousness leader Steve Biko may have been poisoned with thallium before he was beaten to death

● A national serviceman said to be supportive of the South African Com-

munist Party was poisoned on the Namibian/Angolan border. His death was attributed to a snake bite

● A black member of the security forces who was believed to be unparliamentary was given a shirt laced with the organophosphate paraoxyn, but he lent the shirt to a friend, who died

● T-shirts laced with bathhardene were handed out at End Conscription Campaign meetings

● Three Russian advisers to the ANC in Angola were given food contaminated with anthrax. One died.

The work carried out at Roodeploat Research Laboratory apparently cost South African taxpayers between R70 and R100 million

Van Rensburg said he was recruited by the then head of SADF special operations Wouter Basson to join Roodeploat as its director of laboratory services. He said that although he was aware of the nature of research at Roodeploat, he was shocked to learn of the scale of the work.

He described his functions as largely managerial and administrative, saying the only project he actively worked on had to do with fertility. He said Basson had told him that Unita was encountering problems with its women soldiers, who kept falling pregnant, and the fertility rate was unacceptably high in Unita refugee camps

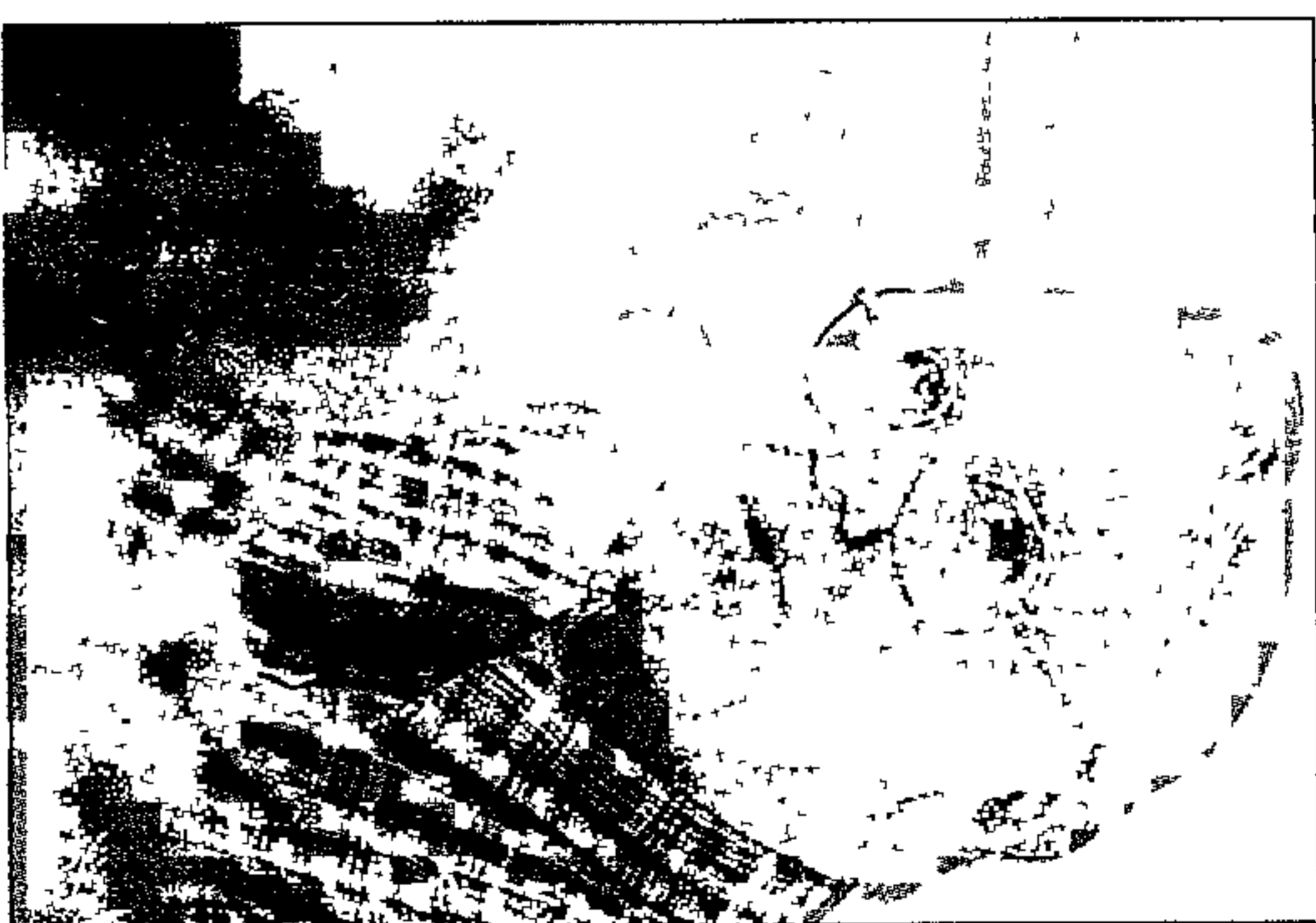
Van Rensburg said the poisons and pathogens were primarily issued to Basson, Roodeploat manager Wynand Swanepoel, "but most went directly from (research director) André Immelman to operatives"

He said the most frequent instructions issued by Swanepoel and Immelman were to produce undetectable substances lethal to humans

Immelman apparently had a bomb-proof, fire-proof, walk-in safe next to his office, where the products were stored.



**JOHAN KOEKEMOER:** Supervised the manufacture of nearly a ton of Ecstasy



**SCHALK VAN RENSBURG:** The facility at Roodeploat was all about manufacturing lethal weapons

## The cholera culture could have had a devastating effect

Former police forensics expert Lothar Neethling — who has been implicated in the distribution of thallium for use against anti-apartheid activists, specifically in the case of Eastern Cape student activist Shiphwo Mtshkulu — made "periodic visits" to Immelman's office, Van Rensburg said

Asked whether former South African surgeon-general Niel Knobel would have known about the manufacture of lethal weapons at Roodeploat, Van Rensburg responded

"Yes, absolutely, that is what the faculty was all about. It was the main function" done at Roodeploat involved developing lethal substances. This sharply contradicted the National Party government's claim that its SADF chemical and biological warfare programme was of a purely defensive nature

Testifying after Van Rensburg, microbiologist Odendaal said he was instructed by Immelman to freeze-dry and store relatively large quantities of salmonella, anthrax and cholera. Each 10ml bottle of cholera contained 100 million organisms. He had also produced botulism

He conceded that children and the elderly were particularly vulnerable to cholera, and that anthrax was known to contaminate the environment for at least 70 years, but said he believed the products would be used for defensive purposes only

He said he was given a packet of Camel cigarettes and told to drop some anthrax culture on the filters. He was informed that the cigarettes were to be used to test new filters being developed by Immelman

Earlier, the commission heard from Johan Koekemoer, a former research chemist at another military front company, Delta G, of an order emanating from Knobel for the production of near-

ly a ton of the designer drug Ecstasy, ostensibly to be used to pacify the enemy

He had consulted with Neethling in an effort to discover whether the project was legal, he said. Between February 1992 and January 1993 he supervised the manufacture of 912kg of Ecstasy in pure crystalline form. He delivered the drug, in 12kg drums, to Delta G managing director Philip Mjumburg, who apparently enjoyed a very close relationship with Basson

Koekemoer also said he was aware of a Delta G project, code-named "Mx", that involved research into Mandrax. Basson is facing criminal charges relating to the alleged production of Mandrax and Ecstasy



**MIKE ODEANDAAL:** Acknowledged that anthrax would affect children and the elderly most and could contaminate the environment for 70 years

CT 10/6/98

(2/52)

# 'SICK' plan to sideline Mandela

## TRC told of secret report

JOHN YELD  
ON THE TRUTH COMMISSION

P W Botha's State Security Council considered a plan to ensure Nelson Mandela would have been in "relatively poor health" when released, "so he could not act as leader for long".

The March 1986 recommendation was revealed at the Truth Commission's special hearing on the chemical and biological warfare programme of the SA Defence Force.

A "top-secret" report of the time, setting out the recommendations of a special committee appointed by the SSC to investigate the possible release of Mr Mandela, was handed in today.

The TRC wanted to know whether there was any link between the recommendation in the document and evidence yesterday by Schalk van Rensburg, a director of one of the SADF's front companies deeply involved in

SADF's death recipes to order - P4  
Frank Chikane's plea to poisoner - P5

AR 10/6/98

the germ war programme, code-named Project Coast

Dr Van Rensburg testified he had been told by one of his co-directors, André Immelman, that Mr Mandela's mental faculties were likely to be impaired for a considerable time after his release and also linked this to a newspaper report suggesting Mr Mandela had been poisoned in jail.

He had deduced that Mr Mandela's medication would have been laced with a poison such as the heavy metal, thallium, while he was still being held in prison.

Dr Van Rensburg said today that he had never seen the SSC document and that it had been his interpretation of Dr Immelman's

To page 4

4 News

## SSC weighed plan to make Mandela 'weak'

AR 10/6/98

From page 1

remarks that Mr Mandela would have been poisoned.

"In the milieu in which I was operating, I thought it logical they would use a chemical substance which was toxic," he said.

Jaap Cilliers, who is appearing for three of the key players in the chemical and biological warfare programme - including its head, Wouter Basson - and for former police forensics head General Lothar Neethling, suggested to Dr Van Rensburg that the reference in the council document was not necessarily sinister.

One possible explanation was that Mr Mandela could have been kept in jail so long before his release that he became senile.

Dr Van Rensburg disagreed, saying: "How can you ensure his poor physical health if you don't do something sinister?"

Truth Commissioner Denzil Potgieter, a member of the hearing panel, pointed out that Mr Mandela had been put in hospital while in jail, ostensibly for tuberculosis.

"We might want to pursue that," he said.

Mr Cilliers said the State Security Council committee had had nothing at all to do with Project Coast.

The council special committee consisted of the directors-general of the departments of justice and foreign affairs and the National Intelligence Service, the commissioners of police and of prisons, and the secretary of the SSC.

It considered nine options for Mr Mandela's future, ranging from unconditional release to continued, indefinite incarceration.

It recommended option five, listed as "Continued detention with possible later release", dependent on three conditions.

These were:

■ Mr Mandela was to be released outside the southern African region

■ "Mandela must be in a relatively weak physical condition so that he cannot act as a leader for long"

■ A well-planned, proactive psychological action programme had to be launched before, during and after Mr Mandela's release

# Chikane wants to meet his apartheid poisoner

## *TRC hears chilling evidence of plot*

MICHAEL MORRIS AND JOHN YELD

**The man Frank Chikane would like to meet probably more than any other is the apartheid agent who tried to kill him by dabbing his underpants with lethal poison.**

But it was not merely because of his own need to "close that chapter", the former top churchman told the Cape Argus in an interview

"My forgiving him is not the real issue. The real issue is the healing of that person. It is important for me to see that person freed from anxiety."

The once-outspoken cleric - now the director-general of Deputy President Thabo Mbeki's office - knows that somewhere out there is a man "who has not declared himself and is living a life of fear and guilt, who remembers every time he sees my name"

The shocking testimony at the Truth Commission hearing on the apartheid government's chemical and biological warfare programme yesterday provided the first public confirmation of the plot to assassi-

nate Mr Chikane

The first reports of the poisoning in April 1989 were innocent, almost pointless, in the absence of the full, evil truth

The first of the terse, unobtrusive headlines - "Chikane hospitalised" - carried a deceptively reassuring seven-line account of an attack of gastritis suffered by the then 38-year-old general secretary of the South African Council of Churches during a trip to northern Namibia

It said Mr Chikane "developed a reaction to medication administered in Namibia and doctors advised that he be transferred to a hospital in Johannesburg on the same day"

This brief report opened a chapter that might have been Mr Chikane's last - and was intended to be

His malady was no tummy bug. He didn't know it, but he had actually faced the first attempt on his life

He was quite fit two weeks later in mid-May, when he left for the United States to visit his wife at the University of Wisconsin in Madison

But a chillingly inexplicable recurrence

of illness over the next six weeks, during which he was admitted to hospital four times and was put on a respirator when his heart stopped briefly, narrowed the focus of diagnosis to assassination by poison

In the first week of June, the story billowed into bold, black headlines

The "Plot to poison Chikane" - as a banner headline nine years ago put it - was, until yesterday, a murky, unanswered charge.

It fell to medical researcher Schalk van Rensburg, a former director of the Roodeplaat Research Laboratories (RRL), to shed the first light on the Chikane plot yesterday

Highly toxic paraoxane was dabbed on five pairs of his underpants - a fortunate mistake of insufficiency, it turned out

The poison, Dr Van Rensburg said, would have been lethal had it been more liberally applied, to contact a larger area of the body

This accounted for Mr Chikane's recovery after each exposure

Dr Van Rensburg said he had "tricked" former RRL co-director André Immelman into revealing details of the plot

**Startling revelations at the Truth Commission this week lifted the veil on the apartheid government's chemical and biological warfare programme**



Ready to forgive would-be killer Reverend Frank Chikane.

# Chikane hoping to meet his poisoner

(AP)

Star 11/6/98

BY MICHAEL MORRIS AND JOHN YELD

**T**he one man in South Africa Rev Frank Chikane would like to meet, probably more than any other, is the apartheid agent who tried to kill him by dabbing his underpants with lethal poison. But it was not merely because of his own need to "close that chapter" he told the Cape Argus in an interview.

The once-outspoken cleric - now director-general of Deputy President Thabo Mbeki's office - knows that, somewhere out there, is a man "who has not declared himself and is living a life of fear and guilt, who remembers every time he sees my name

"My forgiving him is not the real issue. The real issue is the healing of that person. It is important for me to see that person freed from anxiety.

"It's to do with the human person being liberated from that past," he said. "My forgiveness is not a big deal."

The shocking testimony during the Truth Commission's hearings on Tuesday into the apartheid government's chemical and biological warfare programme provided the first public confirmation of the plot to poison Chikane

The initial reports of the poisoning in April 1989 were innocent, almost pointless, in the

absence of the fuller, evil truth. The first of the terse, unobtrusive headlines - "Chikane hospitalised" - carried a deceptively reassuring seven-line account of an attack of gastritis suffered by the then 38-year-old general secretary of the South African Council of Churches on April 23, during a trip to northern Namibia.

Chikane, it said, "developed a reaction to medication administered in Namibia and doctors advised he be transferred to a hospital in Johannesburg on the same day"

This brief report opened a chapter that might easily have been Chikane's last

His malady was no tummy bug. He didn't know it, but he had actually faced the first attempt on his life in any event, he was quite fit two weeks later, in mid-May, when he left for the US to visit his wife, who was then studying at the University of Wisconsin in Madison

But a chillingly inexplicable recurrence of illness over the next six weeks - in which time he was admitted to hospital four times, and once was put on a respirator when his heart stopped briefly - narrowed the focus of diagnosis to attempted assassination by poison

Instinctively - and correctly, as it turns out - Chikane's friends and colleagues fingered the apartheid regime. It was simply inconceivable that he

had been accidentally exposed to deadly organo-phosphates, traces of which were found in his urine

In the first week of June, the story, billowed into bold, black headlines. Yet, the "Plot to poison Chikane" - as one of those banner headlines nine years ago put it - was, until yesterday, a murky, unanswered charge

It fell to medical researcher Dr Schalk van Rensburg, a former director of the grim Roodeplaas Research Laboratories (RRL), to shed the first light at Tuesday's Truth Commission hearing on the Chikane plot.

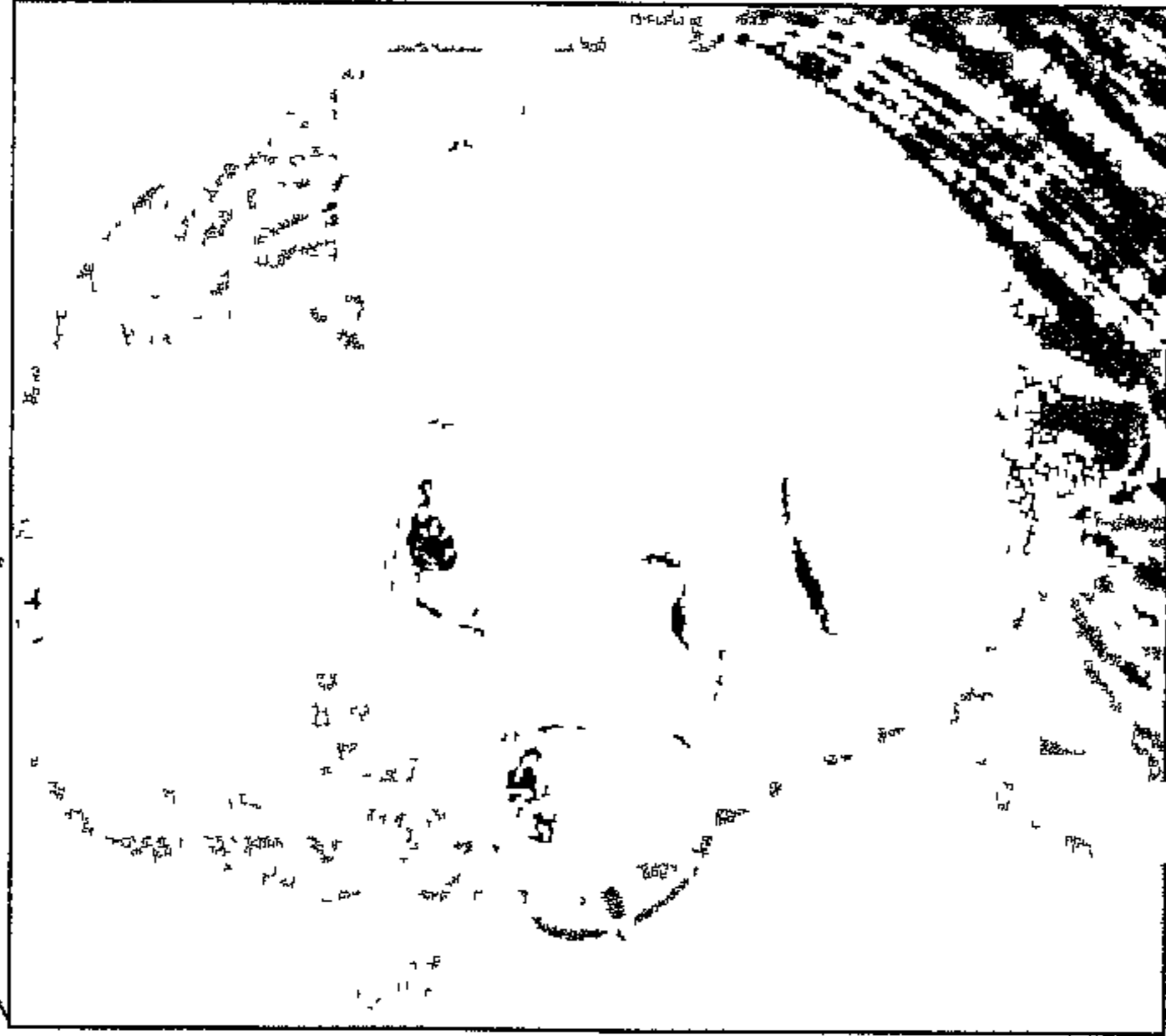
RRL produced more than 500 tailor-made items, from cigarettes laced with anthrax to chocolates with botulism and whisky with weedkiller

In Chikane's case, highly toxic paraoxane was dabbed on to five pairs of the cleric's underpants - a fortunate mistake of insufficiency, it turned out.

The poison, Van Rensburg explained, would have been lethal had it been more liberally applied, to come into contact with a larger surface of the body. This accounted for Chikane's recovery after each exposure to the poison

Van Rensburg, who said he had "tricked" former RRL co-director Andre Immelman into revealing details of the plot,

Breaking the silence .. Dr Schalk van Rensburg told the TRC of the plot, and how angry certain army officers had been at its failure.



testified "I said (to Immelman) 'What the hell have you done?' and he told me 'Hell, it's a real mess' and he told me the mistakes they'd made and they wouldn't fail next time."

Van Rensburg also recalled that senior army officers had been furious that the attempt to assassinate the churchman had failed

Chikane, who was not at the hearing, seemed curiously laconic about the near-fatal episode of 1989

His voice seems to have deepened a little in the inter-

vening time and so, it would seem, has his modesty. He was reluctant, he said, to dwell on his own story when there were so many who were tortured and killed, "whose stories we do not know"

Even so, he had a personal need to "deal with this, to know who did it. So I am hoping that a person will come up and say, this is what I have done, and I am sorry."

"I need to know for myself, so that I can close this chapter. But I also need to know that this man is liberated, too."

# Roadblock killer turns his back on the AWB

Star 11/6/98  
BY THEMBA SEPOTOKELE

An Afrikaner Weerstandsbeweging member who took part in the killing of four people in a mock roadblock on the Krugersdorp/Ventersdorp road in 1993 said yesterday that AWB commander Eugene TerreBlanche visited the killers in prison but he refused to see him.

Phillipus Kloppers, now wheelchair-bound, was the AWB commander who led the operation which resulted in the deaths of Theo More, Teboho Makhuza, Thembanani Nkompono and Patrick Gaseme.

He told a TRC amnesty hearing in Johannesburg that TerreBlanche had visited his jailed lieutenants at Leeuwkop Prison last week.

"I refused to see him. I have nothing to say to him because he was not there at the time we negotiated at the (first amnesty) hearing. I am no longer a member of the AWB."

Kloppers, Deon Martins, Frederick Badenhorst, Marius Visser, Lodewickes van der Schyff, Andre Visser and Gerhardus Diedericks are serving life sentences for the murders, and the attempted murders of Petrus Mothupi, William Segotsane, Gabriel Shabangu, Siphon Nkompono and Abraham Mothupi in the same attack.

Kloppers, who accused TerreBlanche of "deserting his soldiers", said he had severed ties with the AWB, an organisation he had believed in for its ideology of a volkstaat and its opposition to the ANC-SACP alliance taking power.

Under cross-examination, Kloppers (45) maintained that he received an order to set up a roadblock and sow mayhem - to prevent the 1994 elections from taking place - from Freedom Front leader General Constand Viljoen, and Conservative Party leader Ferdi Hartzenberg and his senior general Japie Oelofse.

"I received an order that the revolution will start that night (December 13). Our duty was to sow chaos in the urban areas. All the men understood what I



U-turn ... wheelchair-bound Phillipus Kloppers testifies at his amnesty application yesterday.

meant by 'real McCoy' because General Oelofse wanted to see corpses.

"Our target group was the ANC-SACP alliance," he said.

Van der Schyff's legal team handed the committee a new version of their client's am-

nesty application, which no longer supports his fellow AWB members.

In the new version, Van der Schyff says he knew of the plan to set up a roadblock only when it was to be executed, and that no such orders came from

their leaders. This is despite Marius Visser's evidence which corroborated that of Kloppers.

Van der Schyff says the objective of creating chaos on that night was a selfish action initiated by Kloppers.

The hearing continues today.

# Tutu reacts to PAC charge of dishonesty

By SIMON ZWANE

The Pan Africanist Congress has accused Truth and Reconciliation Commission chairman Archbishop Desmond Tutu of dishonesty after more than 130 amnesty applications by its members were invalidated. The applicants apparently failed to supply sufficient details in their pleas for amnesty.

PAC secretary-general Mike Muendane said Tutu was "less than honest" because he failed to take into account that the PAC had asked the commission to provide resources to locate its members who were scattered in prisons throughout the country.

Tutu yesterday said the commission had "bent over backwards to help members of the PAC", but their party had failed to help the commission to identify the applicants and what offences they had committed.

"The applications concerned provide only the code-names and political affiliations of applicants. No real names or specifics of acts in respect of which amnesty is sought are given. Nor is there enough information to enable the staff of the amnesty committee to establish further particulars without help from the party," he said.

Among the names provided in amnesty applications were Typhoon, Molotov, No-Peace, Green Mamba, Russian Tank and Scud Missile.

Tutu said a letter was sent to Muendane on November 26 last year urging him to assist by providing outstanding information. In addition, a reminder was sent and a public statement was made.

He said Muendane and PAC president the Rev Stanley Mngobane had undertaken in April to furnish the information.

"I am sorry to have to give an ultimatum, and to reveal this publicly, but I am tired of the commission having to keep quiet about the PAC's lack of co-operation in the face of dishonest attacks on us by some among the PAC's leadership who appear to place political posturing above the interests of their members," Tutu said.

# Scientists have right not to testify, TRC told

Constitutional right to remain silent, say lawyers

By ROBERT BRAND

Lawyers for the two kingpins of South Africa's chemical and biological warfare project during the 1980s, Wouter Basson and Philip Mijburg, argued yesterday that the two should not be compelled to testify before the Truth and Reconciliation Commission.

Both Basson and Mijburg are facing criminal charges connected with their work on Project Coast, the chemical and biological warfare programme.

Their lawyers argued that they had a constitutional right to remain silent and that their criminal trials would be seriously jeopardised if they were forced to give evidence before the commission.

Earlier this week, top scientists who worked for front companies connected with Project Coast told the TRC they had made lethal poisons and biological agents for use against the apartheid government's enemies. The toxins, they said, were made to order for Basson.

Basson, who was former state president P W Botha's personal physician, headed Pro-

ject Coast, while Mijburg, a nephew of former defence minister Magnus Malan, was managing director of Delta G Scientific, one of the front companies involved in the project.

Basson has already appeared in court on charges of murder, conspiracy to commit murder, possession of illegal drugs and fraud. Charges against Mijburg have not yet been formulated.

## 'Basson's criminal trial may be put in jeopardy'

In terms of TRC legislation, a witness may be compelled to give evidence incriminating himself provided that the evidence is not used against him in a criminal trial.

However, lawyers for Basson and Mijburg argued, the constitution guaranteed every accused the right to remain silent, distinct from the right not to incriminate oneself. The

commission was to rule on the matter today.

Earlier, the TRC heard evidence from Dr Wynand Swanepoel, a dentist who was managing director of front company Roodeplaat Research Laboratories (RRL), which manufactured chemical and biological warfare agents.

Swanepoel claimed he knew nothing about the company's research projects. His job as managing director, he said, was purely administrative. He said he received R4,5 million for his shares when the government-funded RRL was privatised in the early 1990s.

Former RRL director Dr Schalk van Rensburg repeated his claim that the state may have planned to poison Nelson Mandela shortly after his release in 1990.

The commission also released an affidavit from former RRL director Dr Andre Immelman, who said he had kept an "alleged" HIV blood sample in his office. Immelman did not say what it was to be used for.

► Chikane's hopes

## Azapo's torture and killings recalled

By THEMBA SEPOTOKELE

The Truth and Reconciliation Commission heard yesterday that several men who were abducted and tortured by Azanian People's Organisation members in 1986 were not even members of the rival organisation Azapo was fighting against.

The TRC's amnesty committee was hearing evidence from two witnesses, Simon Morris (31) and Sekao Kgase (30), who survived when Azapo members killed four Soweto youths and attempted to murder others in 1986. The four men who were killed - Oscar Mlangeni, Vuyani Nkomo, Mbulelo Mabena and Msimani Ronell - were suspected

of being members of the Soweto Students' Congress (Sosco).

They were killed at the height of the political violence between Azapo and the United Democratic Front, to which Sosco was affiliated.

Atasios Motlana Mphoreng, Pitso Joseph Hlasa and Mxolisi Ernest Thandakubona have all applied for amnesty in connection with the killings.

Yesterday Morris said neither he nor his five friends had links with Sosco or the UDF. He said they had never participated in politics.

On the day of the murder, pupils at his school were dismissed after being informed there was violence

in Soweto, he said.

"We later accompanied Vuyani Nkomo to his mother in Orlando East. On our way, we were accosted by three youths. One of them demanded a cigarette and we told him we did not smoke. He then produced a firearm.

"We were taken to a house where .. we were stripped of our clothes and .. then tortured with pliers, iron rods and car aerials at gunpoint," he said.

Morris said after dusk they were driven to another house where they were again interrogated. They were then taken to the veld where they were shot. Four of them were killed.

## Incomplete amnesty bids are likely to be rejected

(252)  
Pearl Sebola  
25 11/6/98

AT LEAST half of the Pan Africanist Congress's (PAC's) amnesty applications could be declared invalid because of the party's failure to identify clearly applicants and the acts for which amnesty was sought, truth commission chairman Archbishop Desmond Tutu said yesterday.

Tutu said the applications submitted to the commission's amnesty committee by more than 130 PAC and Azanian People's Liberation Army members were incomplete. They made no mention of specific acts for which amnesty was sought or the applicants' names. They only contained code names and the political affiliation of the applicants.

Tutu said the committee was instructed on Tuesday that it should dispose of the matter in terms of the provision of the act governing the granting of amnesty, if no further particulars were supplied by the end of this week.

PAC president Stanley Mogoba, who was informed of the deadline yesterday morning, said he had asked the commission for more time to find the applicants. The commission had agreed to a few more days.

Mogoba said the PAC had experienced difficulty in communicating with the applicants.

Tutu said the commission had bent over backwards to assist the applicants and had done so "to compensate for the failure of their party to help them, but we have gone as far as we can."

He regretted giving the ultimatum and revealing the information publicly, but was "tired of the commission having to keep quiet about the PAC's lack of cooperation in the face of dishonest attacks on us by some among the party's leadership."

# Researcher tells of plan to poison Mandela

CAPE TOWN — The truth commission released details of an apartheid State Security Council meeting yesterday recommending that Nelson Mandela be released from jail only after he became too weak to pose a political threat and that he be poisoned to achieve this.

"Mandela must be in a relatively weak physical condition so that he cannot operate as a leader for long," it said in the minutes of a meeting in 1986 discussing whether to release Mandela.

The minutes were released at a hearing on SA's chemical and biological warfare programme.

Schalk van Rensburg, a researcher at the Roodepiaat Research Laboratories (RRL) which produced chemical and biological weapons for apartheid security forces, said his boss, Andre Immelman, had told him of a plan to poison Mandela. "The intention was, as I understood it, to reduce his level of intellectuality and effectiveness through brain damage. I thought it logical that they would use a toxic solution to achieve this aim," he said. "The minutes seemed to be consistent with what Immelman told him."

Van Rensburg said he had also read newspaper reports of a plan to give Mandela small doses of thallium poison which would cause brain damage similar to meningitis.

Jaap Celliers, lawyer for several RRL scientists, said the minutes did not necessarily imply the state wanted actively to harm Mandela and suggested his health would have deteriorated naturally the longer he was held.

The minutes showed that the State Security Council discussed how best to release Mandela to limit his political clout, including releasing him abroad or confining him to Transkei.

Former RRL manager Wyand Swanepoel denied any knowledge of his company producing toxins for use against the anti-apartheid movement.

Truth commission chairman Desmond Tutu said details that emerged this week were among the most shocking since the body started work. "I'm horrified. I'm trying to retain faith in humanity," — Reuter.

Picture: Page 3

## Key Market Movements — 9/6 to 10/6

Gold		Currencies		Stock Markets																																	
Lon close	\$/oz	Lon PM	Rand	R per \$	\$ per R	Europe close	DM/\$	Europe close	R/E	Repo rate	FTSE 100	Nikkei Index	JSE Overall	JSE Gold	JSE Indus																						
293.35	↑	297.65	↑	297.60	↑	1 537.10	↑	1 530.0	↑	5.2190	↓	0.1936	↑	0.1916	↑	1.7821	↓	8.4363	↓	17.500	NO MOVE	17.500	↑	5.987.4	↑	6 019.8	↑	15 530.17	↑	7 386.3	↑	887.3	↑	8 912.8	↑	8 623.6	↑



BASSON MAKES LONG-AWAITED APPEARANCE

# Chemical warfare

## Booss silent at TRC

CF 11/6/98 (AM)

**HIS SMILING APPEARANCE** in a blue and white ethnic shirt promised much, but delivered little. Special Assignments Team **ROGER FRIEDMAN** and **BENNY GOOL** report.

**W**OUTER BASSON, the shadowy doctor at the helm of the apartheid government's chemical and biological warfare programme, made his long-awaited public appearance before the Truth and Reconciliation Commission yesterday, but other than swearing to tell the truth, he did not utter a word.

Instead, his lawyer, Jaap Cilliers, spent most of the afternoon in legal argument with commission lawyer Hanif Vally over whether Basson and Philip Mijburgh, the former managing director of a pair of Defence Force front companies, should answer any of the commission's questions. Sitting between Cilliers and Mijburgh, Basson looked smug. He smiled at photographers and shook his head at the fuss his presence was causing. His body language belied the fact that he is facing charges ranging from instigation to murder to the manufacture of large quantities of Mandrax and Ecstasy. Mijburgh has not been charged in relation to any of Basson's alleged offences, but indications are that the Transvaal attorney-general may charge him soon. Cilliers argued that his clients would

suffer gravely if forced to reveal their defence to the commission before being called to do so in court.

Vally countered that time was running out for the TRC to fulfil its mandate, and that the commission had a statutory obligation to uncover the full extent of gross human rights violations which occurred during the apartheid war.

Their argument will continue this afternoon or tomorrow morning, after cross-examination of former surgeon-general Niel Knobel and former police forensics chief Lothar Neethling. The commission is scheduled to conclude its special five-day hearing on the old regime's chemical and biological warfare programme tomorrow.

Earlier yesterday, the commission spent about three hours sparring with Wynand Swanepoel, the managing director of the front company, Roodeplaat Research Laboratory, who testified that he had virtually no knowledge of the work being conducted there.

On Tuesday, two researchers who worked at the laboratory told of projects

at Roodeplaat, including the production and distribution of a range of extremely harmful pathogens and poisons.

But Swanepoel, their boss, said he could not remember his own salary or the number of shares he purchased when the company was privatised. He did not know about any specific projects conducted at the facility, nor could he tell of any specific scientific achievements.

"I trusted my specialists," he said. "I left the research to the researchers and I involved myself in the management of the company."

Swanepoel did, however, remember the killing he made after the company was privatised and he redeemed his shares in 1992. After paying about R50 000 for the shares in 1991, he was paid out about R4,5 million a year later.

This money had been placed in a family trust, he said.

André Immelman, the toxicologist who acted as the contact person between Basson and Roodeplaat Research Laboratory, was not called to testify, apparently because he is to appear as a state witness in the Basson case.

The commission did, however, release an affidavit by Immelman, in which he described his concerns as to the legitima-



**SMUG:** Wouter Basson, who appeared before the TRC yesterday, has been described by colleagues in the chemical and biological warfare programme as a "brilliant scientist" with an "excellent knowledge of medicines".

cy of the company's dealings with Basson after being asked to supply bottles of beer contaminated with deadly quantities of Thallium poison.

"Dr Basson assured me that the projects had been approved by the State Security Council. He led me to believe

that I would not be held responsible should the poisons be used in bad faith."

Immelman described a series of contacts with three people introduced to him by Basson as Chris, Mamie and Gert. "I was introduced to them as Willem. Dr Basson ordered me not to disclose my

true identity or my connection to Roodeplaat Research Laboratory. I met them on three or four occasions hereafter, in restaurants in Pretoria and other places around the city. Our discussions were about materials which could be used to eliminate individuals."

## TRC issues an ultimatum to the PAC

**ROGER FRIEDMAN**

CF 11/6/98

THE Pan Africanist Congress has been given until the end of the week to supply the Truth and Reconciliation Commission with the proper identities of about 130 PAC/Apila amnesty applicants and say for which acts they seek amnesty, failing which the applications will be declared invalid.

"The applications concerned provide only the code names and political affiliations of applicants. No real names or specifics of acts in respect of which amnesty is sought are given," commission chairperson Desmond Tutu said yesterday.

"In terms of the act governing the granting of amnesty, the paucity of detail means their applications cannot be considered by the (amnesty) committee," said Tutu.

At a meeting in April attended by, among others, PAC president Stanley Mogoba, it was resolved that the PAC would furnish the Amnesty Committee with further particulars within two weeks.

The commission had since sent reminders, but they had not been acknowledged.

Tutu apologised to Mogoba for giving the party an ultimatum, "but I am tired of the commission having to keep quiet about the PAC's lack of co-operation."

Among the list of PAC/Apila applicants are individuals identified only as Bazuka, Black Box, Bra, Fats, Kalashnikov, Karl Marx, Mao, Molotov, No Peace, Russian Tank and Scud Missile.

# James killers let off

speech  
sovereign  
annual

*Apla three who 'acted under orders'*  
(297) ARG 11/16/98

## St James attackers were 'following their orders'

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not select St James Church as a target and that it was not their function to do so, that they merely obeyed the order of their commander, Nonxuba

"Our findings are based on both the PAC and Apla's submission to the Truth Commission on this point, that 'the actual targets were decided by local commanders' and further that 'the Apla forces who carried out these operations followed the directives from their commanders' "

The committee said the objectors had contended that the attack on St James Church had not been an Apla or PAC operation, as it had been denied by Apla's director of information, Mr. Majozi, at the time

They also argued that Barney Desau of the PAC had at the time accused the "third force" of mischievously connecting the attack to the PAC's military wing in order to derail

negotiations then under way, and in which the PAC was a participant

The committee decided that these "alleged utterances must be viewed against the political background that existed at the time"

It accepted that the applicants had a "bona fide" belief that by executing the orders of their commander, they were advancing the PAC's struggle for the return of the land to the African people

"They submitted that they perceived 'every white South African as a pillar of apartheid protecting white South Africa from the black danger' "

Consequently Apla had argued that it "did not have the burden of the problem of the so-called soft or hard target" The "soft or hard target did not exist in our vocabulary and it was a foreign concept", Apla had said

"It was in this context that St James was selected as a target as it was in a predominantly white area "



**Granted amnesty:** Apla soldiers Bassie Mkhumbuzi, left, Tobela Mlambisi and Gcinikhaya Makoma

JOHN YELD  
ON THE TRUTH COMMISSION

The three young Azanian People's Liberation Army soldiers who attacked St James Church in Kenilworth in July 1998 have been granted amnesty.

In a TRC decision announced today, Gcinikhaya Makoma, Bassie Mzukisi Mkhumbuzi and Tobela Mlambisi have been granted amnesty for 11 counts of murder, 58 of attempted murder, and unlawful possession of a machine-gun, 9mm guns and ammunition

A fourth applicant, Apla director of operations Letlape Mphahlele, did not attend the amnesty hearing at the TRC's Adderley Street offices last July, and his application was scrapped from the amnesty roll

Makoma is the only one of the four who was convicted of the attack, and he is currently serving a 23-year jail sentence

The amnesty application was opposed by three of the victims of the attack on the church that shocked Cape Town and South Africa to the core Dawie Ackermann, whose wife Marita was killed, Lorenzo Smith, whose wife Myrtle was killed by grenade shrapnel which penetrated her heart, and visiting Russian sailor Dimitri Makogon, who lost both legs and an arm in the attack

The decision to grant the three amnesty was made by the TRC's full original amnesty committee, consisting of chairman Mr Justice Hassen Mall, Mr Justice Andrew Wil-

**TRC gem war reports** ..... page 5  
**Tutu gets tough with PAC** ..... page 5

son, Mr Justice Bernard Ngoepe, Sisi Khampepe and advocate Chris de Jager SC

In written reasons for the decision, the committee said it was satisfied that the three applicants were members of Apla, which was the military wing of the Pan Africanist Congress (PAC), which in turn was a publicly known liberation movement

It was satisfied that the applicants had acted on the orders of Sichomiso Lester Nonxuba, now dead, who had taken command of a local Apla unit

"There is no evidence before us to suggest that Nonxuba was not the commander of the applicants We accept that the applicants did

# SADF sought germ that would kill only blacks, TRC told

JOHN YELD  
ON THE TRUTH COMMISSION

ARG 11/6/98

(252)

infect and kill only black people, the Truth Commission heard today.

Dr Daan Goosen, a veterinarian and former research director of the University of Pretoria's medical faculty, said that around 1983 or 1984, South Africa's military attache

in London had received a proposition from someone in Europe to develop a bacterium that had the possibility of infecting and killing only "pigmented people"

The Surgeon-General of the former South African Defence Force approved a secret project to develop a bacterium that would

Full report, page 5

## Identity crisis for freedom fighters

(252) Star 12/6/98

TRC at wits end establishing real names of 'disguised' guerillas who fought for free 'Azania'

**S**pare a thought for the 130 operatives of the Azanian People's Liberation Army (Apla) – not only have they gone down in history as having fought the world's most ineffective guerilla wars, but now they are about to have their applications for amnesty declared invalid because their party, the Pan Africanist Congress (PAC), cannot tell the Truth and Reconciliation Commission (TRC) the identities of the real people lurking behind some of the strangest names to come out of South Africa's struggles of the past. Nor is the TRC any wiser as to what these odd-sounding fighters for freedom did in the war.

A letter sent to the PAC in November last year failed to elicit the information and a reminder was sent in January this year.

So if anybody knows the identity behind the following noms de guerre, the TRC would be happy to hear from you. Among the codenames are Bazooka, Blackbox, L.T.D, Typhoon, Conclusion, Day-By-Day, Gaddafi, Kalashnikov, Karl Marx, Mike Tyson, No-Peace, Russian Tank, Saddam Hussein, Scud Missile, Stalin and The Sting.

□□□

Education Minister Sibusiso Bengu told media at his 1am press briefing on Wednesday morning that the agreement – or is that surrender? – hammered out with the South African Democratic Teachers Union had not yet been signed.

Signing agreements he said was a "very Western concept". Presumably less "Western" was his stated approach to the impending strike a week before, he said. "Our rational approach should, however, be seen to also encompass a steely resolve to act decisively against any action disruptive of the educational programme."

"Those who voluntarily opted to serve our communities pedagogically must do so or expect no financial reward from the taxpayers. If the unions do embark on strike action, we will apply the principle of no work, no pay. The learner should not, and must not be turned into a pawn in the grand game of political shenanigans," Bengu said.

And to think he is in charge of our children's education.

□□□

ANC MP Blade Nzimande was in full cry this week with an attack on both the National Party and Democratic Party. Noting the imminent demise of the NP, he said "may they never rest in peace", adding "they won't because they will be alive and well in the Democratic Party".

□□□

ANC MP Pierre Cronje made his farewell speech this week and was thereafter invited for a drink in the MPs' bar – better known as the caucus room – by none other than Deputy President Thabo Mbeki. The arrival of "The Boss" caused more than a little consternation among the regulars who, according to an eyewitness report, immediately stopped "slukking" and sipped gently on their drinks.

Beating a hasty retreat rapidly became the order of the day.

□□□

Sauer was amused to find that someone is happy with the rapidly deteriorating roads in the city – drivers of 4x4s.

A recently flighted ad has one of these new urban cowboys phoning his local councillor about road conditions.

"I voted for you," he tells the councillor and then continues to tell him about the multitude of problems in his area. The potholes are increasing every day and a tree has fallen over.

Fumbling with embarrassment the poor councillor tries to explain "We've had a strike..."

But the urban cowboy is not complaining.

As an owner of a 4x4 he, at least, has the opportunity to use it in the city.

Hector Sauer

# TRC told of bacteria 'to kill blacks only'

Star 12/16/98

SA developed grenades that 'released Mandrax into the air'

By **ROBERT BRAND**

**F**ormer police forensics chief General Lothar Neethling gave vast quantities of illegal drugs confiscated by the police to Dr Wouter Basson for use on his chemical and biological warfare programme, the Truth and Reconciliation Commission (TRC) heard yesterday.

Testifying on the fourth day of the TRC's hearing into chemical and biological warfare, Neethling admitted he had given Basson up to 200 000 Mandrax tablets, 50g of LSD and 50kg of dagga.

The drugs - exhibits left over after criminal trials and entrusted to Neethling for destruction - were used in experiments to develop riot-control equipment, Neethling said.

Basson's scientists had developed experimental grenades which would release Mandrax into the air, but were unsuccessful with the other substances, the TRC was told.

"The idea was that the substance would be released into the air which would cause a change of mood so that people who wanted to throw stones would suddenly not feel like doing it any more," Neethling said.

He said former police commissioner Johann Coetzee, former police minister Louis la Grange and then surgeon-general Nico Nieuwoudt had approved the project, although formal clearance was not obtained.

Neethling denied any knowledge of the SADF's programme to develop an offensive chemical and biological ability



**Lothar Neethling**

or that he had personally made or supplied poisons used to kill activists.

A top scientist on Basson's programme told of research into a bacterial agent which would kill blacks but not affect whites, as well as talk about possible methods of poisoning Nelson Mandela before his release.

Dr Daan Goosen, who founded the biological warfare facility Roodeplaat Research Laboratory in 1983, said he had discussed with Basson the possibility of poisoning Mandela. However, he said, the plan was never carried out.

Goosen also admitted giving lethal poisons to Basson for the purpose of eliminating "enemies" Mamba venom and other toxins produced at the University of Pretoria in the course of normal research were used for this purpose, he said.

Once, Basson requested snake venom that could be injected into a person. Basson

said a dead snake would then be left with the body so that it would appear as if the person had died of a snake bite. He gave Basson mamba venom for this purpose.

Goosen confirmed that RRL's main aim was to develop toxins which could be used with lethal effect against enemies, but which could not be forensically traced. He told the commission Basson had asked him to research the possibility of developing a bacterial agent which would affect only "pigmented people". Goosen came to the conclusion that such an agent was possible. The project was not followed up.

The commission also heard evidence that former SADF chief Kat Liebenberg and surgeon-general Niel Knobel were aware as early as 1992 that Basson's programme was aimed at developing offensive biological and chemical weapons.

Goosen said he had also briefed then defence minister Roelf Meyer in 1993 about the programme, at a time when negotiations with the ANC were in full swing.

Meyer had told him that Basson was "difficult to control" and that he could do nothing about the matter.

■ Military front company Roodeplaat Research Laboratories cost taxpayers between R70-million and R100-million before it was liquidated in 1993, the TRC heard.

Initially it was very strictly audited by Peet Theron, a personal friend of former president P W Botha, whose company audited all front companies financed from a secret fund.

# Amnesty upsets massacre victims

Star 12/6/98 (257)

**OWN CORRESPONDENT**

Cape Town – Pan Africanist Congress president Stanley Mogoba said last night his organisation welcomed the granting of amnesty to three former PAC operatives, but “in our joy we do not forget the families of those who have been the victims of our operations”

“We acknowledge them and join them in our commitment to working for a South Africa free of violence and truly democratic,” he said

The former Azanian People's Liberation Army operatives – Gcinikhaya Christopher Makoma, Tobela Mlambisi and Bassie Malevu – were granted amnesty for the attack on the

St James Church in Kenilworth, Cape Town in 1993

They were granted amnesty on 11 counts of murder, 58 counts of attempted murder, and the unlawful possession of arms and ammunition

The three were released from Pollsmoor Prison yesterday

In a statement released yesterday, the TRC said both the PAC and Apla had acknowledged in their submissions to the TRC in 1996 and 1997 that the St James attack was one of the authorised operations carried out by Apla.

The victims of the massacre and their families had mixed feelings about the amnesty.

Tracey Williams' father, Paul, was shot in his spine

“Here are these guys who have changed so many people's lives and they've been set free. It's just not fair I would have liked to see them get the sentence they deserve – not this,” a distraught Tracey said

Her father is paralysed from his waist down and constantly in pain, but has forgiven the attackers, saying “we are all human and have our shortcomings”

However, Tracey is not convinced the attackers are sorry. “Their body language suggested they felt no remorse. They still didn't give me any answers. Why did they do it?”

She said her only consolation was that “their judgment day will come”

# Uncovering a web of lies is not an easy task

Star 12/6/98 (252)

By SIMON ZWANE

A web of lies which police wove to cover up the mystery death in detention of Mamelodi civic activist Stanza Bopape continues 10 years after his disappearance.

Former police commissioner Johan van der Merwe, who sanctioned the cover-up, has lied so much that it would be difficult for the amnesty committee to separate fact from fiction in his evidence.

He is the one who knowingly fed the former Minister of Law and Order, Adriaan Vlok, the lie that Bopape had escaped from custody while being transported to the Vaal Triangle.

It was he and former head of the security branch at John Vorster Square, General Gerrit Erasmus, who decided that a bogus escape should be staged to conceal Bopape's death and did not inform his then superior police commissioner, Johan Coetzee.

The escape plan he authorised involved the use of Bopape's shoes to mislead police sniffer dogs and deceive investigating officers from the detective branch.

But when the Goldstone Commission revealed in 1995 that security police had been involved in criminal activity and murder, including that of Bopape, Van der Merwe said.

"I am not aware of one murder taking place while I was commissioner or even in the time before that"

He also denied at the time that he was the "father of dirty tricks".

But he changed his tune before the amnesty committee last week and not only admitted that he knew about Bopape's death but also enumerated a number of other dirty tricks, including bombings, that he had been involved in.

Van der Merwe's conspirators - Lieutenant-Colonel Adriaan van Niekerk, Major Charles Zeehe, Warrant-Officer Hendrik Mostert, Sergeant

Johan du Preez and Constable Jakobus Engelbrecht have told the amnesty committee that the activist died from a "heart attack" after they had applied two or three electric shocks to his body.

They denied beating and torturing him. Bopape's comrade, Bheki Nkosi, who was arrested with him, said he had heard groans as police were interrogating Bopape at John Vorster Square police station.

Captain Leon van Loggerenberg and Brigadier Schalk Visser said Bopape's body was disposed of by throwing it into a crocodile-infested river.

His family, however, contends that this is "a fabrication" intended to conceal the grotesque manner in which the body was disposed of.

The amnesty committee

## Amnesty committee must decide whether to pardon

must now sift through the lies and half-truths and decide whether to pardon the policemen involved in his death.

In doing so the committee will have to take into consideration these three crucial questions:

- Can Van der Merwe, who deceived his political masters for close on a decade, be trusted when he says he acted with a political motive in ordering the cover-up of Bopape's death?
- Did Erasmus believe that he was seeking political sanction when he approached Van der Merwe to discuss the cover-up?
- Whether Van der Merwe, who was only a commander of the security branch of the police at the time, was not merely a functionary with no political decision-making powers himself.

# NP accuses truth commission of bias after Apla amnesty

Taryn Lambert

THE National Party (NP) yesterday accused the truth commission of bias after it granted amnesty to three Azanian People's Liberation Army (Apla) members who killed 11 people and wounded 58 during an 1993 attack on St James Church in Cape Town.

NP spokesman on the truth commission Jaco Maree accused the commission of having double standards when it came to granting amnesty.

"We object to the unfairness which is steadily creeping into the truth commission," he said. The NP had noted

with "great dismay" that in certain instances different principles were being applied to amnesty applications.

"We have no objection to the Apla members being granted amnesty but we want the same standards to be applied to all applicants," he said.

Gemkhaya Makoma, who had been serving a jail term for the attack, walked out of prison a free man yesterday with Basie Mkhumbuzi and Thobela Mlambsi, who had been due to stand trial for the attack.

Bishop Frank Retief of St James's Church said the granting of amnesty was not unexpected.

He said the applicants had personally apologised to the victims' families and had asked for their forgiveness. He said the church's offer of forgiveness was sincere, but it had reservations about the "apparent lack of accountability demanded of the perpetrators". The church also had reservations

that amnesty was granted to two perpetrators without a criminal trial being held to pronounce on their guilt. African National Congress spokesman Ronnie Mamoepa said the ANC respected the commission's decision to grant amnesty, as it was in the best position to make such decisions.



# NP govt 'sought chemical weapon effective only against blacks'

CAPE TOWN — Former SA Defence Force (SADF) scientists were trying to develop a chemical weapon that would be effective only against black people, the truth commission heard in Cape Town yesterday.

The former MD of a front company used to develop chemical and biological weapons for the SADF, Dr Daan Goosen, said government was trying to develop a drug that could control the black population and allow it to remain white domination.

He was testifying at a commission inquiring into the apartheid government's chemical and biological weapons programme. In the most candid testimony heard since the start of the inquiry, Goosen said that in 1983 the government began to search for a drug that would be effective against "pigmented people only". Initially a fertility drug was sought that could prevent the black population from increasing.

He was approached by the former head of the SADF's special operations unit, Wouter Basson, to investigate the possibility of developing such a drug.

Goosen compared SA's search for the drug with America's Star Wars project which, he said, involved the quest for a weapon capable of destroying anything on earth.

However, it was sought with the intention of maintaining world peace, Goosen said the government planned to develop the deadly drug in order to maintain peace in the country.

Goosen compared SA's search for the drug with America's Star Wars project which, he said, involved the quest for a weapon capable of destroying anything on earth.

However, it was sought with the intention of maintaining world peace, Goosen said the government planned to develop the

deadly drug in order to maintain peace in the country.

He said the drug would have given the government a powerful negotiating tool that could have resulted in white people staying in power. Goosen admitted the plan to develop the drug was a mistake. He would never have considered it at the pre-sent time.

But take me back to that time period. I was working in the hospital at the time of the Pretoria Church Street bomb and I treated people, black and white. I was not thinking rationally at the time. Today I know I was wrong. You cannot do that to people, it is just not justifiable," he said.

During discussions with Basson it was suggested the government was publicly estimating the black population at 28-million, but it was in fact 46-million. Basson said it was necessary to find a drug that could control the black population.

He said he had been tormented by what had happened in the past and had suffered a nervous breakdown.

But what really grieves me is that the people who created the environment in which this happened are today denying it. You would think that a person like Pik Botha has always been a member of the ANC and had never used words like total onslaught," Goosen said.

The hearing continues — Sapa.

PH 12/6/98 (A52)

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PH 12/6/98 (A52)

AMNESTY FOR TRIO AFTER ST JAMES MASSACRE

# Forgiveness, but hurt runs deep

CT 12/6/98

(2/77)

**THE TRC GRANTED** amnesty yesterday to the three Apla members responsible for the St James Church massacre. The *Cape Times* spoke to the families of the victims. **FATIMA SHROEDER, PRISCILLA SINGH and FROYE LUND** report.

It was five years ago, on July 25, when Tracey Williams found herself running through the rain outside the St James Church in Kenilworth, frantically searching for her father.

All she could see were the lights of the police and emergency rescue vans. Through the windows, she recognised people she knew comforting each other and crying.

Her father, Paul, had been shot in the spine.

"Here are these guys who have changed so many people's lives and they've been set free. It's just not fair. I would have liked to see them get the sentence they deserve — not this," a distraught Tracey said.

Today her father is paralysed from the waist down and he constantly takes medication for pain.

However, he has forgiven the perpetrators, saying that "we are all human and all have our shortcomings".

"I accept that they have been granted amnesty. I respect the TRC and what they do. I always believe that they will make the right decisions and I left this matter entirely in their hands," he said.

However, Tracey is not entirely convinced that the attackers are sorry.

"Their body language suggested that they felt no remorse. They still didn't give me any answers. What reason did they do it for?" she said.

Tracey's parents were separated after the massacre and she had to "grow up" very fast to cope with the situation.

She says her only consolation is that "their judgment day will come".

Dawne Ackermann, whose wife Marriet died in a hail of bullets and shrapnel from the grenades which went off on the night of July 25, 1993, said he was quite surprised the

decision had taken so long.

Yesterday he recalled how on that night the perpetrators burst into the church, hurling handgrenades, and then opened fire on the congregation.

"Marriet was one of the first to be shot. I was severely traumatised afterwards and suffered a deep depression which eventually led to the loss of my job," he said.

Ackermann was one of the victims who opposed the amnesty applications of Gcinhaya Makoma, Bassie Mkhumbuzi and Tobela Mlambsi, who walked free from their jail cells last night. The three had been serving life sentences for the murder of 11 people and 58 counts of attempted murder.

He said yesterday that he was "quite supportive of mercy being granted", but he would have liked to have seen the "legal process go the full route".

"They were youngsters at the time of the attack and were only foot soldiers following instructions of adults. They were innocents who were abused. It's their leaders who have not come clean," Ackermann said.

Marlyn Javens, whose husband Guy, 51, died during the attack, said she felt very "emotional" when she heard the verdict yesterday.

"People are going free. People who admitted they committed the crime. Where is the justice? I have said it before God is in control and they will meet their maker one day."

She said hopefully she could now put the tragedy behind her and finally get on with her life.

"As the rest of the country is going, there is no justice. Hopefully one day, they (attackers) will repent," she added. Bishop Frank Reiter, who was leading the church in prayer on the day of the attack five years ago, said yesterday that their stance had always been one of forgiveness.

"This attitude of forgiveness does not mean that St James condones their deeds or that there was no moral outrage on the part of the church."

"We expected the state to act justly on our behalf as all citizens have the right to do, and as such abide by its decision in this regard," Reiter said.

However, he added that they found it difficult to accept the reasoning of the PAC about "all white people being the enemy" and wondered how this mentality is going to be changed.

Devastated by the news that the three men responsible for killing both her sons had been granted amnesty, Dawn Harker said "They will be punished, they will pay for it later. I strongly believe that".

Her sons Gerald and Wesley died in the attack.

"The law is not being fair. The perpetrators are being let off. They did it."

"They were locked up and now nothing is being done to keep them there," said Harker.



**BEARING UP:** Dawne Ackermann (left), who lost his wife in the St James attack, says although he was in favour of mercy being granted, he would have liked to have seen the "legal process go the full route". Marlyn Javens (right), whose husband Guy was killed in the attack, hopes she can put the tragedy behind her. **PICTURES: WAYNE CONRADIE**

# PAC chief welcomes decision for Apla cadres

(2/77)

CT 12/6/98

**ERIC NTABAZALLA**

PAN AFRICANIST Congress (PAC) president Stanley Mogo-ba said last night his organisation welcomed the granting of amnesty to the organisation's three former operatives, but "in our joy, we do not forget the families of those who have been the victims of our operations".

"We acknowledge them and join them in our commitment to working for a South Africa that is free of violence and truly democratic," he said.

The former Azanian People's Liberation Army (Apla) operatives, Gcinhaya Makoma, Bassie Mkhumbuzi and

Tobela Mlambsi, were granted amnesty for the attack on St James Church in Kenilworth in 1993.

They were granted amnesty on 11 counts of murder, 58 counts of attempted murder and the unlawful possession of arms and ammunition.

They were released yesterday from Pollsmoor Prison. The *Cape Times* tried to get an interview with the men last night but they refused.

Mogoba said the PAC was encouraged by the releases and awaits the release of others soon.

"We rejoice with the families who were beginning to wonder if their children would ever be released. We are at

# Secret SADF paper reveals warfare plan

ROGER FRIEWMAN

(2/77) CT 12/6/98

CAN there be any further debate over whether the apartheid government's chemical and biological warfare programme was of a defensive or offensive nature?

Not only have top scientists who worked on the programme been saying all week that it was clearly of an offensive nature, but the Truth and Reconciliation Commission released yesterday a top-secret document compiled in March 1992 by the then-head of military intelligence, Joffel Van der Westhuizen, relating to a "Project Jota".

The first paragraph reads: "Project Jota is a project under the control of the surgeon-general with Brigadier (Dr) Wouter Basson as project officer. The aim of the project is to provide the SADF with offensive and defensive capacities for chemical and biological warfare."

The surgeon-general in 1992 was Niel Knobel, who told the commission last year at a hearing on the activities of the SADF that the programme was of a defensive nature only.

The Project Jota document contains information on SADF front companies and the names of their directors. The document was introduced while former police forensics chief Lothar Neethling was being questioned.

Paragraph 22 states: "Dr Basson also reports that Major-General Lothar Neethling has been fully informed about Project Jota. Dr Basson and General Neethling use each other as sounding boards in the development and use of certain commodities. Dr Basson reports further that because of the CCB case in which General Neethling is involved, he could be embittered and might therefore be regarded as a wounded lion."

Neethling, who spent considerable time trying to convince the commission that he knew virtually nothing of the offensive chemical and biological warfare programme, rejected the report with contempt.

● See Page 17

last happy to see that the amnesty committee is releasing our cadres who have languished in prison for politically motivated activity," he said.

In a statement released yesterday, the TRC said both the PAC and Apla have acknowledged in their submissions to the TRC in 1996 and 1997 that the St James attack was one of the authorised operations carried out by Apla.

"We accept that the applicants believed that by executing the orders of their commander they were advancing the struggle which the PAC was waging against the government for the return of the land to the African people."

# Neethling tells of drugs for army

ROGER FRIEDMAN

ORMER police forensics chief Lothar Neethling yesterday admitted supplying bulk quantities of dagga, Mandrax and LSD to the military — for experimental purposes only.

Lothar Neethling, the war veteran who immigrated to South Africa in 1948 and later headed the apartheid state's police forensics division, told the Truth and Reconciliation Commission yesterday that irresponsible journalism had destroyed his life.

The man who successfully sued the *Vrye Weekblad* newspaper for defamation when it reported apartheid assassin Dirk Coetzee's allegation that Neethling supplied him with poison to use against activists, depicted himself yesterday as a humanitarian who was exposed to violence and dedicated to finding alternatives to firearms if not control.

Appearing at the TRC's special hearing focusing on the National Party regime's supposedly defensive chemical and biological warfare programme, Neethling said dagga could have been used instead of things like guns. I would have shouted 'Hallelujah'."

Neethling was explaining his motivation for supplying chemical

and biological warfare chief Wouter Basson with between 100 000 and 200 000 Mandrax tablets, about 5 000 units of LSD and about 250kg of dagga — to research alternative methods of crowd control.

Basson is facing a range of charges relating to the manufacture and possession of Mandrax and Ecstasy, conspiracy to murder and fraud.

Neethling, who lives near a rave club in Pretoria and has monitored the effects of the drug on the club's clientele, said he believed Ecstasy was a "fantastic mood changer. If I could get it into a grenade it would be fantastic. The police would no longer have jobs."

Of the dagga, Neethling said "The idea was to use dagga oil in a grenade, possibly mixing teargas with the dagga oil. If you can get dagga into a person you can take away his desire to fight, quickly, and then you would be happy."

son with Mandrax on three occasions. Experimental grenades were produced, but the researchers battled to come up with a workable method of distributing the drug in the air as its active ingredient broke down when burnt.

LSD proved

problematic because of its short shelf-life. Its active ingredient, lysergic acid, broke down when exposed to air or moisture.

Had dagga, Mandrax or LSD grenades been successfully produced and used by the police against the population, Neethling said, the drugs would not have been in sufficient doses to cause anyone to become addicted.

Commissioner Denzil Potgieter wondered whether knowing they would be sprayed with drugs would not have encouraged potential rioters to riot.

All the drugs Neethling supplied to Basson were confiscated by police in the normal course of their duties, and stored at the police's forensic laboratory. Basson could not be charged with possession or dealing because he was "a medical man transferring drugs."

Neethling said he was instructed by former police minister Louis le Grange to pass the drugs to Basson. Le Grange issued this instruction in the presence of then-police commissioner Johan Coetzee and surgeon-general Nico Niwoudt. Le Grange and the generals had not been interested in the "tons" of other confiscated drugs kept by the forensic laboratory, such as sleeping tablets and anti-depressants.

Neethling emphatically denied that he had supplied Thallium to Dirk Coetzee, which Coetzee claimed was fed to Eastern Cape student activist Sipho Mzimkulu. Mzimkulu could no longer walk after being poisoned, later he was abducted and killed by the security police.

Neethling also denied the allegation made earlier in the week by a researcher at military front-company Roodepplat Research Laboratory that he was often seen at the poison and pathogen manufacturing facility with his "characteristic bulging briefcase." He denied owning a bulging briefcase and said the reporting on this allegation had led to his wife "crying like a baby."

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(252)



DRUGS FOR GUNS: Lothar Neethling, former head of police forensics, testifies yesterday

# Drug 'would slow black birth rate'

ROGER FRIEDMAN

DAAN Goosen, the scientist who headed the apartheid government's secret poison factory, Roodepplat Research Laboratory, said yesterday he believed it was possible to produce an anti-fertility drug that would affect black people only.

Goosen, who has sired six children, said the development of such a drug — on the instructions of the shadowy head of the apartheid regime's chemical and biological warfare programme, Wouter Basson — was one of the major priorities at the laboratory.

"The key was that a toxin should not be detectable, but if it was detectable it should not be traceable to clandestine application," Goosen said.

When Basson suggested researching "a product to curtail the birth rate of the black population of the country," Goosen said, serious discussion on ethics followed.

Basson told the researchers that the government had been forced to lie about the census figures because it "did not want people to know that there were so many blacks," and expressed fears that if the birth rate was not slowed the country would run out of water. Goosen said

Goosen then completed an extensive literature search, concluding that production of such a drug was "definitely possible", but the facility closed before the drug could be produced.

Once, when drinking beer and eating biscuits with Basson, Goosen said he asked Basson what motivated him to engage in the work he did.

"He said 'I've got a daughter and one day — although we don't have any doubt that black people will take over the country — one day, when my daughter asks me what I did to prevent this, at least my conscience will be clear'."

(252)  
ET 12/6/98

# 'Evil Einstein' laid bare

ET 12/6/98 (252)

**W**HAT kind of a man sets up a project to reduce the fertility of black women, develops poisons which killed numerous anti-apartheid activists and then allegedly steals tens of millions of rands allocated for his "evil" concoctions?

A "super patriot", say Wouter Basson's supporters who, like him, believed anything was justified in the fight against what they claimed was a total onslaught on them by the ANC and the rest of the world

An "evil Einstein who is single-handedly capable of altering the military balance of power in any region of the world with just the information that he carries around in his head", say others, including former National Intelligence Agency (NIA) chief

Mo Shaik

So far, 10 fraud charges involving nearly R30 million have been brought against Bas-

son, the former project leader of the SA Defence Force's chemical and biological warfare programme set up in the mid-1980s

The Truth and Reconciliation Commission (TRC) is now eliciting astonishing evidence of how Basson and the shadowy super-elite of the former SADF traded on fear and spent taxpayers' money setting up a deadly warfare system

Fortunately, greed interfered with their plans and the project disintegrated in a scramble for the spoils of the SADF's secret funds

The charges involved defrauding the government by sending money overseas to pay for sensitive equipment which the state claims never arrived in South Africa

The Office for Serious Economic Offences has so far detailed four cases where R6 million, R5,57m, R4m and R220 815 was sent out of the country to banks in Luxemburg and Belgium



*'Super-patriot' or 'evil Einstein'? The moment of truth is approaching for Wouter Basson, ex-chief of SA's chemical warfare plan. CHRIS BATEMAN reports.*

British and Belgian secret agents were allegedly also involved in the transactions

Basson was arrested in a Pretoria public park on January 29 this year and charged with attempting to sell 1 000 tablets of the "rave" drug, Ecstasy

He has since been released on bail and is under the protection of the NIA

The NIA says Basson could be the target of a foreign kidnapping or assassination attempt because of his knowledge of SA's chemical

and biological weapons programme

Basson is one of 23 senior officers purged from military ranks in the wake of the 1992 Steyn Report on alleged criminal activity and irregularities perpetrated by Military Intelligence

In addition to the fraud and Ecstasy-dealing charges he now faces, Basson and his team of SADF scientists are being investigated in connection with

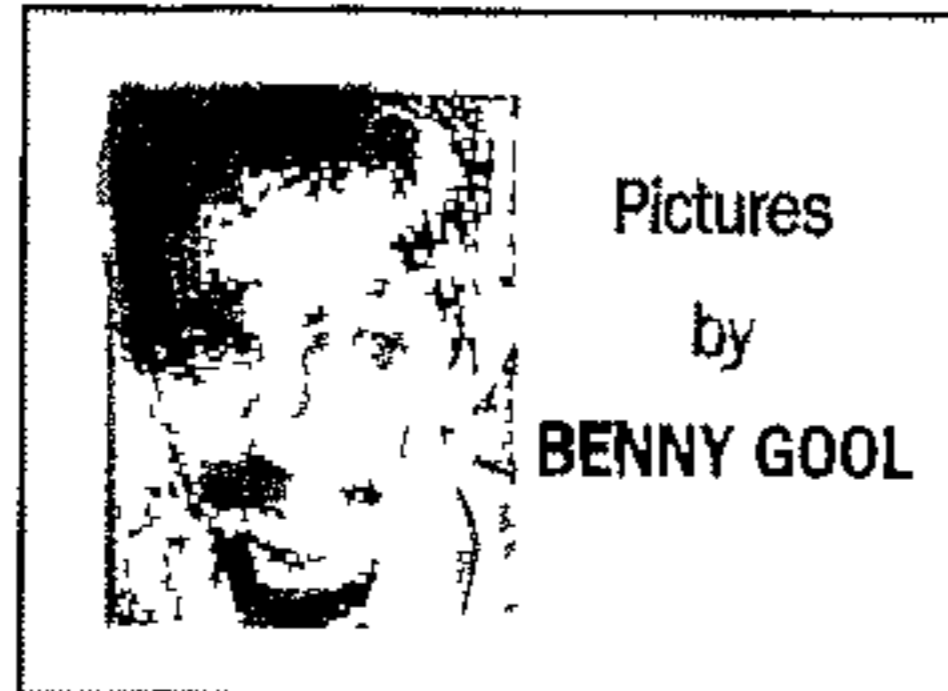
- Using chemical substances to assassinate the opponents of the NP regime

- Plans to contaminate medication used by President Nelson Mandela at Pollsmoor with the difficult-to-trace heavy metal poison Thallium

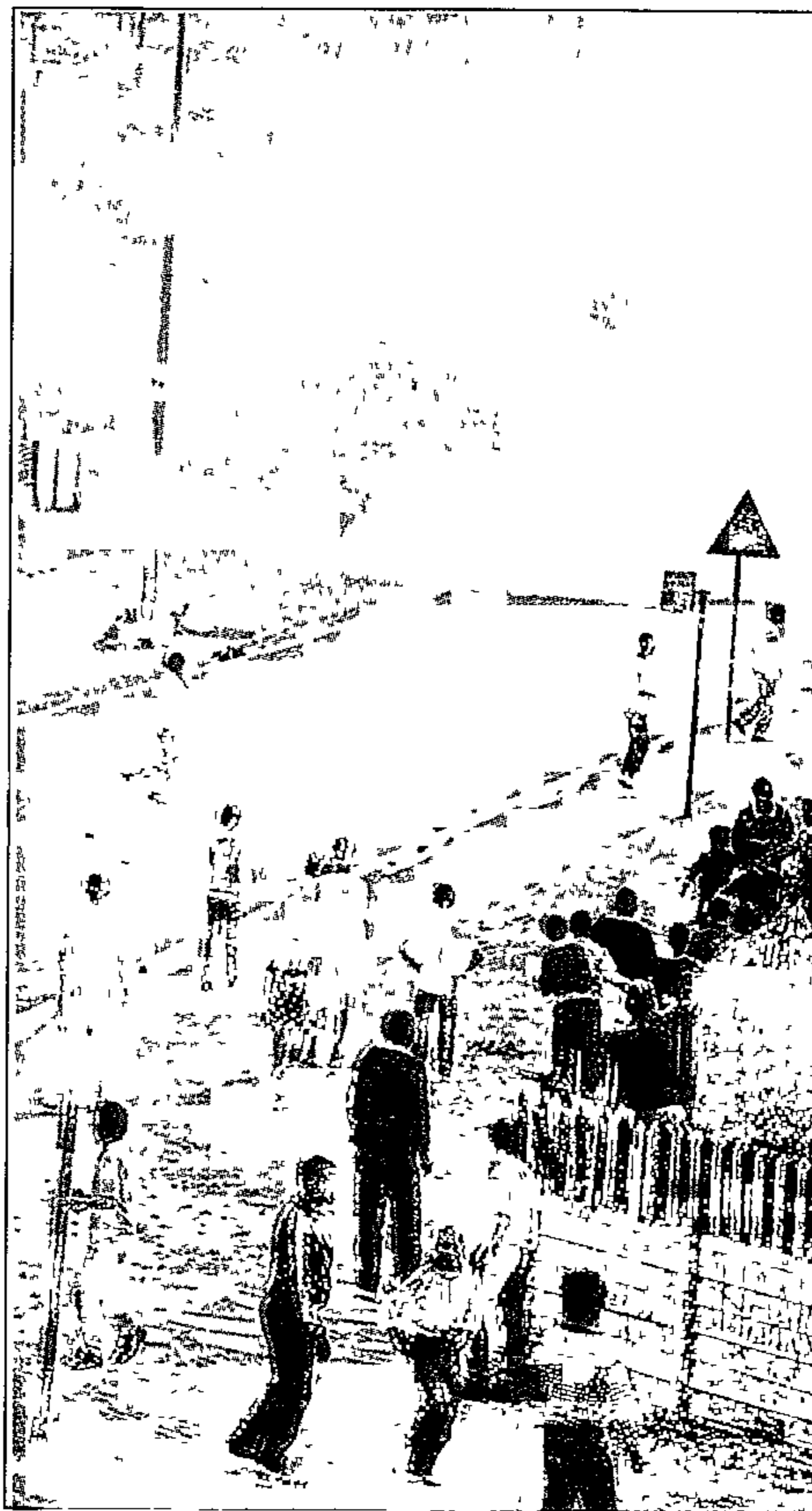
- Stockpiling arms in various African states and as far afield as Portugal, with a view to right-wing military action after the elections.

- The supply of toxic substances to state assassins by 7 Medical Battalion

- A chemical attack on Frelimo troops in the '80s



Pictures by BENNY GOOL



**UNLEASHING GAS:** Green teargas spews across a Steenberg street on the Cape Flats in 1989, when the government's chemical and biological warfare programme was fully functional

- Privatisation of Defence Force front companies, including Delta G Scientific and Roo-deplaat

Research Laboratory, valued at some R50m and "sold" to a select group of directors at the bargain-

basement price of R50 000

- The murder of Renamo secretary-general Orlando Cristina

- The spiking with toxic substances of bottles and cans of beer intended for distribution in neighbouring states and former homelands

- Developing anthrax which was put into the food of three Russian advisers to the ANC in Lusaka, one of whom subsequently died

- Developing 32 bottles of cholera culture which, TRC witnesses have testified, could have had a "devastating effect on health services and caused widespread disruptions"

- Front companies in which he played a role, one of which was involved in the sale in May 1994 of one of Pretoria's most expensive properties, Merton House, to the Zimbabwean government for use as an embassy

- T-shirts laced with kathi-dene which were handed out at End Conscription Campaign meetings

The son of Boesman Basson, a police colonel and erstwhile Northern Transvaal Rugby Union vice-president, and an operating mother, Bronwyn, Basson, 46, joined the permanent force shortly after qualifying as a medical doctor 22 years ago

He rose rapidly through the ranks and by the age of 30 was a brigadier. It was Basson who founded the now notorious 7 Medical Battalion which gave operational support to the special forces during the wars in Angola, Mozambique and Namibia

A qualified paratrooper, Basson and members of the battalion rendered medical services behind enemy lines to members of the reconnaissance regiments that bore the brunt of clandestine operations in the '80s

His career in the SA Medical Services also saw him serve as former state president P W Botha's physician and as an adviser to two successive surgeons-general

When Basson retired early in March 1993, he was the foremost scientist in SA's chemical and biological warfare programme

He had a little expression he liked to use when introducing himself "Medicine is my hobby, but war is my profession"

# The man who knows too much about killing

**CHRIS BATEMAN**

SO devastating is the knowledge carried by apartheid's "witchdoctor" Wouter Basson that former deadly rivals the ANC and the NP agree "His protection is paramount".

The Central Intelligence Agency (CIA) alerted South Africa that Basson was getting ready to flee the country, possibly to work in the Middle East as a chemical weapons expert, just a month before he was arrested on drug dealing charges in Pretoria

Basson is now under the protection of the National Intelligence Agency (NIA) which claims he could be the target of a foreign kidnapping or assassination attempt

The extent of his knowledge of chemical warfare was considered so potentially dangerous that he was re-employed as chief cardiologist at 1 Military Hospital on the orders of ANC Defence Minister Joe Modise in October 1995 — allegedly so that he could be "controlled"

Former surgeon-general Daniel Knobel said Basson was the only person who "really had total

insight into the (chemical and biological warfare) programme"

Deputy Defence Minister Ronnie Kasrils described the defensive chemical warfare capability created by Basson as a "national asset" and said the government needed to protect its ownership and control over "valuable information and scientific expertise"

Former president F W de Klerk had already made the decision to re-employ Basson before the April 1994 elections

President Nelson Mandela, with the support of Deputy President

Thabo Mbeki, "only followed through De Klerk's decision and endorsed the re-employment of Basson", said Kasrils.

Re-employing Basson had been the best way to control his movements and bring stability to his life, Kasrils added

Director-general in Mandela's office Jakes Gerwel even suggested that re-employing Basson was "indicative of good governance"

Kasrils admitted that the instruction to bring Basson back into the military fold had been issued by the defence ministry to

former army chief Georg Meiring and Knobel

Kasrils added "Given the information to which Basson is privy and the position he previously held, the only way we could bring him under control was to re-employ him

"We were fully cognisant of the allegations in the Steyn Report, but we were also aware that Basson had made a number of trips abroad, including one to Libya," he said, adding that they did not want Basson's expertise to fall into the wrong hands

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**MADE DECISION:** F W de Klerk

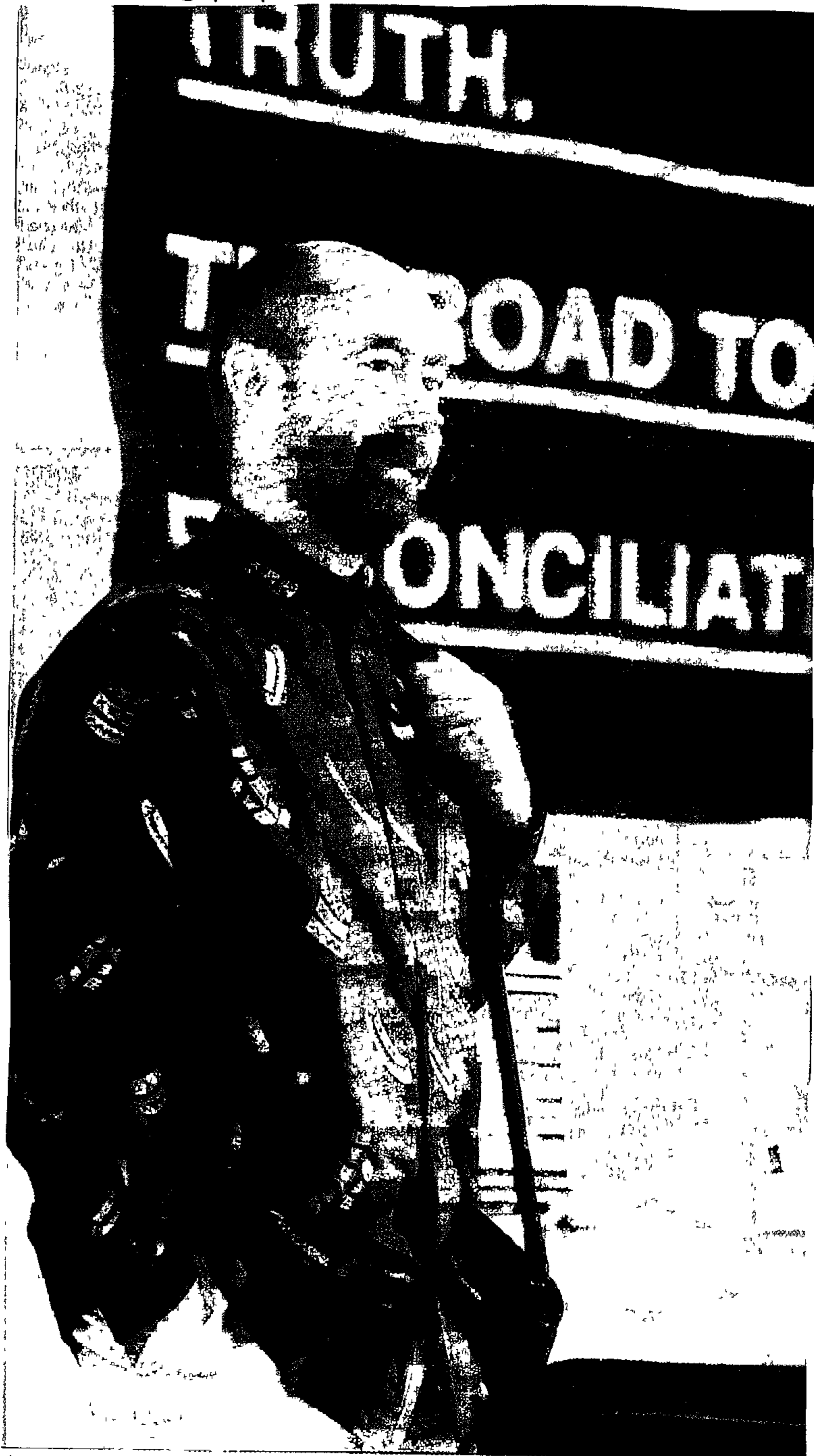


**FOR THE GOOD:** Jakes Gerwel



**GAVE ORDERS:** Joe Modise

CT 2/6/98



**MAN WITH SECRETS:** Wouter Basson at yesterday's TRC hearing

# Task team set to probe funding for state bodies

(252A) (252)  
CLIVE SAWYER

POLITICAL CORRESPONDENT

ARG 12/6/98

A Cabinet task team is to report within two months on the future funding of the wide range of commissions set up by the constitution.

Bodies set up by the constitution include the Public Protector, the Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Gender Commission, the Auditor-General, the Independent Electoral Commission and the Independent Broadcasting Authority.

This week, Sheila Camerer of the National Party asked the Minister of Justice, Dullah Omar, whether the task team had decided on a request by the Public Protector for R22,3-million to set up nine regional offices.

Mr Omar said the task team was to advise on the allocation of resources to commissions.

This was to enable them to carry out their constitutional obligations in an affordable way.

The team had met already for preliminary discussions, and would continue after submitting a report to the Cabinet.

The commissions, including the Protector, would be consulted during this process.

It was expected that the task team would report to the Government's treasury committee by the end of August.

# The LSD war: How Le Grange planned to tame rioting mobs

*'Let's get the stone-throwers stoned'*  
ARG 12/6/98 (252)

A bizarre plan to turn angry, stone-throwing rioters into happy, peace-loving citizens by firing gas canisters containing LSD, Mandrax or dagga at them was approved by law and order minister Louis le Grange in the 1980s.

This was testimony yesterday by former police forensics specialist Lothar Neethling during the Truth Commission's hearing into the apartheid government's chemical and biological warfare programme

General Neethling said that in 1983, when he was head of the police forensic laboratory, he was instructed to attend a meeting in the office of then police commissioner Johann Coetzee with Mr Le Grange and the then surgeon-general of the Defence Force, Nico Nieuwoudt

Defence Force chief Constand Viljoen, now Freedom Front leader, should have been present but was not, he said

He was ordered to be helpful to Wouter Basson, who headed the government's chemical and biological warfare programme, and to supply him with drugs from his laboratory, which was where drugs confiscated by police were stored

General Neethling said Dr Basson was researching better methods of crowd control and one of the proposals was to develop an alternative to teargas that would reduce crowd aggression - "(a substance) that would calm your fighting spirit and you suddenly didn't want to throw stones any longer".

As a result of the order from Mr Le Grange, he had supplied Dr Basson with "between 100 000 and 200 000" Mandrax tablets, five sacks of dagga weighing about 50kg each and "not more than 5 000" LSD tablets

Responding to a question about why he had supplied so

YELD

## ON THE TRUTH COMMISSION

many tablets, General Neethling said that when the LSD was reduced to its active ingredient, which Dr Basson's team needed for their research on the drug canisters, there was a relatively small physical quantity left

"I don't know if it was 5mg, but that is still a lot. You could in theory put 50 000 people on a trip with that," he conceded

"I live behind a rave club and I can assure you it's not a pleasant experience. With just two tablets (Ecstasy), they rave from Friday to Sunday."

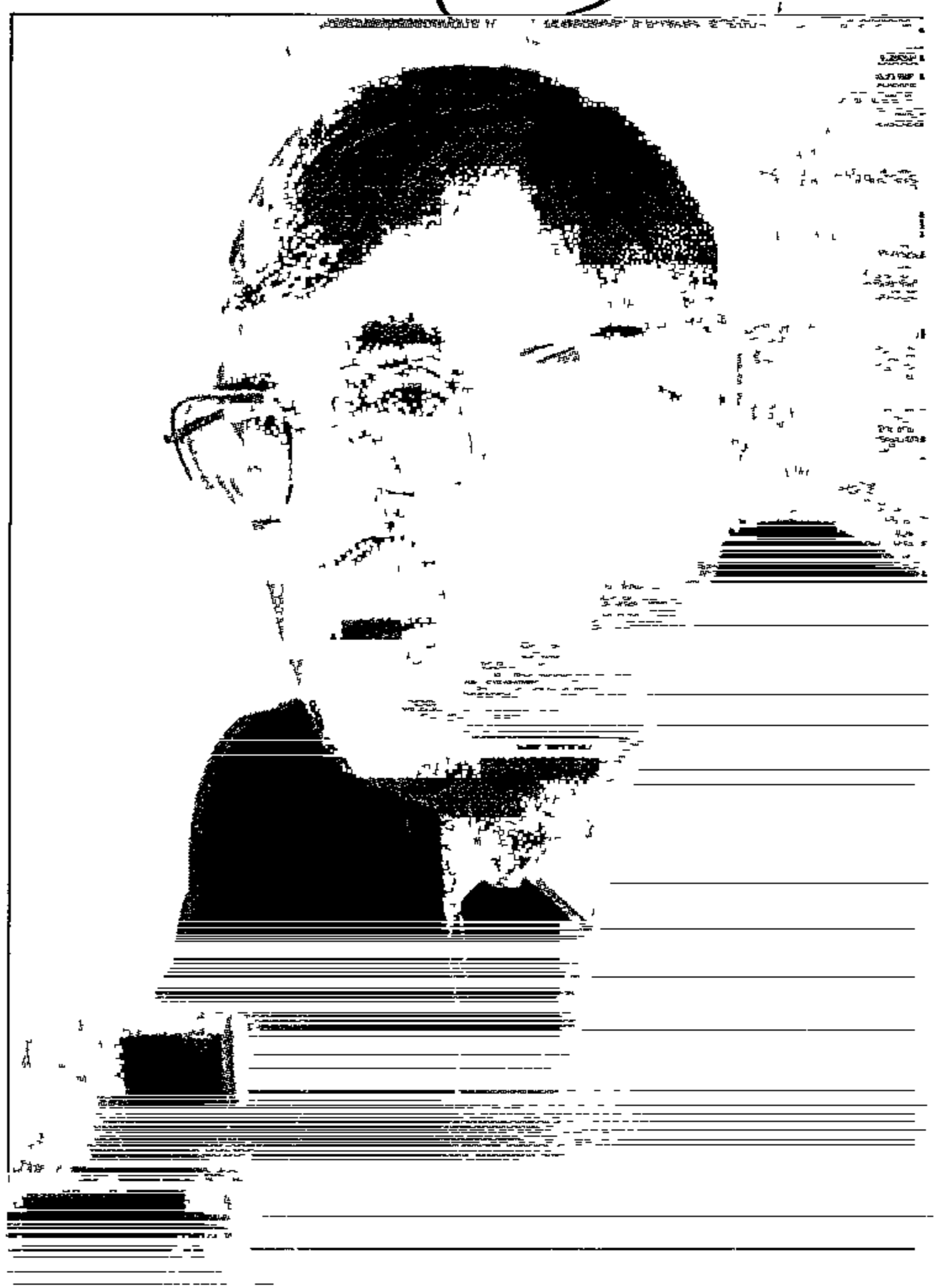
General Neethling said of the experiment: "Obviously it didn't work, because we never heard of it again"

He said he hadn't considered for a moment that Dr Basson - who faces several provisional criminal charges, including manufacturing huge quantities of Ecstasy and Mandrax and possessing Ecstasy - had used any of the drugs he had supplied illegally

"I never thought for one moment that Dr Basson would use one microgram for himself or that he ever sold it to anybody, and I still believe that today"

General Neethling angrily denied testimony by other witnesses at the hearing that he was deeply involved in the offensive side of the programme, or that he had supplied poisons to Dr Basson or the police

General Neethling also reacted strongly when asked to comment on two Defence Force documents. The first described him



OED ZILWA

'All lies': Lothar Neethling denied allegations that he supplied poisons

as having been fully briefed about the project to give the SADF an offensive and defensive chemical and biological warfare capacity, but added that he could be embittered because he had been implicated in a court case about CCB activities "and could thus be regarded as a wounded lion".

The second document was used during the inquiry into "dirty tricks" in the Defence Force by Pierre Steyn, whose report to then president F W de

Klerk in 1993 led to the early retirement of Dr Basson and 23 other senior officers.

It stated that there was a "strong allegation" that a group of the SADF's Special Forces had been established under the leadership of Dr Basson to carry out all SADF elimination orders, and that General Neethling was "intimately involved"

General Neethling furiously denied the allegations, and said the person who drew up the document "is a maniac and a liar"

## Basson fails in bid to delay testimony

The Truth Commission today rejected an application by lawyers for apartheid germ warfare chief Wouter Basson to delay his testimony until his criminal trial was over.

It made a similar ruling in respect of Philip Miyburgh, formerly Dr Basson's right-hand man, who is possibly facing criminal charges

The lawyers then immediately

asked for a delay in calling the two men, pending an application to the High Court for a review of the TRC's decision and a decision on the constitutionality of the relevant article in the Commission's founding act, in terms of which they were subpoenaed to testify

But this was also rejected by the TRC panel which has been hearing evidence about the

chemical and biological warfare programme

Chairman Dumisa Ntsebeza said the panel unanimously agreed that there was no reasonable chance of success for such an application

Jaap Cilliers, for the two doctors, had argued that there was a reasonable chance of success in the High Court

Hanif Vally, leading evidence

for the Commission, said he opposed the new application for a stay, pending the court application, and that Dr Miyburgh should be called immediately

The panel ruled that Dr Basson and Dr Miyburgh had to remain in attendance all day and be available to testify, although it continued hearing the evidence of former SADF surgeon-general Niel Knobel



# Snake poison 'for ANC leaders'

Scientists at Pretoria University's medical faculty supplied deadly poisons - including snake venom - to the former government's military machine for use as murder weapons in the early 1980s.

This was before a front company was set up to provide such services for the SA Defence Force's chemical and biological warfare programme, the Truth Commission was told yesterday.

Daan Goosen was responsible for research in the faculty before being head-hunted by programme chief Wouter Basson in 1982 to establish a company to develop, produce and test biological weapons, which became Roodeplaat Research

Laboratories. A similar front company to deal with chemical weapons, Delta G Scientific, had already been set up.

Dr Goosen told the commission that the production of snake venom at Pretoria University had been approved by the university's ethics committees as it was used in scientific experiments to research ways of treating people who had been bitten by snakes. But he agreed that approval had not extended to the venom being used as a murder weapon.

He recalled handing snake venom personally to Dr Basson at 6am one day. Dr Basson had come early so that he would not be observed by faculty staff.

He remembered this meeting well because he had

dropped the vial of poison while handing it to Dr Basson. "It broke and the poison was on the floor." He had sucked up the poison with a syringe.

Dr Goosen also testified that after RRL was established and Dr Basson and his military colleagues had started ordering deadly toxins, the company had been told in general terms of the planned murder scenarios.

One that Dr Basson sketched for him had been where the victim would be held down and injected with a fatal dose of snake venom. A snake would then be killed and placed next to the victim.

Dr Goosen said the scientists involved in supplying such toxins had been "very concerned" that the victims should

be the legitimate enemies of the state.

Such legitimate targets had included the hierarchy of the African National Congress.

"All of them were potential targets, and we were told we should develop non-traceable stuff for them," said Dr Goosen.

Such projects had been "very tough" to handle psychologically and he had had a nervous breakdown.

"We scientists suffered a lot. But what grieves me is that the people who created this climate are now denying it. They are ducking their responsibility for what they did."

"People like (former Foreign Minister) Pik Botha - you listen to him now and you'd swear he was an ANC member."

(252)

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# Doctor admits to 'poison by pigmentation' experiments

(272)

David Beresford

The Truth and Reconciliation Commission was stunned on Thursday by disclosures that government scientists had investigated the possibility of developing ways of poisoning people on the basis of the pigmentation of their skins

The latest bombshells to emerge from the hearing into chemical and biological warfare research heard that the scientists reacted positively to an offer from an anonymous source in Europe to help them develop a method of killing by race

The disclosure was made by Dr Daan Goosen, former head of the secret chemical and biological warfare unit Rooddeplaat Research Laboratories. He told the commission that the offer of a technology allowing for

selective killing by race had been made in a document delivered to the South African embassy in London, with an invitation to the government to place an advertisement in a newspaper if it wanted to take up the offer

Goosen said he personally investigated the literature on the subject and decided such technology was possible. He was about to fly to London to take up the invitation when it was decided to abort the mission for fear it was a trap

He said of the idea of a race weapon "Scientifically, yes, I believe it is possible"

Goosen, who had several nervous breakdowns, justified the project by drawing a parallel with the nuclear arms race that ensured peace through fear. The former veterinarian from Pretoria University claimed the South African government was terrified of the explosion in the birth rate of the black population

He said the project to reduce black fertility was known about in the highest levels of the military establishment and census figures were falsified. He quoted the then surgeon general, General Niel Knobel, saying "This is the most important project in the country today"

Goosen described how he became involved in the chemical and biological weapons programme after being asked to supply the military — through Dr Wouter Basson — with snake venom for use in killing African National Congress members

He then became involved in a plan to set up a company to carry out medical experiments on non-human primates — because controls on such experiments were looser in South Africa than in other parts of the world — but was persuaded by Basson to abandon the private sector and founded Rooddeplaat for the sake of his country

Goosen, justifying his involvement and his bizarre projects, said he was present at the Pretoria Church Street bombing and assisted some of the victims. He said the atmosphere at the time disturbed his judgment

**Apartheid's lab rats under the microscope, PAGE 10**

# Apartheid's lab rats under the microscope

11-12-18/6/98

Stories emerging at the truth commission this week of the apartheid government's 'chemical warfare' sound farcical, but the results were sometimes deadly, writes **David Beresford**

**T**he difficulty was in deciding whether it was tragedy or farce that was being played out on the 10th floor of the Truth and Reconciliation Commission's headquarters in Adderley Street, Cape Town, this week

The farce was inescapable. It was there in the face of the former professor of organic chemistry at the Rand Afrikaans University, Dr Johan Koekemoer, as he confessed his bewilderment about how the former South African Defence Force intended using up to a billion rands worth of the "love drug", Ecstasy. By kissing the enemy to death?

The tragedy was less easy to discover. But a hint of it was to be heard in the rustling of the ghosts of those who fell victim to the pursuit of a chemical Holy Grail by South Africa's Dr Strangeloves.

As the veterinarian Dr Schalk van Rensburg put it, "The most frequent instruction" from the head of the chemical warfare project, Dr Wouter Basson, was for the development of a compound which would kill, but make the cause of death appear to have been natural. "That was the chief aim of the Roodeplaat Research Laboratory."

Cholera organisms by the tens of millions, anthrax planted in the gum of envelopes, in cigarettes and chocolates, thallium, cyanide, umbrellas and walking sticks firing fatal "bee-stings" which X-rays would struggle to discover. The lists — "murder lists", as Van Rensburg acknowledged them to be — were painstakingly enumerated. Hideous trinkets were offered from the Roodeplaat treasure trove — a "bomb proof" store room of toxins next to the office of chief scientist Dr Andre Immelman — in pursuit of a warped scientific quest for a means to create innocence out of murder.

But they were only ghosts of the victims — their individual tragedies robbed of substance by the unanswered question: who died? Who enjoyed the attentions of the 32 bottles of cholera issued to unidentified operatives of state "security"?

It would be most effectively used in the water supply, offered microbiologist Mike Odendaal, sweating in the glare of national attention far removed from the safe anonymity of "the lab".

Check if there were any outbreaks of cholera at the time, shrugged Van Rensburg with the confidence born of a lifetime's fa-

miliarity with immutable logic.

There were survivors. Like the Reverend Frank Chikane, who was meant to die an anonymous death in Namibia, far from the prying eyes of sophisticated pathology. But the killers, who planted the lethal chemicals in five pairs of his underpants, got their intelligence wrong and he flew into the arms of American doctors who not only saved his life, but spotted the toxins.

For the rest, though, the questions remained unanswered. To some extent they went unasked, by an audience hypnotised at the final emergence of the ultimate obscenity of apartheid rule, Joseph Mengele reincarnated. Did they succeed in planting thallium in Nelson Mandela's medication? Was that heroic last struggle of Steve Biko with his tormentors a chemically induced rage?

As the hearings wore on, evidence of the fundamental corruption of a society oozed out, pus from a wound.

For Van Rensburg it was a story which started in 1984, when he was recruited to Roodeplaat after being told that South Africa faced a serious threat in the form of a new generation of biological weapons being developed by the Russians — based on lethal fungoids — which they believed were being tried out in the Angolan war.

Van Rensburg told the commission his major project at Roodeplaat involved attempts to develop a vaccine to counter human fertility. He said Basson motivated the project by saying Unita leader Jonas Savimbi had a problem because his most efficient soldiers were women, but they kept falling pregnant. They were also having problems with births in refugee camps.

**V**an Rensburg said this explanation was transparently "silly". But the development of a vaccine was recognised by the scientific community as the most promising way forward where birth control was concerned, and he had thrown himself into the project.

He had warned Basson that such a vaccine could not be racially based, it could not be administered covertly and it could easily be reversed. But Basson insisted they proceed with it.

The fertility project took up about 30% of the time of staff at the Roode-



**The science of killing: Dr Wouter Basson (above) wanted a compound that could kill but make the cause of death appear to have been natural. Dr Schalk van Rensburg's (left) main project was to develop a vaccine to counter human fertility.**

plaat laboratory which, he rationalised, was time well saved from the alternative — dreaming up ways of surreptitiously killing people. But the killing, or at least attempts at it, had gone on.

Immelman had told him the military were furious over their failure to kill Chikane. "They made a lot of mistakes," he said, including the way they had applied the toxin to his clothes. There had also been an intelligence blunder, because Chikane was expected to be travelling to Namibia — "they were counting on very little forensic capability in Namibia" — but instead he had gone to the United States.

South African agents had been more successful in planting anthrax spores in the food of three Russian advisers to the African National Congress while they were in Lusaka. One of them died.

There was a possibility an attempt had been made to poison Mandela as well as Biko. Immelman had

been "very confident" that the ANC leader's brain function "would be impaired, progressively, for some time". Van Rensburg said he believed the comment was related to plans to lace Mandela's medication at Pollsmoor prison with the heavy metal poison, thallium.

Basson — a cardiologist and personal physician of former president PW Botha — had said at one stage that they had administered thallium to Biko. This might have been an "idle boast", he conceded, but "I don't think so, Dr Basson had been talking to a small group of us technical people when he made the remark".

Van Rensburg said thallium poisoning could account for Biko's irrationally aggressive behaviour during the police interrogation when he had been fatally injured.

Earlier in the week assassination instruments worthy of the Borgias were produced. A bio-engineer who worked in the weapons programme, Dr Jan Lourens, said killing devices produced by government scientists included walking sticks and umbrellas which fire lethal pellets into a victim. Syringes were disguised as screwdrivers and finger rings with a hidden cavity could be used by a killer to pour poison into a target's drink.

Lourens described how he had delivered one of the weapons to a man he believed to have been a South African assassin in England. He had nearly killed himself demonstrating it to the killer in a South African safe house near Ascot.

He told the commission he had been transferred from the South African Air Force to a "special operations" unit within the army's spe-

cial forces in 1984. The unit was staffed almost entirely by doctors. He recalled how he had put together a special radio network for members of the unit, as well as supplying them with souped-up cars and compact assault rifles.

**T**he engineer said he had been personally involved in the production of the assassination instruments, which he described as "applicators". Several of the devices — screwdrivers and "needle tubes" — were produced at the hearing as exhibits.

Lourens said they were "spring loaded" and were used to inject poison. The needle tubes could be incorporated into an umbrella, or walking stick. A second version of the weapon had been developed which fired a polycarbon ball.

"This ball would have a number of holes drilled into it, so you would be able to pack a toxic substance into the ball." The ball would be fired into the back of the victim's leg. "The person being shot would feel something like a bee-sting." Polycarbonate was used because it was difficult to pick up with X-rays.

Lourens said he had been involved in negotiations with foreign buyers for the sale of South African weapons technology. One was a customer who wanted a binary nerve agent called "VX". The deal had fallen through. He did not know the identity of the would-be buyer, or what country he came from.

He also met a Syrian who was buying technology. He had introduced him to another South African scientist who, he believed, had subsequently visited Syria.

The hearing continues.

# TRC hears of 'most shocking' dirty tricks

By JOHN YELD AND CHARLENE SMITH

Star 13/6/98

The SA Defence Force tested chemical weapons by bombing Frelimo troops from a pilotless observer aircraft close to the Mozambican border in 1992.

And the United States and Britain made strong diplomatic protests to South Africa about the country's sale of chemical and biological weapons internationally, including to combatants in the Croatian civil war in 1994.

This emerged in Cape Town yesterday at the Truth and Reconciliation Commission hearings into the former SA Defence Force's chemical and biological weapons (CBW) programmes.

For years, the SADF denied it was involved in the Mozambique incident. After the attack, in which Mozambican soldiers reported being overcome after a gas cloud enveloped their camp, the SADF put out disinformation that the bombing was the work of the African National Congress, which also had a

chemical weapons capacity

And in a final irony SADF members - some from the CBW programme - were later sent to Mozambique in an attempt to investigate the "alleged chemical attack".

This emerged from documents in the possession of the Truth Commission during its special hearing this week into the CBW programme, codenamed Project Coast.

One of the documents presented during the hearing - which both chairman Archbishop Tutu and his deputy Dr Alex Boraine described

(2/3)

as probably the most shocking the TRC has yet held - was an official SADF staff paper for General Pierre Steyn, who had been ordered by then president F W de Klerk to prepare a full report on alleged military dirty tricks.

Steyn's 1993 report led to the early retirement of Dr Wouter Basson, then a brigadier and head of the CBW programme, and 28 other senior SADF officers.

Basson was subsequently re-employed by the SA National Defence Force when it appeared he

was about to go overseas and possibly sell his intimate knowledge of the weapons to another employer.

Yesterday, Lieutenant-General Niel Knobel, then surgeon-general and the project manager of the CBW programme, emphatically denied he was aware of the bombing.

The Americans and British protested to De Klerk in January 1994, and to President Mandela immediately after his election in April 1994. The US warned that Basson was likely to leave SA, carrying top secrets with him.



Wouter Basson

# Namibia closing on apartheid-era killers

By ESTELLE RANDALL

Apartheid-era killers who operated in Namibia on the eve of that country's independence in 1989 may soon stand trial there.

This will be the outcome of an agreement between Minister of Justice Dullah Omar and his Namibian counterpart Ngarikuthuke Tjiriange yesterday to establish a contact group to co-ordinate efforts to get to the bottom of apartheid-era crimes committed in Namibia.

The group comprises Namibia's Solicitor-General Hans Heyman and, on the South Africa side, Transvaal Attorney-General Jan D'Oliveira and Omar's chief consultant Mebard Rwelamira.

Omar said the group would focus on speeding up the conclusion of about 12 cases which still remained unresolved.

One of these involves the murder of Anton Lubowski, a Windhoek advocate and prominent member of the South West African People's Organisation, who was shot dead in September 1989.

An inquest in 1994 into his assassination pointed to the involvement of the former South African government's notorious Civil Co-operation Bureau, an SA Defence Force unit which was subsequently disbanded.

The 1994 inquest named several CCB members, including Ferdi Barnard and Wouter Basson, as being involved in, at least, the planning of Lubowski's assassination. Barnard was convicted of murder recently.

A judicial investigation in Namibia this year into the 1994 inquest's findings failed to identify Lubowski's killers.

According to the Department of Justice, procedural problems with serving subpoenas on witnesses for this inquiry into the Lubowski murder had resulted in the witnesses refusing to accept the subpoenas.

These will now be re-issued to witnesses associated with the former CCB, and a third inquiry is being planned.

Another case involves the killing

of a Namibian citizen during an attack on a UN office in Outjo during the 1989 election in Namibia.

Three South Africans - Horst Klenz, Darryl Stopforth and Leonard Veenendal - were arrested in Namibia in connection with the attack and killing, but escaped from police custody and fled to South Africa. During the escape, a policeman was killed.

Namibia asked for their extradition from South Africa in July 1990, and in September that year a warrant for their arrest was issued in South Africa. They were detained during 1990 but were released on bail in August 1991, due to appear in court on April 30 1992.

Klenz failed to appear and a warrant for his arrest was issued. He was apprehended in 1994 on charges of crimes committed in South Africa - attempted murder and contravention of the Arms and Ammunition Act. He was found guilty of these charges early this year and sentenced to 11 years in prison, and proceedings for his extradition were pending.

## Pending

However, Klenz has appealed against his sentence, pending the outcome of his request for amnesty to the TRC.

Stopforth and Veenendal, who were also found to be extraditable, also appealed against this decision in 1996, pending the outcome of their requests for amnesty to the TRC.

The High Court dismissed their appeal for suspension of their extradition to Namibia, but they then successfully petitioned the Chief Justice and are currently awaiting a trial date for the Bloemfontein Appellate Division of the High Court of South Africa.

The TRC is yet to make a decision on their request for amnesty but Omar said the request was not valid because the TRC dealt only with politically motivated crimes committed in South Africa.

"Our opinion is that they cannot request amnesty for any crimes they may have committed in another country," Omar said.

# Apartheid's evil scientists

Nothing was too far-fetched – from trying to make teargas infused with drugs, to poison-laced clothes

By CHARLENE SMITH

The Nazi scientists of the Holocaust were astonished that their experiments were not seen as a great benefit to science. And that was generally the attitude of chemical and biological warfare experts employed by the SA Defence Force and its front companies who testified at this week's Truth and Reconciliation Commission hearings in Cape Town.

Nothing was too far-fetched for apartheid's scientists – from trying to make teargas containing LSD, daga or Mandrax, to giving opponents carcinogenic substances or injecting them with snake venom or even poison-laced clothes. They evolved elaborate assassination plans, including considering fatally impairing the health of Nelson Mandela and that of the late ANC leader Oliver Tambo.

All of which was done with the knowledge, or at the direction, of top government officials. They even had three aircraft at their disposal to ferry clandestine biological and chemical warfare accoutrements or scientists around the world.

There was a senior biochemist, an expert in anti-fertility vaccinations – however, he was white and the vaccine was intended for black people

One can't imagine Nazi death doctor Joseph Mengele arriving at Nuremberg clad in a blue-and-white west African top, with black shoulder-strap handbag, as the South African chemical and biological warfare supremo Dr Wouter Basson did.

The handbag? Well, where else is a scientist to put beer cans with botulism, poisoned screwdrivers, anthrax-tipped cigarettes, toxic chocolates, or little packets of salmonella-infused sugar?

Evidence at the commission was that most of these multimillion-rand confections from the Rooderplaat Research Laboratories (RRL) near Pretoria (an SA Defence Force front company) normally resided in a bar fridge. That is when they were not being used against "enemies of the state", such as Eastern Cape activist Siphwe Mthimkhulu, who was poisoned with thallium, "disappeared" and was then killed; or the Rev Frank Chikane, who fell ill after his clothing was poisoned.

Twice, witnesses mentioned having discussed details of chemical and biological warfare projects with Roelf Meyer. Once this happened in 1992, when the Codesa negotiations were already under way.

Daan Goosen, the founding head of RRL, said, "I spoke to Meyer for



FAN OF ECSTASY: Forensics expert Lothar Neethling

four hours. He knew Basson, he knew about the project and he knew the sensitivities. Meyer said he would go into the matter and get back to me, but nothing happened."

Basson's lawyers argued against his giving testimony at the TRC ahead of his criminal trial – on charges of producing the designer drug Ecstasy – on August 17.

His cohorts, however, gave details of experiments that could have killed entire communities – and were devised for that purpose.

The director of laboratory services at RRL, Schalk van Rensburg, described products sold in 1989 as

"undoubtedly a list of murder weapons". They included agricultural and other poisons as well as viruses

At the TRC hearing, a row of men sat behind lawyers. They were representatives of SA's various intelligence agencies, the Department of Foreign Affairs and arms companies such as Denel and Armscor. President Mandela's lawyer Fink Haysom occasionally stopped by. Some of the evidence they heard included.

■ A plot to damage the health of Mandela, authorised by the State Security Council in 1986. Goosen said: "We had long discussions with Basson on Nelson Mandela and Oliver Tambo. They were targets and we were to develop non-traceable ways to deal with them. I had discussions with Basson: if we had to release Mandela it would have been good if he had a disease so he would not be too long a problem."

■ Black Consciousness leader Steve Biko may have been poisoned with thallium shortly before he was beaten to death.

■ A national serviceman said to have been sympathetic to the SA Communist Party was poisoned on the Namibian/Angolan border. His family was told he had died after being bitten by a snake.

■ A black member of the security forces was given a T-shirt impregnated with the poison organophosphate paraoxyn. He gave the shirt to a friend, who died.

■ T-shirts laced with katheridene were handed out at End Conscription Campaign meetings.

■ A ton of Ecstasy was manufactured "to incapacitate the enemy", according to Johan Koekemoer, a former research chemist at Delta G, another military front company.

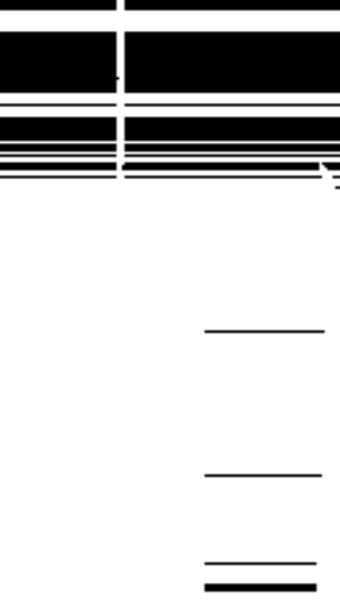
■ Extensive research went into producing teargas containing daga, Mandrax and LSD. Former police general and forensics expert Lothar Neethling admitted that Special Forces had approached him about the use of Ecstasy to control crowds, "I had no problems with Ecstasy because it is such a good mood-changer. If I used it, crowds would be peaceful – it is the best crowd control."

Evidence was that poisons were issued to Basson, Rooderplaat managing director Wynand Swanepoel, a former dentist; or to research director Andrie Immelman.

Goosen admitted that for about R100-million spent over the years at RRL, scientific achievements were minimal. "We supplied a lot of crude products that could be used as dirty tricks, James Bond drugs."



DEADLY TOOLS: Specially made screwdrivers, which could be used to inject poisons, were supplied to apartheid's covert operators



# SA's judicial system could go on trial ...

Independence of magistrates challenged

By JACKIE CAMERON

**T**he state is violating the constitutional rights of people standing trial in regional and district courts – because these courts “are neither independent nor impartial”

This is according to papers filed by defence counsel and a regional court magistrate in the Pretoria High Court recently in connection with an appeal, by a murder suspect, to have his case thrown out of court.

The case against George Tshabalala, accused of brutally stabbing a friend to death, will be quashed if he wins his appeal and review for his constitutional right to be tried in an impartial, independent court.

This case has wide and precedent-setting ramifications for this country's judicial system, and could see thousands of crime suspects and civil defendants, who are currently standing trial, getting off the hook temporarily.

Cases would have to be put on hold while Parliament urgently reshuffled its schedule to focus on restructuring the lower courts to bring them into line with the constitution, further adding to the delays and costs of the beleaguered judicial system

Trials would have to start afresh, giving crime suspects an added advantage the second time around in defending charges

Cases which could be affected, according to legal sources, range from the current criminal trial of former state president P W Botha to debt cases in the civil courts.

Tshabalala has argued that his case should be set aside on the grounds that magistrates are effectively part of the civil service and can therefore be subjected to political manipulation.

“Justice must not only be done, but it must be seen to be done. It's all about perceptions of justice,” Tshabalala's attorney Deon Laubscher said

“Magistrates, unlike judges, are treated as civil servants. Their salaries are part of the justice budget, together with the salaries of civil servants. Procedural methods of discipline mean they can be subjected to intimidation.

“Magistrates share the same buildings and transport with prosecutors and therefore have a close relationship with the state. You don't, for example, see a judge sharing transport with a

member of the attorney-general's office.”

In a strong indication that Tshabalala will win his appeal, the presiding magistrate in his case, Graham Travers, has listed more than 20 regulations and laws governing magistrates which are in conflict with the constitution and highlight the dependence of magistrates on the country's political machinery. These include:

- The removal or suspension of magistrates without just cause or an inquiry by a judicial commission.

- The cutting of pension benefits without consideration by a compensation commission.

- A discretionary allocation of state-subsidised vehicles

- The Justice Department's director-general, whose appointment and work is influenced by politicians, has the authority to transfer magistrates. He is a member of the commission which considers any representations, and he decides on promotions

- The Justice Department, which is subject to government policy, evaluates the work of magistrates and makes discretionary salary adjustments.

- The minister of justice can “punish” magistrates and decides on senior promotions.

Travers has cited a Department of Justice practice which encourages magistrates to complete cases within a specific time constraint, without taking into consideration the language difficulties of crime suspects and witnesses or the nature of the case being heard

Work speed is a criterion in the evaluation and promotion of magistrates.

Travers highlighted the discrepancies between the high courts, which he asserted were independent, and lower courts by pointing out that judges were not subjected to the same disciplinary measures meted out to errant magistrates.

He also said the current structure of the lower courts contravened international human rights standards

Tshabalala's lawyers have filed a notice in the court advising the following interested parties that they may apply, before the end of next week, to intervene in proceedings, the minister of justice, the Magistrates' Commission, the Human Rights Commission, the Judicial Services Commission, the Association of Regional Magistrates of South Africa, and the Judicial Officers Association of South Africa.



jackie CAMERON

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**AWB bombers of school  
and offices get amnesty**

Cape Town - Two Afrikaner Weerstandsbeweging members who bombed union offices and a school in Pretoria in 1991 have been granted amnesty, the Truth and Reconciliation Commission announced yesterday.

Petrus Jacobus Judeel and Andries Stefanus Kriel took part in the bombing of the Hillview High School in July 1991 and Cosatu House in Pretoria in December 1991, it said in a statement.

They also received amnesty for bombing post offices in Krugersdorp and Verwoerdburg in January 1992, and for stealing explosives from Rustenburg Platinum Mine in 1991.

The TRC's amnesty committee had granted them amnesty without requiring them to appear at a public hearing, the statement said.

In terms of the Promotion of National Unity and Reconciliation Act, amnesty applicants not involved in killing, abduction, torture or severe ill-treatment can have their application decided in chambers without appearing publicly - Sapa



# Battle between PW Botha and TRC set to resume

George - Former state president P W Botha's court case for flouting a Truth and Reconciliation Commission subpoena will resume in the George Regional Court on Monday after a week-long adjournment.

Bruce Morrison, the prosecutor in the case, said yesterday he planned to call one more witness - the executive secretary of the TRC's amnesty committee, Martin Coetzee - who would be asked about the number of security force members who had applied for amnesty.

Botha's advocate, Lappe Laubscher, suggested earlier this month that human rights violations could have been carried out by a small, clandestine force within the army and police, an argument rejected by TRC chairman Archbishop Desmond Tutu.

Morrison, who is the Western Cape deputy attorney-general, estimated he would need between two and three hours to make closing arguments, but this depended on the tactics used by Botha's defence.

Victor Lugayú said it was difficult to predict how long the case would take to wrap up, although he was almost certain it would be before the end of next month. He said he would like to pass judgment as



UNCO-OPERATIVE: Former state president Botha

soon as possible, but much would depend on developments in court on Monday. When the case was adjourned on June 5,

Tutu made an impassioned plea to Botha to apologise for the suffering his government's policies had caused. Botha's lawyer Ernst Penzhorn said his client would respond in due course, but so far this has not happened.

The court case follows Botha's refusal to adhere to a TRC subpoena to testify at a hearing on the State Security Council, which he charred from 1978 to 1989.

If convicted he faces a fine of up to R20,000 or a jail sentence of up to two years.

There is no guarantee that the conclusion of the court case will mean the end of the legal battle between Botha and the TRC.

The loser could well appeal against Lugayú's decision, and the TRC may still want Botha to testify at the amnesty hearing of his former police minister Adriaan Vlok.

In his amnesty application for the 1988 bombing of Khotso House, headquarters of the South African Council of Churches, Vlok apparently said Botha gave the orders for the attack.

The 82-year-old Botha has vowed never to cooperate with the TRC, which he has described as a circus. - Sapa

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Sapa 19/6/98

# SADF bombed Frelimo in chemical weapons test -

ARC 13/6/198 (252)

**JOHN YEILD**  
ON THE TRUTH COMMISSION

The SA Defence Force tested chemical weapons manufactured as part of its controversial chemical and biological weapons (CBW) programme by bombing Frelimo troops from a pilotless observer aircraft close to the Mozambican border in 1992.

They then put out disinformation that the bombing was the work of the African National Congress which, they said, also had a chemical weapons capacity.

And in a final irony, SADF members - some from the CBW programme - were later sent to Mozambique in an attempt to investigate the "alleged chemical attack".

This emerged from documents in the possession of the Truth Commission during its special hearing this week into the CBW programme.

code-named Project Coast by the SADF

One of the documents presented during the hearing - which both Truth Commission chairman Archbishop Desmond Tutu and his deputy, Dr Alex Boraine, described as probably the most shocking the commission has yet held - was an official SADF staff paper for General Pierre Steyn, who had been ordered by the then president FW de Klerk to present a full report on alleged "dirty trucks" within the military.

General Steyn's 1993 report led to the early retirement of Dr Wouter Basson, a brigadier and head of the CBW programme, and 23 other senior SADF officers.

However, Dr Basson was subsequently re-employed by the SA National Defence Force when it appeared he was about to go overseas and possibly sell his intimate

knowledge of chemical and biological weapons to another employer.

According to the staff paper presented to General Steyn, the attack on the Frelimo soldiers was "confirmed", and it named those responsible as "Brigadier W Basson, Brigadier Van Wyk and Colonel At Nel". It stated that, according to information supplied, the attack on the Frelimo soldiers had allegedly been "a practical test-run".

"A small, unmanned reconnaissance aircraft which could discharge bombs, was tested at Komatipoort shortly before the attack."

It said the poison used was manufactured and stored by a company called Protechnic, and that this information had been confirmed and the people involved were known. Protechnic was one of the front companies established by the

SADF as part of the CBW programme

After the attack on the Frelimo soldiers, British scientists investigated the incident and confirmed that chemical weapons were used, the paper stated. This information, when linked to other information to the effect that Dr Basson and others had launched a disinformation campaign against the ANC to suggest it had been responsible for the bombing, indicated a cover-up attempt - either for an "own agenda" or because an authorised operation had gone wrong.

"However, this has to be investigated further," the staff paper said.

The first person to testify at this week's hearing was Dr Jan Lourens, a former colleague of Dr Basson in the army and a bio-medical engineer who worked for several front companies of the CBW programme, includ-

ing Protechnic, of which he was a director

Responding to questions about the attack on Frelimo, he said he had been contacted by Dr Basson and instructed that he should help investigate and verify the "alleged" application of chemical weapons in Mozambique.

Dr Basson told him to accompany Dr Brian Davey, whom he (Dr Lourens) described as a medical doctor who acted as a consultant on chemical weapons for one of the front companies in the CBW programme.

Dr Davey is head of safety and health for the Organisation for the Prevention of Chemical Weapons.

Dr Lourens said they were not given details of the bombing incident, except that it had not been an attack but had been some kind of "military-type" incident.

Laboratory of death, page 23

Dr Basson's role in the investigation of Project Coast and of Intelligence Agency since September 1994 on Project Cloud, a full had been working with the National Intelligence Agency since September 1994 on Project Cloud, a full investigation of Project Coast and of Dr Basson's role in it.

"We had a coldrink and went home. I didn't see any of the reports of the other teams which also investigated." General Niel Knobel, then surgeon-general and the project manager of the entire CBW programme, suggested that the Truth Commission would have to read all the reports on the incident and not just rely on the staff paper presented to General Steyn. "And then the truth will emerge," he said.

General Knobel told the commission that he had briefed both presidents De Klerk and Mandela fully on the CBW programme, and that he had been working with the National Intelligence Agency since September 1994 on Project Cloud, a full investigation of Project Coast and of Dr Basson's role in it.

then blamed ANC

# SA's apartheid killers in Namibia may be

**ESTELLE RANDALL**  
POLITICAL CORRESPONDENT

Apartheid-era killers who operated in Namibia on the eve of that country's independence in 1989 may soon be brought to book

This is according to an agreement signed between Minister of Justice Dullah Omar and his Namibian counterpart Ngarikuthuke Tyirirange yesterday to establish a contact group to co-ordinate efforts to get to the bottom of apartheid-era crimes committed in Namibia

The group comprises Namibia's Solicitor-General Hans Heyman and on the South Africa side, Pretoria

Attorney-General John D'Oliviera and Mr Omar's chief consultant Mebard Rwelamuna.

Mr Omar said the group would focus on speeding up the conclusion of about 12 cases which still remained unresolved

One of these involves the murder of Anton Lubowski, a Windhoek advocate and prominent member of the South West African People's Organisation (Swapo), shot dead in September 1989

An inquest in 1994 into his assassination pointed to the involvement of the former South African government's notorious Civil Co-operation Bureau (CCB), which was subse-

quently disbanded

The 1994 inquest named several CCB members including Ferdi Barnard and Wouter Basson as being involved in, at least, the planning of Mr Lubowski's death

Barnard was convicted of murder recently and yesterday the Truth and Reconciliation Commission ruled that Basson, former SADF chemical weapons expert, must testify before its inquiry into the apartheid government's chemical and biological weapons programme

A subsequent judicial investigation in Namibia this year into the 1994 inquest's findings failed to identify Lubowski's killers A third

inquiry is now planned

Another case involves the killing of a Namibian citizen during an attack on a United Nations office in Outjo during the 1989 election in Namibia.

Three South Africans - Horst Klenz, Darryl Stopforth and Lennert Veenendal - were arrested in Namibia in connection with the attack and killing but escaped from police custody and fled to South Africa A policeman was killed during the escape

Namibia asked for their extradition from South Africa in July 1990 and in September that year a warrant for their arrest was issued in

South Africa

They were arrested during 1990 but were released on bail in August 1991 and were due to appear in court on April 30 1992

Klenz failed to appear and a warrant for his arrest was issued He was apprehended in 1994 for crimes committed in South Africa - attempted murder and contravention of the Arms and Ammunition Act He was found guilty early this year and sentenced to 11 years in prison and proceedings for his extradition were pending

However, Klenz has appealed against his sentence, pending the outcome of his request for amnesty

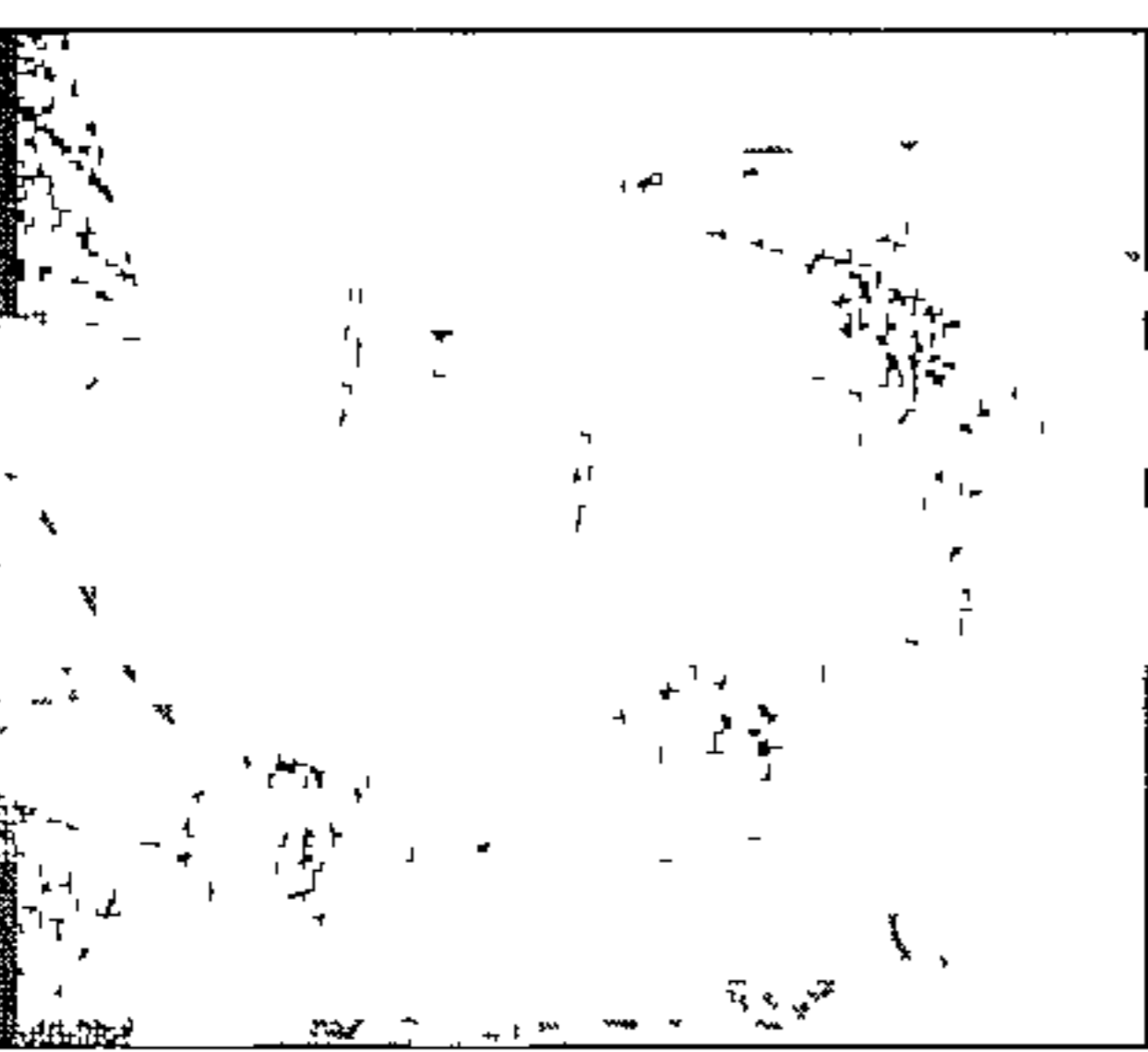
(257) ARG 13/6/98

to the TRC.

Stopforth and Veenendal also appealed against this decision in 1996, pending the outcome of their requests for amnesty to the TRC

The High Court dismissed their appeal for suspension of their extradition but they then successfully petitioned the chief justice and are now awaiting a trial date for the Bloemfontein Appellate Division of the High Court of South Africa

The TRC is yet to make a decision about their amnesty request but Mr Omar said their request was not valid, as the TRC dealt only with politically motivated crimes committed in South Africa



UNSOLVED: Lubowski, killed in 1989

brought to book

# ET scorned for his aloof stance

CITY PRESS 14/6/98 (252)

By CP CORRESPONDENT

A FORMER commander of the Afrikaner Weerstandsbeweging (AWB) called AWB leader Eugene Terre'Blanche a coward at a hearing of the Truth and Reconciliation Commission (TRC) on Friday.

"It's not a glad day for me to have to testify here on what happened in the past. Terre'Blanche and the people who gave commands have a duty and a responsibility to be here.

"The men we always listened to now appear to be cowards," Dries Kriel, former commander of the AWB in the northern Free State, told the TRC's amnesty committee.

Kriel testified in the amnesty hearing of nine AWB members concerning the murder of four black people in December 1993 at a roadblock between Randfontein and Ventersdorp.

Terre'Blanche allegedly told Kriel that the nine applicants were some of his "best men" but that they had to distance themselves from them to prevent disastrous consequences.

"Terre'Blanche has a special talent for speaking. But when there is any tension or threat, he will distance himself," said Kriel.

Like Kriel, Abraham "Koper" Myburgh, who was responsible for bomb explosions before the elec-

tions in 1994, on Friday expressed his unhappiness about the leadership of the AWB. He said they had run away like "bad dogs", leaving their people in jail.

From a Biblical point of view, he said, it appeared that the people he had thought were so-called "leaders" of the rightwingers, were "seducers" instead.

The committee, chaired by Judge Bernard Ngoepe, yesterday heard

that Kriel had been told in 1993 that the time had come for terrorism and that bombs had to be planted.

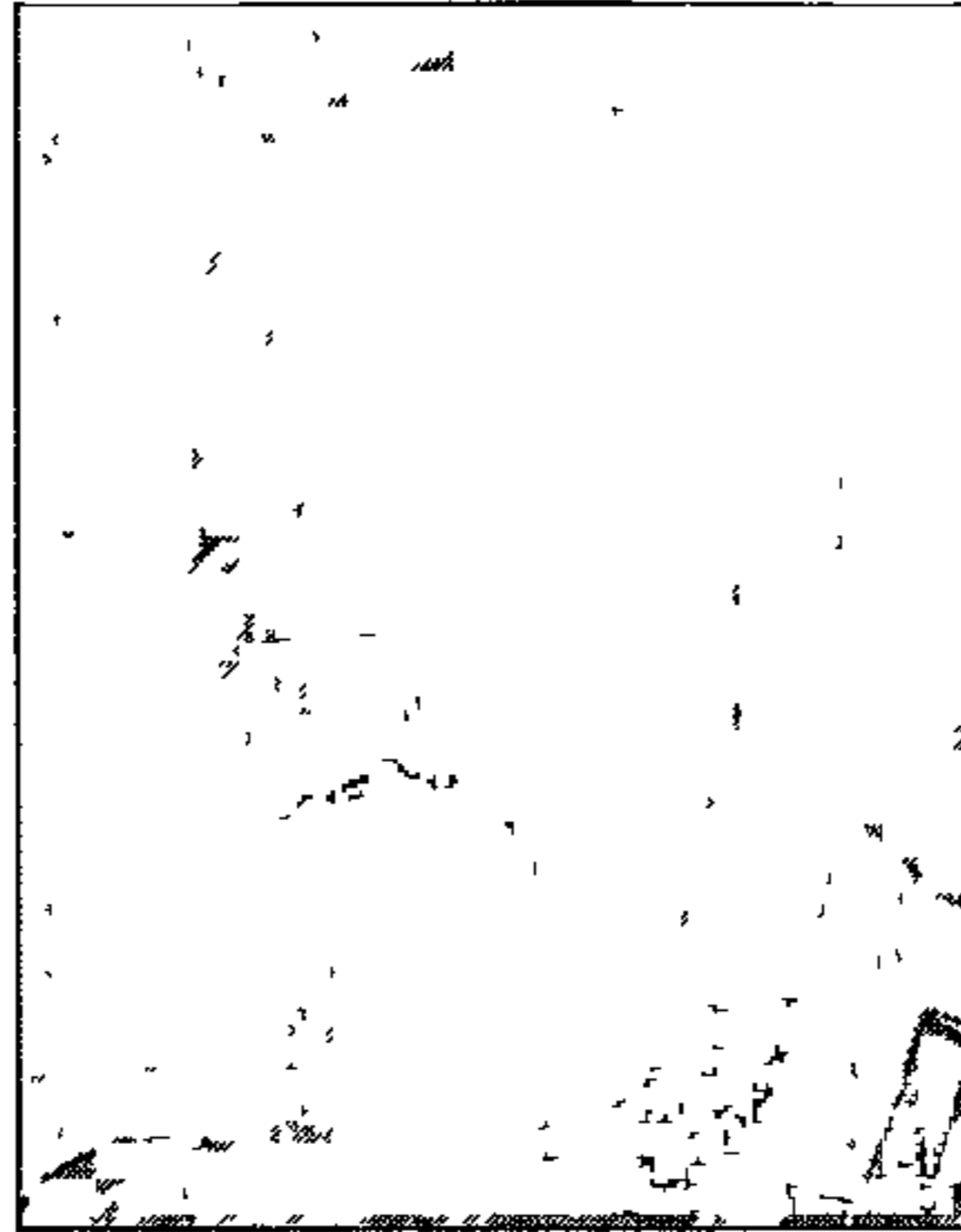
There was allegedly a plan to deploy task forces a week before the Day of the Covenant.

(Reconciliation Day) in 1993 to attack ANC members and kill people. This action would reach a climax when "the nation" ("die volk") gathered on the Day

of the Covenant and the final blow would be struck.

Not only the division between leaders and followers, but also that between individual applicants fell under the spotlight on Friday.

Martin (Skyfies) van der Schyff, whose testimony on Thursday had already conflicted with that of the other applicants, on Friday told of friction between him and some of the other applicants because his testimony did not correspond with their version of the events.



'COWARD' KEEPS HIS DISTANCE ... AWB leader Eugene Terre'Blanche

# TRC beats criminal courts to it

UP PRESS 14/6/98 (252)  
*Commission hears evidence from main witnesses against Basson*

BY DESMOND BLOW

**T**HE TRUTH and Reconciliation Commission may once again have impeded criminal cases brought by the Gauteng Attorney-General, Jan D'Oliviera, against alleged apartheid security case criminals

The latest is Dr Wouter Basson, former SADF chemical weapons expert, who is being prosecuted in the Pretoria Regional Court by deputy Attorney-General Torie Pretorius

The TRC this week heard evidence from all the main witnesses who are to be called to give evidence against Basson in the criminal trial which was to be held in camera. Basson is charged on 10 counts including the instigation to murder, the production and possession of large quantities of the drugs Mandrax and of Ecstasy, of swindling the South African government of more than R26 million, and other charges under the Official Secrets Act

However, the shocking revelations before the TRC in Cape Town

this week, which disclosed many of the chemical assassinations and dirty tricks which emanated with Basson, may make it unnecessary for any part of the hearings to be held in camera

If it should be, it might prove what many observers believe, that Basson was involved in selling official secrets to foreign countries, and that he may have assisted Iraq's President Saddam Hussein in building up his chemical and germ armoury

It is understood the TRC has documents showing that the SADF tested chemical weapons by bombing Frelimo troops in Mozambique

The United States and Britain are said to have protested through their embassies to the SA government in 1994 because of the sale of chemical and biological weapons to combatants in Croatia

A document presented during the TRC hearings was an official SADF staff paper for General Pierre Steyn, who had been ordered by then president F W de Klerk to pres-

ent a full report on alleged military tricks

Steyn's report led to the early retirement of Basson, then a brigadier and head of the chemical-biological programme and 23 other senior SADF officers

The Americans and British protested to De Klerk in January 1994, and to President Mandela immediately after his election in April 1994, that Basson was likely to leave South Africa carrying top secrets about chemical and biological weapons

As a result, the new government re-employed Basson

He was employed by the government when arrested in possession of a huge supply of drugs

The TRC ruled on Friday that Basson must testify before it

It dismissed an application by Jaap Cilliers, the lawyer appearing for Basson and the former managing director of the Delta G front company, Dr Phillip Myburgh, that his clients be exempted from testifying

# WHAT IS BASSON

## HIDING?

TRC to probe whether  
'apartheid's chemists'  
peddled drugs to our kids

ST 14/16/98

(2/9/98)

YVETTE VAN BREDA and  
ANDREW TRENCH

Delta G Koekemoer said he was also aware of a Delta G project code-named Mx, relating to the manufacture of mandrax

The commission heard this week that tons of confiscated drugs, like mandrax and dagga, as well as manufactured ecstasy, were used in experiments to create drug-laced teargas, and that former police forensics chief Lothar Neethling had loaded about 200 000 mandrax tablets into the boot of

TWO-year cover-up of South Africa's secret drug factories is to be unraveled when the Truth and Reconciliation Commission puts apartheid chemist Dr Wouter Basson in the dock in Cape Town



s West.

The former head of 7 Medical Battalion, who was re-employed by the present government, was the head of the South African military's Project Coast, the apartheid government's secret chemical and biological weapons programme

Truth commission investigators want to know from Basson

What happened to 912kg of ecstasy, worth about R1-billion, and millions of mandrax tablets, which were in the hands of Basson and his underlings.

Did apartheid's evil chemists use gangster connections to flood the Western Cape with mandrax and ecstasy in the late 80s and early 90s.

Why an assassination attempt on Justice Minister Dullah Omar by leading Cape gangster Peaches Gordon — who was himself later assassinated — used poison from the chemical weapons unit Gordon is believed to have been asked by the Civil Co-operation Bureau to hand Omar spiked heart pills.

Whether a baby baboon seen at Basson's Roodeplaat Research Laboratories in July 1989 was the one found hung in the garden of truth commission chairman Archbishop Desmond Tutu, allegedly by a well-known gang leader, Isgak Harden, in August that year

Truth commission investigation chief Dumisa Ntsebeza said of the mandrax and ecstasy tablets "Only Basson knows where these ended up"

This week's truth commission hearing heard how the chemical weapons programme had searched for bacteria that would target blacks, tried to develop a drug to sterilise black women and collected vials of deadly anthrax and enough cholera to start an epidemic

Earlier, the commission heard from former research chemist Johan Koekemoer that between February 1992 and January 1993, 912kg of the designer drug ecstasy was made in pure crystalline form and delivered in 12kg drums to SA Defence Force front company

Basson's car

But what the commission is waiting to hear from Basson is what exactly happened to those drugs and who exactly named the targets for the scientist's experiments

Commission investigator Zenzile Khoisan said there was a strong suggestion that drugs were fed into communities that were political centres, to cause socio-economic chaos

"If one looks at Bonteheuvel, Manenberg and Kewtown, on the Cape Flats, where people were politically very active, today they are crumbling because of drugs and gang warfare," he said

Investigators believe it is possible some of the mandrax used by those communities was made by the defence force scientists

Basson is currently awaiting trial on charges of instigating murder, assault with the intent to do grievous bodily harm relating to the administering of truth serum, defeating the ends of justice, possessing classified information, conspiracy to murder with poison, and possession of 1 000kg of mandrax, 1 000 kg of MDMA and three counts of possessing 5 040 ecstasy tablets

Ntsebeza this week levelled a broadside at the Transvaal attorney general Jan d'Olivera's office for moving to stop Basson and alleged conspirator Philip Mjburg from giving evidence before the commission

He also vowed the commission would "come to our own decision not influenced by the government"

He confirmed the truth commission is to call a CCB operative tomorrow to testify, in camera, on the links between the CCB and the chemical weapons programme

Basson and Mjburg, the managing director of Delta G, are expected to take the stand after former surgeon general Dr Neil Knoebel completes his evidence on Thursday or Friday

Government spokesman Joel Netshtentzhe said the government also felt Basson "should have a significant part of the answers" about what had happened to the drugs and chemical weapons he is accused of producing



**SECRET DRUG FACTORIES:** Dr Wouter Basson, who faces questions from the TRC this week

**Picture:** RICHARD SHOREY

# PW Botha's friends not having much luck in raising legal fees

THE STAR 15/6/98 (252)

George - PW Botha's supporters are not having much luck in efforts to raise money for the former state president's legal fees, incurred in his court battle with the Truth and Reconciliation Commission.

Lawyers' bills in Botha's trial for disobeying a TRC subpoena, which resumes in the George Regional Court today, could run into hundreds of thousands of rands, Greyling Wentzel, who is

heading the fundraising campaign, says "it has not been very successful".

He and Freedom Front leader Constand Viljoen are the only ones who have confirmed they will contribute thus far.

"I have a lot of promises (for contributions)," Wentzel said. These amounted to between R10 000 and R12 000.

Wentzel admitted he had not tried as hard as he could have to raise the money.

Viljoen confirmed he was making a contribution

A recent Mail & Guardian report said Botha's senior counsel Lappe Laubscher had not been prepared to represent Botha before the TRC for less than R600 an hour and R6 000 a day. His junior counsel Piet de Jager demanded R400 an hour and R4 000 a day and his attorney Ernst Penzhorn R450 an hour and R4 500 a day. Millionaire businessman

Boet Troskie, a friend of Botha's for more than 30 years, might come to his rescue.

Troskie said he had not been approached for financial assistance but would consider rendering it if asked.

Botha could probably also foot the bill himself with his generous state pension.

A source close to the fundraising campaign, however, said support for the 82-year-old Botha had all but dried up after

reports of his romantic involvement with women far younger than himself.

Recent revelations before the TRC about the apartheid government's chemical weapons programme had also damaged his image, they said.

Today will be the 11th day Botha will be appearing in court. Magistrate Victor Lulgaju has said it might be necessary to set an additional two days aside for the trial - Sapa



# Medical men under TRC spotlight still working

By ANSO THOM  
Health Reporter

Two doctors and a dentist who appeared at the TRC's hearings into chemical and biological warfare last week are still registered with the Interim National Medical and Dental Council, enabling them to continue practising in South Africa.

Medical professionals have called on the council to hold disciplinary inquiries into their conduct, while the South African Medical Association said it was unethical for doctors to participate in such programmes.

Dr Wynand Swanepoel, a dentist, was managing director of Roodeplaat Research Laboratory, part of the former military's secret chemical and biological warfare programme codenamed Project Coast.

He told the TRC last week he knew nothing about the company's research projects.

He said his job as managing director was administrative and did not require him to know details about products produced by the company.

Swanepoel said he received R4,5-million for his shares in the company when it was privatised in the early 1990s.

Former surgeon-general Dr Niel Knobel has told the TRC that Project Coast's research projects were purely defensive in nature, but he is accused of being aware as early as 1992 that the programme was aimed at developing offensive biological and chemical weapons and that he approved projects at Roodeplaat.

He was to be questioned on his testimony today.

Dr Wouter Basson, personal physician to former state pres-

## Council can only react to complaints

ident P W Botha and head of Project Coast, is expected to appear before the TRC this week.

However, his lawyers are seeking a court order preventing him from giving evidence to the TRC, claiming he is also facing criminal charges and therefore has the right to remain silent lest he incriminate himself.

Basson has already appeared in court on charges of

murder, conspiracy to commit murder, possession of illegal drugs and fraud.

Louise Emerton, spokesman for the Interim National Medical and Dental Council, said the council could react to allegations of unethical or unprofessional conduct only if a patient, member of the public or fellow professional laid a charge or complaint, or if a council member was found guilty in a court of law and the judge presented prima facie evidence that the member had acted unprofessionally.

No complaints had been laid against any members of Project Coast who had testified before the TRC, Emerton said.

A disciplinary inquiry could make several findings, ranging from a reprimand to removing a name from the roll, she said.

Chairman of South African Medical and Dental Practitioners, Dr Norman Mabasa, called on the council to hold a disciplinary inquiry.

"These doctors could have refused to do anything.. I'm not convinced they have clearly repented, making it even more important to bring their actions into the spotlight," he said.

Dr Thabo Rangaka of Physicians for Human Rights also urged the Interim National Medical and Dental Council to investigate the past actions of doctors involved in Project Coast.

SA Medical Association secretary-general Dr Hendrik Hanekom said the body considered it unethical for doctors to take part in chemical warfare.

This was in line with the World Medical Association's declaration on chemical and biological weapons, adopted eight

## Ethics queried over research

years ago, which said it was unethical for a physician, whose mission it was to provide healthcare, to participate in the research and development of chemical and biological weapons, and to use his or her personal and scientific knowledge in the conception and manufacture of such weapons.

► 'Mbeki has key to chemical warfare data'

THE STAR 15/6/98 (252)



How many people were killed with poisons in foreign countries? How many deaths were the result of dirty tricks? How many cholera outbreaks were caused by the looks into what Archbishop Tutu has called 'the worst' evidence he has heard in

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# Apartheid's doctors

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Page 1

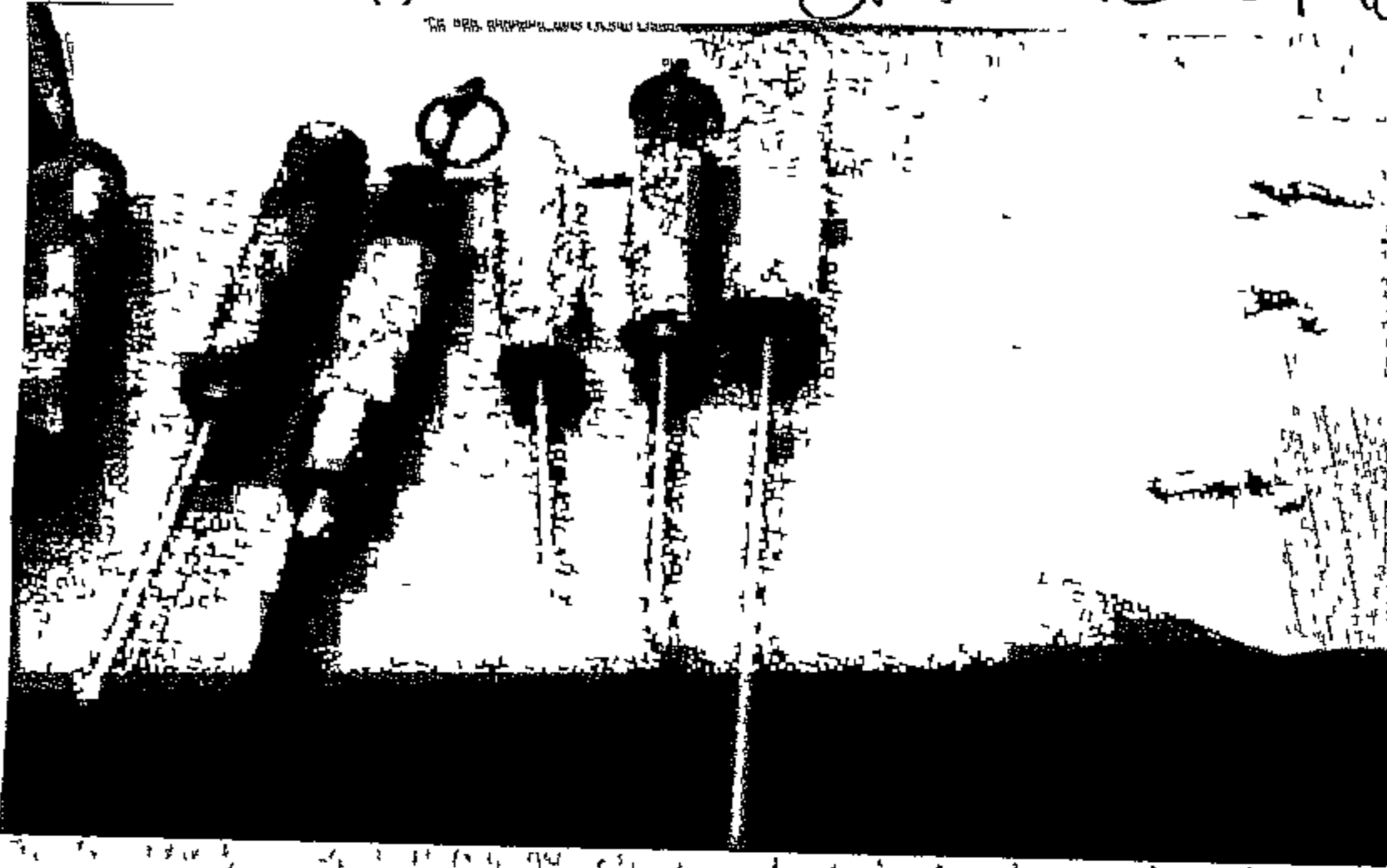
things which seemed natural  
government? ROBERT BRAND  
the TRC's two-year existence

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# of death

(2012)

Star 15/6/98



Tools of the trade ... screwdrivers used to inject lethal poisons into enemies of the apartheid state.

**S**ometime in 1983, two men met before dawn at the H A Grové Animal Research Centre at H F Verwoerd Hospital in Pretoria.

One was Dr Daan Goosen, respected veterinarian and director of animal research at the University of Pretoria's medical faculty, the other was Dr Wouter Basson, a military doctor with the rank of colonel who, at the time, commanded a Special Operations medical unit in the South African Defence Force's Special Forces. It was early - 6 in the morning - for they had to work under cover of darkness.

Goosen and his colleagues at the medical faculty were researching ways of saving human lives but this meeting was about killing.

Goosen had two vials containing a clear liquid. When he handed them to Basson, one dropped, shattering on the floor.

Goosen drew up every trace of fluid with a syringe, depositing it safely into another vial.

They had to be careful: the fluid was mamba venom, and a minute amount injected into the body of a human would cause instantaneous death.

That is what Basson wanted. Somewhere, someone inimical to the apartheid government's designs had to die with the minimum of fuss and in a way which could not be linked to the military.

Basson knew who to approach for the murder weapon: at the H A Grové institute, medical scientists were producing deadly toxins for testing in the course of a research project on trauma treatment.

He knew about the project because it had aroused the interest of the military, its potential benefits in a combat situation were obvious.

He also knew about the poisons the scientists were producing, because he had discussed their potential use as agents of chemical or biological warfare with Goosen several times.

And it was not the first time Goosen had provided Basson with poisons.

Basson at 6 in the morning - that is where the secret part came in."

The military's CBW programme, dubbed Project Coast, had already started with the establishment of Delta G Scientific, a front company intended, ostensibly, to test protective clothing and detection devices for use against chemical attacks.

But Basson was ready to go one step further, and in Goosen he saw a potential partner. Goosen was, at the time, involved in plans to set up a research facility for a European company which had opted for South Africa because the rules on animal testing were less stringent here than in their own countries.

Internationally respected for his work in the field of animal testing, Goosen would be the ideal man to front a clandestine military facility for the testing of biological and chemical weapons. Roodeplaat Research Laboratory (RRL) was born.

"I had no problem working on this cause for *volk en vaderland*," Goosen told the TRC. "I was at H F Verwoerd Hospital when the Church Street bomb exploded; I helped to treat the wounded."

"We were in a climate of war. The politicians talked all the time about the total onslaught."

He also asked Basson what his motivation was, and Basson replied: "I have a daughter. We know that one day the blacks will take over this country. But when my daughter asks me, 'Daddy, what did you do to prevent this', my conscience will be clear."

Goosen set about establishing a world-class laboratory at RRL and recruiting top scientists to work there, most of them from the medical and veterinary faculties of the University of Pretoria.

Among them were Dr André Immelman, professor of toxicology; Dr Mike Odendaal, a researcher at the H D Grové institute; Dr Louis van Rensburg, a highly respected veterinarian scientist with the Medical Research Council, and Professor Riana Borman, an expert in the field of reproduction.

The aim of the company, Goosen said, was to establish a facility where toxic substances could be tested on animals, to develop biological chemical weapons and - most important - to develop an immunological anti-fertility drug which could be used secretly to reduce the birth rate of black people.

The evidence the commission heard last week from Goosen, Van Rensburg and others was described by TRC chairman Archbishop Desmond Tutu as "the worst" he had

"During normal, good, proper science, these products are produced," Goosen last week told the Truth and Reconciliation Commission during its week-long hearing into the apartheid government's chemical and biological warfare (CBW) project.

"The research went through the ethical committees, and the protocols were approved. We had the snakes. We had the poison."

"I took some of that poison to



Wouter Basson ... this military doctor, with the rank of colonel, said his motivation was that when his daughter asked what he had done to prevent blacks from taking over the country, his conscience would be clear.

...rd in the TRC's two-year lifetime. Among the horrors enough cholera was produced and given to Basson's agents to start a major epidemic; potentially lethal bacteria such as anthrax were applied to cigarettes and put into drinks; T-shirts were laced with cantharidene, a strong irritant, and distributed at an ANC Conscriptioin Campaign meeting; salmonella was put into sugar at an ANC conference; the Rev Frank Dikane's clothes were contaminated with a lethal poison, paraquat, a Russian adviser to the ANC was murdered in Lusaka by lacing his food with anthrax, and a con-

script "with ANC sympathies" was killed with snake venom. At Delta G, Dr Johan Koekemoer was asked to manufacture almost 1 000kg of the drug Ecstasy - enough for a million capsules - ostensibly for use as an "incapacitant". The company also manufactured huge amounts of Mandrax, and experimented with new, virulent types of teargas as well as poison gases used by the Americans in Vietnam. Police forensics chief Lothar Neethling gave Basson about 200 000 Mandrax tablets in addition to large quantities of LSD and dagga for experiments in crowd control.

The possibility of developing a bacterium which would kill "pigmented people" - blacks - but not affect whites was seriously investigated. Basson and his scientists discussed the possibility of poisoning Nelson Mandela with a brain-damaging substance before his release to make him less of a factor as a leader. The TRC even revealed documentary evidence of a chemical attack on Frelimo troops in Mozambique as late as 1992, when then president F W de Klerk had already closed down military front companies and the secret CBW project.

This happened in spite of the former government's insistence that Project Coast was exclusively defensive in nature, the commission heard. In the end, when Basson and his colleagues realised their game was up, they set about enriching themselves to the tune of millions. The TRC was told One director of RRI, Dr Wynand Swanepoel, paid R50 million for a half share in RRL and sold for R9-million. Lawyers for Basson and his right hand man, Dr Philip Myburg, both face criminal charges related to Project Coast.

Basson has already appeared in court charged with murder, conspiracy to commit murder, possession and manufacture of Ecstasy and Mandrax, and fraud.

The charges against Mijburg, a nephew of former defence minister Magnus Malan, have not yet been formulated.

Their lawyers argued last week that they should not be compelled to testify before the TRC because it would infringe their right to remain silent.

The commission rejected this argument, but the two kingpins of the CBW project might yet go to court to prevent having to explain their actions in public.

Although other scientists have given the commission a fairly extensive picture of the true nature of Project Coast, the evidence of Basson and Mijburg is needed to answer several unexplained questions.

What happened to the vast quantities of drugs manufactured at Delta G and given to Basson by Neethling?

Were they all used in experimental crowd-control grenades, as Neethling suggested? Or were they introduced into the market to subjugate communities by creating large-scale drug dependency? Were the vast quantities of lethal toxins doled out to Civil Co-operation Bureau agents from RRL ever used?

The commission has heard of isolated incidents such as the attempted murder of Chikane – but an RRL “sales list” for 1989 showed that no fewer than 67 batches of bacteria and poisons were handed to CCB agents in an eight-month period. What were those used for?

The CCB operated mainly outside South Africa. How many people were killed with those poisons in foreign countries?

How many deaths, asked Tutu, which seemed natural, were the result of poisoning? How many cholera outbreaks were caused by the government?

Perhaps most important: Who knew? The former government insisted that Project Coast was purely defensive in nature.

But scientists such as Goosen and Van Rensburg said surgeon-generals Nico Nieuwoudt and Niel Knobel were aware of the true nature of the project. Goosen said he had also discussed it with then defence minister Roelf Meyer in 1993, when constitutional negotiations were in full swing. And documentary evidence seems to back them up.

A briefing document produced by military intelligence chief General Joffel van der Westhuizen in 1992 states unambiguously that the CBW project was aimed at “giving the SADF an offensive and defensive capability in chemical and biological warfare”.

The document was addressed to the chief of the SADF, General Kat Liebenberg. It is also likely that De Klerk himself had sight of it, because it formed part of General Pierre Steyn’s investigations into “third force” activities by the SADF, which led to the sacking of 23 senior officers, including Basson. Yet, as late as last year, the former SADF top brass insisted before the TRC that Project Coast did not involve an offensive component.

How much did De Klerk and his cabinet really know?

# Funding of commissions examined

(242)  
BY CLIVE SAWYER

Political Correspondent

Star 15/6/98  
A cabinet task team is to report within two months on recommendations on the future funding of the wide range of commissions set up according to the constitution

Bodies set up include the Public Protector, Human Rights Commission, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Gender Commission, Auditor-General's Office, Independent Electoral Commission and the Independent Broadcasting Authority.

This week, Sheila Camerer of the National Party asked Justice Minister Dullah Omar whether the task team had decided on a request by the Public Protector for R22.3-million to set up nine regional offices

Omar said the task team was to advise on the allocation of resources to commissions to enable them to carry out their constitutional obligations in an affordable way

The team had met already for preliminary discussions, and would continue after submitting a report to the Cabinet.

Omar said the Public Protector had a vital role in ensuring that corruption and maladministration in the public sector were uncovered and dealt with effectively.

"The independent commissions and the Public Protector are indispensable components of our constitutional democracy to promote and protect the rule of law, human rights and integrity in government

"The Government is committed to ensuring these bodies are given the necessary resources to enable them to achieve their constitutional responsibilities"

It was estimated the task team would report to the Government's treasury committee by the end of August.

# PW Botha supporters struggle to raise funds

GEORGE — PW Botha's supporters are not having much luck in raising money for the former state president's legal fees, incurred in his court battle with the truth commission.

Lawyers' bills in Botha's trial for disobeying a truth commission subpoena, which resumes in the George Regional Court today, could run into hundreds of thousands of rands.

Greyling Wentzel, who served as agriculture minister in Botha's cabinet and is heading the fund-raising campaign, said it had "not been very successful." He and Freedom Front leader Constand Viljoen were the only ones who had confirmed they would contribute

(752) 80 15 109 98  
"I have got a lot of promises (for contributions)," Wentzel said. These amounted to between R10 000 and R12 000.

Wentzel admitted he had not tried as hard as he could have in raising the money, saying he had been busy. He said he planned to step up his efforts.

Viljoen confirmed he was making a contribution.

However, a source close to the fund-raising campaign said support for the 82-year-old Botha had all but dried up after reports of his romantic involvement with a woman far younger than himself.

Recent revelations before the truth commission about the apartheid government's chemi-

cal weapons programme had also damaged his image.

Today's hearing will be the 11th day Botha will be appearing in court.

Presiding magistrate Victor Lugaju said it may be necessary to set another two or three days aside for the trial.

A recent Mail and Guardian report said Botha's senior counsel, Lappe Laubscher, had not been prepared to represent Botha before the truth commission for less than R600 an hour and R6 000 a day.

His junior counsel, Piet de Jager, demanded R400 an hour and R4 000 a day, and his attorney, Ernst Penzhorn, R450 an hour and R4 500 a day.

If Botha is convicted of contravening the National Unity and Reconciliation Act, he faces a maximum fine of R20 000 or up to two years in jail, although this is unlikely considering Botha's age.

Earlier this month millionaire businessman Boet Troskie, a friend of Botha's for more than 30 years, said he had not been approached for financial assistance but would consider rendering it if asked.

Botha could probably foot the bill easily himself with his generous state pension.

He recently put his Wilderness home on the market for R2,2m, but there were no takers — Sapa.

## Little support in drive to help Botha with fees

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'RESEARCH WAS UNETHICAL'

# Call to discipline Roodeplaat doctors

OR 15/6/98  
(AFA)

**JOHANNESBURG:** A call has gone out for a disciplinary inquiry into conduct by doctors involved in developing biological and chemical weapons. **ANSO THOM** reports.

**T**WO medical doctors and a dentist who appeared at the TRC's hearings into chemical and biological warfare last week are still registered with the National Medical and Dental Council (NMDC), enabling them to continue practising.

Medical professionals have called on the NMDC to hold disciplinary inquiries into their conduct, and the South African Medical Association (Sama) said it was unethical for doctors to participate in such programmes.

Wynand Swanepoel, a dentist, was managing director of Roodeplaat Research Laboratories (RRL), part of the former military's secret chemical and biological warfare programme codenamed Project Coast.

He told the TRC last week he knew nothing about the company's research projects. He said his job was administrative and did not require him to know details about the company's products.



Swanepoel said he received R4,5 million for his shares in the company when it was privatised in the early '90s.

Former Surgeon-General Daniel Pieter (Niel) Knobel, has told the TRC that Project Coast's research projects were purely defensive in nature, but he has been accused of being aware as early as 1992 that the programme was aimed at developing offensive biological and chemical weapons and that he approved projects at RRL. He will be questioned on his testimony today.

Wouter Basson, personal physician to former state president P W Botha and head of Project Coast, is expected to appear before the TRC this week.

His lawyers, however, are seeking a court order preventing him from giving evidence, claiming he is facing criminal charges and therefore has the right to remain silent so as not to

incriminate himself.

Basson has already appeared in court on charges of murder, conspiracy to commit murder, possession of illegal drugs and fraud.

Spokesperson for the interim NMDC Louise Emerton said the council could only react to allegations of unethical or unprofessional conduct if a patient, member of the public or fellow professional laid a charge or complaint, or if an NMDC member was found guilty in a court of law and the judge presented prima facie evidence that the member had acted unprofessionally.

"No complaints had been laid against any members of Project Coast who had testified before the TRC," Emerton said.

A disciplinary inquiry could come to several findings, ranging from a reprimand to scrapping a name from the roll, she said.

Chairperson of the South African Medical and Dental Practitioners (SAMDP), Norman Mabasa, called on the NMDC to hold a disciplinary inquiry.

"These doctors could have refused to do anything but they chose to destroy human life. I'm not convinced they have clearly



**RIGHT TO REMAIN SILENT?:** Wouter Basson, who headed Project Coast

repented," said Mabasa. Thabo Rangaoka of Physicians for Human Rights also called on the NMDC to investigate the past actions of doctors involved in Project Coast.

Secretary-general of Sama Hendrik Hanekom said the body considered it unethical for doctors to participate in chemical warfare. This was in line with the World

Medical Association's declaration on chemical and biological weapons, adopted eight years ago, that said it was unethical for a physician, whose mission it was to provide health care, to take part in research and development of chemical and biological weapons, and to use his or her personal and scientific knowledge in the conception and manufacture of such weapons.



# PW may launch challenge to Tutu from witness stand

## Defence gets ready as State winds up case

(252) ARG 15/6/98

**George** – The trial of ex-president P W Botha resumes here today amid speculation about whether he will choose to speak out from the witness stand

Mr Botha is on trial in the Regional Court for ignoring a subpoena to attend a Truth Commission hearing

When the trial adjourned two weeks ago, TRC chairman Desmond Tutu made a dramatic appeal to Mr Botha to apologise for his government's apartheid policies, which had caused "deep anguish and pain and suffering"

Apart from a couple of technicalities, the State has completed its case against Mr Botha, who has pleaded not guilty. Mr Botha's lawyers now have the opportunity of calling him to the witness stand, possibly to respond to Archbishop Tutu, but also to give his version of events leading to his prosecu-



### ON THE TRUTH COMMISSION

tion, particularly the agreement he claims to have struck in 1996

Mr Botha claims it was agreed he would provide written answers to written questions from the commission, and that he would not have to testify personally. Archbishop Tutu denies any such agreement.

From remarks by the leader of Mr Botha's legal team, Lapa Laubscher,

SC, it appears he does not intend calling the 83-year-old Mr Botha to the witness stand today, and that the rest of the trial will be taken up with legal argument

But there is speculation that Mr Botha will want to respond publicly to Archbishop Tutu's strong statement

Prosecutor Bruce Morrison, SC, the Cape deputy Attorney-General, said he did not expect magistrate Victor Lugaju to give a verdict today

Archbishop Tutu said in his appeal to Mr Botha to apologise that he believed there was still an opportunity for the former president to make an appropriate gesture, although he was not suggesting that he was personally guilty of gross human rights violations

"I speak on behalf of people who have suffered grievously as a result of policies carried out by governments, including governments that he (Mr

Botha) headed. I want to appeal to him to take this chance provided by this court to say that he himself may not have intended the suffering to happen to people (but) the governments that he headed caused many of our people deep, deep anguish and pain and suffering

"Our people want to be part of this country and be part of reconciliation. If Mr Botha is able to say, 'I am sorry the policies of my government caused you so much pain' – just that – that would be a tremendous thing"

At the time Mr Botha appeared angry at Archbishop Tutu's remarks, but did not respond directly

Archbishop Tutu declined at a media conference later to be drawn on whether the TRC would ask for the charge against Mr Botha to be dropped if he apologised

## Old wounds reopened at St James

**NORMAN JOSEPH**  
STAFF REPORTER

On a cold winter's Sunday five years ago more 1 000 people gathered in St James Church, Kenilworth, for an evening service which was to shatter their lives and make headlines around the world

Last night many of them were there again, some sitting in the very pews where 11 worshippers died that evening in 1993 when the Azanian People's Liberation Army burst in and attacked the congregation with rifles and grenades

They had been asked many times to gather strength from their Christian faith and forgive; last night that faith was tested yet again when clergyman Ross Anderson opened the old wounds to discuss the amnesty granted to the three attackers last week by the Truth and Reconciliation Commission

He said the commission's decision had given the Apla members a second



**Memories:** Dawie Ackermann, left, whose wife Marita was gunned down, and Philip Swales in the pews where the shootings took place

chance in life. As he prayed for them, many in the congregation bowed their heads and joined him

He said the church would hold a commemorative service on July 25 for the victims and their families

An earlier statement by the rector of St James, Frank Retief, was circulated. He said the church accepted the ruling of the commission but found it "deeply disturbing" that amnesty could be granted to two of the men without their

having stood trial. The church also had reservations about the lack of personal responsibility taken by the men who, he felt, had had the right to refuse the order to attack the church

"We disagree with the principle of any amnesty granted on the basis of what appears to be a form of situation ethics

"We find it difficult to accept the reasoning of the PAC about 'all white people being the enemy' and wonder how

this mentality is going to be changed," he said

After the service a friend of a victim said "People don't want to resurrect deep-seated wounds"

But Dawie Ackermann, whose wife Marita was killed in the attack, said "I hope that they will use the freedom that they now have to seek freedom from the judgment of God on their acts by repentance and confession to God, their getting His forgiveness"

## Germ war: Meyer urged to 'tell what he knew'

**ARGUS CORRESPONDENT**

**Pretoria** – The African National Congress is demanding United Democratic Movement leader Roelf Meyer tell what he knew about the use of chemical weapons against anti-apartheid activists while he was deputy defence minister.

After the revelations by apartheid era scientists at the Truth Commission

hearing last week, ANC spokesman Ronnie Mamoepa yesterday called on Mr Meyer to "come clean" about what he knew regarding the use of chemical weapons by the old defence force

Mr Meyer responded by accusing the ANC of "getting the facts wrong", saying he became deputy defence minister in 1991/92 for only nine months, while the projects were "being terminated"

Mr Mamoepa said that during early-

er testimony to the TRC – not related to the germ warfare hearings – Mr Meyer had not "come clean" on his knowledge about the use of chemical weapons by the apartheid regime in its offensive against the broad liberation movement

"Mr Meyer has an obligation, in the interests of reconciliation, to make a full disclosure. He will only have himself to blame if a perception were to develop that he may have misled the TRC

"We maintain that if there was a project that typifies the genocidal programme of the apartheid regime, this (germ warfare project) is it," he said

Mr Meyer said he had made "honest and proper disclosures of the truths" to the best of his ability to the TRC

"I did not personally sanction such a project and have never given instruction to anyone to conduct or run them on behalf of the state," Mr Meyer said

# Mozambican claims on 1992 chemical attack now appear correct

By PAUL FAUVET  
Star Foreign Service

(242)

Maputo - The Truth and Reconciliation Commission's work in uncovering apartheid's chemical and biological warfare programme has, more than six years after the event, proved the Mozambican government's claims that chemical weapons were used in a clash near the South African border

The incident occurred on January 16 1992, the third day of a battle for control of Ngungwe, a mountainous area in Moamba

district Mozambique's Third Commando Battalion was making a determined push to seize a major Renamo base

The chemical attack killed at least five soldiers and injured 10 others, and forced the commandos to retreat

I interviewed the survivors in the Maputo military hospital on January 24 1992. They told of a projectile that exploded in the air, releasing a dense cloud of black smoke that caused great pain and irritation

Second Lieutenant Joaquim Jonasse said the projectile ex-

ploded 50 or 75m above the soldiers' heads "It became very hot," Jonasse said "Some of the men were going crazy, tearing off their clothes, digging holes to bury themselves"

He said the hot sensation lasted throughout the day and the following night The survivors felt very tired and thirsty When they reached water, on the morning of January 17, some of them vomited All had chest pains On arrival at the military hospital, Jonasse was vomiting blood

Private Alberto Jorge was in

a worse state. He said his eyesight and digestion had been affected. He told me he had difficulty in seeing more than a few metres, and in eating solid foods He complained of constant headaches.

Both men said that, shortly before the mid-air explosion, they saw a light aircraft enter Mozambican air space from South Africa, and circle above the Ngungwe area

On February 15 1992, the SADF issued a statement claiming it was unlikely that chemical weapons had been involved

Star 16/6/98

## SA biological weapons programme 'terminated'

Star 16/6/98 (252)

South Africa's chemical and biological weapons programme has been terminated and all material which could have been used for offensive purposes destroyed.

South African Government Communications Information Services spokesman Joel Netshitenzhe said yesterday that material produced under the programme was destroyed in co-operation with countries that had the necessary expertise and in terms of international conventions.

The Government was responding to last week's revelations at the Truth and Reconciliation Commission's hearings into the chemical and biological weapons programme initiated during the apartheid years.

Netshitenzhe said the South African Government had no interest in weapons of mass destruction.

The Government is also committed to ensuring that the knowledge and expertise gathered in this area should under no circumstances, become available to any other country, individual or companies," he said.

Netshitenzhe said the Government had approached the TRC during the hearings last

week to ensure they were not conducted in a way that led to any proliferation, accidental or otherwise, of chemical and biological weapons.

"We shall continue monitoring the hearings," he said.

The Government applied to have the hearings heard behind closed doors, but this was turned down. The Government then appointed a legal representative to ensure that no proliferation took place.

"We assure the nation and international community that the information is under lock and key," he said.

During last week's TRC hearings, evidence emerged of the development of an array of toxic substances that could have been used in offensive weapons. These included devices that appeared to have been designed to dispense deadly poisons as a means of carrying out assassinations.

Netshitenzhe said the Government was outraged by the revelations.

The hearings will continue in Cape Town on Thursday when the former head of the SADF's special operations unit, and mastermind behind the chemical weapons programme, Dr Wouter Basson, will testify - Sapa

# Tutu's call to say 'sorry' astonishes PW Botha

(A72)

SAT 16/6/98

Former state president P.W. Botha showed astonishment yesterday at Truth and Reconciliation Commission chairman Archbishop Desmond Tutu's call for him to apologise for his government's policies when he was in control.

In a statement issued through his lawyer, Ernst Penzhorn, Botha asked how Tutu could have called for the apology when he had not read his written submission to the TRC.

"(Botha) will not reply to (the call to apologise) at this

stage and he regards it as a bit premature," Penzhorn told journalists outside the George Regional Court, where Botha is on trial for ignoring a TRC subpoena.

The trial was postponed yesterday until August 17 and Magistrate Victor Lugaju expects to pass judgment the following day.

Penzhorn said Botha's main aim of making his 1 800-page written submission to the TRC was to put the events of the past into perspective.

Mr Botha said in his submissions and press statements that he is not aware of any deeds that he must account for before the Truth Commission," Penzhorn said.

Tutu made an impassioned plea to Botha to apologise for the "deep pain and suffering" his government's policies had caused, after testifying in the trial on June 5.

Penzhorn said it was also premature to say whether Botha would appeal if he lost the case.

The costs of the trial, expected to run into thousands of rands, would be born personally by Botha, since the State cancelled his legal assistance at the inception of the case, Penzhorn said.

Botha (82), who wore a charcoal, pinstriped suit and maroon jersey, sat next to the dock on his padded chair throughout the proceedings.

If convicted, he faces a jail sentence of up to two years or a maximum fine of R20 000 - Sapa

# Tutu's plea for apology premature, says Botha

ET 16/6/98 (253)

GEORGE: Former president P W Botha is apparently astonished by Truth and Reconciliation Commission chairperson Desmond Tutu's call for him to apologise for his government's policies.

In a statement issued through his lawyer Ernst Penzhorn yesterday, Botha asked how Tutu could call for the apology when the archbishop had not read his written submission to the TRC.

"(Botha) will not reply to (the call to apologise) at this stage and he regards it as a bit premature," Penzhorn said outside the George Regional Court, where Botha is on trial for ignoring a TRC subpoena.

After testifying on Friday, Tutu implored Botha to apologise for the "deep pain and suffering" his government's policies had caused.

Botha's main intention in writing his 1 800-page submission to the TRC had been to put the events of the past into perspective, Penzhorn said.

"Mr Botha said in his submissions and press statements that he was not aware of any deeds that he

must account for before the truth commission," Penzhorn said.

The hearing was postponed yesterday until August 17. Magistrate Victor Lugajü expects to hand down judgment the following day.

It was premature to say if Botha would appeal if he was found guilty, Penzhorn said. The costs of the trial, expected to run to thousands of rands, would be borne personally by Botha as the state had cancelled his legal assistance at the start of the case, his lawyer said.

It had been expected that the trial would be wrapped up yesterday, but Botha's counsel will need a few more hours to conclude their argument. They have not called witnesses.

In his closing heads of argument, prosecutor Bruce Morrison, the Cape deputy attorney-general, said Botha had no legal excuse for ignoring the TRC subpoena and refusing to attend a hearing about the State Security Council, which he had chaired.

Any objections Botha had to being subpoenaed should have

been raised with the TRC, Morrison said. Alternatively, he could have applied to the High Court for the subpoena to be set aside or the TRC's actions to be reviewed.

"He has deliberately done neither. Subpoenas cannot simply be flouted — they must be set aside by a court on review."

Morrison rejected argument by Botha's lawyers that the subpoena had been technically invalid.

There was also no truth in the suggestion that there was an agreement between Botha and Tutu that the former president would not have to testify before the TRC.

"No one has been given such a blanket amnesty to oral questioning," Morrison said.

In their heads of argument, however, Botha's counsel, Lappe Laubscher and Piet de Jager, insisted there was a clear agreement. Tutu's argument that he was not empowered to enter such agreements was incorrect.

The subpoena was "fatally defective" and on this ground alone the charge against Botha



**FINAL ARGUMENT:** P W Botha arrives at the court yesterday. On his left is leader of the Conservative Party Ferdi Hartzenberg. **PICTURE: AP**

should be dismissed, Laubscher and De Jager said.

They argued at length that the TRC was prejudiced against Botha, the State Security Council and the armed forces.

Martin Coetzee, executive secretary of the TRC's amnesty com-

mittee, testified yesterday that of the 7 060 applicants for amnesty, 346 claimed to be members or former members of the security forces.

By comparison, 702 members of African National Congress structures had applied for amnesty — Sapa

WEAPONS DESTROYED, SAYS GOVERNMENT

# We don't do chemicals?

**JOHANNESBURG:** South Africa's biological warfare programme has been terminated in compliance with international convention, the government announced yesterday.

**S**OUTH AFRICA'S chemical and biological weapons (CBW) programme has been terminated and all material which could have been used for offensive purposes destroyed, the government said in a statement yesterday.

Government Communications Information Service spokesperson Joel Netshitenzhe said material produced under the programme had been destroyed in co-operation with countries that had the necessary expertise and in terms of international conventions.

The government was responding to last week's revelations at the TRC hearings in Cape Town into the chemical and biological weapons programme initiated during the apartheid years.

Netshitenzhe said the government practised a foreign policy based on "friendly, humane and peaceful engagement" with other

nations and had no interest in developing weapons of mass destruction.

"The government is also committed to ensuring that the knowledge and expertise gathered in this area should, under no circumstances, become available to any other country, individual or companies," he said.

Netshitenzhe said the government had approached the TRC during the hearings last week to ensure they were not conducted in a way that led to any proliferation, accidental or otherwise, of chemical and biological weapons.

"We are complying with the decision of the TRC on this matter, and shall continue monitoring the hearings to ensure that this principle is not violated," he said.

The government applied to have the hearings heard behind closed doors, but this request was

turned down by the TRC. The government then appointed a legal representative to be present during the proceedings.

"We wish to assure the nation and the international community that the information on the country's CBW defensive capacity is, as allowed by the international treaties, safely kept under lock and key.

The transfer of the keys from the previous government and its agencies has taken place," he said.

During last week's TRC hearings, evidence emerged of the development of an array of toxic substances that could have been used in offensive weapons.

These included devices that appeared to have been designed to disperse deadly poisons as a means of carrying out assassinations. There was also evidence of the generation of diseases such as

cholera and anthrax and the manufacture of large quantities of drugs such as Mandrax and Ecstasy.

Netshitenzhe said the government was fully supportive of the hearings by the TRC to determine the extent to which the offensive weapons were used in South Africa and abroad. He said the government was outraged by the revelations and was interested in the answers to the questions they had raised.

**SA practises a foreign policy based on friendly, humane and peaceful engagement**

The TRC hearings continue on Thursday this week when the former head of the SA Defence Force's special operations unit and mastermind behind the chemical weapons programme, Wouter Basson, is expected to testify.

Basson faces 10 charges, including instigation to murder, assault with intent to do serious harm and the manufacture and possession of mandrax and ecstasy — Sapa

CT 16/6/98 (2h r)



# TRC 'prejudice' against Botha comes under fire

(952) AOCs 16/6/98

George - "Shocking" statements by Truth Commission members at various hearings are evidence of clear prejudice against P W Botha, his government's armed forces and the State Security Council, says Mr Botha's lawyer, Iaph Laubscher, SC.

Mr Laubscher was arguing in the Regional Court at the conclusion of evidence in Mr Botha's trial.

He has pleaded not guilty to a charge of ignoring a subpoena to attend a TRC hearing in December and to an alternative charge of hindering the commission in its work.

Mr Laubscher said when the Commission met on August 22 last year and decided to invite Mr Botha to attend the hearing on October 14 about the activities of the SSC, it was not a properly constituted meeting as it lacked a quorum.

The commission's human rights violations committee had not had the required authority when it had decided on October 22 that those key witnesses who had not attended the SSC hearing - Mr Botha (who had sup-

JOHN YEILD



## ON THE TRUTH COMMISSION

plied a medical certificate because of his hip replacement operation), Magnus Malan and Niel Barnard - should be called to a second-round hearing on December 5.

Mr Laubscher said evidence presented during the trial indicated that the commission had acted in bad faith or had an ulterior motive in its dealings with Mr Botha. He said:

■ The commission was clearly prejudiced against Mr Botha, the SSC and the armed forces.

■ The commission never seriously intended that Mr Botha should appear as a result of any of the notices it had served on him.



ASSOCIATED PRESS

Fighting prejudice? PW Botha arrives at court in George with CP boss Ferdi Hartzenberg

■ None of the commissioners was apparently interested in any of the submissions that Mr Botha did make or in his sentiments expressed in those submissions.

■ It spread "deliberate untruths"

of mostly black people by the barbaric so-called 'necklace' method, the commission's lack of enthusiasm justifies a conclusion it is totally biased against the previous government and its forces." The hearing was adjourned until August 17.

# PW 'astonished' by Tutu's appeal for him to apologise for apartheid

George - P W Botha was "astonished" by Archbishop Tutu's strong appeal at his trial for an apology for apartheid, his attorney, Ernst Penzhorn, said.

Speaking from the witness stand

after testifying as a state witness on June 5, Archbishop Tutu appealed to the former state president to apologise for his government's apartheid policies, which had caused "deep, deep anguish and pain and

suffering". Mr Penzhorn said yesterday Mr Botha considered the appeal "premat-ure", as Archbishop Tutu had conceded in court that he had not read Mr Botha's answers to the Truth

Commission's questions. In addition he had not read the books Mr Botha had given him - including his biography. "Mr Botha's perspectives are dealt with completely in his submission,"

Mr Penzhorn said. Mr Botha had also stated previously he was not aware of anything he had done for which he should "confess" to the Truth Commission, Mr Penzhorn said.

# Hiding apartheid's abuse

(2/7/78)

# of power

Mar 17/6/98

We in South Africa must learn from past experience and guarantee freedom of expression and a free press if we are to make our nation into a genuine democracy, writes Johan van der Walt



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SAAR 17/6/98

**T**he De Kock trial The Barnard trial. Ongoing confessions by former officers of the security forces in the course of the Truth and Reconciliation Commission's amnesty hearings. At last we have evidence of police involvement in the murder and torture of political activists under the governments of P W Botha and F W de Klerk.

And we have the matter of state laboratories manufacturing drugs and poison to weaken resistance

How did the state manage to cover this up for so long? If we are concerned that the abuse of state power never again escapes public scrutiny to the extent it did in the era of apartheid, we should reflect on all the factors that contributed to the state's ability to hide its abuse of power.

One of the first things that we must consider is the extent to which the law enabled, and still enables, the state to abuse its power without the risk of public outcry

We now have proof of countless violations of individual rights by the security forces, largely as a result of confessions of police officers fearing prosecution

Such criminal prosecution was of course not in the offing in the 1980s and, in the absence of any real endeavour by the state to establish the truth of rumours regarding the involvement of security forces in violations of individual rights, proof of such violations was for all practical purposes impossible to obtain.

Hence the failure of the Harms Commission and the inquiry into the Webster murder to establish proof of facts that we can no longer deny today

And yet, proof of the truth of such violations was exactly what our law of defamation required before the press could publish allegations of such violations as matters of public interest without exposing itself to delictual liability

The legal rules that applied in this regard eventually found expression in *Neethling v Du Preez and Others*, and *Neethling v The Weekly Mail and Others* (1993).

raise the defence that they did not defame the claimant intentionally.

It stands to reason that the law laid down in the *Neethling* case would have a repressive effect on the freedom of the press and public debate. Recent judgments in defamation litigation against the press show that our courts are divided on these repressive aspects of our law of defamation

Many judgments of the Supreme Court (now the High Court) have been involved in this conflict of opinion. But, the judgments of Mr Justice Cameron in *Holomisa v Argus Newspapers* and Judge President Eloff in *Bogoshi v National Media Ltd and Others* (both decided in the Witwatersrand Local Division of the Supreme Court in February 1996) are exemplary of the two stances that various divisions of the Supreme Court have taken on this issue

Judge Cameron argued in *Holomisa v Argus Newspapers* that the rules laid down in the *Neethling* case cannot be reconciled with the recognition of freedom of speech as a fundamental right in a bill of rights. He ruled that the media need not be able to prove the truth of the defamatory publication at issue in order to raise the defence of public interest

This rule implies that a valid defence of public interest must succeed when the claimant fails to prove the falseness of the defamatory allegations. On this rule alone, the court in the *Neethling* case would have had to uphold the defence of public interest, as Mr Justice Kriegler indeed did in

ments: "The rights to life and dignity are the most important of all human rights, and the source of all other personal rights. By committing ourselves to a society founded on the recognition of human rights we are required to value these two rights above all others."

The second of these statements constitutes an uncontroversial, laudable and harmless moral proposition. The first is also harmless if taken (as it was most probably meant) as nothing more than a strong rhetorical endorsement of the rights to life and dignity. Taken as a legal principle, however, it is illogical and constitutes a serious menace to the very right to dignity which both statements extol.

It may be fair to say that life is the source of all our cultural and political arrangements and practices. The right to life, however, is something completely different. The right to life is a product of the republican culture of liberal democracy that the world inherited from modern Europe

If the rights to life and dignity are the most important of all human rights, the rights that we value above all others, as Judge Chaskalson avers, we had better take care to do whatever we can to safeguard the culture of liberal democracy

We know that freedom of expression and a free press are a *sine qua non* for a healthy liberal democracy. It may therefore be said that the right to freedom of expression is a fundamental precondition for and source of all other rights that individuals enjoy.

Mr Justice van Schalkwyk grasped this point well in *Mandela v Falati* (1995) when he stated: "In a free society all freedoms are important, but they are not equally important. Political philosophers are agreed upon the primacy of the freedom of speech. It is the freedom upon which all others depend; it is the freedom without which the others would not long endure."

The German Federal Constitutional Court has expressed itself similarly in the well-known *Luth* decision of 1958. "The fundamental right to freedom of expression, being the most

66

**All freedoms  
important  
but they are  
not equally  
important**

99

Onus of truth ...  
General Lothar  
Neethling sued  
the Weekly Mail  
and Vrye  
Weekblad.



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SATC

17/6/08

This was the case in which the Appellate Division granted General Lothar Neethling his defamation claim against Max du Preez (then editor of Vrye Weekblad) and the Weekly Mail for publishing allegations that he was involved in the poisoning of police informers.

The court ruled that the defendant in a defamation claim can raise the defence of public interest only if the defendant can prove that the allegations published are true.

The defendants in the Neethling case failed to prove the truth of the defamatory allegations they published, and the court therefore decided that they had defamed the claimant wrongfully.

The court confirmed and applied the principle of strict liability of the media, which it introduced into our law in *Pakendorf v De Flaming* in 1982.

According to the principle of strict liability, the media's liability in a defamation suit turns only on the question of whether a defamatory publication has taken place. No further questions are asked as far as fault is concerned. The defendants in the Neethling case could therefore not

the trial court hearing which the Appellate Division later overturned.

But Judge Cameron went even further. He decided that the claimant who succeeds in proving that the defamatory allegations are false must also prove that the defendant acted unreasonably in publishing the defamatory allegations.

This rule means that the media must escape liability despite proof of the falseness of a defamatory publication if the decision to publish was taken with sufficient care.

Only a week before Judge Cameron passed his judgment in the Holomisa case, Judge President Eloff reached a radically different verdict in *Bogoshi v National Media Ltd and Others*. He argued that the defamation law laid down in the Neethling case correctly reflects the priority of the right to personal dignity over freedom of expression in our law.

He derived this priority from the view of the president of the Constitutional Court, Justice Chaskalson, expressed in *State v Makwanyane* and another (the case in which capital punishment was proscribed as unconstitutional).

At issue were the following state-

immediate expression of the human personality in society, is one of the most eminent of all human rights."

It is, as such, constitutive of a liberal democratic state, since it makes possible the constant spirited dispute and conflict of opinions which is the lifeblood of liberal democracy. In a certain sense, it is the foundation of every liberty, "the matrix, the indispensable condition of nearly every other form of freedom (Cardozo)".

The Constitutional Court and Appellate Division (now the Supreme Court of Appeal) have not yet had the opportunity to give detailed accounts of the impact of the new constitutional dispensation on our law of defamation.

But, judged by their respective judgments in *Du Plessis v De Klerk* (decided in May 1996) and *Hix Networking Technologies v Systems Publishers* (decided in September 1996), they appear to lean towards the position taken by Judge President Eloff in *Bogoshi's* case. One can only hope that they arrive at different insights when they consider the matter fully.

The stance of Judge President Eloff in *Bogoshi* is typical of an individualist liberalism that would under

no circumstances allow the interests of the individual to be subjected to common public concerns.

The communitarian critique of liberalism in political philosophy turns on the insight that liberalism's direct and simplistic concern with the interests of the individual leads to an evacuation and neglect of the public sphere.

A direct liberalism that would under all circumstances subject the public's right to know to the individual's right to dignity plays into the hands of governments that may wish to keep certain things silent.

Is the possibility of a complicity between liberalist legal principles and a totalitarian abuse of power not indeed the lesson to be learnt from the Neethling case?

Does it not illustrate how an uncritical concern with the supremacy of the individual's right to a good name can help to shelter a world in which individual rights mean nothing?

■ *Johan van der Walt is associate professor at Rand Afrikaans University's faculty of law.*  
*(The reflections above are drawn from two articles submitted for publication in the 1998 edition of the Journal of South African Law.)*

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SHAR 17/6/98

# Medical aid fraud probe falls under the Constitutional Court scalpel

BY LOURENS ACKERMANN

The first case that the Constitutional Court heard this year concerns alleged medical fraud and the problems of medicines and their proper dispensing.

Dr Mistry is a medical doctor with a practice in Pinetown, KwaZulu Natal. A patient of his wrote a letter to the Medical and Dental Council saying that Dr Mistry "keeps on claiming on my Bonitas (medical aid) Please stop him every month he claims without seeing him" (sic).

Worried about the possibility of medical aid fraud, the Medical and Dental Council launched an investigation into Dr Mistry's practice.

An investigator is allowed to search a doctor's premises and seize documents and medicines if he thinks it necessary. He is given this power by Section 28(1) of the Medicines & Related Substances Control Act 101 of 1965.

There are many potentially harmful medicines in circulation. The Act aims to ensure that there is some sort of control over the manner in which they are dispensed.

But Dr Mistry feels the Act goes too far in trying to establish this con-

trol and invades his right to privacy. Dr Mistry's surgery was searched in his absence by an inspector and two others. They entered the consulting room, his office, stock room and dispensary and went through his desk and cabinet.

His patient records, invoices, and sales registers were all checked and medicines, records, invoices, money, a cash box and keys were seized.

Dr Mistry's right to privacy is protected by the constitution. Apart from the right not to have his property searched, Dr Mistry feels that the privacy of the doctor-patient relationship has also been compromised.

The Act is too broad, says Dr Mistry. The inspector requires no previous authorisation, and the infringement of his (Dr Mistry's) privacy is severe.

For example, records which have nothing to do with the dispensing of medicine are subject to scrutiny. The inspector has a wide discretion to search - he does not need to have reasonable grounds that the Act is being contravened before he can start searching.

However, the respondents, including one of the inspectors as well as the Dental and Medical Council, disagree

with Dr Mistry. This disagreement is based partly on how the respondents read the Act. The respondents feel that an inspector's powers are not as broad as Dr Mistry makes them out to be.

An inspector must act in accordance with the Act, and this means that he must show, as an objective fact (a subjective belief is insufficient), that his actions fall within the scope of the Act.

The respondents stress that the dispensing of medicine is not a private matter. It is a public concern, and the doctor-patient relationship is not affected prejudicially by the Act.

The issue of no previous independent authorisation, say the respondents, is not as serious as Dr Mistry claims.

One is dealing here with a limited category of people (medical practitioners, dentists and vets) in a closely regulated profession. An inspector has no power to enter the premises of a person who does not fall within this category.

The respondents disagree, therefore, that the Act is too vague and broad. And, they argue, if Dr Mistry's privacy has been infringed, it is an infringement which is reasonable and

justifiable under the Bill of Rights because of the public interest in regulating the dispensing of medicines.

The court ruled that Dr Mistry has failed to establish a breach of his right to privacy for the following reasons: the information was volunteered by a member of the public, the substance of the information communicated was not personal in nature but related to the doctor's professional practice.

And the information was not communicated to the press or to the public but was given to another inspector charged with protecting public health.

The court declared Section 28(D) invalid, but the order was not retrospective and will not affect searches conducted before the date of judgment. The court denied Dr Mistry's request for the return of the items seized on grounds the search was conducted according to a law that had not been invalidated at the time, and that Dr Mistry had failed to establish alternative grounds for invalidating the search.

**■ Lourens Ackermann works for the Constitutional Information Programme, a project of Lawyers for Human Rights**

# Machel jet wreckage given away to farmers

17/6/98 (152)

Parts of crashed plane in which Mozambican president was killed were distributed to hide clues, TRC told

By **LEONARD NDZHUKULA**  
Komatipoort

South African police who first investigated the plane crash in which Mozambican president Samora Machel died 12 years ago gave away parts of the wreckage to local farmers to hide important clues, Truth and Reconciliation Commission investigators said this week.

Earlier this year some of the missing wreckage was dumped at a scrap yard near White River in Mpumalanga

Investigator Director Agrippa Mabuza said yesterday that two wheels belonging to the Tupolev jet in which President Machel and 33 other passengers died were also found on a farm near Komatipoort

"The farmer said the investigating officers gave him the wheels as a gift," said the

TRC investigator.

Another part of the wreckage, riddled with 10 bullet holes, was found displayed in Ngwenya Lodge pub, near Komatipoort

Spokesperson for the special commission team investigating the Machel accident, Christelle Terreblanche, said it was unfortunate that the wreckage was not being treated with

## 'Souvenir' found in a pub

respect

"It was very sad to see the wreckage being used as a decoration and the manager refused to tell us how he got it," Terreblanche explained.

She said the commission was more concerned, however, with

testimonies that a false beacon was used to cause the plane to crash on a hilltop on the South African side of the border on October 19 1986.

She said nine people, including Craig Williamson, had already testified in camera before the TRC on June 3 and 4 and that more testimonies were expected before the end of the month.

"The investigation has reached a very sensitive stage.

"People like Pik Botha, who was then the minister of foreign affairs, have not yet testified," she added

Mpumalanga police spokesman, Senior Superintendent Theo du Bruyn, said provincial police were unaware of the wreckage, but knew the truth commission and the Attorney-General's office were investigating the Machel plane crash - African Eye News Service

# Parts of Machel crash plane 'given to

**KOMATIPOORT** — SA police officers who first investigated the plane crash that killed Mozambican president Samora Machel 12 years ago, gave away parts of the plane's wreckage to local farmers in order to hide important clues, investigators said this week.

Earlier this year, some of the missing wreckage was dumped at a scrapyard near White River in Mpumalanga when the

truth commission reopened the inquiry into the accident.

Director Agrippa Mabuza said yesterday two wheels belonging to the Tupolev jet that killed Machel and 33 other passengers were also found on a farm near Komatipoort.

"The farmer said the investigating officers gave him the wheels as a gift but did not disclose why he deserved such a controversial present," said Mabuza.

Another part of the wreckage, riddled with 10 bullet holes, was found displayed in the pub at Ngwenya Lodge near Komatipoort.

Spokesman for the special truth commission team investigating the Machel disaster, Christelle Terreblanche, said it was unfortunate the wreckage was not being treated with respect.

"It was very sad to see the wreckage be-

ing used as a decoration, and the manager refused to tell us how he got it," she said.

However, Terreblanche said the commission was more concerned with testimonies that a false beacon was used to cause the plane to crash on a hilltop at Mbuluzi on the SA side of the border on October 19 1986.

She said nine people, including former apartheid spy Craig Williamson, had al-

ready testified in camera before the truth commission on June 3 and 4 and that more testimonies were expected before the end of the month. "The investigation has reached a very sensitive stage," People Like Pik Botha, who was then the minister of foreign affairs, had not yet testified, she said.

Meanwhile, a Mozambican air traffic controller, Antonio Cardoso de Jesus, was suspended on May 5 this year after alle-

gations that SA agents paid him R1,5m to tamper with the navigational beacon at Mampulo airport on the night of the crash.

Mpumalanga police spokesman Senj Supt Theo du Bruyn said provincial police were unaware of the wreckage, but knew that the truth commission and the attorney general's office were investigating the Machel plane crash. — African Eye News Service

**farmers to hide clues'**  
SD 17/6/98 (252)

# Machel-plane mystery deepens

Scrap dealer claims pieces held by police are not from late president's crashed jet

**AFRICAN EYE NEWS SERVICE**  
White River, Mpumalanga

**T**he Truth and Reconciliation Commission's investigation into the plane crash that killed Mozambican president Samora Machel in 1986 took a bizarre turn yesterday when a Mpumalanga scrapyard owner claimed that wreckage in the possession of police was fake.

Greg Duffey of Duffey's metal scrapyard in White River insisted he had bought the wreckage of the plane from a church group in the border town of Komatipoort in 1987.

Duffey said he was told at the time that the mangled Russian Tupolev was Machel's. He recycled it at his scrapyard.

"It was definitely Machel's plane. I still have a copy of the cheque I used to pay this strange Elyon church for the wreckage, and am convinced that the wreckage and engine parts the police say is Machel's are fake," he said.

Duffey said the wreckage he bought included the plane's engines and fuselage. The tail section was missing, he said.

"I chopped it all up and recycled it. I was therefore very surprised when I saw a Tonga police officer on TV recently claiming that they had the plane's wreckage at their police station. It has to be fake," said Duffey.

Meanwhile, Ngwenya Lodge owner Dave Fourie said yesterday he would be prepared to sell the tail section of the plane, being displayed as a trophy in his lodge bar, for R250 000.

He said the bullet holes in the Mozambican state crest were the result of "target practice" by one of his employees firing a shotgun.

Fourie said he had found the wreckage on the game farm when he bought it in 1989.

Tonga police station commander Captain Andrew Mtiwane said yesterday he had no way of verifying whether the wreckage at his station was actually from Machel's plane.

"The problem is that the plane wreckage was originally taken to Komatipoort after the accident and stored there until it was brought here on February 20 1989. That's two years after the accident, and we have no idea what happened in the interim," said Mtiwane.

Mpumalanga special investigator Director Agrappa Mabuza said two wheels from Machel's Tupolev jet had also been found on another farm in the Komatipoort area.

The farmer told investigators that they were given to him as a gift by the South African police who initially investigated the case.

TRC investigation head Christelle Terrebianche said earlier this week that the wreckage was not really central to her investigation.

"We're trying to establish whether South African forces used a decoy beacon to lure Machel's plane away from the Maputo airport and into the hillsides at Mbuuzini near Komatipoort," she said.

"While we'd obviously try to convince people with pieces of the plane to return them for a monument, this isn't the aim of what I'm doing."

A number of people who claim to have seen the wreckage at Duffey's scrapyard during 1987 have also come forward

Star 18/6/98

(252)

## Victims of AWB bombs oppose pleas for amnesty

(252) Star 18/6/98  
BY RAPULE TABANE

Across the street from the Boksburg City Hall, where the TRC is hearing amnesty applications of 10 right-wing bombers, is St Dominic Catholic Church, where the funeral service for one of the victims was held

Paul Ontong, a 19-year-old cashier, was killed when Etienne le Roux detonated a trailer bomb in Germiston in April 1994

Inside the hall, a tearful Theresa Ontong and her husband Sidney listened to the testimony of their son Paul's self-confessed killer yesterday

They did not want amnesty to be granted to the right wingers "It does not matter whether their action was politically motivated or not, no person should kill and get away with it," said Theresa Ontong.

"It was pure, premeditated murder and they are not showing any remorse at all. They should serve their full sentence without parole"

The scars of another bombing by the rightwingers in Bree Street, Johannesburg, are still fresh in Selina Mamejja's memory

She carries a piece of metal in her bag which was removed from her head during an operation at Johannesburg Hospital

Mamejja cannot forgive the applicants: "I wish they would stay in jail for the rest of their lives. When I look at them stumbling to find explanations for their evil deeds, I get very upset. This is the last time I come here

"They killed and injured innocent people who knew nothing about politics. I don't know why I had to suffer, I was not involved in politics at all"

Le Roux, who was a lieutenant in the Ystergarde, the military wing of the Afrikaner Weerstandsbeweging, told the TRC hearing. "At that time I knew that we were entering into a struggle, and in a struggle people get caught up in crossfire."

Amnesty for all ... bomber Etienne le Roux, serving a 29-year jail term, told the TRC that the AWB intended to disrupt elections when they planted bombs in Bree Street, Germiston taxi rank, Randfontein and Johannesburg International Airport.

## Two drop quest for amnesty

Star 18/6/98 (252)

Right-wing bombers demand freedom for all 'boere fighters', and tell TRC they are not prepared to 'bow and confess' before any man

By SIMON ZWANE

Two right-wing bombers withdrew their amnesty applications yesterday to demand general amnesty for all "boere freedom fighters".

Clifton Barnard and Abraham Myburgh, who played a leading role in the pre-election bombings in Johannesburg and other areas in 1994, were scheduled to testify before the amnesty committee in Boksburg when they announced that they were no longer prepared to go ahead with their applications.

But 10 other AWB applicants, seeking amnesty in con-

nection with the same incidents, did not withdraw their applications

Myburgh and Barnard issued a statement in which they said they were not prepared to "bow and confess" before any man

They said the TRC was not representative of all liberation movements and it was a long drawn out and expensive process without a guarantee of amnesty to political prisoners.

Placards demanding a general amnesty were also placed on poles outside the Boksburg town hall where the hearing was held

Etienne le Roux, who was

convicted with them, told the amnesty committee the AWB intended to create "a climate of fear" in the country and to disrupt the first democratic elections when they planted the bombs in Bree Street, central Johannesburg, Germiston taxi rank, Randfontein and Johannesburg International Airport

He said the explosions, which started three days before the elections and continued until election day on April 27, were also intended to attract international attention to the struggle for self-determination.

Le Roux, who is serving a 29-year jail term for the part he played in the terror campaign,

said a Mr Koekemoer, a police informer who testified as a state witness in their trial, was responsible for making the bombs that they used

The decision to plant the bomb in Bree Street was taken by Le Roux himself following orders from Barnard

He told the committee he chose Bree Street as it was a "bad neighbourhood" with many escort agencies and because it was a densely built-up area where the effect of an explosion could easily be heightened

He also admitted that he had been prepared to see people buried in the rubble



# Basson invokes right to silence to sidestep TRC

BY ROBERT BRAND

The TRC is unlikely to hear testimony today from the apartheid government's chemical and biological warfare expert, Dr Wouter Basson.

The commission - which has been hearing evidence in Cape Town on the chemical and biological warfare programme - last week ruled that Basson had to testify before the commission today, despite his argument that it would prejudice his criminal trial.

But yesterday Basson's attorney, Adolf Malan, said an application would be brought in the Cape High Court today for a review of the TRC's ruling. Until the application is finalised, Basson would not appear before the commission, Malan said.

Basson is facing several charges - including conspiracy to murder, fraud and possession of illegal drugs - connected with his work on the programme, code-named Project Coast.

TRC spokesman John Allen said the commission was aware of the impending court appli-



Dr Wouter Basson

cation, but no papers had yet been served. "We expect Basson to be here unless we receive the court papers," he added.

Self-incriminating evidence given by a witness under compulsion before the commission cannot be used in criminal or civil proceedings against him. But Basson's lawyers argued that he had a constitutional right to remain silent in the face of criminal charges, distinct from the right not to be forced to

incriminate himself

The TRC hearing resumes today with evidence by Dr Niel Knobel, the former surgeon-general, who allegedly gave the go-ahead for the manufacture of poisons and biological agents

Basson's court application is a blow for the commission's effort to get to the bottom of allegations that military front companies manufactured chemical and biological poisons for use against the state's opponents.

Several scientists who worked on Project Coast told the commission last week they had manufactured the toxins on Basson's orders. Large quantities of illegal drugs such as ecstasy and Mandrax were also manufactured, and delivered to him.

Even if the court rules against Basson, the commission may not have another opportunity to hear his evidence, as it is ceasing operations on July 31.

Meanwhile, police and the Transvaal Attorney-General's office have dismissed reports that sensitive documents relating to the case against Basson had been stolen in a burglary

on Tuesday night

A computer containing correspondence of an advocate in the police legal department was stolen during the burglary at the Southern Life building in Pretoria

Superintendent Andrew Lesch, who is heading the investigation into the burglary, said the computer contained "only 20 files" which had nothing to do with the Basson investigation.

Dr Torie Pretorius of the Transvaal Attorney-General's special investigations unit said the Basson investigation was being done from his office, and all documentary evidence relating to the investigation was safe.

Basson was arrested last year, allegedly in possession of 2 000 ecstasy capsules.

He appeared in the Pretoria Magistrates' Court on drugs charges and was released on bail.

Several other charges relating to the murder of anti-apartheid activists with poisons manufactured under Project Coast have since been added to the charge sheet

# Scrapyard owner says he chopped up Machel

**WHITE RIVER** — Police claims that they had the wreckage of the aeroplane in which Mozambican president Samora Machel died were not true, a Mpumalanga scrapyard owner said yesterday.

Greg Duffey of Duffey's metal scrapyard in White River, Mpumalanga, said he bought the wreckage of Machel's plane from a church group in Komatipoort in 1987.

Duffey said he was told at the time that the mangled Russian Tupolev was

Machel's. He recycled it at his scrapyard. "It was definitely Machel's plane. "I still have a copy of the cheque I used to pay this strange Elijon church for the wreckage and am convinced that the wreckage and engine parts which the police say are Machel's are fake."

Duffey said the wreckage he bought included the plane's engines and fuselage. The tail section was missing.

"I chopped it all up and recycled it. I was

therefore very surprised when I saw a Tonga police officer on television recently claiming that they had the plane's wreckage at their police station. It has to be fake."

Ngwenya Lodge owner Dave Fourie said he had the plane's tail section, with a Mozambican state crest, displayed as a trophy in his bar, and was prepared to sell it for R250,000.

He said he found the tail section on the game farm when he bought it in 1989.

He said shotgun holes in the tail section were put there by an employee who used it for target practice.

Tonga police station commander Capt Andrew Mtwane said he had no way of verifying whether or not the wreckage at his police station was from Machel's plane.

"The problem is that the plane wreckage was originally taken to Komatipoort after the accident and stored there until it was brought here on February 20 1989. That's

Two years after the accident and we have no idea what happened in the interim."

Mpumalanga special investigator Dir Agrippa Mabuza said two wheels from the Tupolev were found on a farm in the Komatipoort area. The farmer told investigators that the parts were given to him by SA police officers who investigated the Machel crash in 1986.

The truth commission has reopened the investigation following claims that agents

of the previous government lured Machel's aeroplane off course with a decoy signal.

Commission of Investigator Christelle Terreblanche could not be reached for comment yesterday, but said on Tuesday that the wreckage was not central to her investigation. "We're trying to establish whether SA forces used a decoy beacon to lure Machel's plane away from Maputo airport and into the hills at Mbuluzi, near Komatipoort," she said — Sapa.

crash plane parts  
18/6/98

## Policeman 'feared the consequences of not shooting'

(272) 2018/6/78  
UMTATA — The policeman who shot University of Transkei (Unitra) student leader Batandwa Ndondo did so because he was afraid of what would happen if he refused, the truth commission heard yesterday

Former Transkei security policeman Gcinkosi Dandala was testifying before the commission's amnesty committee. He has applied for amnesty for the killing, along with former Vlakplaas security police base commander Eugene de Kock and another former Transkei policeman, Mvuso Shabalala.

"I fired because I remembered what had been said about killing those who did not participate," Dandala said. He said he went along with the killings because he was afraid of the askaris (turned anti-apartheid operatives).

Dandala, now a police inspector at Umzimkulu, said in his submission that he, Shabalala, a Const Boyce and a group of askaris arrested Ndondo in Cala and put him in a minibus.

They were travelling towards Elliot when Ndondo leapt from the window while the vehicle was moving.

After a brief struggle with Shabalala, Ndondo broke loose and fled into the yard of a house.

Dandala said he followed and fired one shot with his 7.65mm pistol, but Shabalala fired his 9mm pistol until it was empty. Shabalala then reloaded and fired more shots.

Although Dandala said no warning shot was ever fired, he maintained the intention was not to kill. He said Ndondo died in hospital and he was later congratulated by a policeman at the Elliot police station. A copy of the post-mortem report showed that Ndondo suffered 15 bullet wounds.

Ndondo, commission investigative unit head Dumisa Ntsebeza's cousin, was a law student at Unitra and a member of the students' representative council in 1984.

During cross-examination by advocate NK Dukuda, who appeared for Ndondo's mother, Princess Lulana Sidumo, Dandala denied giving Ndondo an opportunity to escape in order to justify the killing.

The amnesty hearing continues today — Sapa.

# Former A WB men retract amnesty bid for pre-

Pearl Sebolao

TWO former Afrikaner Weerstandsbeweging (AWB) members have formally withdrawn their applications for amnesty in connection with the 1994 pre-election bombing spree in Gauteng that left at least 20 people dead and scores injured.

Nicolaas Barnard and Abraham "Kopper" Myburgh, instrumental in the blasts, withdrew their applications at the Truth and Reconciliation Commission amnesty hearing in Boksburg yesterday, citing rea-

sons such as the alleged unrepresentativity of the commission. The two are serving long sentences in connection with the three bomb blasts.

In separate statements submitted to the commission, Barnard and Myburgh said the commission was being used as a pawn by African National Congress (ANC) "communists" to undermine and belittle the Afrikaner nation.

The amnesty process was also labelled as "a long and expensive process without the guarantee that amnesty will be granted to

political prisoners"

They demanded the granting of a general amnesty to all Afrikaner "freedom fighters", the immediate release of Afrikaner political prisoners after amnesty was granted and an extension of the commission's amnesty cut-off date.

Sapa reports Barnard said in his written application handed to the commission that the secretary of the AWB's general staff, Nico Prinsloo, had, after a meeting of leaders of the AWB, Volksfront and Conservative Party, instructed him in April 1994 to

"build bombs and that the first bomb must explode in Johannesburg on Sunday April 24 1994"

Etienne le Roux, the first of the other 10 rightwing amnesty applicants to testify, admitted he did not know who gave the initial order to carry out the bomb attacks, but assumed it was AWB headquarters.

He denied that a small group working on its own had been responsible for the bombings. The bombs were built and the operation was launched from a farm in the former western Transvaal, which was an AWB

stronghold, he said.

Le Roux said the motive behind the bombings in Bree Street, Johannesburg, Germiston and Johannesburg Airport was to publicise the demand for an Afrikaner volksstaat and torpedo the 1994 elections.

He believed "we were entering into a struggle and pursuing a political objective." He admitted the bombs were intended to cause as much damage as possible and "whoever was there would be caught in the crossfire", but denied the attacks were racially motivated as white people had also

been killed

AWB leader Eugene Terre'Blanche did not attend the amnesty committee hearing in Boksburg yesterday, but he is expected to submit an affidavit to the committee explaining his position.

Tight security marked the hearing in the Boksburg City Council banquet hall. A small group of rightwing supporters including paroled "Wit Wolf" Barend Strydom followed the proceedings. Relatives of blast victims were also present. The hearing continues today.

# election bombings

# Fear marked shooting

UMTATA • The policeman who shot University of Transkei student leader Batandwa Ndonga did so because he was afraid of what would happen if he refused, the Truth and Reconciliation Commission heard here yesterday

Former Transkei security policeman Gcininkosi Dandala was testifying before the TRC's amnesty committee. He has applied for amnesty for the 1985 killing along with former Vlakplaas security police base commander Eugene de Kock and another former Transkei policeman, Mvuso Shabalala.

"I fired because I remembered what had been said about killing those who did not participate (in the struggle)," Dandala said, adding he went along with the killings because he was afraid of the askaris (turned anti-apartheid operatives).

Dandala, now a police inspector, said that he, Shabalala, a Constable Boyce and a group of askaris

arrested Ndonga in Cala. While travelling in a minibus towards Elliot, Ndonga leapt from the window as the vehicle was moving.

After a brief struggle with Shabalala, Ndonga broke loose and fled into the yard of a house.

Dandala said he followed and fired one shot with his 7,65mm pistol, but Shabalala fired his 9mm pistol until it was empty, reloaded and fired more shots.

The commission heard Dandala did not prevent Shabalala from pumping bullets into Ndonga because he was afraid of him and did not trust him.

Although Dandala said no warning shot was fired, he maintained that the aim was not to kill.

He testified that Ndonga, who suffered 15 bullet wounds, died in hospital later — Sapa



ET 18/6/98

(252)

# Victims of racist bombers suffer still

CT 18/6/98  
RAPULE TABANE

JOHANNESBURG: Across the street from the Boksburg City Hall where the TRC is listening to the amnesty applications of 10 right-wing bombers, is St Dominic Catholic Church where the funeral for one of the victims was held

Paul Ontong, a 19-year-old cashier, was killed when Etienne le Roux detonated a trailer bomb in Germiston in April 1994.

Inside the hall yesterday, a tearful Theresa Ontong and her husband Sidney listened to the testimony of their son's convicted killer.

They did not want amnesty to be granted to the right-wingers.

"It does not matter whether their action was politically motivated or not, no person should kill and get away with it," said Theresa Ontong.

"It was pure premeditated murder, and they are not showing any remorse at all. They should serve their full sentences without parole."

The couple still cannot come to terms with their son's death. They said they are waiting for a chance to meet the right-wingers.

"Paul was a great child who was very popular and no one had the right to take him away."

The scars of another bombing by the right-wingers in Bree Street are still fresh in Selina Mametja's mind.

She carries a piece of metal in her bag which was removed from her head during an operation at Johannesburg Hospital. The shrapnel from the explosion which rocked the taxi she was travelling in lodged in her head.

Mametja cannot forgive the applicants. "I wish they would stay in jail for the rest of their lives

"When I look at them stumbling to find explanations for their evil deeds, I get very upset

"This is the last time I come here

**INTERVIEW**  
"They killed and injured innocent people who knew nothing about politics. I don't know why I had to suffer, I was not involved in politics at all"

Le Roux, who was a lieutenant in the Ystergarde, the military wing of the Afrikaner Weerstandsbeweging (AWB), told the TRC that at the time he placed the bombs he had not been concerned about loss of life because he was carrying out AWB orders. "At that time I knew that we were entering into a struggle and in a struggle people get caught in crossfire," he said

ART 18/6/98

# SADF drugs 'dumped in sea' (ART)

## BASSON associate likely to testify before TRC

Large quantities of drugs produced as part of the SA Defence Force's chemical and biological warfare programme - including Ecstasy, Mandrax and a cocaine-derivative - were dumped into the sea off the southern Cape coast early in 1993.

This was evidence by former SADF surgeon-general Niel Knobel today when the Truth Commission resumed its hearing into the chemical warfare programme code-named Project Coast.

General Knobel repeated his previous evidence that he had not known about any abuses of the programme, headed by controversial medical doctor Wouter Basson, until February 1994, after official diplomatic protests by the American and British governments.

However, he confirmed that in October 1993 he had been briefed by scientist Dr Jan Lourens, who worked at one of the programme's front companies, about "toys" which Dr Basson had asked him to manufacture.

These were murder weapons, and



ON THE TRUTH COMMISSION

included screwdrivers and umbrellas which injected poisons into victims, and walking sticks which shot poison pellets.

General Knobel said: "It is further true that I indicated that I had not known about this and did in fact not want to know about this as I believed it had nothing to do with Project Coast." Dr Lourens had then told him that he had been confronted at a function of the then head of the SADF's Special Forces, General Kat Liebenberg, "with a remark to the effect that he (Lourens) should look after his (Liebenberg's) toys carefully."

"I then advised him to bring this to the attention of the authorities that

were investigating such allegations." General Knobel said he had told General Liebenberg - by then promoted to SADF head - about this, without disclosing that Dr Lourens had named him directly.

General Knobel said that in January 1993, then Defence Minister General Louw had been fully briefed about Project Coast. Mr Louw had ordered all work on "incapacitating agents" to be terminated and for all existing substances and agents to be destroyed.

This was because South Africa had signed the new Chemical Weapons Convention on January 14 1993. General Knobel said on the night of January 27 1993, an SA Air Force "training flight" had been arranged.

Samples were taken from each of the four components of the cargo, which was packed in 20 blue plastic drums and which included Mandrax, Ecstasy and a cocaine-derivative manufactured at the programme's front company. The plane flew about 150 nautical miles to a position south of the Agulhas plateau and dumped

the material, General Knobel said. In an official report about the flight later requested from the Air Force, it was stated that Dr Basson had been aboard the flight.

Dr Basson is currently facing criminal charges for manufacturing and possessing drugs.

Last week, lawyers for Dr Basson and his close associate, Dr Philip Myburgh, indicated they intended bringing an application in the High Court for an urgent interdict to prevent the two men from having to testify at the hearing.

This was because Dr Basson and Dr Myburgh would be prejudiced in criminal proceedings, they argued. At the start of the today's hearing, Hanif Vally, leading evidence for the commission, said there had been "an exchange of correspondence" with the lawyers about the appearance of Dr Basson and Dr Myburgh. Dr Basson was not available as he was "engaged in the operating theatre."

However, there was an indication that Dr Myburgh was prepared to testify, Mr Vally said. The hearing is continuing.

# COMPLICATING THE NEXT POLL

Fuel for electioneering

PM 19/6/98

The decision to extend the life of the Truth & Reconciliation Commission beyond the June 30 deadline means that its often controversial proceedings will almost certainly amplify the discordant choruses of rival political parties campaigning for next year's general election

An amendment to the TRC founding law, the Promotion of National Unity & Reconciliation Act, gives the TRC until October 31 to present its interim report to President Nelson Mandela and simultaneously prolongs the life of TRC's amnesty committee indefinitely. With more than 1 000 public amnesty hearings outstanding, the amnesty committee will need at least another year to complete its work, says TRC liaison officer Christelle Terblanche

The amendment does not set a deadline for the amnesty committee. However, it empowers the committee to fulfil functions now allotted to the TRC, such as

approval of applications from victims of human rights abuses for reparations

Voters will almost certainly go to the polls with news of the latest amnesty hearings ringing in their ears and influencing their political preferences. The problem with that is that the ruling ANC is widely perceived to be the main beneficiary of the hearings

A survey by MarkData shows that a majority of people in the minority white, coloured and Indian communities do not consider the TRC to be fair and unbiased. More than a third of blacks, too, feel the same way

Nearly a fifth of all South Africans believe the TRC favours the ANC above its political rivals. Only a minuscule 1%-2% of South Africans think that it prefers the National Party or others. Among whites, the perception of TRC bias in favour of the ANC is nearly 60%

The possible complications caused by the decision to prolong the life of the commission include the interim report to Mandela. The chances are high it will favour political parties that aligned themselves with the struggle against minority rule, particularly as TRC chairman Desmond Tutu has openly and repeatedly said he morally abhors apartheid. This would give those parties an advantage before the election

Robert Tshabalala



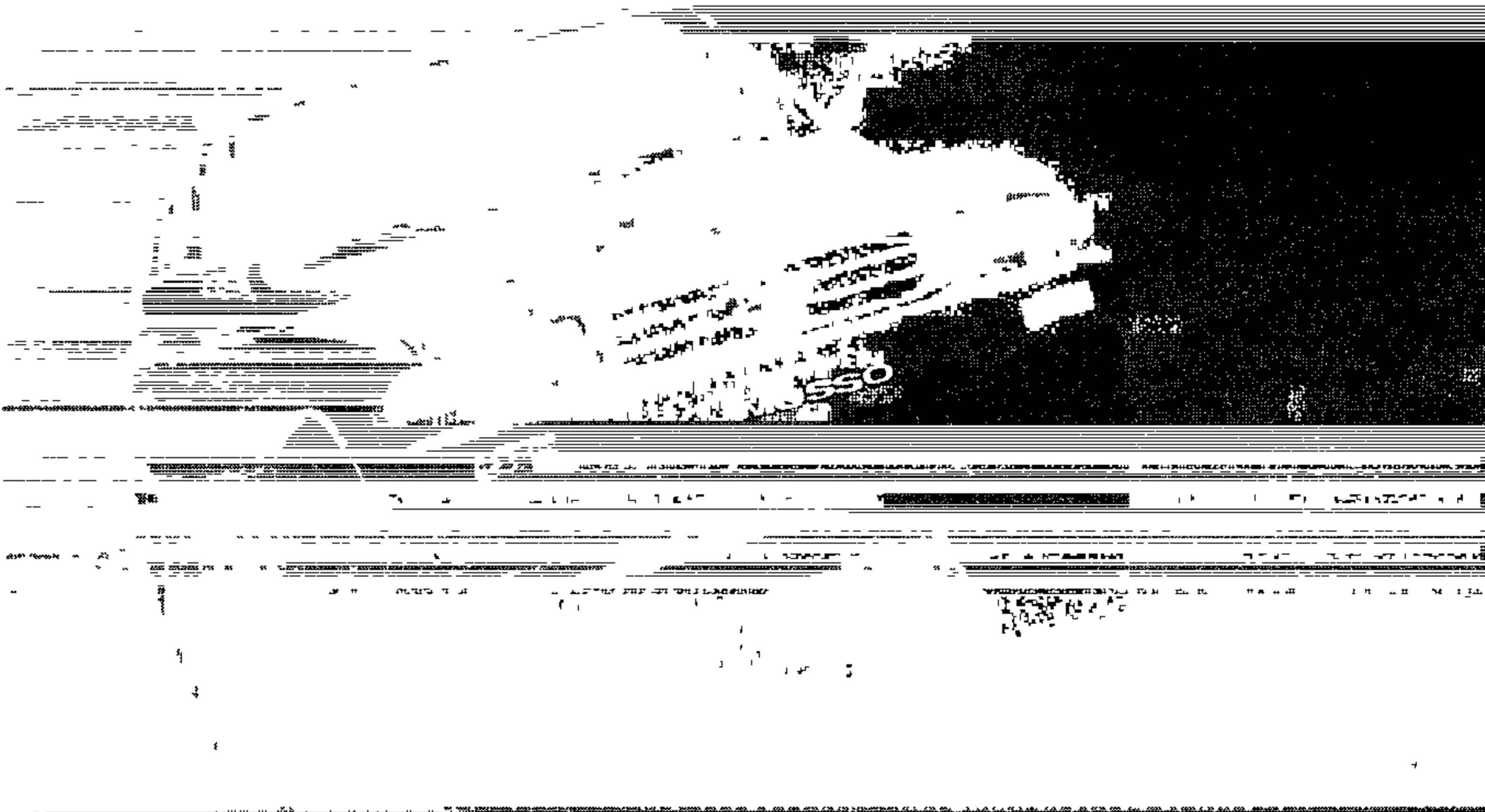
**Bishop Desmond Tutu** moral revulsion likely to show up in report and influence voters

Extension of the life of the TRC carries the risk of complicating its already difficult mandate of promoting reconciliation. The conventional wisdom, based largely on the success of the Chilean Truth Commission in reconciling supporters and opponents of Chilean dictator Augusto Pinochet in the early Nineties, is that such commissions should not be drawn out for years

SA's TRC, having been mired in controversy almost from day one, has had its life extended twice. By December it will have been in existence for three years, twice as long as planned

Patrick L...

# URE FOR THE COMMON CAR



MISSO

GO YOUR OWN WAY



## THE BODY POLITIC

Joe Thloloe

### ALONE IN THE DARK

**A**s the plane flew into Maputo last week, Robert McBride loomed large in my mind because for me Mozambique and McBride have become as closely linked as pap and vleis

Somewhere in this lovely city, I thought, McBride is sitting in a cell, wondering what fate — the Mozambican police — has in store for him

My mind wallowed in memories of cells, screams, torture, fear and anxiety. This is an area where many South Africans can speak with authority

You would first wait anxiously as you saw your friends and relatives detained without trial. You'd wonder if the security police were playing games, waiting and watching what you'd do as they collected the people around you. Would you try to skip the country? Would you contact other people and thus lead the police to more prey?

And the anxious wait would end at 2 am when you would hear feet running in the yard, then pounding at the doors and the windows "Maak oop! Polisie!"

You would notice the frightened look from your wife and the children would start crying as you shouted back that you were coming to the door

Before you knew it, there would be men in every room in your house and they would be shouting bewildering questions at you. They turned the house upside down, scanning every piece of paper, opening drawers and boxes and peeping under furniture

As it became light, your neighbours would see you pushed into one of the cars. And the convoy would screech out of the township to John Vorster Square

And so you disappeared into detention without trial — a month, three months, two years, whatever length the police chose

Your family would be praying that no harm came to you and you would carry the memory of your hysterical son as the cell doors closed behind you

It was so obvious that the reason for



**You would carry your son's memory as doors close**

keeping you in this way was to allow your captors to torture you until you confessed to one or other "crime" and thereafter they would keep you until all your injuries healed. When they were satisfied, you'd be charged or be used as a witness against other people

Claims that you were tortured? It was your word against that of an army of policemen. Besides, there would be no scars to show

It started as 90 days' detention, was extended to 180 days' detention, and then to indefinite detention under Section 6 of the Terrorism Act. The detention order usually said you would be detained until you answered

questions satisfactorily

SA voters at that time complacently accepted that detention without trial was a necessary tool to fight "terrorism" and thus gave licence for murder

The security police killed so many great Africans who would now be contributing to our prosperity

McBride's story followed me through Immigration and Customs to my hotel. At lunch I asked the waiter — the man in the street — if he had heard of Robert McBride

"Yes," he nodded with a smile

"What do you think of his detention?"

There was a puzzled look on his face because I had obviously gone beyond his English capabilities

I spoke to other people in Maputo

"He's been detained in terms of the law. We use this law rarely — only in cases of serious crime"

But shouldn't normal detective work be enough to fight crime?

I heard people in Mozambique defend their law and argue that it was the only way to stamp out crime

It always sounds reasonable, until it is used by the powerful against the weak. By that time it is too late to stop them

I hope the SA government, many of whose members suffered under detention without trial, are quietly talking to their friends across the border

## PROVINCIAL POWERS

### LIVING ON A KNIFE-EDGE

Will centralisation curb fraud?

**P**rovincial governments — riddled with corruption, inefficiency and bureaucratic bungling in the past four years — may see their powers diminishing soon

Provincial Affairs & Constitutional Development Minister Valli Moosa called on the National Council of Provinces last week to consider reforming the nine provinces

His call comes only two months after the Presidential Review Commission called on national government to intervene in the affairs of the Northern Province and the Eastern Cape

Moosa said the provincial system was not ideal. "Why is it for example that there should be provincial departments of social welfare when all they do is implement national policy? The decentralisation of welfare administration may well be the answer to better management, less wastage, and less corruption and fraud"

The same could be asked about the provincial departments of safety and security

In the Eastern Cape, for example, the Safety & Security MEC's salary takes up 10% of the provincial budget while his department essentially acts as the public relations wing of the SAPS. Education is in the same boat. The National Party said Moosa's remarks showed that the ANC intends robbing the provinces of key functions without giving them new responsibilities

"If the provinces are not safe from ANC rapaciousness, it may well be asked whether any other constitutional safeguards will be," said the NP's Con Botha

That, of course, is a danger. And yet there is no denying that the provinces are a mess, and something will have to be done about the issue at some point

Moosa said the ANC would not change the fundamental tenets of the Constitution. These, he said, were the "holy cow" of founding law

He also announced that government would table an amendment Bill this year to deal with changing minor, administrative sections of the Constitution, one of which would empower provinces to establish cross-border municipalities that recognise socio-economic linkages between towns and townships on different sides of provincial borders

Justice Malala

# Terre' Blanche takes blame for A WB acts

RD 19/6/98 (252)

Pearl Sebolao

AFRIKANER Weerstandsbeweging (AWB) leader Eugene Terre-Blanche yesterday accepted responsibility for the acts committed by 10 AWB members seeking amnesty for a series of bomb blasts which killed 20 people in Gauteng on the eve of the 1994 elections.

"As political head of the AWB, I accept political and moral responsibility for the acts that have been committed," he said.

In an affidavit submitted to the truth commission amnesty hearing in Boksburg, Terre'Blanche admitted that during the stormy period leading up to the elections he had given a number of public speeches, the content of which could have been interpreted by AWB members as orders to kill.

He also said Freedom Front leader Constand Viljoen had told the executive council of the Afrikaner Volkfront that if negotiations for a Volkstaat did not succeed, they would have to resort to war.

The statement was accepted by other Afrikaner leaders and Terre-Blanche himself, as the leader of the AWB, had conveyed these instructions to the general staff of the AWB, the affidavit read.

Despite Terre'Blanche's acceptance of responsibility for the acts, amnesty applicant Abraham Fourie

told the commission he felt that he had been abused by his leaders "I feel I was misused".

Fourie, who said that he regretted the loss of life, told the commission he no longer wanted anything to do with the AWB or politics because "in politics people use you as a pawn for their own benefit and then discard you".

He also said that a day after senior AWB men Nico Prinsloo and Leon van der Merwe were arrested, Terre'Blanche had given him and Jan de Wet petrol money and told them to get away.

Terre'Blanche told them: "Don't let them catch you, even if you have to shoot your way clear."

They were told that if they were arrested they should keep quiet, Fourie said.

He was sentenced to an effective 21 years in jail for his part in the bomb blasts and is out on bail pending an appeal.

Fourie accepted responsibility for the death of people during the incidents, although he said was not actively involved in the planning or the execution of most of the bombs.

He also accepted responsibility because he was part of the group which had moved to Ventersdorp to establish a volkstaat and "although I was not a big leader, I was a leader and cannot abandon my men. I have to claim some responsibility."



Former SA Defence Force surgeon-general Niel Knobel testified before the Truth and Reconciliation Commission in Cape Town yesterday on his involvement in the apartheid government's chemical weapons programme

Picture SASA KRA/JI-AFRIKA

General helped cover up,  
says amnesty applicant

BD 19/6/98 (952)  
UMTATA — The truth commission's amnesty committee hearing about the murder of Batandwa Ndondo, a 22-year-old Transkei University student activist, was told yesterday that the police statements made at the time had been a cover up inspired by a Transkei police general.

This was revealed by Insp Gcimsiko Dandala, who is seeking amnesty for the killing with askari Mbuso Tshabalala and Vlakplaas commander Eugene de Kock

An askari is a former freedom fighter turned police informant.

De Kock was jailed last year in Pretoria's C-Max prison on charges which included murder

He used to be commander of Vlakplaas, a security police base outside Pretoria

Asked about the differences in his statement at the time of the 1985 killing and his amnesty application, Dandala said the intention of the original statement was to

cover up what had happened. The statement was drawn up with the assistance of his superior, former Transkei security head Gen Leonard Kawe

However counsel for Kawe said the general would deny speaking to Dandala after the killing. Kawe would deny also any suggestion that the case was "destroyed" or that there was a "cover up".

Dandala has told the inquiry that he and three askaris fetched Ndondo from a house in Cala on September 24 1985

He said he told Ndondo he was a police officer while they were travelling in a minibus

Ndondo jumped out of a window of the vehicle and was apprehended by Tshabalala

After a struggle, he escaped and was chased by Tshabalala, who fired at him.

De Kock was present at the hearing yesterday, which was attended by about 50 people — Sapa.

# SA officials 'bribed to let in chemical warfare ingredients'

Wynndham Hartley

CAPE TOWN — Tens of thousands of dollars were used to bribe officials in various parts of the world so that ingredients for SA's chemical weapons programme could be smuggled to this country, the truth commission heard yesterday.

Still more money was paid to Wouter Basson, the head of the chemical and biological warfare programme, and apparently never accounted for. This emerged during a day of

testimony from the former surgeon-general of the SA Defence Force, Niel Knobel.

Croatian military officials, officials in Switzerland and customs officials at an airport in Chad, were paid as part of the operation to obtain the active ingredient of Mandrax and smuggle it back to SA, he said.

He also said that a problem with money paid over in Croatia had resulted in a special trip to that country by Basson in an attempt to retrieve the money. The attempt failed and Basson

was himself detained in Switzerland.

This occurred after Basson was summarily put on early retirement by the then president, FW de Klerk, late in 1992 after an investigation into alleged illegal activities by the defence establishment.

Knobel told the commission that he had no operational control over Basson in spite of being the head of the defence force's medical services, under which the chemical and biological warfare was placed.

Basson, who allegedly developed poisons and gadgets to inject people, was under the operational control of special forces, he said.

Knobel told the commission that he had approved in early 1993, the dumping into the ocean off the southern Cape of hundreds of kilograms of chemical agents which could incapacitate enemies.

He said the drugs, which included Mandrax, were "deactivated" and dumped from an SA Air Force training flight about

150 sea miles off the coast in a position beyond the Agulhas plateau. About 20 plastic drums were involved and Basson was on the flight, Knobel said.

The hearing was adjourned until a date to be determined next month. Knobel will again give evidence and Basson could also be called if his application to the high court is unsuccessful. Basson has asked the court to renew the commission request for him to testify on the basis that it would prejudice his criminal trial.

RD 19/6/98 (252)

# SA officials 'bribed to let in chemical warfare ingredients'

Wyndham Hartley

CAPE TOWN — Tens of thousands of dollars were used to bribe officials in various parts of the world so that ingredients for SA's chemical weapons programme could be smuggled to this country, the truth commission heard yesterday.

Still more money was paid to Wouter Basson, the head of the chemical and biological warfare programme, and apparently never accounted for. This emerged during a day of

testimony from the former surgeon-general of the SA Defence Force, Niel Knobel.

Croatian military officials, officials in Switzerland and customs officials at an airport in Chad were paid as part of the operation to obtain the active ingredient of Mandrax and smuggle it back to SA, he said.

He also said that a problem with money paid over in Croatia had resulted in a special trip to that country by Basson in an attempt to retrieve the money. The attempt failed and Basson

was himself detained in Switzerland.

This occurred after Basson was summarily put on early retirement by the then president, FW de Klerk, late in 1992 after an investigation into alleged illegal activities by the defence establishment.

Knobel told the commission that he had no operational control over Basson in spite of being the head of the defence forces' medical services under which the chemical and biological warfare was placed.

Basson, who allegedly developed poisons and gadgets to inject people, was under the operational control of special forces, he said.

Knobel told the commission that he had approved in early 1993 the dumping into the ocean off the southern Cape of hundreds of kilograms of chemical agents which could incapacitate enemies.

He said the drugs, which included Mandrax, were "deactivated" and dumped from an SA Air Force training flight about

150 sea miles off the coast in a position beyond the Agulhas plateau. About 20 plastic drums were involved and Basson was on the flight, Knobel said.

The hearing was adjourned until a date to be determined next month. Knobel will again give evidence and Basson could also be called if his application to the high court is unsuccessful. Basson has asked the court to review the commission request for him to testify on the basis that it would prejudice his criminal trial.

Josey Ballenger

THE Red Cross Children's Hospital in Cape Town, the only dedicated children's hospital in Africa south of Cairo, needed a R36m capital injection if it was to continue being one of the world's most renowned paediatric institutions, trustees and supporters said yesterday.

The hospital, which is the only SA public hospital to have its own trust fund, aims to build a

## Children's hospital in need of R36m

RD 19/6/98 (252)

new education centre for various health disciplines; a new pharmacy; a mothers' accommodation unit and a new wing to house outpatient services, short-term surgery and beds, and an accident/emergency management service.

The hospital cares for more than 250 000 children annual-

ly, many of whom were referred from other institutions throughout southern Africa.

Prof David Beatty, University of Cape Town's acting medical school dean and the trust's chairman, said the hospital's facilities were "still the same as 42 years ago," when the hospital opened, although equipment

had been upgraded.

The main building had 242 beds, but the overflow from 350 patients was put into pre-fabricated units, he said.

Speaking at a fund-raising event in Johannesburg, Beatty said the trust provided the hospital's capital budget, as the hospital received only R110m

from government for its operating costs and recovered less than 4% in patient fees. Like many hospitals battling with dwindling budget allocations, the Red Cross Children's Hospital wanted "autonomy" to manage (its) funds, including collection.

Beatty said the redevelopment campaign had raised R20,9m so far and needed the private sector and individuals to kick in the remaining R15m.

# Basson: TRC hears of drugs, bribes

CT 19/6/98  
**ROGER FRIEDMAN AND BENNY GOOL**  
SPECIAL ASSIGNMENTS TEAM

WOUTER Basson, the man who steered SA's chemical and biological warfare programme, was ideally situated to become a major drug-trafficker, it emerged in evidence to the Truth and Reconciliation Commission yesterday

Last week the commission heard how doctors under his control developed a capacity to cook large quantities of Mandrax and Ecstasy, and how police supplied him with confiscated drugs, for research purposes only, of course

Yesterday, during the cross-examination of former surgeon-general Niel Knobel at the commission's reconvened special hearing into the apartheid regime's chemical and biological warfare programme, it also emerged that Basson was entrusted with "destroying" barrel-loads of drugs, that he had access to air force and chartered aircraft, and wads of taxpayers' money to bribe foreign officials

Mandrax, since the 1970s, has been the illegal drug of choice in Cape Town, generating millions of rands profit, enslaving generations of youth and fuelling decades of gang conflict. About five years ago SA was said to consume more than 90% of Mandrax produced in the world. On the other hand, Ecstasy was virtually unknown in SA when the product was first manufactured by chemical and biological warfare chemists in SA in the early 1990s. There was a fast-growing and lucrative market in Europe and the US

Although he was subpoenaed to give evidence, Basson has yet to submit to cross-examination. His lawyers believe it would prejudice his case were he forced to speak about matters that will be examined during his criminal prosecution. They hope the High Court agrees

Provisional charges against Basson being investigated by the Office of the Attorney-General in Pretoria relate, among other things, to possession of drugs and the manufacture of a ton of Ecstasy and a ton of Mandrax. The Office for Serious Economic Offences is, meanwhile, investigating 10 counts of fraud involving R50 million, which will later be added to the charge sheet.

Knobel told a press conference at Parliament after Basson's arrest in February 1997 that he had acted as a father-figure to the "outstanding physician and cardiologist" (Basson). He said Basson was decorated for building a defensive chemical and biological warfare capability of which the country could be proud. Because of SA's isolation, Basson had been forced to develop the programme by "begging, robbing and stealing" and "transgressing international laws and sanctions". Knobel said the programme developed technology to protect and decontaminate in times of natural or human disaster, including such items as filters, masks, and protective clothing

There was no mention yesterday of masks and filters, as commission lawyer Hanif Vally questioned Knobel at length about a May 1994 letter to him from Basson, three days before Nelson Mandela's inauguration as president

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## Knobel on Basson

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The letter was, in essence, an explanation by Basson on how he spent US\$75 000 given to him to cover various expenses

Knobel says he confronted Basson late in 1993 demanding to know whether he was involved in "criminality" after hearing from a military front company scientist that Basson had commissioned "poison application gadgets, from walking-sticks to booby-trapped soap boxes

Yet, a few months later, according to the letter to Knobel from Basson, Knobel authorised as legitimate payments by Basson with taxpayers' money for bribing airport, customs and border officials of foreign countries.

Basson's letter informed Knobel that he spent \$12 000 in December 1991 to bribe the chief of security at Ndjamena (Chad) Airport. He paid \$5 000 to customs officials in Douala (Cameroon) to prevent his aircraft from being searched; \$10 000 to Croatian border officials in September 1993 to gain access to Croatian government officials, another \$10 000 to members of the Croatian armed forces to gain access to the correct officials and bankers, and a sum of \$36 000 to a Dr D Chu for costs arising out of his (Basson's) detention in Switzerland in December 1993. The latter sum included a cost of \$28 000 to ensure the destruction of two computer hard-drives that contained information on Basson's previous purchases and research activities in Switzerland

Knobel said it was his "impression" that Basson's travels were to buy substances in Europe to be brought back to SA. It would have been normal for Basson to use specially chartered aircraft because it was "policy" not to carry dangerous substances on scheduled flights

Because the SA government does not want information that might effect non-proliferation treaties to be publicly revealed, most of the documents submitted by Knobel were not released to the media

It did, however, emerge, that one of the things Basson was doing in Croatia was buying 500kg of Methaqualone, the active ingredient in Mandrax. It was unclear why Basson would have required meetings with Croatian officials to procure Methaqualone, or why SA required the drug from abroad when it had the capacity to produce it at home. But when Basson was there, the former Yugoslavia was embroiled in a civil war. Did SA supply chemical or biological weapons to be used in this conflict?

It was apparently Basson's travels and deals in Croatia that led to the US and Britain delivering a joint demarche (the strongest expression of diplomatic disapproval) to F W de Klerk, and his successor as president, Nelson Mandela

Earlier, Knobel testified about a large consignment of Ecstasy, Mandrax and a cocaine-based derivative said to have been dumped in the sea off the southern Cape coast in 1993

In January 1993, he said, then defence minister Gene Louw was briefed about Project Coast (the code-name for the chemical and biological warfare programme). He ordered an end to work on "incapacitating agents" (dagga, Mandrax, Ecstasy) and substances destroyed. Last week the commission heard how chemical and biological warfare scientists were intent on producing Mandrax and/or dagga grenades for use in not control

Late in January 1993, an air force "training flight" was arranged to dump 20 plastic drums packed with drugs in the sea south of the Agulhas plateau. Knobel said Basson was on the plane, as were four or five passengers whose names were unknown to the crew

The hearing was postponed to July, when the High Court may have decided whether the TRC has the right to compel Basson to testify.

# ANC puts judges in decision

## Attack singles out De Villiers over Sarfu

CLIVE SAWYER  
POLITICAL CORRESPONDENT

The African National Congress has made a blistering attack on South Africa's courts and judges, provoking a political uproar.

In an extraordinary statement today, it accused the courts of frustrating transformation and singled out Judge William de Villiers - the presiding judge in the Sarfu case - for some of the sharpest criticism yet made on the judiciary.

The ANC lashed Judge De Villiers for

having not yet provided reasons for his decision to overturn the Browde commission appointed by President Mandela to look into the affairs of the South African Rugby Football Union.

It said he belonged "to the class of dinosaurs that internalised the workings of white domination and is blissfully unaffected by the refreshing changes taking place in South Africa".

The statement said events since the judgment had done nothing to dispel the perception of most South Africans that Mr Mandela's appearance in the witness box to

explain his decision to appoint an inquiry into sport had subjected him to ridicule and mockery.

The ANC also accused the media of "unwitting connivance" in allowing De Villiers to express himself in terms that bordered on deliberate sabotage of the constitution.

The party said the time had come for the Government, people in general and academics to take a close look at the role of the courts in frustrating transformation.

"Similarly, the attitude of the judges to exempt themselves from appearing before

the Truth and Reconciliation Commission must now of necessity be subjected to national scrutiny."

The ANC said it had taken a particular interest in the Sarfu case because of public interest "and the opportunity it provided for our judiciary to redeem its image".

"We cannot allow the question to be asked by the downtrodden and poorest of the poor if the President himself is not assured of justice, what about us who have nothing?"

The National Party labelled the ANC's broadside "hysterical and uncalled-for". The correct procedure in questioning a judge's

# ANC sparks storm with blistering attack on judiciary

From page 1

He said the ANC's attack "confirms that their motivation to turn the judiciary upside down should it attain a two-thirds majority is a real threat".

Democratic Party leader Tony Leon said the ANC, in accusing Judge De Villiers of racist motives in calling the president to testify, failed to recognise the point made by its own leader, that all are equal before the law "Contrary to the ANC's view, the very fact that President Mandela decided to give evidence helped restore the belief of ordinary South

Africans in the justice system". He said the ANC's claim of media connivance in the judge's alleged sabotage of democracy showed the ANC's blatant disregard for the independence of the judiciary and for press freedom. The ANC should remember that independent courts

were a pre-requisite for democracy and its attack on the judiciary could only undermine this principle. He said Judge De Villiers's delay in giving reasons for his decisions should be condemned, but there could be no justification for the ANC's continuing attacks on the judiciary.

AAU 19/16/98 (252)

AAU 19/16/98

decision was to take it on appeal and not make unfounded public allegations which threatened the independence of the judiciary.

At the same time, the NP joined in urging Judge De Villiers to supply reasons for his judgment as soon as possible. NP justice deputy spokesperson Roelle Groenewald said the public interest and the fact that the President was involved in the hearing lent urgency to the finalisation of the matter.

It would also mean that decisions could be made on taking the judgment on appeal.

To page 3

# DOCK

# Basson: TRC told of secret Mandrax deal

## 'Slush fund' used to bribe officials

(252)  
APR 19/6/98

Secret dealings between Croatia and agents of the apartheid government to buy half a ton of methaqualone, the active ingredient of Mandrax, have been described to the Truth Commission.

The Mandrax was ostensibly to be used as part of a chemical and biological warfare programme to develop an "incapacitating agent" which could be loaded into weapons such as grenades.

Yesterday's hearing in Cape Town was also told of the involvement of a mysterious character named Dr Chu, who was paid \$36 000 to assist the head of the programme, Wouter Basson, after he was arrested in Switzerland.

Dr Chu was to help conceal from the Swiss authorities details of Dr Basson's previous purchases and research in Switzerland.

The hearing resumed yesterday with further testimony from Defence Force surgeon-general Niel Knobel, who took over as project leader of the programme in 1988.

Dr Basson was project officer of the programme, initially code-named Project Coast but later changed to Project Jota for security reasons.

General Knobel said he had been concerned about Dr Basson's financial handling of the programme for some time, but Dr Basson had repeatedly denied fraudulent activity or involving the programme in "Third Force" abuses.

"He consistently indicated to me that he was not guilty of any misconduct either within the project or in any other capacity," General Knobel testified.

"He further said he was certain he was being confused with other persons also known as W Basson. At this stage I had no concrete reason to doubt his word.

"He obviously had the trust of the entire defence force and the cabinet. His word was accepted."

General Knobel said it was only in February 1994, after a briefing by National Intelligence Service agents, that it became "abundantly clear" that Dr Basson had acted outside the official mandate of the programme and had probably abused aspects of it.

General Knobel was questioned closely on a report, marked "Top Secret - Only Copy", written by Dr Basson and signed by himself as project leader.

### JOHN YELD



### ON THE TRUTH COMMISSION



Niel Knobel: 'Basson had trust of entire Cabinet'

He said the report, headed "Final Report: USA dollar advance" dated May 7, 1994, was compiled in response to concerns about possible financial abuses.

According to the report, Dr Basson was given \$75 000 in cash from a front company of military intelligence.

It was paid in November 1991 as six months' advance expenses for flights to transport "samples and materials" through Africa to Europe, to pay for fuel, landing fees and "discretionary" expenses.

The report explains that such expenses were cash payments to airport security officials to "expedite clearances and inspections".

Payments from the amount included:

- \$12 000 to the security chief of Ndjamena airport in Chad in December 1991
- \$5 000 to customs officials at Douala airport in Cameroon to prevent the aircraft being searched
- \$10 000 to Croatian border guards in September 1993 to allow Dr Basson to enter Croatia for discussions with government officials
- Another \$10 000 to Croatian army officials to make appointments for Dr Basson with "involved government officials and bankers"

General Knobel said Dr Basson went to Croatia to attempt to recover funds from the programme lost when an agent used to facilitate a "transaction" was arrested.

Dr Basson was himself arrested in Switzerland in December 1993.

According to the transaction report, a Dr D Chu was paid \$36 000 on March 24 in connection with expenses incurred relating to Dr Basson's arrest.

These expenses included:

- Travel expenses of \$2 500 because he (Dr Chu) was subpoenaed to appear in Zurich
- The proactive closing of accounts and cancellation of security boxes which could have linked him to Dr Basson during investigation by the Swiss police. "He (Dr Chu) was at that stage unsure of what the police were investigating and which compromising documents they had found on the project officer"

■ \$28 000 for the destruction of two computer hard disks containing information about Dr Basson's purchases and research activities in Switzerland to prevent it falling into the hands of the police.

According to report, the total \$75 000 was "certified" by General Knobel as being expenses incurred legitimately in terms of the programme.

Asked to explain how he could have signed the certification when he had already been convinced for several months that Dr Basson was abusing his position, General Knobel said he took the report to the SADF's co-ordinating management committee, who approved it. He confirmed that bribes were routinely paid in connection with the programme.

The hearing was postponed to an as-yet undetermined date next month.



# Transkei killings in TRC spotlight

'Lappies' Labuschagne to be grilled on gun-running links to hundreds of deaths

By PETER DICKSON

**T**he misery that is the murder zone of Tsolo and Qumbu in Transkei may be rooted in the tangled web of gun-running from Mozambique – and the Truth and Reconciliation Commission wants a feared former security policeman, taken off the Robert McBride probe, to tell them why.

More than 600 people have died in the remote Tsolo and Qumbu areas north of Umtata since 1993, many of them killed by gunmen from Gauteng mines who are paid next to nothing for a bloodletting spree that has defied answers.

But for two years, police have believed that a mystery gun-running ring from Mozambique is fuelling the random killings, and behind closed doors at the TRC's Cape Town office on Monday, the roots of the killing fields may finally be unearthed.

Not only will Superintendent FHS "Lappies" Labuschagne be

quizzed about guns and bullets given to him by Eugene de Kock, about hit squads, and about how well he knows McBride's military intelligence and police spy accuser Vusi Mbatha, but the TRC investigative inquiry will also centre on Labuschagne's "role in the inter-necine violence in Tsolo and Qumbu", which mainly targets the elderly, women and children.

Labuschagne, one of the police officers initially involved in the McBride investigation until his headline apartheid past was exposed, is required to appear and is expected to give evidence and answer questions about certain pre-1994 human rights violations.

TRC media officer Vuyani Green said: "The purpose of the inquiry is to gain an understanding of the context in which certain human rights violations were allegedly committed and of the motives and perspectives of the key persons involved."

Eastern Cape Safety and Security MEC Dennis Neer has long

believed in a third-force operation behind the killings in the area, long a traditional recruitment centre for the mines – particularly Verteenings, Welkom and Witbank.

TRC researcher and award-winning ex-investigative reporter Louise Flannagan said this week that links had long been suspected – some confirmed by De Kock in his testimony on the pre-election "destabilisation" era – between Mozambique gun-running, Reef mine hostels and Tsolo.

Senior Superintendent Gary McClaren, head of the 50-strong police team tasked with ending the violence, said: "We have been steadily building a major network throughout South Africa to try to end the killings. The hitmen are based on the mines, come to the area to kill and then leave very quickly."

McClaren said the team recently arrested a dozen hitmen and an executive member of the secretive Umfelandawonye burial society – made up of migrant workers and initially suspected by the Kroon

Commission to be "intimately involved" in the violence – but was not investigating the group. "At this stage we cannot say that Umfelandawonye is behind the killings," MacClaren said.

Those involved in the Tsolo and Qumbu investigation, like the Port Elizabeth-based Human Rights Committee which monitors the killings and efforts by local peace committees, said this week the alleged Labuschagne connection was news to them. It was also news to local police and the National Intelligence Agency's Umtata offices.

A year ago, Transkei police area commissioner Trevor Hayes said he doubted police would ever stop a creeping violence deeply rooted in stock theft, witchcraft and revenge killings dating from the 1920s, and that "the security forces are just keeping the lid on a boiling pot".

Labuschagne, who worked for the Eastern Transvaal security police in the 1980s, may tell the TRC just what keeps the Transkei pot boiling – @LiveWire

(2/12)

20/6/98

The TRC has only scraped the surface of a shameful

chapter in our history, writes Estelle Randall

# SA's toxic past: a web of mystery

AKG 20/6/98

(252)



**BOHA:** blames apartheid's 'black sheep'



**BASSON:** 'only he can answer all the questions'

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DE KLERK: 'must tell the whole story'

**T**he Commission's quest to uncover the apartheid government's chemical and biological weapons programme still leaves many questions unanswered about hundreds of its mysterious front companies. *Aug. 2016 [cl]*

Since the inquiry began this month, the country has heard about the main front companies - Delta G Scientific, Roodeplaat Research Laboratory, Lifestyle and Infladel, which later became Medchem Consolidated Investments

As more information emerges about the operation of these companies, more questions arise about how far their tentacles spread and what unofficial elements still linger

TRC investigators say between 200 and 300 front companies are known to have existed - ones which were not officially part of the programme but linked to it in some way.

They included air charters, travel agencies and investment companies with off-shore accounts

"It was the time of sanctions, so investment companies were used to buy chemicals and other materials which the main companies needed. Most of the companies were used to transfer money," the TRC investigator said

"But most of the companies were just paper names, names which changed almost every week. We don't know what happened to them. We don't know what all of them did. Only Wouter Basson can answer."

But Basson, whom several witnesses have identified as the programme's mastermind, is not prepared to do so. His lawyer has brought an application in the Cape High Court for a review of the TRC's ruling that he appear before it as he alleges his TRC appearance could prejudice his pending trial.

The Office for Serious Economic Offences (Oseo) is investigating this spider's web of more than 200 companies as part of its criminal investigation against Basson, who is facing 10 provisional charges ranging from instigation to murder to possession and manufacture of drugs such as Ecstasy and Mandrax.

More charges may be added, says the Oseo, including a further 10 related to fraud amounting to about R50-million.

There are indications that Phillip Myburgh, managing director of Delta G Scientific, will give evidence to the TRC.

But even if Dr Myburgh does shed more light on the activities of the programme, ultimate responsibility for its operation is yet to be acknowledged by leaders of the former apartheid government.

Testimony from scientists associated with the programme has come closer to implicating apartheid leaders

heard in its two-year existence

National Party leader Marthinus van Schalkwyk said this week that ministers in the previous government were "hiding behind each other".

But those fingered in the inquiry have pleaded ignorance.

Former president PW Botha, who will return to court in August on a charge of refusing to testify to the TRC, has claimed the programme was the work of apartheid's "black sheep".

Botha's successor, FW de Klerk, has also denied knowledge of the experiments carried out under the chemical and biological warfare programme, although the office of Deputy President Thabo Mbeki said Mr De Klerk had handed over the key to a safe containing results of the research.

Roelf Meyer, a former NP minister of defence who has since left the party to become co-leader of the United Democratic Movement with Bantu Holomisa, was implicated by one witness.

Mr Meyer has called on Mr Botha and Mr De Klerk to "tell the whole story".

As the former government's top leadership diverts blame from themselves, the current Government has given its assurance that all elements of the programme have ended.

The chemical and biological weapons programme had been terminated and the material for offensive purposes in Government storage had been destroyed, Government spokesman Joel Netshitenzhe said.

"The Government is also committed to ensuring that the knowledge and expertise gathered in this area should, under no circumstances, become available to any other country, individual or companies.

"It is in this respect, because of its determination to ensure that our country does not become a source for the proliferation of these terrible weapons of truly mass destruction, that the Government approached the TRC to ensure that the hearings on the programme are conducted in such a way that they do not lead to any proliferation, accidental or otherwise, of these weapons," he added.

Mr Netshitenzhe said that information on the programme's defensive capacity was "safely kept under lock and key" and that transfer of the safe keys from the previous government and its agencies had occurred.

Despite this assurance, the menu of apartheid atrocities revealed so far should alert people to the possible danger of that which still lurks unexposed.

When the crew of the doomed Titanic saw the iceberg looming ahead, it was not the size of what they could see that frightened them.

It was the knowledge that what lay submerged beneath the icy sea was far larger and more dangerous.

SA's dubious record: the largest volume of data on human rights abuses ever collected.

# How the truth commissi hi-tech to trace the trail

**T**he Truth and Reconciliation Commission has heard thousands of tales of human suffering and cruelty, but there is still one story to be told. It is how this vast body of information has been recorded for posterity so that humanity can proclaim, "Never again"

More than 20 000 deponents have appeared before the commission since it started collecting information in March 1996. Of those testimonies, 36 000 victims of gross human rights violations have been identified, with the total number of reported violations amounting to more than 47 000

Patrick Ball, a specialist in human rights information management with the American Association for the Advancement of Science, a Washington-based NGO, said he was struck by "the qualitative change in the nature of violence" in South Africa over the years (see graph).

Apart from the sheer mass of data - the largest volume of computer-based data on human rights abuses ever collected - Dr Ball was amazed at the way the graph depicting levels of human rights abuses in South Africa stretched over a long period, compared with countries like Haiti, El Salvador or Rwanda, where atrocities occurred over a much shorter period.

Dr Ball was called in to help with the initial design of the database and his ideas were crucial to its development, said Gerald O'Sullivan, the truth commission's information systems manager and a former exile who garnered extensive experience in information technology in London.

Dr Ball has spent the past eight years working with truth commissions and related NGOs in Haiti, El Salvador, Turkey and Ethiopia. He left South Africa earlier this month for Guatemala, which recently extended its own truth commission until the end of the year

According to Mr O'Sullivan, Dr Ball now recognises these countries not by their physical appearance on a map but by their graphical patterns of abuse over time

In the case of El Salvador and Rwanda, genocidal numbers of deaths occurred over a relatively short period, Dr Ball said. In El Salvador, about 70 000 people were killed between 1977 and 1991, with most of these deaths occurring between 1980 and 1982

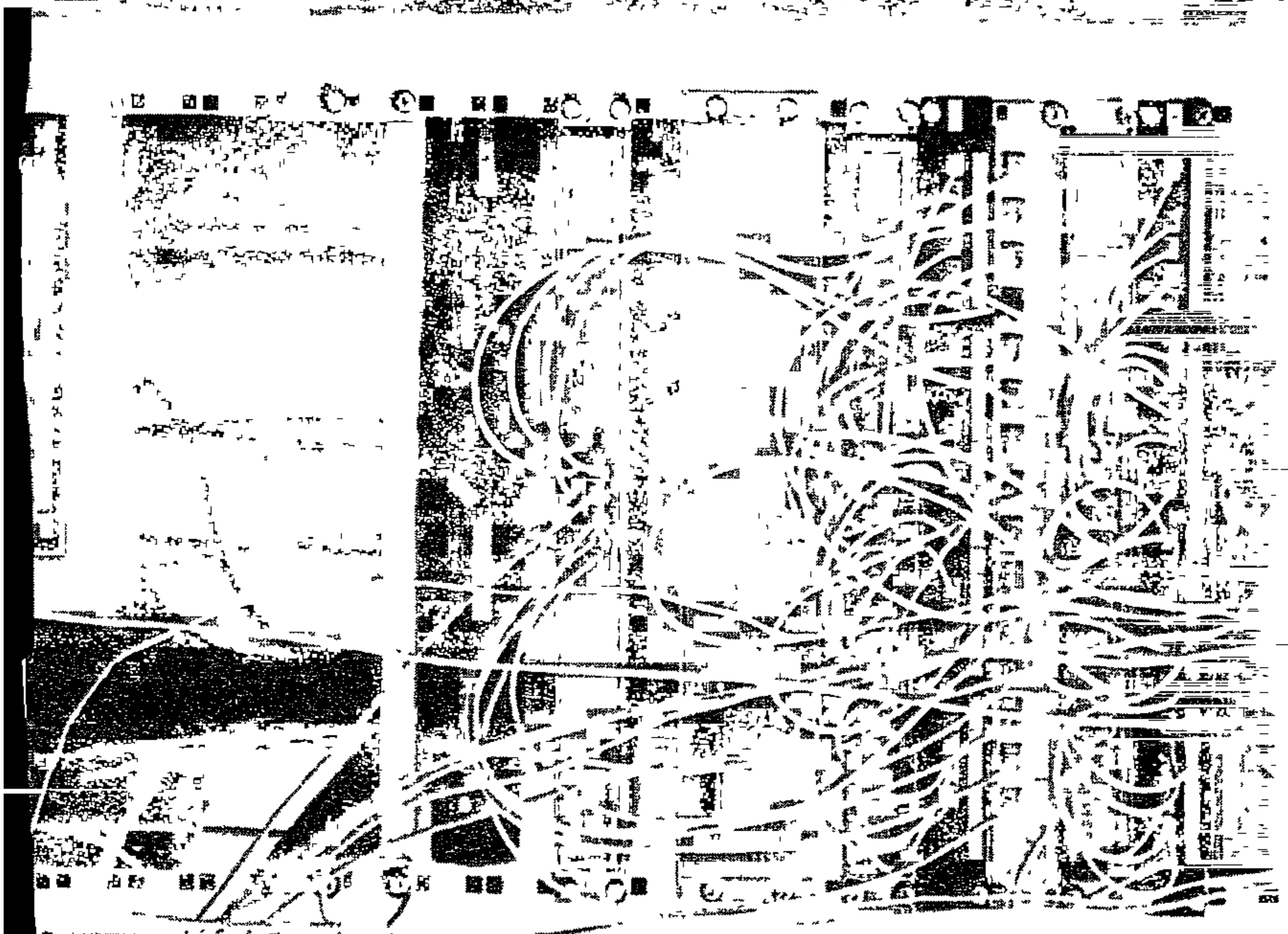
In South Africa, gross human rights abuses occurred consistently over more than 30 years (the truth commission's investigative mandate under the Promotion of National Unity and Reconciliation Act stretches back to March 1 1960 and ends on May 10 1994, the day of Nelson Mandela's inauguration as president).

This does not mean that gross human rights abuses in South Africa were consistently low. The graph peaks at two key periods: the beginning of 1986, six months after P W Botha declared the first state of emergency, when there were about 4 300 gross human rights viola-

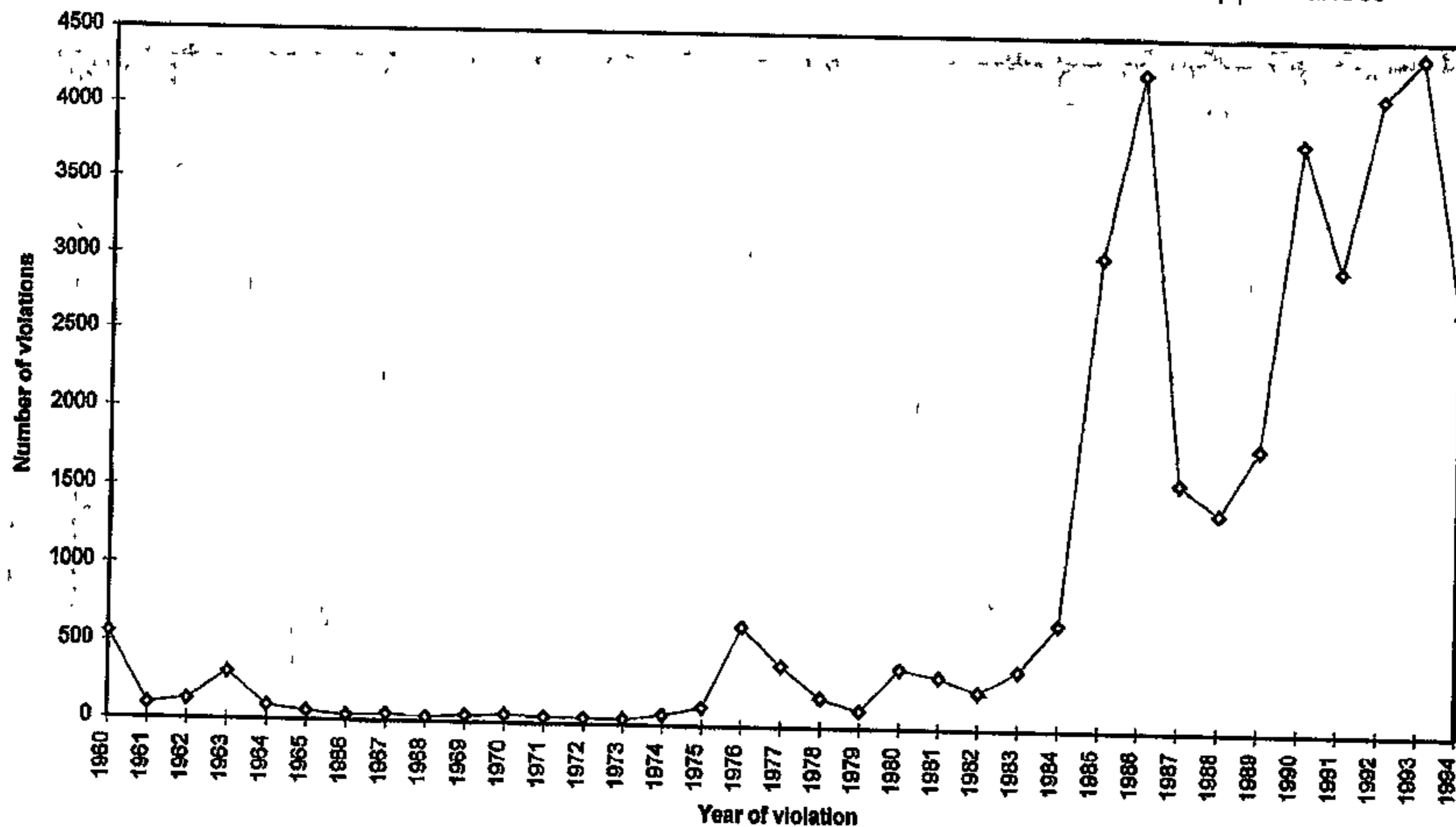
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Shaun Benton reports

(252) ARG 20/6/98



GERALD O'SULLIVAN. 'The database has enabled the commission to solve a number of disappearances'



Gross human rights violations reported to the TRC's Human Rights Violations Committee as at June 1998

tions, and at the beginning of 1993, when almost 4 500 violations occurred.

These are only the violations that have been reported to the truth commission – it is likely that far more occurred. What is certain is that every single one of the state-

ments made by the more than 20 000 deponents was corroborated by the commission's team of investigators, Mr O'Sullivan said.

Oracle SA, a subsidiary of the Oracle Corporation in the United States, was awarded the contract to write the database software after a

dilemma in the commission's offices. It had a choice between Oracle and Sybase.

Sybase respected the apartheid-era boycott, Oracle did not. Oracle is known to have written software for the South African police during apartheid, according to Dr Ball.

But 50% of Sybase is now owned by Denel, the commercialised arm of Armscor.

While the truth commission's intrinsic moral component played its hand, the balance fell in favour of pragmatism. Sybase's connection with Denel would have been too close to an apartheid-era armaments manufacturer and would have resulted in a conflict of interest.

And so began the mammoth task of setting up the truth commission's infrastructure. The commission's offices in Durban, Cape Town, East London and Johannesburg were linked to a central server, also in Johannesburg, with 64-kilobit-per-second digital leased lines from Telkom.

The truth commission – the 18th such body in the world, according to Dr Ball – based its database on two sets of data: one drawn from amnesty applications and one from allegations of human rights violations by deponents.

"The data set from the deponents is more reliable for the big picture than the one drawn from amnesty applications," said Dr Ball. "There is not as much bias in the data from deponents."

"The truth commission could

have taken five times as many statements and we would still be finding new gross human rights violations – 20 000 statements is just the tip of the iceberg."

Dr Ball appears to have taken a personal interest in the systematic patterns of ongoing abuse that display themselves on the truth commission's computer screens, throwing up questions like

■ Was there a core of perpetrators who travelled around South Africa teaching others how to torture? "People have to learn how to torture," he said. "In South Africa, for example, electric-shock torture was very common, as opposed to say, beating on the soles of the feet – a typical method in certain Middle East countries."

■ Was torture systematic? Can we prove this with numbers?

■ Is there a connection between a visiting policeman and a rise in documented instances of torture at a specific police station?

Dr Ball was driven by the need for answers to these questions. With a glint in his eye that revealed furious moral indignation, he spoke of "perpetrator-tracing".

He cited the case of El Salvador, where he narrowed a search of perpetrators responsible for genocidal

numbers of killings down to a list of about 400 army officers.

"Of those, 100 were really, really bad," he said.

"I don't support any particular political line or position in South Africa," he said. "I support human rights. But if people think that I should be equally respectful of those who electrocuted people's testicles and those whose testicles were electrocuted, they must be crazy."

There are 25 unique dimensions of data in the database, said Mr O'Sullivan, linking violations to all manner of roles, times, security units and identities.

The database has enabled the commission to solve a number of disappearances, by matching the dates and places of murders of unknown activists with the reports of disappearances from deponents, saving the investigative unit hundreds of staff-hours, Mr O'Sullivan said.

At the end of the day, Dr Ball said, "our objective has been to represent everything so that nothing could be covered up. Whether we did, that's debatable – but it's not so subtle a story we're trying to tell here."



**SAMORA MACHEL:** his death is 'not really central' to the TRC investigation

## 'No time' for TRC probe into Machel's plane wreckage

ARL 20/6/96

(252)

Nelspruit - The Truth and Reconciliation Commission will not pursue allegations that the wreckage of former Mozambican president Samora Machel's plane was purposely destroyed or given away by police investigators 12 years ago.

Mr Machel's plane crashed into a hillside at Mbuzini, near Komatipoort in Mpumalanga in 1986, after allegedly being lured off course by a false navigational beacon set up by apartheid government agents.

TRC investigations head Christelle Terreblanche said on Thurs-

day that her team had only two weeks left to conclude their investigation and were "racing the clock".

"Our probe is meant to test if there is any substance to allegations that South Africans used a decoy beacon and lured Mr Machel's plane to its fate. We've heard the evidence about what happened to the wreckage, but just don't have time to go into it," she said.

"It isn't really central to our investigation and may have to be probed by someone else."

Ms Terreblanche added that

Greg Duffey would therefore not be called to testify before the TRC about the allegations. A White River scrapyard owner, Mr Duffey said this week that he bought the fuselage and engines from a Komatipoort church in 1987.

Mr Duffey earlier said he was prepared to give details about the incident at public TRC hearings.

Ms Terreblanche said Ngwenya Lodge owner Dave Fourie would also not be required to testify about how he obtained the bullet-riddled tail section of Mr Machel's plane. The wreckage is displayed in the lodge bar - Sapa

Did a gun-running ring from Mozambique fuel pre-election violence? Peter Dickson reports from Grahamstown

# 'Lappies' may shed light on Transkei's killing fields

APR 20/6/98

The Truth and Reconciliation Commission is examining whether guns smuggled from Mozambique have been used in the killing fields of Tsolo and Qumbu in the Transkei, where hundreds have died.

The TRC will question controversial policeman FHS "Lappies" Labuschagne next week.

A former security policeman, who worked for the Eastern Transvaal security police out of Middeburg in the 1980s, Superintendent Labuschagne was named by Eugene de Kock as the man who ambushed and killed top MK man Cassius Maahe in Swaziland.

Superintendent Labuschagne was recently taken off the SA Police Services probe into Robert McBride, who is at present in jail in Mozambique on spying and gun-running allegations. The policeman was withdrawn from the case after details of his security police past emerged.

More than 600 people have died in the remote Tsolo and Qumbu areas north of Umata since 1993 - many of them killed by gunmen from munes in

the Transvaal and Free State area, who are paid next to nothing for a bloodletting spree that has defied answers.

But for two years police have believed that a mystery gun-running ring from Mozambique was fuelling the random killings, and behind closed doors at the TRC's Cape Town office on Monday the roots of the killing fields may finally be unearthed.

Superintendent Labuschagne will be quizzed about guns and bullets given to him by convicted Viakplaas killer Eugene de Kock, about hit squads and about how well he knew Mr McBride's accuser Vusi Mbatha.

The TRC inquiry will also centre on Superintendent Labuschagne's "role in the interethnic violence in Tsolo and Qumbu that mainly targets the elderly, women and children".

Superintendent Labuschagne is required to appear at the hearing and is expected to give evidence and answer questions about certain pre-1994 human rights violations.

TRC media officer Vuyani Green said "The purpose of the inquiry is to gain an understanding of the context

in which certain human rights violations were allegedly committed and of the motives and perspectives of the key persons involved."

Eastern Cape Safety and Security MEC Dennis Nee has long believed in a Third Force operation behind the killings in the Tsolo and Qumbu area, a traditional recruitment centre for the munes.

TRC researcher and ex-investigative reporter Louise Flanagan added this week that links had long been suspected between Mozambique gun-running, mine hostels and Tsolo. Some of these links have been confirmed by De Kock in his testimony on the pre-election "destabilisation" era.

Chief of the 50-strong police team tasked with ending the violence, Superintendent Gary MacLaren, says "We have been steadily building up a major network throughout South Africa to try to end the killings

"The hitmen are based on the munes and come to the area to kill and then leave very quickly."

Superintendent MacLaren says the team has recently arrested a dozen hitmen and an executive member of the

secretive Umfelandawonye burial society - made up of migrant workers and initially suspected by the Kroon Commission of being "intimately involved" in the violence - but was not investigating the group. "At this stage, we cannot say that Umfelandawonye is behind the killings," he said.

Those intimately involved in the Tsolo and Qumbu investigation, like the Port Elizabeth-based Human Rights Committee which monitors the killings and efforts by local peace committees, said this week the alleged Labuschagne connection was news to them. It was also news to local police and the Umata offices of the National Intelligence Agency.

A year ago, Transkei police area commissioner Trevor Hayes said he doubted police would ever stop a creeping violence deeply rooted in stock theft, witchcraft and revenge killings, dating from the 1920s and that "the security forces are just keeping the lid on a boiling pot".

On Monday, Superintendent Labuschagne may tell the TRC just what keeps the Transkei pot boiling. - LiveWire



# The mystery of Basson's drugs

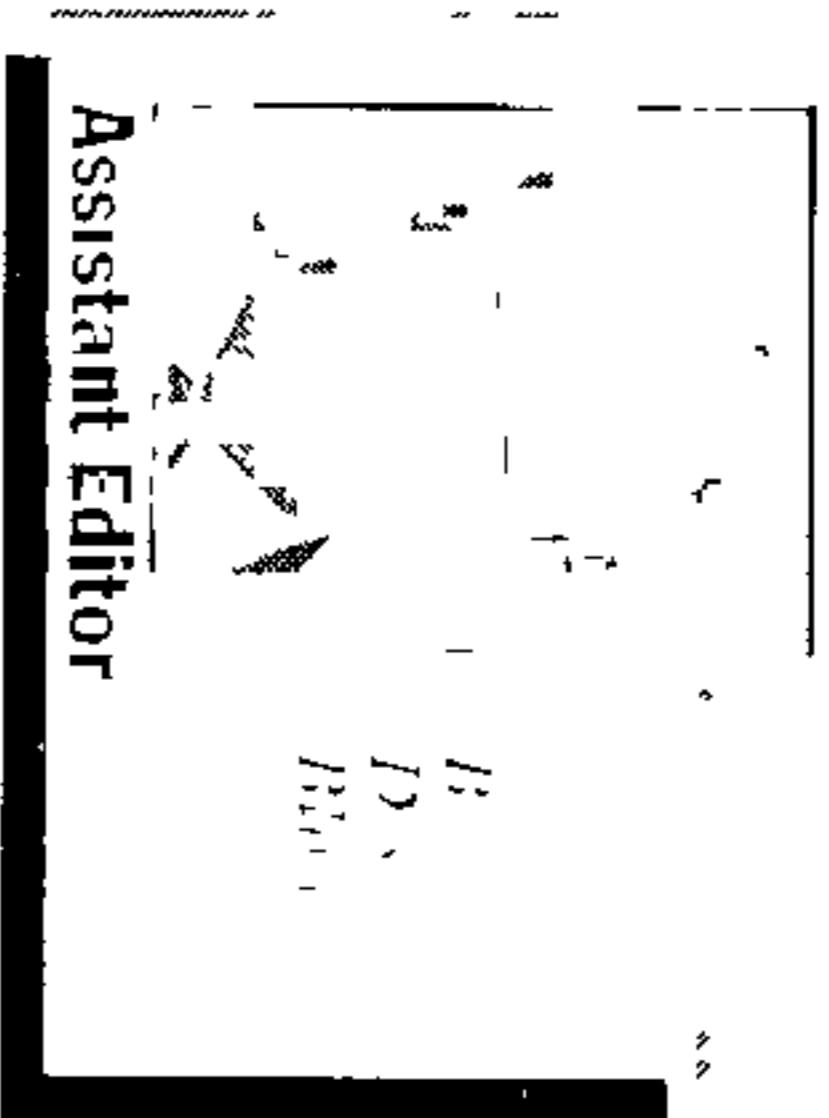
(A92)

##

28/1/1978

## No proof found yet that piles of mandrax, ecstasy and cocaine were really destroyed

No one has yet explained what really became of the huge supplies of illegal drugs manufactured by apartheid's chemist, Dr Wouter Basson. Investigators are probing whether it may have been sold to druglords.



Assistant Editor

Weapons for defence, told the TRC inquiry into chemical and biological weapons he had given instructions that 20 barrels of drugs, including mandrax, ecstasy and cocaine, be dropped in the sea off the southern Cape coast.

However, it is not known whether these alleged instructions were carried out. The AG's office is investigating whether drugs, including a billion rand's worth of ecstasy, were sold to druglords in South Africa or overseas.

Some of the reasons witnesses gave to the TRC for the manufacture of these drugs were farcical, and the AG is investigating whether Basson, who had great influence with the SADF and the government of the old regime, did not have the drugs manufactured for the illegal international trade.

If the South African-manufactured drugs were flooded into the European and American markets, it could cause serious embarrassment for the country, and could be the reason why some of the "official secrets" evidence in the criminal case in Pretoria against Basson has been given in camera.

Basson was arrested last year for manufacturing ecstasy tablets. These are believed to have been meant for the illegal drug market because the apartheid government was no more.

Amid the horrifying evidence given at the TRC hearing in Cape Town, the worst was possibly the allegations that Basson, as head of the defence force's chemical and

biological programme at the time, ordered the development of a vaccine to cause infertility in black women.

Basson has been referred to as South Africa's Dr Joseph Mengele, the Nazi physician who did experiments on Jews and gypsies in the Nazi concentration camps.

Other horrors alleged at the TRC hearings included the development of a compound which would kill but make the cause of death appear to be natural. Cholera organisms by the tens of millions were also developed, as was anthrax to be planted in the gum of envelopes, and in cigarettes and chocolates. Other developments were thallium, cyanide, and umbrellas and walking sticks which fired fatal "bee-stings" which could not be discovered by X-rays.

Then there was the poisoning of individuals, such as Dr Frank Chikane, and the plot to give Nelson Mandela small doses of poison to cause him brain damage shortly before his release.

Because Basson, a cardiologist, was the personal physician to former president PW Botha and had immense influence with the SADF and the former NP government, no one appears to have queried any of his orders.

His colleagues, some of them respected doctors and scientists, were so imbued with the "swart gevaar" fear that they cast ethics aside and never queried whether some of Basson's instructions were for policy or self-benefit, it is alleged.

There are allegations that members of the State Security Council had approved "experiments", and one of the reasons for the TRC subpoenaing PW Botha to give evidence relates to these allegations.

What is also horrifying is that respected medical doctors and scientists were involved in the scheme, many of whom have appeared before the TRC, claiming they were brain-washed by the old regime.

Basson has refused to give evidence before the TRC, claiming it would influence the criminal trial against him which is expected to

begin in August.

Three Gauteng deputy attorney generals will prosecute - one on charges of defrauding the government of R26 million, another for the manufacture and possession of drugs and the third for attempted murder, arising from the chemical and biological programme.

When the police raided Basson's home in Pretoria on the drug charges in January last year they discovered two steel cases alleged to contain documentation on the manufacture of chemical and biological weapons.

Basson intends to apply to the Cape High Court to stop the TRC from forcing him to give evidence which he says will prejudice his upcoming trial.

Members of the AG's investigation team have travelled overseas trying to trace millions of rands, including R7 million he allegedly claimed he paid to international arms dealer Jürg Jacomet in Croatia for mandrax for the South African government.

According to Swiss and Namibian newspapers, Jacomet and Basson were involved in defrauding the South African government of R5 million dollars in an earlier scam.

Basson was arrested in Switzerland for allegedly trying to defraud a Swiss bank of millions in 1994 in co-operation with Jacomet.

Basson was fired by former president FW de Klerk when he came to power, but was rehired by the ANC government when they received information from the United States and British governments who claimed Basson intended to leave the country and they feared he would sell chemical and biological secrets to terrorist organisations.

There are even suspicions that he may have helped President Saddam Hussein of Iraq build up his chemical and germ armory that nearly led to the US attacking Iraq.

One of the charges in Pretoria against Basson concerns a trip to Iran when it was at war with Iraq. The TRC hearing has been postponed.

# M

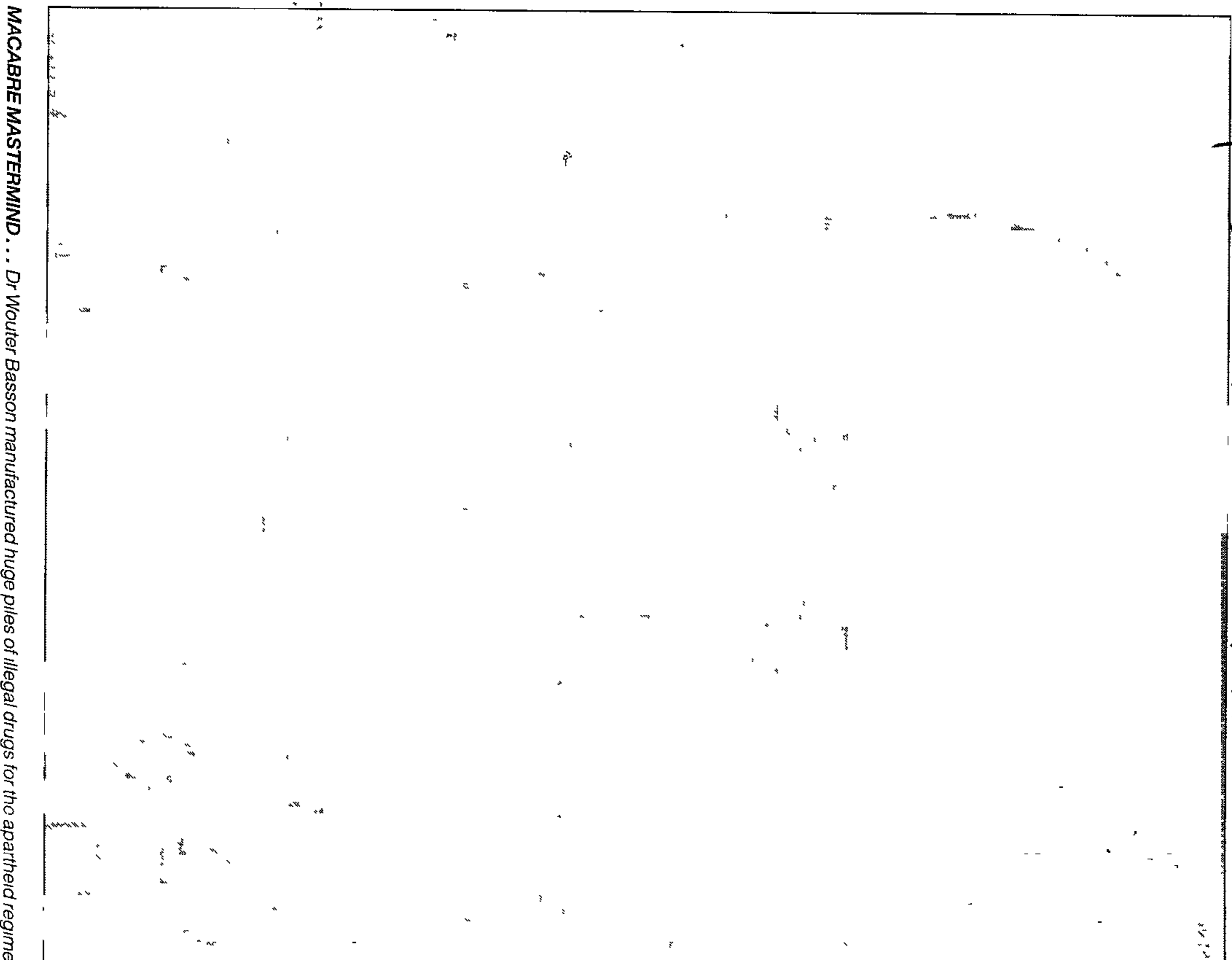
YSTERY surrounds the question of what happened to huge supplies of drugs manufactured by Dr Wouter Basson, who was in charge of the apartheid government's chemical and germ warfare programme.

City Press understands that the special investigation squad of the Gauteng Attorney General, Dr Jan D'Oliviera, has had no success in discovering what became of the huge supplies of mandrax, ecstasy and cocaine manufactured by Rood-plaat Research Laboratory, a front company for the manufacture of drugs.

There have been allegations that the mandrax was smuggled to the Western Cape where it caused the present gang wars. However, the AG's office has no evidence of this.

Even if it is true, it does not explain what happened to the billion dollars' worth of ecstasy manufactured by Delta G Scientific - a front company for the old regime's biological and chemical programme.

Dr Nel Knobel, former surgeon-general of the SADF, who had been project leader of Operation Coast, which was supposedly a project for the manufacture of chemical



MACABRE MASTERMIND... Dr Wouter Basson manufactured huge piles of illegal drugs for the apartheid regime

# TRC hears of cover-ups, celebrations to murders,

## Amnesty applicant testifies on Vlakplaas killings

CP 2116/98 (A57A)

THE 1985 killing of student activist Batandwa Ndonga was followed by a braai and drinks to celebrate the success of the operation.

Former Vlakplaas Askari Mbuso Shabalala also received a R500 bonus from Vlakplaas commander Eugene de Kock for his part in the killing.

He said "I think I was given the money because we had done a good job".

These details emerged during Shabalala's cross examination at the TRC amnesty hearings into Ndonga's death at the Umtata Civic Centre this week.

Shabalala, stationed at Vlakplaas between 1981-1993, revealed that former minister of Law and Order Adrian Vlok frequently visited Vlakplaas to get reports from officers and hear what they were doing.

Shabalala is applying for amnesty along with convicted apartheid assassin De Kock and inspector Gcnusiko Dandala, now an inspector in the SAPS.

De Kock was present throughout the three-day hearing. During the lunch interval on Thursday he was seen standing outside behind the Umtata Civic Centre, talking and laughing with his lawyer.

De Kock's lawyer Schalk Hugo, argued in cross-examination of Shabalala on Friday, about a cover-up between the SAP and Transkei police at a "very high level".

In an interview with ECN, Hugo said "There must have been co-operation at a very high level and I'm not only talking about generals and colonels".

Evidence indicated a cover-up in the court case after the killing. Both Danadala and Shabalala ap-

peared in the Umtata Supreme court on charges of killing Ndonga, but the murder charges were dropped.

Shabalala said when he returned to Vlakplaas after his first appearance he was told by De Kock that the case had been "disposed of".

Shabalala said he was then given a new name and identity document.

In cross examination, Danadala said differences between his original statement made at the time of the killing and his amnesty application, were a result of an attempt to cover-up what had happened.

He said he received assistance from Transkei's then-head of security General Leonard Kawe in compiling the original statements.

Kawe's council denied that Kawe had spoken to Danadala about the incident and said Kawe would deny any suggestion of a cover-up.

Ndonga was gunned down by three Vlakplaas askaris and Danadala after he jumped from the window of the minibus in which they were travelling.

The post mortem revealed that his body was riddled with 15 bullet wounds.

The askaris had travelled from Vlakplaas with a general to "look for terrorists in the Eastern Cape".

They linked up with Danadala at Barkley East before fetching Ndonga from a house in Cala.

The lengthy cross-examination of Danadala and Shabalala means it is unlikely De Kock will testify and a later date will be set for his hearing.

A contingent of about 30 policemen were present throughout the three-day hearing. Sniffer dogs checked the building and surrounding areas for explosives - ECN Weekend Service

**AMNESTY BID** . . . Eugene de Kock, who is applying for amnesty, also attended the TRC hearing at the Umtata Civic Centre into the murder of a student activist

**LAST LAUGH** . . . Soweto businessman, Joshua Nkabinde, in happier times before he was mercilessly gunned at his chicken outlet at Ikhwezi station on Wednesday, shortly after a meeting with taxi operators

# Toxic unfolding of white supremacy war

By DESMOND BLOW

THEY TROOPED before the Truth and Reconciliation Commission (TRC), the outwardly respectable doctors and scientists of whom the 'volk' were once proud, to tell of their actions to assist the South African Defence Force (SADF) keep South Africa white

They were to be witnesses in the upcoming trial of their erstwhile leader Dr Wouter Basson, head of chemical and biological warfare of the SADF, and former managing director of the SADF Delta-G front company, Dr Phillip Myburgh, who all have to appear in the Pretoria High Court later this year

There was the former surgeon-general of the SADF, General (Dr) Niel Knobel, Dr Schalk van Rensburg, former senior veterinarian at Ondestepoort, microbiologist Mike Odendaal, Dr Andre Immelman, bio-engineer Dr Jan Lourens, Dr Daan Goosen, former head of the secret chemical and biological warfare unit at Roodeploat Research Laboratories (RRL), Dr Lothar Neethling, former head of the SA Police forensic laboratories, and Dr Wynand Swanepoel, former director of RRL.

From their mouths and affidavits came a story which would have matched any James Bond thriller, except that it was horrifyingly true

Knobel, a doctor who headed the medical services of the defence force — and whose

calling is actually to save lives — said he had been head of Operation Jota, initially Operation Coast, and had authorised payment of thousands of dollars to Basson to travel to Croatia to purchase components for the drug Mandrax, which the SADF wanted to use as an incapacitant

He had also authorised money for Basson to pay bribes

Knobel said he had ordered that 20 barrels of drugs, including mandrax, cocaine and ecstasy be dumped into the ocean after a diplomatic intervention by the United States and Britain, who expressed concern about South Africa's chemical and biological weapons programme

The TRC was shown a document in which the former State Security Council recommended in March 1986 that Nelson Mandela should be released from jail outside South Africa and in poor health

Former medical researcher, Van Rensburg, who admitted to co-operating with the SADF chemical and biological warfare programmes, said his colleague Immelman, who was working at RRL, told him there was a plan to give Mandela small doses of poison in his medication in prison shortly before his release to cause brain damage

Apparently this plan was scrapped because it was argued that someone tougher than Mandela might succeed him

Immelman, who will probably be a chief witness against Basson and Myburgh in their trial, did not testify before the TRC but

submitted an affidavit detailing his role in the programme

Immelman said in his affidavit that he had expressed his concern to Basson about poisoned-laced drinks ordered by the SADF, and that Basson had told him they had been approved by the security council

He said that orders for various deadly products were made by SADF colleagues to Basson while sitting in expensive restaurants in Pretoria

He said Basson's friends were introduced by code names and placed orders for items ranging from poisoned drinks, cigarettes and chocolates to bottles of cholera and even snake poison

Goosen, also a former managing director of RRL, told the TRC that SADF scientists tried to develop a chemical that would be effective against blacks only

The purpose was to control the growth of the black population so that whites could continue to dominate

He said in 1983 the government began trying to develop a drug that would be effective against "pigmented people only"

He said initially a fertility drug was sought that would prevent black women from having babies

He said Basson had approached him about trying to develop the drug

Goosen said he was tortured by what had happened in the past and had suffered a nervous breakdown

"But what grieves me is that people who

created the environment in which this happened are today denying it

"You would think that a person like Pik Botha had always been a member of the ANC and had never used words like total onslaught," Goosen said

Neethling told the TRC the police had planned to use mandrax, dagga and LSD to make teargas

He said this decision was taken at a meeting held by then Minister of Law and Order, Louis le Grange

Neethling said Basson had been entrusted to try and produce such a teargas and Basson was supplied with about 200 000 tablets of Mandrax and quantities of LSD and dagga

Evidence was also submitted sketching attempts to poison various political figures and the attempt on the life of Dr Frank Chikane, then head of the World Council of Churches

Chikane had his underpants sprinkled with poison

However, the toxicologists thought he was going to Namibia but instead he went to the United States, where he became ill, and doctors diagnosed the poison and saved his life

Both Basson and Myburgh have been subpoenaed to give evidence to the TRC but are resisting as they believe it could prejudice their trial on criminal charges they are facing later this year

■ See article on Page 9

CP 2/16/98

(252)

## Bomber tells why he did it

A former member of the Afrikaner Weerstandsbeweging yesterday told the Truth and Reconciliation Commission how losing his job "because of affirmative action" forced him to leave his home in Germiston and travel to Ventersdorp in North West to prepare for war.

Jan Bastiaan de Wet is one of 10 rightwingers applying for amnesty for the pre-election bombings in Germiston, the Johannesburg CBD and Johannesburg International Airport in April 1994. He said that after losing his job at an East Rand mine, he moved to Ventersdorp to be part of a right-wing plot to disrupt the election.

De Wet, who transported the bomb, which exploded in a trailer in Germiston, killing 10 people, denied that he and Johan Vlok had targeted blacks by planting the bomb next to a taxi rank in Germiston.

However, he said he had not

expected the explosion to affect AWB families as most of them had moved to Ventersdorp in anticipation of the war against the ANC. He said Constand Viljoen and Eugene TerreBlanche had told them that a million Afrikaners would join the fight.

"Now I know that we were only a small group that was misled," he said.

Although he was involved in only the Germiston bomb operation, he had applied for amnesty for the three explosions because "I was working with a group of people who disrupted elections and I associated myself with their work."

De Wet admitted that the Orde Boerevolk, rather than the AWB, admitted responsibility for the bombings at the time.

During cross-examination, Andre Landman, representing one victim, applied for the refusal of amnesty committee member Wynand Malan, saying he was biased. Staff Reporter

(252) Star 23/6/98



Major problems were looming because of negative findings by the truth commission, an SA International Diplomats' Association (Saida) meeting in Pretoria heard yesterday. Many victims would have complaints, feeling that they were entitled to reparation for gross human rights abuses. Present at the seminar were, from left to right, Saida president Regina Nzo, Saida deputy president Sandra Black-Pahad, deputy director-general of multilateral affairs at the foreign affairs department Abdul Minty and truth commissioner Fazel Randerera

## Truth body's findings 'may spark major legal battles'

PH 23/16/98

(252)

PRETORIA — Major problems were looming with regard to negative findings by the truth commission on high-profile figures, political parties and some institutions, commission member Fazel Randerera said yesterday.

"I see major legal challenges ahead," he told a seminar hosted by the SA International Diplomatic Association in Pretoria.

Randerera said the commission's limited investigative capacity had compelled it to work on the principle of

minimal corroboration of the information it received. It could be expected that those affected by negative findings would contest the accuracy of the commission's information.

Complainants were also likely by victims who had survived gross human rights violations, and who felt entitled to reparation. Many viewed the commission process as a negation of justice. "They see the golden handshakes that members of the former government receive, the legal representation

they have, and granting of amnesty," Randerera said. "There is a perception of a perpetrator-friendly commission."

Randerera said another problem facing the commission was what to recommend about people implicated in commission hearings who had not applied for amnesty.

"Should they be prosecuted, or should there be another form of censure?" Randerera said SA remained a deeply divided society marked by racism. Reconciliation was a costly and

painful process, and could not be achieved overnight.

"It would be unfair of the commission to demand that people forgive. To do that too soon would be like treading on holy ground." The wounds of the past had to be acknowledged without allowing the country to be paralysed.

"A start has been made with reconciliation, but we still have a long way to go," Randerera said — Sapa

More reports: Page 4

# Six get amnesty for PAC attack on farmer

CAPE TOWN (2/22) The amnesty committee of the truth commission yesterday granted amnesty to five members of a Pan Africanist Congress (PAC) task force who killed a Free State farmer and robbed him of a car, firearms and household goods in 1993.

It also granted amnesty to an African National Congress Youth League member who defected to the task force for the attack, the commission said.

The committee accepted that the six applicants — three of whom were convicted of murder and robbery, and three of whom were convicted of robbery — believed in good faith that they were advancing the PAC's struggle for the return of land to black people when they committed the crimes.

The committee granted amnesty to Thabo Paulos Mjikelo, Simon Olphant and Petrus Mohapi for the murder and robbery of John Bernard Smith of Wesselsdal on July 25 1993, and for the unlawful possession of a firearm. They had been sentenced to 25 years in prison for the offence.

It also granted amnesty to Jacob Mabitsa, John Xhiba and

John Wa-Nthomba for robbery with aggravating circumstances, and for unlawful possession of firearms.

They had been sentenced to 12 years in prison.

In its decision the committee quoted the evidence of Abel Kotle, regional commander of the Azanian People's Liberation Army (Apla) in Bloemfontein, about the PAC's "Operation Great Storm" of the early 1990s.

"He stated that Operation Great Storm was decided upon by Apla's military commission, which included the political leadership of the PAC and the military leadership of Apla," the committee said.

"He said that one of the phases of Operation Great Storm was to step up attacks on farmers because the PAC believed that the farming community had participated in the dispossession of the African people."

The committee said: "We are satisfied that the applicants were members of the task force of the PAC .. when they committed the offences in question and that in stealing the items mentioned .. they did so in compliance with the 'repossession' policy of Apla."

Sapa  
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## COMMITTEE MEMBER'S RECUSAL SOUGHT

# 'He's biased towards AWB'

CT 27/6/98 (ANA)

**JOHANNESBURG:** Families of victims of a 1994 bombing campaign by the AWB have objected to an amnesty committee member's line of questioning and want him removed.

**T**HE Truth and Reconciliation Commission's amnesty committee yesterday rejected a request that one of its members, Wynand Malan, recuse himself on the grounds that he was showing bias towards a former Afrikaner Weerstandsbeweging bomber applying for amnesty.

The application for Malan to recuse himself came from Andre Landman who is representing families of victims of the right-wing bombing campaign shortly before the April 1994 election.

Landman claimed that Malan was assisting former AWB member Jan Bastiaan de Wet by asking questions that would improve his chances of obtaining amnesty.

Committee chairperson Judge Ronnie Pillay said the committee had considered Landman's application and decided to turn it down. He said full reasons for the decision would be given later.

Landman made his application on the basis that he believed Malan was trying to "put words into the mouth" of De Wet that would put his application for amnesty in a better light.

De Wet told the committee that the AWB had never claimed responsibility for the bombing campaign, but other smaller organisations such as the Orde Boerevolk had. Malan asked De Wet whether these organisations were not really affiliated to the AWB and were taking responsibility to deflect attention away from the umbrella organisation.

De Wet agreed this was possible.

Applicants for amnesty need to prove to the committee that their actions were taken with a political objective.

Earlier De Wet described how the bomb which later exploded in

a Germiston taxi rank, killing 10 people, had been in a trailer pulled by his car. He said he knew the trailer contained a gas-cylinder bomb which had been covered with sand.

He and other AWB members had tried earlier to steal cars for use in bomb attacks but were unsuccessful. When he was told by superior AWB officers that his own vehicle would have to be used to carry the trailer, De Wet insisted that he would allow his red Nissan Skyline to be used on condition he drove it himself. He said he and other bombers would have detonated the bomb and killed themselves if stopped at a roadblock while on the way to blow up the taxi rank in April 1994.

He said on the way he noticed one of the men in the car was holding two pieces of wire which he said would be used to detonate the bomb if they were stopped. De Wet said at that stage, he and the others were willing to die for "God, volk and vaderland".

However, the bombers were not stopped and the bomb was detonated about 10am on April 25, killing 10 people and injuring eight.

The death toll might have been higher because De Wet said that when they arrived at the rank, there had been two fully laden minibuses present. He said it had not been convenient to detonate the bomb at that stage because he was not in a position to make a U-turn. De Wet said the bombs had been assembled in a way that they allowed only three minutes from the time of detonation until they exploded.

De Wet was later asked by Patrick Bracher, who is also appearing for victims of the bombing campaign, why he had been reluc-

## RAPULE TABANE

**JOHANNESBURG:** A former member of the Afrikaner Weerstandsbeweging yesterday told the TRC how bombing his job to subvertive action had led him to leave his home in Germiston for Ventersdorp in the North-West to prepare for war.

Jan Bastiaan de Wet is one of 10 right-wingers applying for amnesty for the April 1994 pre-election bombings in Germiston, the Johannesburg CBD and Johannesburg International.

After losing his job at an East Rand mine he moved to Ventersdorp to be part of a right-wing plot to disrupt the general election and cause chaos, De Wet said. There he started a guard unit for AWB leader Eugene Terre'Blanche.

De Wet, who transported a

tant to allow his car to be used but at the same time had been willing to give his life.

"So it was a case of 'vir volk en vaderland maar nie vir voertuig' (for people and country but not for motor vehicle)," Bracher said.

De Wet replied that his car would have been important for use by his family if he died. However, he seemed to have difficulty explaining that both he and the car would have been destroyed if they were stopped by police.

De Wet and 11 other AWB members are also applying for bomb blasts in Bree Street in downtown Johannesburg on April 25, a bomb blast at the former Jan Smuts (now Johannesburg International) airport, and several more smaller blasts in Western Transvaal towns.

Two of the applicants, Clifton

bombing which killed 10 people, denied he and John Vlok targeted blacks by putting the bomb next to a Germiston taxi rank.

However, he said he had not expected the explosion to affect AWB families. Most of them had moved to Ventersdorp in anticipation of the war against the ANC. He said Constant Viljoen and Terre'Blanche told them that over a million Afrikaners would join the fight.

"Now I know that we were only a small group that was misled," De Wet said.

Although he was involved in the Germiston bomb operation only, De Wet said he had applied for amnesty for the three explosions because "I was working with a group, and I associated myself with their work".

Barnard and Abraham Myburgh have indicated to their legal counsel that they are not persisting with their applications. However, TRC evidence leader Paddy Prior told the committee yesterday there was still uncertainty about the status of their amnesty applications.

De Wet is serving a 25-year sentence at Leeuwkop prison for his part in the bombings. He said he was told by right-wing leaders at the time including AWB leader Eugene Terre'Blanche, that they had the support of about one million people willing to stage a revolution in support of a volkstaat. He said he realised now that they had only been a small group who were misled by their leaders.

The hearing continues today in the Boksburg city hall. — Sapa



**WIDOW'S WORDS:** Graça Machel to share information

## Machel to tell TRC of husband's death

**JOHANNESBURG:** Graça Machel, widow of the late Mozambican president Samora Machel, will tell the Truth and Reconciliation Commission at a closed inquiry here today what she knows about the circumstances surrounding her husband's death in 1986.

This follows two days of testimony in Cape Town earlier this month on the crash of the Tupolev at Mbuzini near Komatipoort, in which 35 people died.

TRC investigative unit head Dumisa Ntsebeza said the TRC's investigative unit had questioned nine people about the crash, including Craig Williamson, a former military intelligence and security police operative.

Other names were withheld to protect witnesses.

Over the past decade, Machel had made her own inquiries into the death of her husband and hoped to share this with the panel, which comprises chairman Desmond Tutu, Ntsebeza and commissioners Glenda Wildschut and Fazel Randeria.

The panel would also hear testimony from Abdul Minty, deputy director-general of the Department of Foreign Affairs, Ntsebeza said.

Minty is an expert on the former government's military capability and had done his own investigations into the 1986 plane crash.

The Margo Commission of Inquiry into the crash concluded that it was caused by pilot error. A former Soviet team, however, said that a decoy beacon caused the plane to stray off course before it crashed into the mountains at Mbuzini. — Sapa



# PAC men get amnesty for murder of farmer

**JOHN YELD**  
ON THE TRUTH COMMISSION

Five members of a Pan Africanist Congress task force which killed a Free State farmer and robbed him of a car, guns and household goods in 1993 have been granted amnesty by the Truth and Reconciliation Commission. An African National Congress

Youth League member who defected to the task force for the attack has also received amnesty

The six are serving sentences of between 12 and 25 years for robbing and murdering John Bernard Smith and for possessing firearms illegally

They are Thabo Paulos Mjikelo, Simon Oliphant, Petrus Mohapi, Jacob Mabitsa, John Xhuba and John Wa-Nithomba. The commission's

amnesty committee found the men believed, in good faith, that they were advancing the PAC's struggle for the return of land to the African people

The committee quoted evidence given by Abel Kotle, Bloemfontein regional commander of the PAC's armed wing, Apla. Mr Kotle confirmed the six applicants acted in accordance with PAC policy, the committee said. "We therefore accept that

the applicants bona fide believed that by committing the offences in respect of which they seek amnesty, they were advancing the struggle being waged by their political organisation against the then government for the return of the land to the African people," the committee said. "We therefore accordingly find that the offences committed were acts associated with a political objective"

(AFR) ARLT 23/6/98



## Tutu sets a timetable for amnesty committee

PHOTO 24/6/98  
Stephen Laufer

THE truth commission's amnesty committee was likely to complete its work by June next year, commission chairman Archbishop Desmond Tutu said yesterday.

Tutu said the original timetable that had foreseen an end to the commission's work at the end of last year had been "overly ambitious".

"We did not know that more than 7,000 amnesty applicants would come forward."

Current planning foresaw completion of the commission's report to President Nelson Mandela by October, with the truth body, except for the amnesty committee, going into suspension until amnesty hearings had been completed. Two commissioners would act as caretakers.

It is understood the commission will choose the two at a meeting next week. Tutu and his deputy Alex Boraine have apparently said they will not be available for the caretaker role.

Mandela would reconvene the commission in June next year, Tutu said. Any further information emerging from the amnesty hearings would be added to the final report then.

Asked whether the final report would be forwarded to the United Nations, Tutu said that was up to Parliament and Mandela.

Tutu said the commission had achieved a great deal. The suffering of ordinary people had been officially acknowledged, and the truth people had always known about apartheid had been accepted as fact.

The amnesty process had been key to SA's negotiated change. Without it, the security forces would not have countenanced the peaceful move from oppression to democracy.

# Chemical warfare condemned

Josey Ballenger

(252) (43) MD 24/6/98

THE newly formed SA Medical Association (Sama) council has condemned the apartheid-era chemical warfare programme, and mandated its ethics committee to investigate the involvement of medical practitioners, Sama's executive committee said yesterday.

The association also passed a resolution criticising the board of the newly established SA Health Professions Council, which has replaced the Interim National Medical and Dental Council, for not being representative. A third resolution called for transformation in the health profession.

Fazel Randera, chairman of Sama's legal, ethics and human rights committee, said the committee would consider and recommend a course of action to Sama's board of directors against doctors who were involved in the chemical warfare programme. The board would decide if the doctors should be able to continue as registered practitioners.

The matter would be on the agenda of the first committee meeting to be held in the next two months.

Randera, who is also a truth commissioner, emphasised that he was speaking in his capacity as a Sama councillor.

One possible outcome would be a request to the Health Professions Council to investigate individuals implicated by the truth commission or the courts. "It won't be swept under the carpet because we are dealing with people who were victims," said Percy Mahlali, Sama's unity co-ordinator.

Sama was formed last weekend out of the old, mostly white, 14 000-strong Medical Association of SA and the smaller, traditionally Indian and black, Progressive Doctors Group.

Mahlali said Sama was concerned about the composition of the Health Professions Council's board, which was "overwhelmingly white".

Two directors were coloured or Indian, but there were no Africans.

The resolution on transformation meant Sama was "conscious of the divisions (created) in the past". A task group elected last weekend would submit a transformation agenda to Sama's board of directors for adoption.

CT 24/6/98  
(252)

# TRC on track for final report

## OWN CORRESPONDENT

PRETORIA: The Truth and Reconciliation Commission (TRC) is on track to present its final report to President Nelson Mandela in October in spite of plans for its overloaded amnesty committee to continue working for another year.

Addressing diplomats at a lunch at the presidential guest house here yesterday, TRC chairperson Desmond Tutu said the commission's October 31 deadline would be met.

Most of the TRC would end its work at the end of next month and most commissioners would leave in August, he said.

Only two members who were

not part of the amnesty committee would remain to oversee the report process and to help the government implement the proposals.

However, he said once the amnesty committee had completed its work — possibly in June next year — the commission would reconvene to reappraise the report.

Tutu said the reason the amnesty committee required an extended mandate was the overwhelming number of applications.

"We didn't know what was going to happen. We had 7 000 applications for amnesty.

"According to the act, you must have an open hearing where gross human rights violations took place," he said.

Tutu said the amnesty process

had been effective in exposing the true and ugly nature of the previous regime and was an essential element of the miraculous transformation of South Africa.

"We suspected so many things. Now we know they were not just evil, but diabolical. White-coated gentlemen were working in laboratories, looking for something that would affect the fertility of black women or manufacturing cholera and Mandrax tablets. Now we know why so many of our communities suffer from drug abuse."

He said that while granting amnesty to those responsible for terrible crimes was a hard pill to swallow, it was only the promise of amnesty that allowed the transition to occur peacefully.

# 'Afrikaners would have lost war' (252)

By RAPULE TABANE

If the Afrikaners had gone to war, they would have suffered the greatest defeat because their leadership failed them, an AWB member told the TRC yesterday.

Three AWB members applying for amnesty for bomb blasts apologised at the TRC for killing civilians when they planted bombs across Gauteng in 1994.

They said their orders came from Cliffie Barnard, a close friend of AWB leader Eugene TerreBlanche.

"TerreBlanche got cold feet. That is why he sent the TRC a fax instead of facing us," said Johan Venter, who bombed a Randfontein taxi rank.

"I didn't love what I was doing. I did it because I was a soldier," he said.

Venter expressed relief that the war promised by his leaders did not materialise. "If we had gone to war, it would have been the greatest defeat suffered by Afrikaners because of the leadership. Most people sold their homes, cars and left their jobs to go and prepare for war at Ventersdorp. But they were never given instructions."

Star 25/6/98

## 'Terre' Blanche was aware of bombings'

MO 25/6/98 (252)  
BOKSBURG — Afrikaner Weerstandsbeweging (AWB) leader Eugene Terre'Blanche must have known about the pre-election bombing campaign in 1994, but got cold feet soon after the explosions began, the truth commission heard yesterday.

The commission's amnesty committee heard that the campaign which began on April 24 1994 had the support of the highest leadership of the AWB.

A former bodyguard to Terre'Blanche and a captain in the Ystergaarde, Johannes Adriaan Venter, was asked by committee chairman Judge Ronnie Pillay whether Terre'Blanche had known about the campaign. "There was no way he did not know," Venter replied. "I am not saying you are right or wrong," Pillay began phrasing a question, but Venter replied "I'm not wrong, I'm definitely right."

Asked whether the generals in the AWB would also have known about the campaign, Venter replied "Yes, they were the main peanuts in the packet, they would have known."

Venter is one of 10 former AWB members applying for amnesty for their part in the bombing campaign that left 20 people dead and scores injured. Two other members, Clifton "Cliffie" Barnard and Abraham "Koper" Myburgh, have withdrawn their applications for amnesty.

Venter talked about the relationship between Terre'Blanche and his older brother, Andries, who was also a general in the AWB. He said they disagreed on many issues but he believed Andries was a more caring and humane person.

"Andries would have been a better leader because he had the heart for it and would not have dropped everyone in the deep side and left us there," he said.

"When the paw-paw hit the fan, Eugene was not willing to say 'These are my people and they did it for us.' He never did this and got cold feet. In fact, he wasn't even there to get cold feet." — Sapa



**COLD FEET:** AWB leader Eugene Terre'Blanche "didn't stay around long enough to get cold feet", says a former bodyguard

FILE PICTURE

## ET 'knew about bombings'

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"When the paw-paw hit the fan, Eugene was not willing to say 'these are my people and they did it for us'. He never did this and got cold feet. In fact, he wasn't even there to get cold feet," Venter said.

The hearing continues today — Sapa

## Holomisa in UDM driving seat

**JOHANNESBURG**· Bantu Holomisa has been nominated unopposed to lead the United Democratic Movement into next year's elections, according to a final nomination list released yesterday ahead of the party's first national congress here later this week.

Current UDM co-leader Roelf Meyer, who said in February that he would not oppose Holomisa for the post of national leader, has been nominated unopposed as deputy. At the time he said one of the main reasons for the decision was his belief that "no white political leader has the ability to make an impact with the majority of the electorate."

Esau Mbata, a senior lecturer at the University of Transkei, is the sole candidate for the position of national chairperson. He is a former ANC member who spent 15 years in exile before returning in 1990.

UDM KwaZulu-Natal provincial chairperson Sifiso Nkabinde will contest the position

of national secretary against Northern Province lawyer Jacobus Maseka. Nkabinde, a controversial figure in the Midlands, was expelled from the ANC last year and was acquitted last month of 16 counts of murder.

Maseka was formerly the deputy president of the People's Progressive Party established by Rocky Malebane-Metsing, who was expelled from the ANC.

Should Nkabinde be elected, he will be able to hold both posts, according to the party's constitution.

Former NP Gauteng MPL Takis Christodoulou, who resigned from the National Party to follow Meyer, has been nominated unopposed as national treasurer.

About 1 200 delegates — two representatives from 600 branches countrywide — are expected to gather at Nasrec on Saturday to elect an 11-member national management committee. The congress will see the unveil-

ing of party policy — developed since September last year when Holomisa's National Consultative Forum and Meyer's New Movement Process merged to form the UDM — as well as the adoption of a constitution.

Elections for the contested posts will take place after the constitution is adopted and include those of national deputy chairperson, national deputy secretary, national financial planning and fundraising officer, national organiser, and two vacancies for national deputy organisers.

Nilo Botha of the credential committee said the 11-member national management committee would probably not serve a full three-year term, as another national congress would probably be held after next year's election. The party's constitution states that a national congress must be held at least every three years, but can be held sooner if necessary — Sapa

# AWB 'ignored woman while planting bomb'

(252) Star 26/6/98

By RAPULE TABANE

A victim of the AWB bombing spree in 1994 has told the Truth and Reconciliation Commission how two white men ignored her before detonating a trailer bomb in front of her Germiston shop.

Mavis Phungula of Katlehong said she had asked them what the trailer contained and they just walked away from her.

She was testifying yesterday in Boksburg where 10 rightwingers are applying for amnesty for bomb attacks carried out between April 24 and April 27 1994.

She lost the hearing in an ear and suffered injuries to her eyes when the bomb exploded 10 minutes after the men left.

Phungula, who was seven months pregnant at the time, said doctors nearly performed a caesarean operation after the heartbeat of her unborn baby became irregular.

"I have no forgiveness . as men with wives and children, couldn't you feel for a woman who was pregnant? Couldn't you change your target?"

Sidney Ontong, whose son

was killed in the Germiston attack, said he would not accept an apology from any of the applicants. He said the only reparation that would satisfy him would be for them to serve their sentences in jail.

The hearing has been postponed until September 14, when Nico Prinsloo, former AWB secretary-general, will testify in mitigation of sentence.

The 10 men have told the committee that Prinsloo ordered bombs to be made and set off regularly, starting from April 24 1994 in Johannesburg.

If the 10 applicants receive amnesty, there may have serious implications for Cliffie Barnard and Abraham Koper Myburgh, both of whom withdrew their amnesty applications. The two, who demanded general amnesty and claimed the TRC was not representative, may open themselves to civil claims.

Lawyers for the victims estimate the damage caused by the bombs at R50-million. The lawyers have also warned that if Prinsloo testifies, he must face the consequences, as he has been implicated.

# TRC ducks

## Quatro (1977)

MTG 26/6 - 2/7/98

Tangeni Amupadhi

**T**he Truth and Reconciliation Commission has decided that people responsible for human rights atrocities in African National Congress detention camps will not have to testify publicly about their deeds.

Dumisa Ntsebeza, head of the commission's investigative unit, said this week public hearings on Quatro and other camps will not fit into the commission's calendar. However, enough material has been gathered on Quatro for the commission's final report. "We have more than enough information on the ANC, more than we have on the South African Defence Force, for instance," Ntsebeza said.

Ntsebeza said the fact that the ANC had already testified in public eliminated the need for another hearing. He praised the ANC as the only movement to have done a thorough "introspection".

It is not known how many ANC members responded to a call two years ago for those who believed they committed human rights abuses to approach the commission. Truth commission representative Mdu Lembede said some perpetrators wanted to bare all on condition they were given indemnity, extended to other countries. But the commission's mandate does not reach beyond our borders.

But the decision may not go down well with relatives and friends of alleged enemy agents who were tortured or murdered.

Land claims commissioner Joseph Seremane, whose brother Chief Timothy Seremane was executed at Quatro, says the commission was never going to have enough time.

"Maybe the government wants to keep the pain as short as possible, but if we are serious about healing the wounds, there are a lot of things that have to come out," he said.

The ANC told the truth commission that Timothy Seremane was an apartheid spy and referred to his police handler only by rank and initial. Joseph Seremane asked the commission for more information, but he has had no reply.

The ANC's Ronnie Mamoepa says the decision not to have the public hearings was perhaps "an expression of confidence" in the ANC's submissions.



# Flawed but potent version of the truth

(252) M+G 26/6-2/7/16

Steven Robins  
CROSSFIRE

**C**laudia Braude recently criticised Antjie Krog's much acclaimed book *Country of My Skull*, for endorsing a postmodern sensibility that celebrates the slippery and subjective character of truth claims (*Friday*, June 12 to 18)

The book, based on Krog's personal experiences as an Afrikaans radio journalist covering the Truth and Reconciliation Commission, raises important questions concerning historical truth

Braude criticises Krog for seeming to question the very possibility of arriving at the truth of apartheid. Krog writes that she has difficulty even pronouncing the word "truth". How then will the truth commission's final report deal with the troubling question of historical truth?

Braude's wariness of slippery truths, historical revisionism and moral relativism is not entirely unfounded. It has a dangerous precedent in the German historian's debate, or *historiker streit*, that raged in West Germany in the mid-1980s

German revisionist historians such as Ernst Nolte argued for an understanding of Nazi anxieties of Bolsheviks that purportedly led to Adolf Hitler's Final Solution

In South Africa we have heard similar versions of historical revisionism whereby former minister of law and order Adriaan Vlok has claimed that it was fear of communist terror and tyranny that motivated apartheid repression and counter-revolutionary strategies

But without reliable historical narratives of apartheid, we will allow conservatives such as Vlok to deploy moral relativism and revisionism to obscure the brutal facts of apartheid's nightmare of racial capitalism

The commission hearings have complicated our understanding of the past, making it increasingly difficult for the commission to produce a neat and unambiguous account of the apartheid past

However, in acknowledging the subjective, situational and elusive character of all truth claims, one could play into the hands of conservatives who are now claiming that the human rights violations of the liberation movements can be compared to those perpetrated by the apartheid state

While providing an invaluable archive on apartheid human rights violations, the commission hearings have also complicated attempts to produce the kind of seamless heroic nationalist narrative of the kind produced in neighbouring Zimbabwe, where Robert Mugabe's ruling party, Zanu-PF, indirectly controlled the production of official histories of the liberation struggle

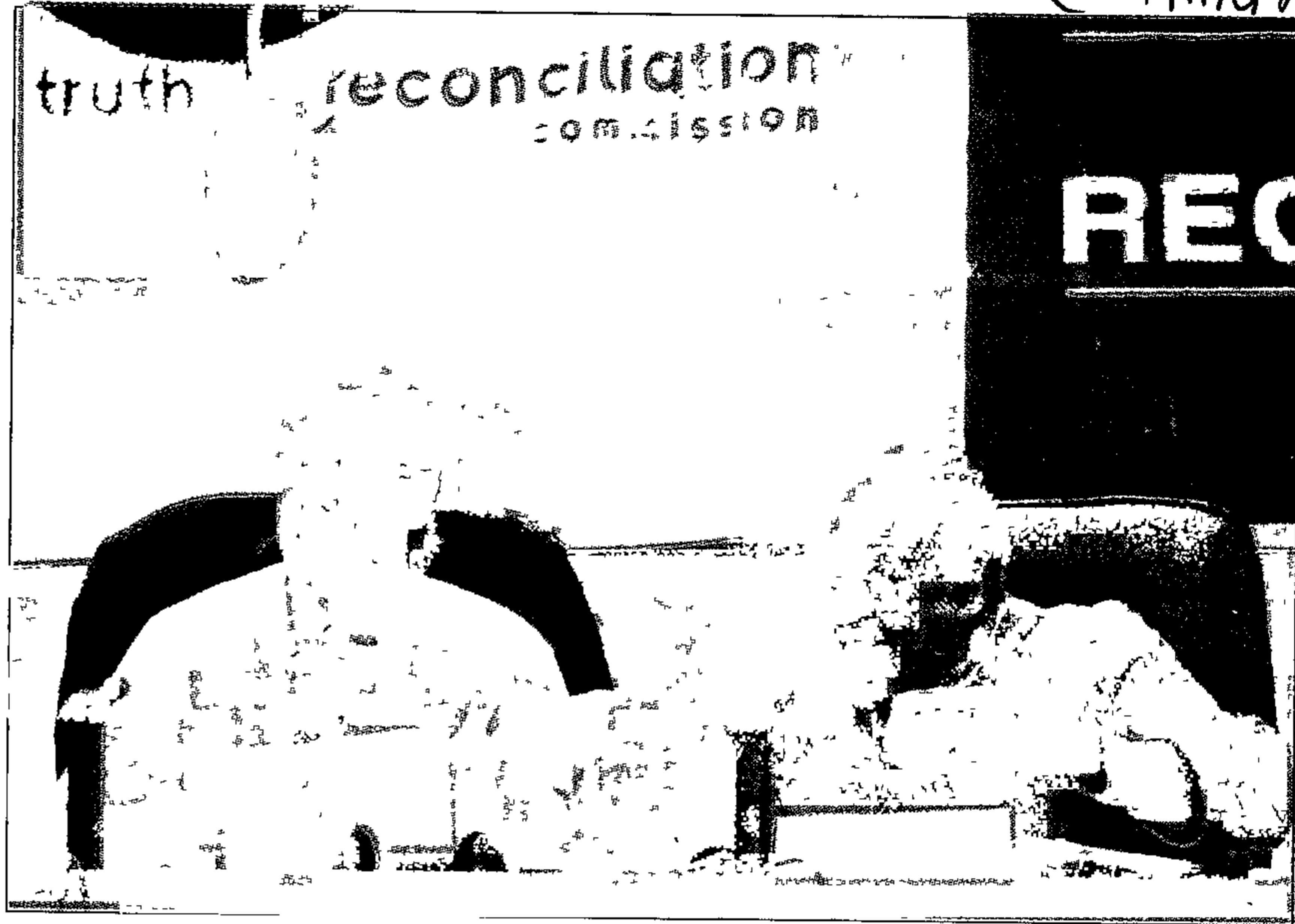
The Zimbabwean state incorporated influential academic historiographical accounts of the guerrilla war into a mythology of nation-building that privileged and celebrated the role of the Zanu-PF in the anti-colonial struggle

In this account, the guerrilla violence was represented as heroic resistance in a sanitised form that elided references to the killings of alleged "sell-outs". It also foregrounded the Zanu-PF's role and minimised the contribution of another party, Zapu, to the liberation struggle

By contrast, in South Africa the media have given prominence to commission hearings that have opened up a highly visible public accounting of the complexities and ambiguities of "the struggle"

While the official narratives of South Africa's liberation struggle continue to highlight its heroic character, the commission hearings have allowed a multiplicity of voices to be heard

For instance, the commission has heard



Important history: While the Truth and Reconciliation Commission cannot deliver 'the truth', it can help to create an invaluable public archive about the past.  
PHOTOGRAPH: RUTH MOTAU

testimonies and evidence of not only the torture and killing of anti-apartheid activists by agents of the South African state, but also victims of African National Congress and Pan Africanist Congress terror attacks, incidents of torture in ANC camps, and the necklacings of alleged apartheid informers

Although it was initiated by the ANC, the commission hearings have complicated heroic struggle narratives and allowed for a far less monologic account of the past than was initially anticipated. Testimonies of abuses came from South African citizens situated on all sides of the conflict

In the next few months the commission will be finalising its official report based on almost two years of human rights violations and amnesty hearings

The report is likely to generate considerable debate and controversy. Already we have heard the criticisms Professor Hermann Giliomee, who has expressed concern that the report will become an ANC-biased official history of South Africa's past

While the report will no doubt be written from the perspective of those sympathetic to the fight against apartheid, this in itself is not necessarily a problem. After decades of apartheid state propaganda, a strong argument can be made for the need of an official account of the past written from the perspective of anti-apartheid activists and intellectuals

Although such an endeavour will inevitably be a partial and incomplete version of South Africa's recent past, this does not mean that there will not be opportunities for alternative histories that fill in the gaps, silences and biases of the commission's final report

It will also be up to South African academics, journalists, film-makers, artists and writers to take up this challenge. The commission has provided us with considerable archival material with which we can begin the long and arduous process of working through the apartheid past

Numerous journalists, academics, writers and political commentators have tried to make sense of the emotional roller-coaster that began with the first commission hearings in East London. The gruesome revelations of the state terror and political violence of the apartheid era shocked and numbed a nation struggling to come to terms with its traumatic past

While commissioners and journalists speak of the difficulty of emotionally and psychologically dealing with the raw pain of victims' testimonies of violence, con-

servative whites such as PW Botha continue to be in a state of denial. They derisively label the commission the "crying game" and complain that it is biased in favour of the liberation movements

They constantly refer to the human rights violations perpetrated by the liberation movements and refer to incidents of torture and killings in ANC camps in Angola, the Mandela United Football Club, the necklacings and so on

While the commission report will address violations perpetrated by all parties, including the liberation movements, it remains to be seen how these violent incidents will be framed within the overarching narrative of the story of apartheid

Meanwhile many South Africans are profoundly sceptical of the theological language of forgiveness and reconciliation espoused by commission chair Desmond Tutu and his deputy, Alec Borraime

Despite these challenges, there is widespread recognition among South Africans that amnesty was perhaps an appropriate and politically necessary compromise, given the balance of forces at the Codesa constitutional negotiations, as well as the real threat of right-wing political mobilisation

**W**hile this strategic perspective based on an understanding of the "larger picture" may not ease the pain of the families of victims, it does perhaps explain why the ANC and its supporters have gone along with this powerful, yet flawed, process

What is also obscured in this process is the connection between apartheid bureaucratic violence such as the forced removals from District Six and Sophiatown, and post-apartheid criminal and gang violence and poverty. By recognising these continuities of apartheid, it becomes possible to link the banality of apartheid bureaucratic terror to the everyday violence and poverty of the 1990s

By focusing on apartheid killers and torturers such as Eugene de Kock and Ferdi Barnard, the commission and the media have deflected attention away from the fact that millions of whites voted the National Party into power every year since 1948

This focus on extraordinary violations has also allowed whites to convince themselves that apartheid is dead and buried, this obscures the continuities of racialised poverty produced through decades of apartheid social engineering

Critical commentators, such as Profes-

sor Mahmood Mamdani, have taken the commission to task for focusing exclusively on gross human rights violations to the exclusion of the more mundane and systemic bureaucratic violence of apartheid, for instance, pass laws, bantustan policies, group areas forced removals and racial discrimination in health, education, housing and sport

This focus on "extraordinary" violence has allowed white South Africans to escape moral and political responsibility for apartheid bureaucratic violence that they endorsed by voting for the NP. It has also allowed the systemic socio-economic legacies of apartheid to recede from public discourse

John Pilger's recent controversial television documentary *Apartheid Did Not Die* addressed these more structural traces of racial capitalism. Pilger provides compelling evidence of racialised poverty by contrasting the opulence of the historically white suburbs such as Sandton, Houghton and Constantia with the dire poverty of the black townships

Pilger seems to suggest that as much as Tutu and the commission may try to bring about national reconciliation through the revelation of truth, without a fundamental process of social transformation, this is likely to be an unfulfilled and incomplete project

Why then were government representatives so quick to dismiss and disparage Pilger's seemingly self-evident documentary? Why was it caricatured as Loony Left polemic? Whereas critiques of racial capitalism were once accepted as truth within the liberation movements, they are now dismissed by the new ruling class as pure polemic and naive utopian socialist rhetoric. Clearly this particular truth of Pilger's, namely that apartheid is far from dead and buried, does not fall within the brief of the commission

However, it does draw attention to one of its major shortcomings: its quest for reconciliation in the absence of redress of apartheid's socio-economic legacies

While the commission cannot deliver either "the truth" or social transformation, it can nonetheless help to create an invaluable public archive about the apartheid past. Such an archive will be particularly useful when conservative revisionists and moral relativists start claiming that apartheid was not as bad as it is made out to be

Dr Steven Robins is affiliated to the department of anthropology and sociology at the University of the Western Cape



# All whites are guilty of the apartheid sin

AALG 26/6/98 (252)

The bitter spat between apartheid assassin Eugene de Kock and his political master, former president P W Botha, in a George court a few weeks ago was bound to be misread

It deepened an already pervasive deception that the evil of apartheid could reasonably be reduced to the conduct of two Afrikaners and, by association, Afrikanerdom itself.

The presence of a Botha and a De Kock, as the embodiment of apartheid evil, offered a convenient temptation to overlook the absence from the neat confines of the court of the millions who really provided apartheid's foundation

It is the kind of tempting deception that, particularly since 1994, has been the source of false innocence, especially, although not solely, among English-speakers

Quite rightly, the question of guilt is central to this debate – more specifically, the cruel insistence by the populace on apportioning blame

Whose fault was all of this? Who should be the fall guy? Who is really to blame?

P W Botha? Eugene de Kock?

Or should Afrikaners, as a group, alone accept moral responsibility?

Sadly, however, the debate about accepting responsibility seems to centre on these questions only, not on addressing crucial issues

First of all, there is the assumption that there is (or was) something like Afrikaner hegemony and therefore Afrikaners could, and should, as a group accept responsibility for what happened

Yes, it is true that the Afrikaner – to a large extent – has played a centre-stage role in the truth and reconciliation process

After all, most perpetrators of human rights violations are people with Afrikaner names. So it is with most of those asking for amnesty

But a worrying trend among many English-speaking whites in this country is to absolve themselves from the process

"It's all those bloody Boers who did it. I've been dead against it right from the start"

"I never voted Nat. Don't count me in," seems to be a standard reaction

Or that oft-repeated phrase: "I never supported apartheid."

One has only to listen to the submissions from big business or the so-called liberal English press to marvel at their aptitude for self-absolution

After having listened to the blood-chilling and sinister details of the apartheid government's chemical "warfare" programme in recent weeks, one is left with a sense that to merely argue that you didn't know about these things is not enough

In fact, it is about time that whites admit that this refrain about not knowing is nothing more than a ruse

Recent revelations to the Truth and Reconciliation

Commission about chemical warfare and an attack by

Eugene de Kock on P W Botha in the George Magistrate's

Court have rekindled the debate about the Afrikaner's role in

our chequered past. But, argues PIETER MALAN, this

debate merely reinforces the self-delusion of many white South Africans



How well do I remember, as a small boy, the conversations of my mom and dad over the dinner table about the rottenness of the "dompas" system – the fact that a black man working for my father could not bring his wife and children to the Western Cape and had to leave once a year, at Christmas, to go and visit his family in "his country", the Ciskei

This, after having been born in Caledon in the Overberg

Or the trip that I, with my dad, undertook to King William's Town to go and fetch his workers after their Christmas holidays

Nothing illustrated the perverseness of the system better than a visit to the "Bantu Administration" offices in King William's Town

***'It's all those bloody Boers who did it. I've been dead against it right from the start. I never voted Nat'***

Yes, we might not have known about the tortures and the chemical warfare and the spiked underpants, but we certainly knew that the system was morally reprehensible

Yet whites did not revolt

In fact, what most of them in this country were doing was buying time

They kept on supporting the system – voting in its elections, paying its taxes, sending their sons to the army to fight the apartheid war

Buying time for themselves in Never-neverland

The truth is that all of us – black and white – knew that apartheid was morally wrong. Rotten to the core

Yet few made more than the lamest effort to oppose that system

What gall now to blame Afrikaners as the only ones responsible

But what is maybe even more surprising, is that the only white South Africans who – in any numbers – engage in the truth and reconciliation process, are Afrikaners

Hardly a day goes by without a letter on the Truth and Reconciliation Commission or Die Burger's letter pages

Yes, most of those letters, like Die

Burger's editorials, express extreme dissatisfaction with the process

They think it is one-sided in that it doesn't deal with the atrocities committed by the liberation movements – but the point is, they say it

And, other than some observers would like us to believe, the Afrikaner response to the TRC is far from unified

When the TRC act was first debated in Parliament's portfolio committee on justice, it was the African National Congress's Johnny de Lange – an Afrikaner – who chaired the meetings

The SABC's radio and television teams reporting on the TRC were, until recently, both headed by Afrikaners – Antjie Samuels and Max du Preez

The same Antjie, this time writing under her maiden name Antjie Krog, wrote a widely acclaimed book (*Country Of My Skull*, Random House) about the process

A book that her critics describe as "a love letter to Tutu"

Yes, P W and Wouter Basson are Afrikaners

But so were Braam Fisher and Beyers Naudé.

So, why the fuss about the Afrikaner and who should carry responsibility for apartheid's atrocities?

On the one hand it is, of course, important to know who gave the orders and who carried them out.

But, if you subscribe to the notion of collective guilt and that whites – like the Germans after 1945 – should carry some of the blame for what happened in the previous 20 to 40 years, then, at least, we should apportion blame where blame is due.

And that it is time to include most, if not all, whites

Even those who voted for the Progressive Party

If psychologists are to be believed, the first step in the healing process is one of denial. Only later comes acceptance and eventual healing

And accepting that past is important for all of us if we want to rebuild this country

And, to do that, we all need to help one another. Victims, perpetrator and supporters

But while Afrikaners are grappling with change – trying to understand their role in our murky past – too many of their English-speaking brothers and sisters are at the airport. Packed for Perth



**Extracting confessions:** former security policeman Jeff Benzien demonstrates his infamous wet-bag torture method at an amnesty hearing of the Truth Commission last year

# State broke the law to uphold the

## Dumping of chemicals into sea contravened London Convention

26/6/98

YED

ON THE TRUTH COMMISSION

(252) ARG

When F W de Klerk's government dumped drugs in the sea so that South Africa could comply with an international convention on chemical weapons, it probably contravened another banning uncontrolled dumping.

During his testimony to the Truth and Reconciliation Commission on the former government's chemical and biological weapons programme, former South African Defence Force surgeon-general Niel Knobel disclosed that an official Air Force flight was arranged in January, 1993, to dump large quantities of drugs into the sea.

The drugs, including Mandrax and Ecstasy, had been manufactured or bought from Croatia and were ostensibly being used in research to develop "incapacitating" weapons. The Mandrax was ostensibly to be used as part of a programme to develop an "incapacitating agent" that could be loaded into weapons such as grenades.

The dumping was to comply with one of the requirements of the Chemical Weapons Convention, to which South Africa had just become a signatory.

But uncontrolled dumping at sea is forbidden in terms of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and

Other Matter, 1972, and its protocol of 1996 (London Guidelines) - more commonly known as the London Convention.

The Department of Environmental Affairs is responsible for implementing and monitoring the convention.

When asked about the apparent contradiction this week, the Defence Force declined to comment.

It said it would not answer questions about the former government's chemical and biological weapon programme until the TRC investigation was complete.

The commission's public hearing on the programme has been

found. This week the Cape Argus sent questions about the incident to the Air Force. These included:

■ Was the flight planned specifically to dump material at sea? If so, who gave the required permission? If not, at what stage did the officer in charge of the aircraft give permission for the material to be dumped, and did he report this subsequently?

■ What type of aircraft was used? ■ Was the Air Force aware that South Africa was a signatory to the London Convention and was any attempt made at any stage to notify the Department of Environmental Affairs about the material dumped by

Dr Basson? If so, when was this done and to whom? If not, why not?

■ Has the passenger list been found and, if so, who were the rest of the passengers?

The Air Force passed the questions to South African National Defence Force Headquarters, which declined to respond until the Truth Commission had completed its inquiry into the programme.

"We don't want to give the newspaper anything that might have an influence on the TRC investigation," said spokesman Louis Kirsteyn.

But he said the SANDF would answer all the questions once the TRC inquiry was over.

adorned to an as yet undetermined date next month.

Wouter Basson, the controversial medical doctor who headed the programme, is seeking a High Court interdict to excuse him from a sub-

poena to testify about his role, pending criminal proceedings against him.

General Knobel, quoting from an official Air Force report about the flight, which has not been made public, said Dr Basson and his companions were flown about 150 nautical miles south of the country, off the Agulhas Bank.

There they unloaded the drugs from their blue plastic barrel containers, placed them in bags and supposedly dumped them in the sea.

General Knobel said that report stated that the exact co-ordinates of the dumping could not be given and the official passenger list could not be

plot CRT 'WEL' Convention

# PAC's second deadline (257) for names expires today

ARG 26/6/98  
A second deadline expires today for the Pan Africanist Congress to produce real names and other details of more than 130 operatives who have applied to the Truth Commission for amnesty.

But the PAC appears no closer to being able to produce the details of the cadres of its armed wing, the Azanian People's Liberation Army, who are identified only by code-names such as Afrika, Bishop, Lucky, The Sting, The Hammer, Star, Kalashnikov, Karl Marx and Slogan.

Because real names and full details of incidents are among statutory requirements for amnesty, the applications now appear set to be scrapped.

There is a suggestion that at least some of the code-named cadres may not actually exist.

Earlier this month Truth Commission chairman Desmond Tutu said that he had lost patience with the PAC after many efforts had failed to secure the information requested.

He said if the PAC did not provide the details by June 12, he would order the amnesty committee to dispose of the applications and they would be declared invalid because they were incomplete.

But the deadline was postponed after an appeal by PAC chairman Stanley Mogoba, who said the information would be provided "as



Losing patience: Desmond Tutu

soon as possible"

But amnesty committee executive secretary Martin Coetzee said yesterday that only three people had come forward – each of his own accord – to give the details and that the PAC had not furnished any more information.

Asked to comment, PAC secretary-general Mike Muendane said the commission was aware that the information linking the code-names with real names was in files seized by security police when former Apla director of operations Letlapa Mphahlele was "abducted" from Lesotho in 1996.

At a recent meeting with the commission, the PAC had asked

for help to recover the files, Mr Muendane said.

"But they did not come forward with that kind of assistance."

He hit out at the Government for not helping Mr Mphahlele recover the missing files.

"I can't understand how the African National Congress as a liberation movement can behave like this towards another liberation movement."

A request to the commission to appeal to the Department of Correctional Services to put the widely scattered PAC and Apla prisoners in just one or two jails to make access to them easier and to provide the PAC with financial assistance to visit them had also fallen on deaf ears, Mr Muendane said.

"Even those who gave their real names but whose forms were not filled in correctly are scattered in prisons all over the country and we don't know where they are," added Mr Muendane.

He hit out at Archbishop Tutu for being "less patient with us than with PW Botha."

"He wouldn't even come to our offices – but he went to Botha's house. Then we ate humble pie and went to his offices. I don't know what more they want us to do."

Mr Coetzee denied that the PAC had raised the issue of the missing files during their meeting.

"That's a completely new story to us," he said.

# Unanswered death row riddles

The mystery of the condemned prisoner's last words, and the three coffins lowered into two graves

(A5A) After 27/6/98

While the Truth and Reconciliation Commission debates whether to investigate allegations that death row prisoners were used in medical experiments by apartheid security forces, another this week spoke out about her son - who she suspects was one inmate earmarked for experiments.

"Half past five, Half past five," were the last words Cameron Adams uttered to his family before being dragged back to his cell on death row at Pretoria Central Prison 16 years ago.

His strange message was just one piece of a dark, dangerous puzzle that spans more than a decade and which has left his family as confused and heartbroken as the day of his alleged execution with fellow inmate Vincent Stuurman.

"My son never died at Pretoria Prison. I don't know where he is but he was never hanged there," Stuurman's mother said adamantly this week.

elliott  
SYNOPSIS



She is one of a group of people convinced that cloak-and-dagger operations were carried out on death row inmates.

"I still think about my boy and what happened to him as if it were yesterday," she said. "The pain is still the same and I don't know how to make it stop."

The men, allegedly buried in sites F23 and F24 at Beersburg cemetery near Mamelodi, were to have been executed at 7am on November 20 1994.

If this is to be believed, then how would one account for the family being shown the wrong graves after the burial, which they were not allowed to attend?

Why would witnesses say they saw three coffins being dropped into two graves? Christian welfare worker Mrs Baisoucos believes these and other irregularities can be attributed to chemical experiments carried

out on prisoners doomed to the gallows.

The journey into the dark side of apartheid science began in 1981 when Baisoucos agreed to assist the families of middleweight boxing champion Adams and Stuurman, then leader of the Spaldings gang in Westbury, after they were sentenced to death.

Her claims are based on what she and family members witnessed from the day before the execution to the cold morning when graves F22 and F23 were covered.

On November 19, Baisoucos, the mothers of the two men and Stuurman's wife visited death row to say their goodbyes. "When Cameron and Vincent walked into the room surrounded by guards they did not look like the same people I had known for two years," Baisoucos said.

"Their skin was covered in white and grey blotches and their complexions had turned to a sickly green. Their speech was slurred and it looked as if they were fighting to stay awake."

According to Stuurman's mother, one of the guards pulled Vincent aside and handed him a large grey and blue capsule, saying he had forgotten to take his medicine.

"I asked him why he was taking tablets if he was going to be hanged the next day," his mother recalled. "He told me it was for a cold."

She found it quite bizarre that a man who was to meet his death within 24 hours would be receiving medication for a cold.

The conversation between the visitors and the condemned men was closely monitored but they managed to converse in gang slang. Stuurman told her in broken Afrikaans, "We are not going to die. They are going to take us underground. Maybe we will meet again but you won't recognise us."

The guards dragged the two men away but not before Cameron shouted, "Half past five, Half past five." Their execution was sched-



WHAT DID HE MEAN? Cameron Adams on his way to prison. His last words to his family were "Half past five, Half past five."

uled for 7am the next day so what was the significance of half past five?

After the visit, Baisoucos was approached outside the prison by a young guard who had recently resigned. "He confessed to me that he resigned because of what was being done to death row inmates. He said he could not stand it anymore but would not say exactly what was going on as he had been sworn to secrecy and still feared the authorities."

A short while after that brief encounter Baisoucos accidentally met up with a second Pretoria prison guard who again alluded to more cloak-and-dagger operations.

"It's too bad you're fighting so hard to save those men. No matter what you do they will still be taken away and you will never see them again," he said, refusing to elaborate.

"A guard at the gate noticed someone and asked them 'Is Julie Klare? Kan ek hulle nader deur stuur?' (Are you done? Can I send them through?)"

Upon entering the prison, the families were met with the news that their sons had already been executed - two hours before the wait till a pastor had seen the bodies.

Baisoucos recalls the look on the clergyman's face after he emerged. "He was pale and shaking with sweat dripping down his face. I don't know what he saw or was told."

At 7:30am the family were ushered into the prison chapel by armed guards under the supervision of Warrant Officer Nes Adlow.

"When I saw the coffins I knew they could not be in there. They were both tall men. These coffins would be much too small."

Baisoucos's suspicions were confirmed when the family moved closer. "My daughter knocked one of the coffins and it moved. Then I knew Vincent wasn't inside there."

Suddenly the guards spraying into action and forced the family members out of the chapel.

Baisoucos confronted Adlow. "I looked at him and said I knew Cain and Vincent weren't in the coffins. He started back at me and said, 'Meisie, jy moet jou mond toe hou' (Girl, you must keep your mouth shut)."

The execution was, however, not the last puzzling event. The funeral at Beersburg cemetery would pose even more bizarre questions.

On the morning of November 21, family members who had gathered to see Stuurman and Adams buried were turned away at the cemetery gates as three police vans and a number of cars drove to the back.

According to witnesses, the police searched the area with dogs and locked the cemetery gates. They dropped two coffins

into one grave and the third into another.

Only two men had been executed that week. Who or what was in the third coffin? "Vincent was not buried there," his wife said, agreeing with her mother-in-law that the graves could hold the secret to the 16-year-old mystery.

"They showed us old graves where you could see the soil was old," Stuurman's sister said. "They took us to graves at the front of the cemetery but the coffins were dropped into graves at the back of the property."

If Adams was buried in one of the graves, an examination should reveal a single bullet in the coffin along with his remains. It is the same bullet that nearly crippled the young boxer years earlier when it became lodged too close to his spine for doctors to remove.

Baisoucos believes the fates of Adams and Stuurman were inextricably linked to experiments to further chemical warfare developments, currently a focus of the TRC.

The TRC is, however, not the first group to hear the claims made by Baisoucos. In 1988 she approached the Amnesty International organisation in London. "They seemed very uninterested, so I left."

In 1995 she approached Deputy Foreign Affairs Minister Aziz Pahad with her story. Here she claims she was met with a response of "Oh my goodness. What a horrible story."

Shortly afterwards she claims to have spoken to both General Sipho Nyananda and the ANC's Carl Niehaus. Again she received no feedback.

Still she refuses to give up - and draws inspiration from the words of boxer Adams. "Cameron said that when you are down and bleeding, you must never show your pain. You must get up and fight till you win."



INTERCIDER: In Beersburg cemetery, the bodies of Cameron Adams and Vincent Stuurman were buried in two graves. A third coffin was dropped into one of the graves at the back of the property.

# Death row experiments -

## Families suspect doomed prisoners were used for medical

ELLIOTT SYLVESTER

# claim

**W**hile the TRC debates whether to investigate allegations that death row prisoners were used in medical experiments by South Africa's apartheid security forces, a mother this week spoke out about her son - whom she suspects was an inmate earmarked for experiments.

and which has left his family as confused and heartbroken as the day of his alleged execution with fellow inmate Vincent Stuurman. "My son never died at Pretoria prison I don't know where he is, but he was never hanged there," Stuurman's mother said this week. She is one of a group of people convinced "cloak-and-dagger operations" were carried out on the inmates of death row. "I still think about my boy and what happened to him as if it were yesterday," she said. "The pain is still the same and I don't know how to make it stop."

Allegedly buried in sites F23 and F24 at Eersterrus cemetery near Mamelodi, the men were to have

been executed at 7 on the morning of November 20 1984. If this is to be believed, then how would one account for the family being shown the wrong graves after the burial which they were not allowed to attend? Why would witnesses say they saw three coffins being dropped into two graves?

Christian welfare worker Iris Baltsoucos, believes these and other irregularities can be attributed to chemical experiments carried out on death row prisoners doomed to the gallows.

The journey into the dark side of apartheid science began innocuously in 1981 when Ms Baltsoucos agreed to assist the families of mid-

dleweight boxing champion Adams and the family of Stuurman, who was then leader of the Spaldings gang in Westbury, after the two men were sentenced to death.

Her claims are based on what she and family witnessed from the day before the execution to the cold morning when graves F22 and F23 were covered.

On November 19, Ms Baltsoucos, the mothers of the two men and Stuurman's wife visited death row to say their final goodbyes.

"We sat on one side of a thick pane of glass, so we could have no contact when Cameron and Vincent walked into the room surrounded by guards they did not look like the same peo-

ple I had known for two years," Ms Baltsoucos said.

"Their skin was covered in white and grey blotches and their complexions had turned to a sickly green. Their speech was slurred and it looked as if they were fighting to stay awake."

According to Stuurman's mother one of the guards pulled Vincent aside and handed him a large grey and blue capsule saying he had forgotten to take his medicine.

"I asked him why he was taking tablets if he was going to be hanged the next day," his mother recalled. "He told me it was for a cold."

The conversation between the visitors and the condemned men was

closely monitored, but they conversed in what they called, "gang slang", which Ms Baltsoucos had picked up while working in Westbury. In broken Afrikaans Stuurman told her "We are not going to die. They are going to take us underground. Maybe we will meet again, but you won't recognise us."

Immediately, the guards grabbed the two men and dragged them away, but not before Cameron shouted: "Half-past-five Half-past-five." Their execution was scheduled for 7am the next day. So of what significance was half-past-five? That was the last occasion the two men were seen alive. After the visit, Ms Baltsoucos was approached outside the

prison by a young guard who had recently resigned from his post.

"The young man confessed to me that he resigned because of what was being done to death row inmates. He said he could not stand it anymore, but would not say what was going on because he had been sworn to secrecy and still feared the authorities."

A short while after that encounter Ms Baltsoucos accidentally met a second Pretoria prison guard who again alluded to more cloak-and-dagger operations.

His words were: "It's too bad you are fighting so hard to save those two men. No matter what you do they will still be taken away and you will never see them again."

tests in apartheid era

ARF 27/6/98

(252)



# Basson's role in Gulf War

PIETER MALAN

**W**outer Basson, dubbed "Doctor Death" for his role in South Africa's chilling chemical warfare programme, has disclosed that South Africa's chemical warfare equipment was used in the Gulf War in 1991.

Speaking out publicly for the first time on an Afrikaans radio station, Dr Basson said "several countries and institutions" had asked South Africa for help during the Gulf War to protect their troops and personnel from chemical substances.

He did not specify which countries were assisted in the war between the United States-led alliance and Iraq.

Dr Basson made a surprise telephone call to the studio of Afrikaans talk radio station Punt Geselsradio during a discussion on the "Truth and Reconciliation

A submission to the Truth and Reconciliation Commission claims death row prisoners were subjected to chemical experiments of the hands of scientists and doctors behind the walls of Pretoria. A welfare worker claims of 10 men in Carleton Place, Ontario.

Adams a middleweight boxing champion, and his friend Mr. Cent. Strickland, leader of the once prolific Springfield, were victims of a sinister plot which used doorned men. Full story on page 2.

nesses who could bring the old regime into disrepute. Unlike other perpetrators of gross human rights violations, such as "Prime Evil" Eugene de Kock, Dr Basson refused to blame his superiors and political masters for not accepting responsibility for atrocities that happened in the past. Asked whether his commanders were lying when they said that they did not

Death row prisoners used as guinea pigs - claim

(2472)

ARG 27/6/98

know about the chemical warfare projects, he said: "No, I would not say that they are lying. They are also busy being with their own programmes and I think one must be careful to expect them to accept responsibility for something they were not personally involved with." Dr Basson's call to the radio station came after his role was discussed by several other participants in the programme. A woman called Hester phoned to say that she knew Dr Basson, and that he was a good surgeon who had saved her husband's life.

He made a distinction between offensive and defensive chemical warfare capabilities and chose to speak about the defensive nature of his work - like the development of protective clothing - most of the time he was on air. He said the development of "cheap-looking substances" formed a very small part of the programme, a part the truth commission was now focusing on to discredit the whole programme.

"I then told her to phone Basson and ask him to give us a call," said presenter Carole Cronje.

He also complained about the quality of reporting on the truth commission hearings on the chemical warfare programme. "If one sits at the TRC hearing for the whole day and you read the newspapers or watch it on TV afterwards, you cannot believe that you are on the same planet."

## No plan to exterminate blacks, says SA's chemical wizard

From page 1

"one can only shake one's head at hearing it".

"I don't think what one hears at the TRC can be regarded as evidence. It's stories. It is accusations, personal interpretations - not tested evidence."

Dr Basson said the truth would only be revealed after his court case. He is due to appear in court in August in connection with a R30-million fraud case.

He also denied a claim made during the hearings by scientist Daan Goosen that Dr Basson - when asked why he did this kind

(252)

ARG 27/6/98

of work - had answered: "I've got a daughter, and one day - although we don't have any doubt that black people will take over the country - one day, when my daughter asks me what I did to prevent this, at least my conscience will be clear."

Dr Basson told the radio station "This is absolutely absurd. It's an insult to both me and my daughter."

Asked about the morality of the chemical warfare programme, he said the international conventions allowed every country to have a "research and development capability" to defend itself.

But he ducked the question of poisoning.

people, saying: "Whether it is morally right to shoot or poison someone - I don't want to go into that now."

"I don't think you and I are the right forum to discuss that now."

Mr Cronje ended the interview by saying: "Wouter, one last question. Are you an animal? Are you a Dr Mengele? Did you plan to exterminate the country's black population?"

Dr Basson laughed self-consciously and replied: "No, no, that wasn't my plan. And as far as I know it wasn't the plan of my commanders. I am not aware that a plan like that ever existed."

To page 2

# Tutu earns France's top honour

(257)  
STAFF REPORTER  
ARL 24/6/98

France's President Jacques Chirac has ended his tour by awarding Truth Commission chairman Desmond Tutu the Grand Officer of the Legion of Honour for his struggle against apartheid.

The award, the highest that can be bestowed on a civilian by the French government, was made at a function at Morgenhof wine estate near Stellenbosch yesterday.

Archbishop Tutu thanked the people of France for their help in the struggle and Mr Chirac lauded the life and work of the Anglcan leader, especially in the face of harassment.

"Archbishop, I salute in you a man who was and is the conscience and inspiration of South Africa - a man of dignity," said Mr Chirac.

Included in Mr Chirac's party were representatives of France's largest companies seeking to build trade ties with South Africa.

Deputy-President Thabo Mbeki saw Mr Chirac and his entourage off at Cape Town International Airport as he continued his six-day African tour, heading to Mozambique and Angola.



Highest honour: Archbishop Desmond Tutu with Jacques Chirac after receiving the Grand Officer of the Legion of Honour award from the French president

ROY WIGLEY

ET 30/6/98, (252)

## TRC says it can't probe 'atrocities' in ANC camps

JOHANNESBURG The Truth and Reconciliation Commission (TRC) would not hold investigative hearings into alleged atrocities committed in the African National Congress camps in exile, a spokesman said yesterday.

TRC spokesperson Mdu Lembede said the commission was stymied by legal limitations that precluded it from guaranteeing indemnity from prosecution for actions committed outside South Africa.

"There are incidents the TRC knows about but we cannot force people to come forward for amnesty," he said, adding that this applied equally to the ANC and those former apartheid-era soldiers who had carried out cross-border raids.

"We don't have jurisdiction, so granting amnesty would not amount to much. Those governments, if they wanted to, could prosecute. We can't assure them (the perpetrators) that they will not be prosecuted."

Lembede said the commission would compile information from the relatives of victims who had been held captive in the camps, the ANC's own "substantial" submission and two past commissions of

inquiry into the allegations.

"It's not a question of being biased. We will have quite a lot to say about this in the final report," he added.

TRC legal adviser Hanif Vally said the law allowed the commission to hear evidence on human rights violations both outside and within the borders of the republic.

But the problem came from the legal interpretation of the amnesty laws.

"There are two issues. One is that while we can give amnesty, we cannot give assurances. We have no jurisdiction over any other government — that being the issue that some people have raised," Vally said.

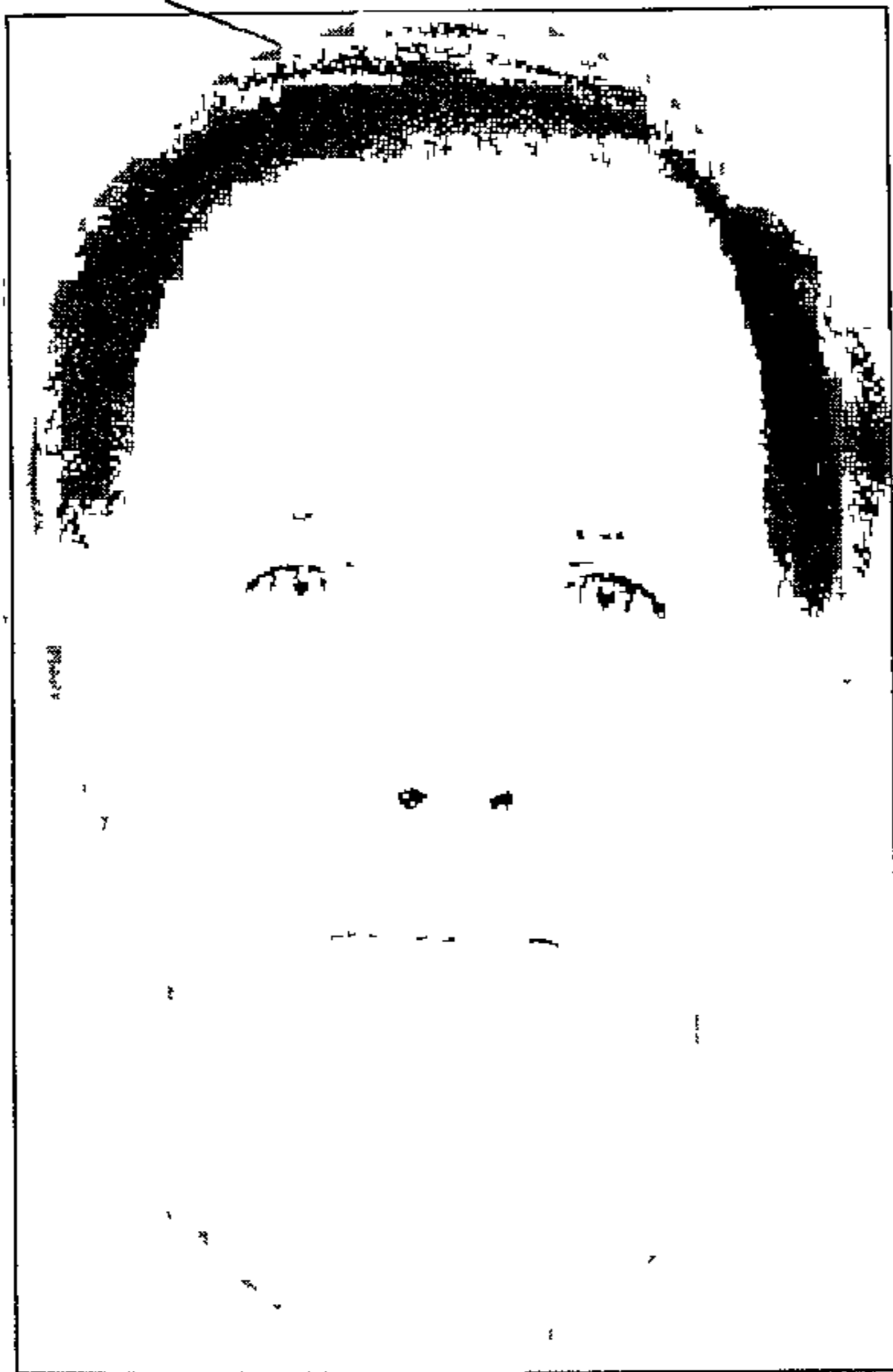
The ANC's camps were spread across the region, including Zambia and Botswana as well as Uganda and Tanzania.

Lembede said no ANC cadres had applied for amnesty for atrocities in the camps, but another spokesperson for the commission, John Allen, said it was premature to say this.

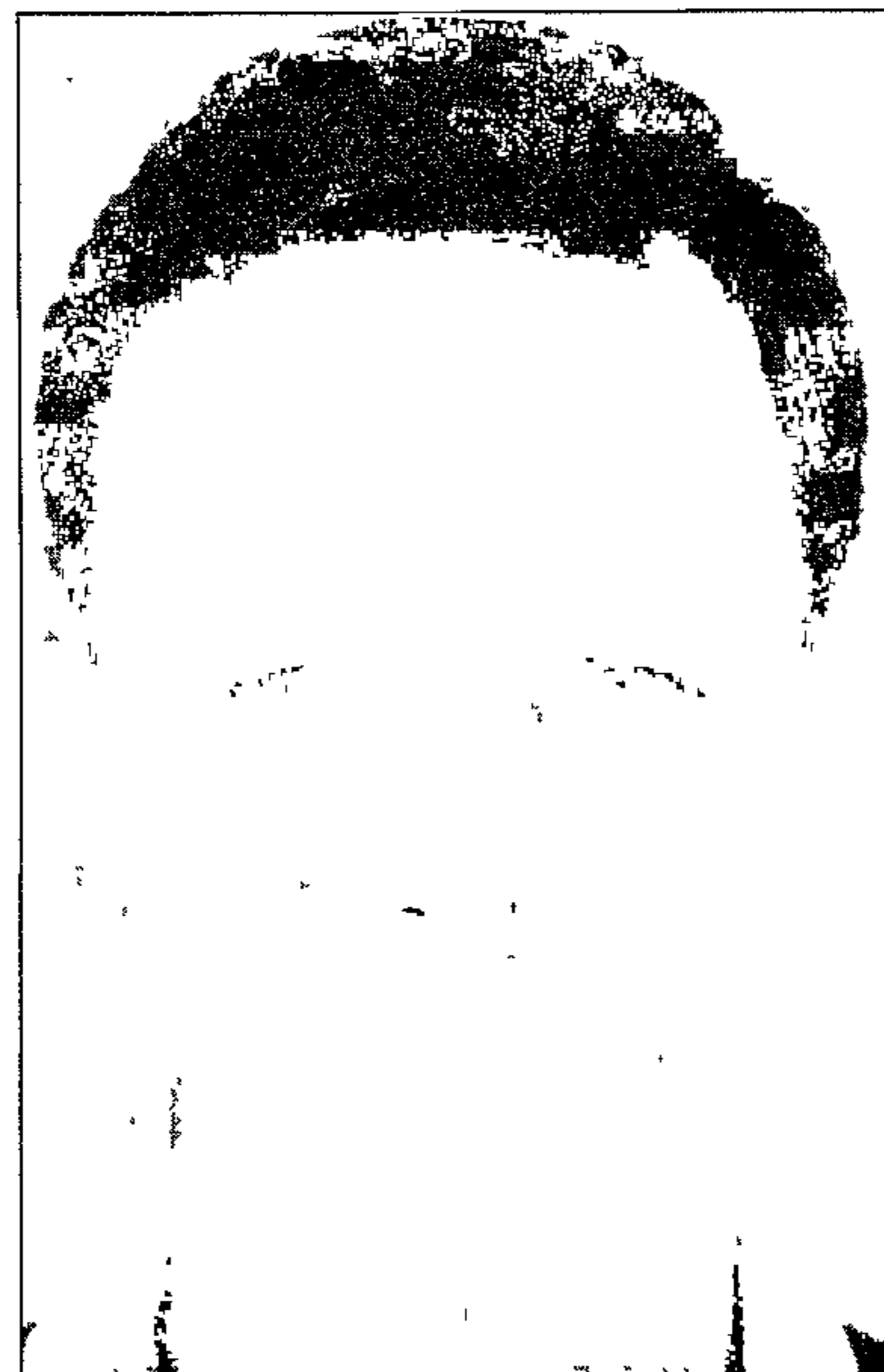
Allen said the amnesty panel was still ploughing through the 7 000 applications it had received and was only half-way through. — Reuter

## CHEMICAL WARFARE LINK

# Dr Death's traced to C



**'STRESSED':** Jacobus Bothma is worried the suspicions may affect his chances with immigration authorities.



**'IN THE DARK':** Erasmus says he knew little about Project Coast and nil about biological warfare research.

**JACOBUS BOTHMA** and Deon Erasmus, now living in Canada, are to be questioned by investigators about Wouter Basson's biological warfare programme. Both say their services were strictly as doctors, Special Assignments Team **ROGER FRIEDMAN** and **BENNY GOOL** report.

**T**WO former South African Defence Force doctors who worked for shady former chemical and biological warfare chief "Dr Death" Wouter Basson's 7 Medical Battalion are practising quietly in Canadian prairie towns and hope to escape the limelight in South Africa.

A joint investigation by the Toronto-based *Globe and Mail* newspaper, the *Cape Times* and the Truth and Reconciliation Commission has traced orthopaedic surgeon Jacobus Bothma to North Battleford, a town in Saskatchewan, and general practitioner Deon Erasmus to Provost, Alberta.

Erasmus' wife, Antoinette Erasmus, was the librarian for Project Coast, the code name for the chemical and biological warfare programme.

The three have denied knowledge of the range of macabre research ventures launched under Project Coast. According to disclosures before the TRC this month, these included work on an anti-fertility drug to affect only black people and the production of a wide range of poisons and pathogens.

TRC investigator Zenzile Khoisan told the *Cape Times* last night that the commission was investigating allegations that one of the doctors played a key role as the officer liaising between the chemical and biological warfare programme and the Civil Co-operation Bureau (CCB).

Transvaal Attorney-General Jan d'Oliveira told the *Globe and Mail* that he wanted his investigators to travel to Canada to interview the trio this year.

Khoisan said the CCB, which operated as a quasi-civilian hit-squad for the apartheid government, was probably the primary end-user of non-traceable poisons and pathogens produced by doctors working for the chemical and biological warfare programme.

The commission is in possession of a document that said one of the doctors worked directly under Basson as second-in-command of the programme, Khoisan added.

The *Globe and Mail* was tipped off more than a month ago that former South African army doctors said to be connected to Project Coast had settled in Canada. Their reporter, John Saunders, approached the doctors for comment and then asked the *Cape Times* for assistance.

The *Cape Times* took the matter to the chief of the TRC's investigative unit, Dumisa Ntsebeza, who assigned Khoisan to the case.

Bothma, 43, Erasmus, 42, and Mrs Erasmus, 39, told Saunders that they knew little about Project Coast and nothing about anti-fertility research or any of the other

bizarre plans hatched to bolster the apartheid war effort.

D'Oliveira, whose office is compiling charges against Basson, believes they know more than they are letting on, although he has stopped short of accusing them of committing any crime.

He told the *Globe and Mail* that the trio were "pretty central" to his office's investigations.

He also said Bothma was "closely associated with Dr Basson in the actual work, which would include experiments".

Denying that he had played any such role, Bothma said he had worked under Basson as a doctor treating patients. He found the allegations against Basson unbelievable.

"I don't think that they'll stick and I don't see why I feature so prominently in this whole thing," he said.

According to the provisional charges against Basson, he is being investigated in connection with the manufacture of large

quantities of Mandrax and Ecstasy, possession of drugs and conspiracy to murder.

He is also under investigation by the Office for Serious Economic Offences in connection with fraud involving R50 million.

Bothma claimed his sole connection with chemical warfare was to be on call in case of training accidents. He had known that the

army was developing a defensive capability to deal with "possible terrorist or other attacks of a chemical nature", he said.

Ms Erasmus said:

"What I understand the aim of the project to be was to develop a defensive knowledge about biological and chemical warfare."

Information was given on a need-to-know basis and her work as librarian related "purely (to) medical information that you could find in any medical library or medical bookstore."

The Erasmuses arrived in Canada in 1991 and attained landed immigrant status. Bothma arrived in Canada in 1994 and remains a foreign doctor on a temporary work permit.

"Eventually, I thought I would apply for landed immigrant status, but with this possible situation arising I don't know if that will still be possible, which is a great stress factor to me," Bothma said.

Last year, the doctors were approached by South African intelligence agents seeking details on Project Coast. Bothma said he had declined to speak to them, but answered questions posed by Canadian intelligence agents.

Yet to arrive in Canada are investigators from D'Oliveira's office and possibly the TRC.

**They were associated with Basson in the work, which would include experiments**

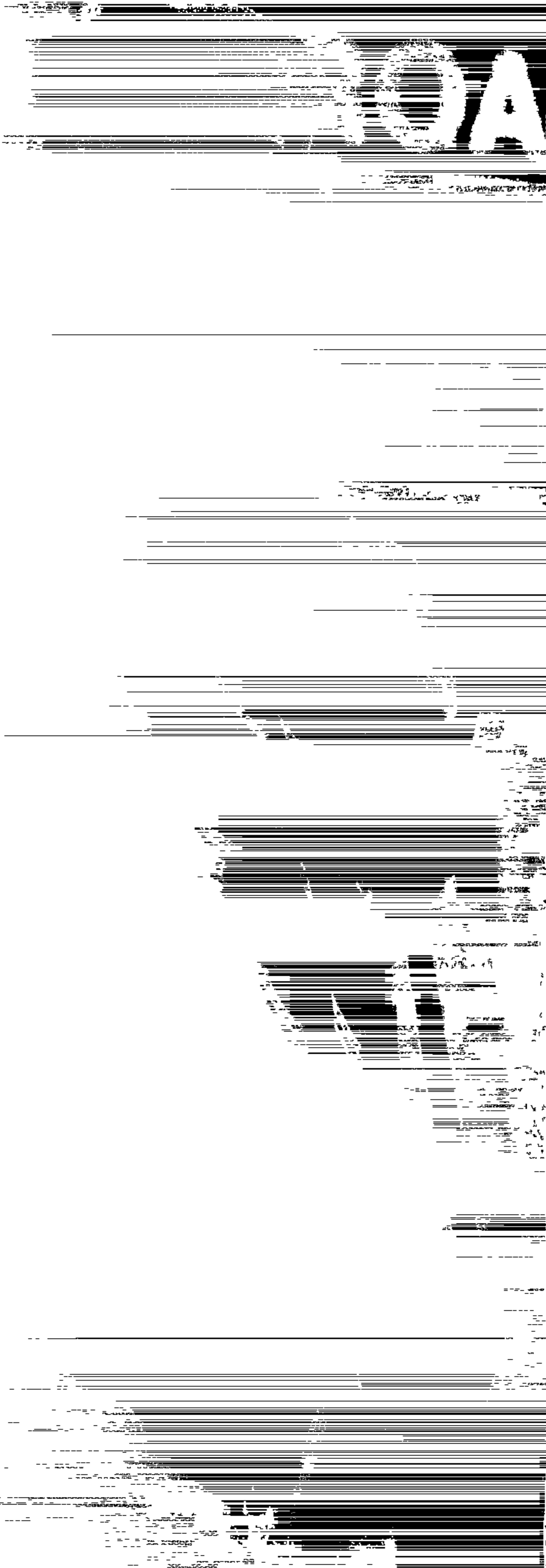
# helpers mada

TA) CT 20/6/98

**EU confirms flight ban:** European Union foreign ministers yesterday agreed on a ban on flights by the Yugoslav airline JAT to EU member countries, diplomatic sources said. The ministers formally approved a decision taken at the summit of heads of state and government in Cardiff earlier this month.

**Quake toll up:** The death toll in the powerful earthquake which hit the southern Turkish province of Antalya on Saturday reached 119 as rescue workers pulled more bodies from building wreckage yesterday, television reports said. As more aid teams rushed to the quake-hit area, hope diminished of

**Netanyahu about face** Prime Minister Benjamin Netanyahu backtracked yesterday on his proposal to hold a new Middle East peace conference to break stalemate in negotiations with the Palestinians. Such a multi-lateral conference could not alone revive the deadlocked peace talks, Netanyahu said. He said the conference, which he described as "very good idea", could come only after the implementation of interim peace agreements with



	Frequency	Do you still make use of the statistical releases?	
		Yes	No
	Periodically		✓
	Monthly		✓
	Periodically		✓
1991	Periodically		✓
	Quarterly		✓
	Periodically		✓
	Monthly		✓
of passengers	Quarterly		✓
			✓
			✓
All vehicles			✓
			✓
	Monthly		✓
led during the	Periodically		✓
	Periodically		✓
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services 1993	Periodically		✓
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	Periodically		✓
public sector	Annually	✓	
on by the public	Annually	✓	
and funds	Annually	✓	
ns 1993	Annually	✓	
olitan councils and ed 30 June 1996	Periodically	✓	
year ended 30	Periodically	✓	
1988/89	Annually	✓	
1988/89	Annually	✓	
8/89	Periodically	✓	

Former chemical warfare chief Wouter Basson is being investigated in the manufacture of Mandrax and Ecstasy and conspiracy to murder.

# SA's human rights an example for the rest of Africa'

*Starring role in conference*

*(252)  
ART 20/6/98*

**ARGUS CORRESPONDENT**

**Durban – Not so long ago, South Africa would have been among the last venues sought after for any human rights conference – let alone the biggest one to be hosted on the African continent**

But now, post-apartheid South Africa's strong human rights framework is being sought as a lesson for the rest of Africa, which is still suffering from large-scale atrocities

So says chairman of the South African Human Rights Commission Barney Pityana, who will deliver the opening address at Africa's biggest high-profile human rights conference, which is due to start in Durban tomorrow

With its strong emphasis on human rights for all, South Africa's democratic constitution, legal framework and strong public dialogue on the subject have earned the country

the envy and respect of the rest of Africa, Dr Pityana said

This was one of the key factors which prompted the United Nations High Commission for Human Rights to choose Durban as the venue for the three-day conference

The conference, to be held at Durban's Hilton Hotel – and opened officially by President Mandela – will bring together some of the most respected human rights campaigners in the world

These include United Nations High Commissioner for Human Rights Mary Robertson, Cameroon's Solomon Nfor Gwei from the African National Institutions for Human Rights, and Mr Justice Youssoupha Ndiaye from Senegal, chairman of the Africa Commission on Human and People's Rights

The conference, which will discuss the state of human rights across the continent, hopes to formulate a

single effective strategy for promoting and protecting human rights in Africa

Said Dr Pityana "For us in South Africa this is an important opportunity to play a role in the rest of Africa as the new leaders in human rights."

But South Africa, Dr Pityana conceded, still had a long way to go in dealing with its apartheid history and instilling a stronger culture of human rights

South Africa's high crime rate and abuses against women and children meant that it still had a long way to go in dealing with human rights, he said

Dr Pityana believes that forums such as the Truth and Reconciliation Commission have made inroads in trying to address human rights issues

"Most important is that we now have in place the legal framework for human rights"

PUBLIC SECTOR - GOVT. - JUSTICE

1998

JULY - AUGUST

## Boipatong amnesty seeker says colleague is innocent

(257) Star 12/8/98  
BY RAPULE TABANE

An Inkatha Freedom Party amnesty applicant has questioned the Pretoria High Court judgment in which he and 16 others were sentenced to lengthy sentences, saying one of those convicted was at home sleeping on the night of the massacre at Boipatong.

Vincent Khanyile, who was sentenced to 18 years for his part in the massacre, told the Truth and Reconciliation Commission's amnesty committee he was surprised when his roommate Qambelani Buthelezi was also sentenced to 18 years in June 1994. "I know I left him behind in the room we shared because he was sick."

Khanyile also said that of the 16 applicants, he recognised only two from the group of men that attacked Boipatong residents.

Sixteen IFP members have applied for amnesty for the massacre in which 45 people were killed and 18 injured.

Before proceedings began, a heated altercation ensued after a relative of a victim started taking pictures. The enraged applicants had to be calmed by their lawyers when they confronted the photographer.

For the first time, Khanyile admitted his role in the killings, saying he stabbed one person and damaged houses.

Khanyile said "At that time, the government could not protect its citizens, so people took the law into their own hands. IFP members were burnt in daylight. This was reported, but until today no one has been charged," he said.

He said three weeks before the massacre, hostel residents had called a meeting complaining about the killings of IFP members in Boipatong.

Hostel leader Bheki Mkhize, also an applicant, had then told the residents that "the day for revenge is close".

The TRC hearings continue today at the Iscor Club in Vanderbijlpark.



# Dismay at only two women nominees on High Court list

By ROBERT BRAND

The conflict over the appointment of a new deputy judge president for KwaZulu Natal has overshadowed another summering controversy.

Only two of the 23 latest nominees for 11 vacancies on the male-dominated High Court bench are women.

The High Court counts only six women among more than 120 judges in its local and provincial divisions. The only black female judge is Ms Justice Lucy Mailula, who hit the headlines in the childkiller Dan Mabote case.

There are also two women in the Constitutional Court.

The Judicial Service Commission yesterday released the names of the shortlist of nomi-

nees who will be interviewed from October 12 to 14 for the positions of judge-president in the Transvaal and Cape, deputy judge-president in Natal and eight vacancies in four provincial divisions.

The list includes only two women, Advocates Thokozile Masipa and VS Moll.

Masipa has been nominated for one of three vacancies in the Transvaal division, and Moll for one of two vacant positions in the Western Cape division.

Paul Setsetse, speaking on behalf of Justice Minister Dullah Omar, said the commission was aware of the need for more female judges.

Omar, who is a member of the commission, was aware that transformation of the judiciary would not be complete without

gender representivity, he said.

Earlier this year, the JSC failed to appoint a new deputy judge president for KwaZulu Natal after 14 of the province's 19 judges refused to support the nomination of Mr Justice Vuka Tshabalala, saying he was too "junior".

The judges' stance was described by presidential spokesperson Parks Mankahlana as an "attempt to preserve whatever remains of white domination in the judiciary".

Tshabalala has again been nominated for the post.

But outgoing KwaZulu Natal Judge President John Broome nominated three other candidates, all of them white. They are former Broederbond executive member Mr Justice WH Booysen, Mr Justice JH Hugo

and Mr Justice B Galgut.

The nominees for judge president of the Transvaal are Deputy Judge Presidents P J van der Walt and H C J Fleming and Judges J F Myburgh and B M Ngoepe.

In the Cape the nominees are Judges JM Hlope and E L King.

For three vacancies in the Transvaal Masipa, Advocate A Kruger, Advocate NP Willis SC and Professor J van der Westhuizen of Pretoria University's centre for human rights have been nominated.

Short-listed for two vacancies in Natal are Advocate ZS Peko and B Pillay and AH Trikamjee.

For a vacancy in the Northern Cape, P Horn and Advocate F Kgomo have been nominated

# Short list of senior judges announced

David Greybe (257) BO 12/8/98

CAPE TOWN — The Judicial Service Commission has announced the short-listed nominees, it will interview in October for vacancies for judge-presidencies in the Cape and Transvaal divisions, a deputy judge-presidency in Natal and eight vacancies in four provincial divisions.

The nominees for judge-president in the Cape are Judge JM Hlope and Judge EL King.

In the Transvaal the candidates for judge-president are Deputy Judge-President HCJ Flemming, Deputy Judge-President PJ van der Walt, Judge JP Myburgh and Judge BM Ngoepe.

For the position of deputy judge-president of Natal, the commission confirmed that the names of Judge Brian Galgut and Judge Jan Hugo had been added to first-round candidates Judge Willem Booysen and Judge Vuka Tshabalala.

The commission failed at its last meeting, in April, to choose a new deputy judge-president for KwaZulu Natal after 14 of the province's 19 sitting judges, including Galgut and Hugo, petitioned the commission not to appoint "junior" Judge Tshabalala.

They said he would not be able to command the respect of the other judges in the Natal High Court, and that if Booysen was not chosen, there were other "far more senior and better qualified" judges on the Natal bench.

Sources close to the commission said this week the conflict over the post was likely to erupt anew following the nomination of two more white judges against Tshabalala, plus the fact that most of the province's white judges had openly opposed him.

The nominees for the two vacancies in the Cape division are advocate M Donen, JV Knoll, Advocate R McClarty SC and Advocate A Motala.

In the Transvaal division, the candidates for the three vacancies are advocate A Kruger, advocate TM Masipa, Prof J van der Westhuizen and Advocate NP Wills SC.

The nominees for the two vacancies in the Natal division are advocates ZS Peko, B Pillay and AH Trikamjee. The single vacancy in the Northern Cape will be contested by P Horn and Advocate F Kgomo.

The interviews will be held at the offices of the SA Law Commission in Pretoria from October 12-14.

# Neil Rossouw offered top justice post

Eddie Botha

BD 12/8/98

EAST LONDON — Former Cape attorney-general Neil Rossouw SC has been offered the post of deputy to SA's first super attorney-general

Rossouw, former vice-chairman of the Goldstone commission and Cape attorney-general, was apparently offered the job by Bulelani Ngcuka, SA's first national director of prosecutions

Rossouw was appointed vice-chairman of the Goldstone commission of inquiry into public violence in 1991 by former state president FW de Klerk

During his tenure he liaised with the SA Police, political parties and mu-

nicipal authorities (252)

While investigating incidents of violence, he blamed inflammatory speeches by politicians

Rossouw was also involved in investigations into taxi violence

In 1995 he was appointed by government to head a commission of inquiry into allegations regarding nature conservation and tourism in the Western Cape. Last year he was appointed by Justice Minister Dullah Omar as head of the justice department's task team to co-ordinate a national crime prevention strategy.

Rossouw and Ngcuka were not available to comment

# Basson 'protected by law'

(252)

CT 13/8/98

**RONALD MORRIS**  
JUSTICE WRITER

A CLAIM that Wouter Basson, subpoenaed to answer questions by the TRC, had an absolute right to remain silent was both unfortunate and unheard of in the light that he had statutory safeguards, a High Court judge said yesterday.

Justice John Hlophe gave reasons for an order that Basson appear before the TRC to answer questions.

Basson sought to prohibit the TRC from compelling him to waive his right to remain silent in relation to any criminal charges he faced.

He will stand trial next year on charges of conspiracy and instigation to murder, the manufacture of 1000kg of Mandrax and 1000kg of Ecstasy, possession of Ecstasy, defeating the ends of justice and possession of classified material.

Hlophe said Basson's first statutory safeguard is the Promotion of National Reconciliation Act which states that any incriminating evidence obtained through questioning at the TRC cannot be used at a criminal trial.

He said it is significant that the court was not told what irreparable prejudice Basson will suffer if ordered

to appear before the TRC.

He had given at least two public interviews on the same subject in respect of which he was required to testify before the TRC.

His contention that he is entitled to remain silent is therefore irreconcilable with the fact that he gave the interviews.

"The conclusion that he had the utmost contempt for the TRC is irresistible," Judge Hlophe said.

*Gilbert Marcus SC and Donald Jacobs, instructed by the state attorney, appeared for the TRC. Piet de Jager SC and M van Zyl, instructed by Adolf Malan and Vermeulen, appeared for Basson.*

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# New Bill tough on payment shirkers

By Bennie Bunsee

IF THE lot of women is to be genuinely improved in society, it must be left to rigorous laws, effectively implemented, to do so. Laws ultimately lay the basis for the rules and regulations of societal behaviour. Needless to say, the lot of women in all societies, including our own, leaves much to be desired.

While our Constitution is firmly committed to non-sexism, and we have a Commission on Gender Equality to monitor women's welfare, the attention given to women's issues merely scratches the surface.

Since the birth of a new democracy in 1994, the Ministry of Justice has been in the forefront of promoting the welfare of women.

It is slowly but substantially ensuring that the long arm of the law is effectively used to alter women's status regardless of race, class or creed. While there are obvious differences between black and white women, women generally suffer great inequalities in a male-dominated society.

Justice Minister Mr Dullah Omar has pushed through a number of new and far-reaching pieces of legislation which aim at ameliorating the situation of women.

The Customary Law Reform Bill, for instance, aims to recognise customary marriages for the first time, and protects the rights of women and children as in normal marriages.

The Domestic Violence Bill introduces drastic legal measures to protect women and children from violence in the home. Sterner laws have also been promulgated against rape.

Nationwide gender desks at magistrates' courts aim at sensitising staff to gender issues. The police are being trained to handle rape cases sensitively as well.

The public's indebtedness to these progressive

pieces of law was shown recently when a group of women marched to Parliament to thank the minister for the legislation.

But perhaps the most far-reaching piece of legislation assisting women and children is the Maintenance Bill, currently passing through Parliament. The Ministry of Justice observed Women's Day by promoting awareness of this Bill through a programme of public education.

The Bill itself accords with the requirements of the World Declaration on the Survival, Protection and Development of Children (1990), which gives high priority to the rights of children.

Article 27 requires governments "to recognise the right of every child to a standard of living that is adequate for the child's physical, mental, spiritual, moral and social development and to take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child".

The previous maintenance law was woefully lacking in this regard. It had to be virtually scrapped, while its more positive aspects were carried over.

The current Maintenance Bill aims to meet some of the more urgent maintenance requirements affecting women and children. Hence it tends to concentrate on the administrative aspects of maintenance payments rather than being an overall judicial review.

The South African Law Commission will undertake the latter.

The Bill itself, flowing from the Welfare Ministry's Lund Commission, has a long and interesting history of the involvement of parties both nationally and internationally.

The Bill basically ensures that maintenance money is paid, and that the past ability of respondents to give the police and the courts the run-around, which affects the women and children

who are dependent upon these payments, is curbed.

There will now be a team of maintenance investigators to trace persons who avoid payment.

These investigators will be able to serve subpoenas or summonses or execute warrants of arrest in respect of criminal proceedings for failing to pay maintenance. They will also be able to call witnesses.

Being able to avoid payments will be very difficult under these conditions.

And payments will not only be based on the principle that parents have an obligation to support a child, but also that a child has the right to a reasonable livelihood, according to the means, standard of living and station in life of the parents.

This will in future include medical expenses, and even being registered as a member of a medical scheme if a parent is a member and the child qualifies.

But maintenance will in future also cover other expenses like education.

The most far-reaching effect of the Bill is its provision for maintenance payments to be directly deducted from the salaries of those required to pay and to be directly deposited into the account of the beneficiary.

The employer is also beholden to inform the maintenance officer when a respondent leaves his or her employ.

Payments have also been diversified so that personal attendance in court by the beneficiary is avoided, thus making collection much easier.

Also, for the first time the courts can sanction paternity tests at the cost of the state to establish the true paternity of a child if this is deemed nec-

*Sowetan 13/8/98 (PWA)*



Justice Minister Dullah Omar is behind a number of new and far-reaching laws that aim to improve the plight of women in South Africa.

In the past the cost of paternity tests was prohibitive.

The court will now also be able to take decisions in the absence of respondents. Previously a "default payment" was not possible and resulted in the deferment of payment, causing hardship for the wife and child who were dependent on maintenance payments.

In future, arrears payments could mean recovery through a person's pension, annuity, gratuity or any other similar benefit.

It will also no longer be enough for a respondent to say that he is unemployed and ignore arrears payments. Interest can be charged on arrears if the Bill becomes law.

In future, too, a respondent must notify the maintenance officer or court of a change of address on pain of a fine or imprisonment of six months. Failure to meet maintenance orders will carry a fine or imprisonment of up to a year without the option of a fine.

(The writer is a public relations officer of the Ministry of Justice.)



**Inkatha Freedom Party member Vincent Khanyile testifying at the TRC hearing into the 1992 Boipatong killings yesterday. Forty-five people were killed in the Vaal Triangle's Boipatong massacre.**

PIC LEN KUMALO

# TRC told of 'spoils of war'

(257) Sowetan

By Willie Bokala

13/8/98

LAWYERS for the South African National Defence Force told the Truth and Reconciliation Commission amnesty committee into the 1992 Boipatong massacre yesterday that the presence of members of the army near the area was not proof of complicity

Advocate Carlos da Silva, for the SANDF, told the committee the fact that Inkatha Freedom Party (IFP) member Vincent Khanyile saw soldiers in the vicinity of Boipatong did not prove they had been involved in the attack

Khanyile and other IFP members who were residents of KwaMadala hostel at the time have applied for amnesty for the massacre in which 45 people - including women and children - were killed. At least 10 women were raped during the attack

Khanyile said he saw a defence force armoured vehicle when they left Boipatong after the attack. He saw the soldiers for the second time when he was back at the hostel

However Advocate Daniel Berger representing the victims, said affidavits obtained from more than four defence force members who were in the area at the time pointed to the presence of both the police and soldiers in or near the township

Khanyile said they had looted goods from houses in Boipatong because it was traditional that the conquerors in a war took a prize to show victory over their enemy

"Even if I did not take anything myself I would say the goods were not looted, but they were won in battle," he said

Khanyile said historically it was cattle and women which were normally taken by victorious warriors

# Omar slates 'apartheid era' judges

(252) Star 14/8/98  
OWN CORRESPONDENT

Cape Town - Justice Minister Dullah Omar has stopped just short of calling for a purge of the Bench, saying that South Africa could ill afford judges who were still loyal to the apartheid order.

In a hard-hitting statement today Omar said that after the reunification of Germany judiciary officers of East Germany were "generally dismissed"

"What is more, all judicial officers were subjected to individual scrutiny before their re-appointment. In Berlin, for example, up to 90% of judicial officers lost their jobs," he said.

South Africa, he said, dealt with its problem of the "apartheid judiciary" in a very different manner by guaranteeing the old order judges their jobs.

"Many people today are questioning the wisdom of that approach," he said.

Omar's broadside on the judiciary followed outrage trig-

gered by Mr Justice Wilham de Villiers' stinging attack on the credibility of President Mandela and Sports Minister Steve Tshwete during his judgment in the South African Rugby Union case.

"The problem of how we deal with elements who continue to owe allegiance to the old apartheid order and refuse to adjust to the new democratic order, must also be dealt with," Omar said.

He added that the way Judge de Villiers had handled the Sarfu case had led to renewed calls for a rapid transformation of the judiciary in South Africa.

Omar said apartheid era judges were only required by the new democracy to swear an oath of allegiance to the new constitution.

"Practical experience has shown that taking the oath is one thing, but acting within the ethos and values of the new constitution is quite another,"

he said.

He said the Judicial Service Commission, established to safeguard the independence of the judiciary and to ensure its transformation, had to "act decisively" if confidence in the courts was to be established.

The minister noted that there had been some improvement with more black judges and magistrates appointed, but said the process of transformation was slow.

Omar said he believed most South Africans needed nothing less than the speedy transformation of the judiciary.

"In my view independent bodies such as Judicial Service Commission and the Magistrates' Commission face a major challenge of meeting their constitutional obligation in this regard," he said.

Omar refrained from commenting further on Judge de Villiers or the Sarfu case, saying he had noted that an appeal had been lodged.

# KwaMakutha trial cost taxpayers R6,3m

(272) BD 14/8/98  
Wyndham Hartley

CAPE TOWN — The legal costs of the 12 former members of the defence force, including former defence minister Magnus Malan, in the KwaMakutha murder trial amounted to more than R6,3m, Auditor-General Henri Kluever said yesterday.

In his report on the accounts of the SA National Defence Force for 1996/97 Kluever said that the civil claims against the Ciskei defence force of more than R6m for the Bisho shootings had been inherited by the SANDF. So far R3,5m had been paid.

Kluever, noting that all 12 accused in the KwaMakutha trial were acquitted, said the taxpayer had paid R6 366 275 in legal fees.

In terms of compensation payments the SANDF also paid R1,4m to the widow of a man shot dead while leaving a defence force roadblock on the KwaZulu-Natal south coast in 1990.

Among the losses recorded by the SANDF was R320 000 paid for the repair of a vehicle that was worth only R135 000 before it was damaged.

The report noted that 14 aircraft accidents in the 1996/97 year cost the taxpayer R36m. The total cost of damage to motor vehicles was R10,4m.

Kluever was concerned about the number of key personnel who took voluntary severance packages and left the department. From August 1996 to October 1997 there were 8 392 voluntary severance packages approved at a cost of R314,3m.

Sapa reported that Kluever's office also questioned the viability of the SANDF's service corps, aimed at reintegrating former soldiers into society. A total of R15m was set aside for the corps' expenditure in the 1996/97 financial year.

"The fact that no formal output has been realised by the service corps is of concern," Kluever said. "This office is of the opinion that alternatives for the service corps should be considered, in view of the fact that the department has had budget cuts."



# Four police-killers are granted amnesty

CAPE TOWN — The truth commission yesterday granted amnesty to four African National Congress (ANC) members who attacked a police station near Kokstad and killed two officers.

Amnesty was also granted to three former Umkhonto we Sizwe (MK) cadres who murdered an ANC defector and attempted to murder another in Umtata in June 1990.

The commission said it had decided to grant amnesty to Mlungisi Nyembezi, Luzuko Sydney Mpiyakhe, Solomzi Theo Nomashizolo and Luyanda Lizwi Ntakinca for the police station attack because they did not do it for personal gain.

The attack on the Bhongoletu police station in October 1993 was retaliation to a raid by the SA Defence Force (SADF) in September at Northcrest, Umtata, in which minors Samora Mpendulo, Sadat Mpendulo, Mzandile Mfeya, Sandiso Yose and Thando Mtambi were killed. The then government claimed it had received information the house was a base for the Azanian People's Liberation Army.

During the attack on the police station Nyembezi, Mpiyakhe, Nomashizolo and Ntakinca kidnapped and then murdered Sgt Mbhele and Sgt Ngubo.

They carried out their attack after attending the funeral of the five youths killed in the SADF raid.

In making its decision, the commission's amnesty committee said the applicants' motive for the attack had been to make the point that the government could not simply act against black people at any time without expecting some form of retaliation.

The committee noted that the victims' widows disputed the applicants'

80 14/8/98 (252)  
argument that the two policemen were killed in a shootout after their kidnapping, after they had managed to obtain firearms.

Nevertheless, the committee found the applicants had made a full disclosure. The applicants were pursuing the ANC's objectives and that there was no evidence they had acted on personal agendas, or for personal gain.

The policemen's widows were declared victims in terms of the law and referred them to the reparation and rehabilitation committee.

Amnesty was granted to former MK cadres Ian Ndzamela, Pumlan Kubukeli and Mfanelo Dan Matshaya.

They were part of a group of four MK members who decided to kill Sipho Phungulwa and Luthando Dyasophu, former exiles who defected and became askaris (informers).

The committee said in its decision the two defectors held a press conference upon their return to SA in which they discredited the ANC.

The applicants shot the two men as they alighted from a taxi in Ngangelizwe township — Phungulwa died and Dyasophu escaped.

The committee said there was nothing personal in the attack. "They were acting for the country, as members of MK stationed in Transkei. They gained nothing personally for their actions."

"Most importantly, Dyasophu confirmed that once the leadership had labelled one an informer, it meant this person must be killed."

The committee was satisfied full disclosure had been made.

Dyasophu and Phungulwa's wife were declared victims and referred to the reparation committee — Sapa

# Call for justice system review garners support

(252)  
Kevin O'Grady

30/4/8/98

THE premiers' forum, a grouping of the nine provincial premiers, agreed yesterday to support Gauteng premier Mathole Motshekga's call for a review of the criminal justice system to include community courts.

After a meeting attended by seven premiers in Sandton, Johannesburg, Motshekga said the forum was calling for an "urgent review of the criminal justice system to incorporate community courts".

Since taking office, Motshekga has argued strongly for community courts as a way of relieving the burden on the criminal justice system and making justice more accessible. He claims to have the support of Justice Minister Dullah Omar.

Other premiers said yesterday the court system they were advocating already existed in rural areas.

Eastern Cape premier Makhenkesi Stofile said "We're not talking about an institution which doesn't exist. The only thing we're doing is upgrading existing rural community courts and empowering them".

KwaZulu-Natal premier Ben Ngubane said it was important to legitimise community courts. The fact that traditional leaders inaugurated since 1994 did not have the jurisdiction to try civil cases was "creating a culture of impunity".

"Cases which might not seem important to city people, such as a man's cattle eating his neighbour's mealies, cannot be tried by amakhosi (chiefs), and cases like these will never reach a magistrate's court," Ngubane said.

Northern Province premier Ngoko Ramatlhodi said the forum "viewed the situation as urgent because we have a criminal justice system that is not able to cope".

Motshekga said legislation needed to be passed before the plan could be implemented. He hoped new laws would be finalised by the end of next month for introduction in parliament early next year.

Motshekga said that the forum also discussed problems in local government and the need "to co-ordinate the whole area of co-operative governance".

The forum "accepted the need to look into redefining the provincial intergovernmental forums so as to strengthen co-operative governance within the different spheres of government", Motshekga said.

# Omar blasts 'apartheid judiciary'

PARLIAMENTARY BUREAU

AKG 14/8/198

(252)

Justice Minister Dullah Omar has stopped just short of calling for a purge of the bench, saying South Africa cannot afford judges who are still loyal to the apartheid order.

In a hard-hitting statement today, he said that after the reunification of Germany, judiciary officers of East Germany were "generally dismissed". In Berlin, for example, up to 90% of judicial officers lost their jobs.

South Africa, he said, dealt with its problem of the "apartheid judiciary" in a very different manner by guaranteeing the old order judges their jobs. "Many people today are

questioning the wisdom of that approach," Mr Omar's broadside followed outrage triggered by Judge William de Villiers's stinging attack on the credibility of President Mandela and Sport Minister Steve Tshwete during his judgment in the SA Rugby Union case.

"The problem of how we deal with elements who continue to owe allegiance to the old apartheid order and refuse to adjust to the new democratic order, must also be dealt with," he vowed, adding that the way Judge De Villiers had handled the Sarru case had led to renewed calls for a rapid transformation of the judiciary in South Africa.

Mr Omar said apartheid-era judges were

required by the new democracy only to swear an oath of allegiance to the new constitution. He referred to this as the "generosity" of the new democratic order, which allowed the judicial officers of the apartheid regime to remain in their positions.

"Practical experience has shown that taking the oath is one thing, but acting within the ethos and values of the new constitution, is quite another," he said.

Mr Omar said it was time for the Judicial Service Commission, established to safeguard the independence of the judiciary and to ensure its transformation, to "act decisively" if confidence in the courts was to be established.

# Stratcom's bogus news agency rings no bells

Ann Eveleth

The bogus news agency which former Strategic Communications (Stratcom) operative Michael Bellangan confessed to setting up in the 1980s appears to have made few ripples in the media world.

The agency is named as the Pan African News Agency (Pana) in an amnesty application handed to the Truth and Reconciliation Commission in 1996 by Bellangan's erstwhile associate, former security-branch warrant officer Paul Erasmus.

The *Mail & Guardian* obtained a copy of Erasmus's application this week and found the answer to the question which had been puzzling journalists since Bellangan testified before the commission's Khotsiso House hearings three weeks ago. But the

(252) MFG 14-20/8/98  
name of the agency rang few bells with journalists, suggesting it was singularly ineffective as a means of intelligence gathering or disinformation.

Bellangan told the commission the security branch set up an "alternative, left-wing media agency" which paid unsuspecting journalists and photographers to write stories and take photographs that were never published but instead ended up in security police intelligence files.

"The community organisations and frontline states fell for it hook, line and sniker. The journalists imagined they were sending news and photographs overseas, but in fact their reports went no further than our files," said Bellangan. He refused to name the agency, but told the commission it had operated out of offices opposite Khotsiso House.

Erasmus has applied for amnesty for his role in setting up Pana with Bellangan in October 1985. His role included "forgery of receipts and documentation, including passport applications, in order to create Pana", according to the application.

Erasmus spent 16 years in the security branch before he left the force for health reasons in 1993 and spilled the beans on the dirty tricks of FW de Klerk's government to the Goldstone commission. He went public with a series of exposés published by the *M&G* in 1995.

Erasmus confirmed this week he and Bellangan had set up the phony news agency with money from Stratcom, the main covert network the apartheid state employed against its opponents in the liberation movements. He said Bellangan had subse-

quently moved to Stratcom headquarters and had taken the Pana project with him.

"[Pana] was a false-flag operation. The people involved in it didn't know they were working for the police," said Erasmus, who declined to name the journalists allegedly involved in the "left-wing" news agency.

But prominent journalists from the 1980s this week said they either had no recollection of such an agency, or only vaguely remembered a "bogus" agency which never gained the trust of their organisations.

Former *Weekly Mail* co-editors Anton Harber and Irwin Manom recalled "approaches" from organisations they viewed with suspicion. Manom said the name Pana rang a bell, but could not think of a single credible journalist connected with it.

Former *Rand Daily Mail* editor Raymond Louw, who edited his newsletter, *Southern Africa Report*, at the time of Pana's alleged birth, said "The only Pana I knew in those days operated from Dakar and was funded by the Organisation of African Unity. I don't know of any other Pana that operated in South Africa and certainly not one that would've had any links with the South African government."

"I think [the former security branch] are now trying to create the impression they ran a massive disinformation campaign. There were spies in newsrooms, but most of them tried to keep their noses clean so they could continue spying," added Louw.

Pana is one of two failed media experiments featured in Erasmus's application. The second is a 1989-1990 newsletter called *The Missive*.

The Pana operation is one of 87 different categories of offences for which Erasmus is seeking amnesty.

# Hani's bodyguards get amnesty for attack on alleged 'traitors'

(257) ARU 15/8/98

Umtata - Seven former Umkhonto weSizwe (MK) operatives, among them the Kokstad mayor and the bodyguards of slain SA Communist Party leader Chris Hani, were granted amnesty by the Truth and Reconciliation Commission's amnesty committee in Umtata yesterday.

Hani's ex-guards, Ian Ndiibulele Ndzamele, Pumlani Yster Kubukeli and Mfaniso Dan Romme Matshaya, applied for amnesty for the death of an alleged askari, Sipho Pungulwa, and the attempted murder of Luthando Dyasophu during a shooting incident at Ngangelizwe in Umtata in June 1990.

The committee noted the applicants had testified that they had regarded Mr Pungulwa and Mr Dyasophu as traitors, who had crossed over to join the enemy and that the

two men were seen as wanting to divide the African National Congress.

The applicants said there was nothing personal in their attack on the men.

They said they were acting for the country as members of MK based in the Transkei.

The committee found that even the survivor of the attack, Mr Dyasophu, had confirmed that once the MK leadership had labelled a person an informer, that person had to be killed.

Judge Romme Pillay agreed with advocate D Potgieter SC and advocate L Gcabashe that the applicants' versions of events should be accepted.

Their accounts were given extra weight after they were supported by

Mr Dyasophu "Clearly the offences for which amnesty was applied for were committed for political reasons in the interests of an anti-apartheid stance

"We are satisfied that they made a full disclosure in explaining how and why these offences were committed."

The committee also said it believed that Mr Dyasophu and the wife of the late Mr Phungulwa were victims.

The matter was referred to the Reparation and Rehabilitation Committee for consideration.

Four other applicants - Kokstad's mayor, Mlungisi Nyembezi, Luzuko Sydney Mpiyakhe, Solomonzi Theo Nomashizolo and Luyanda Lizwi Nkincana - were granted amnesty for the abduction and subsequent mur-

der of two Kokstad policemen in October 1993.

The truth commission heard evidence from the applicants in April that the decision to kill the policemen was taken after the so-called Northcrest SA Defence Force raid in Umtata in September 1993 in which five schoolboys were fatally wounded.

The amnesty committee members said they were satisfied the applicants were members of former self-defence units and that they were pursuing their political party's objectives by attacking the police station.

The applicants were found to have made full disclosures of their deeds.

Umtata attorney Mpumelelo Notunu appeared for all the applicants

# Voluntary reappraisal could alter perception of judiciary

major shake-up of the judiciary is required if the majority of South Africans are to see the bench as independent and not the last bastion of the old order, argues Durban correspondent Farouk Chothia

IF, rather than burying their heads in the apartheid government-appointed judges, should help instil public confidence in the judiciary by volunteering to reapply for their jobs.

The African National Congress (ANC) has been strident in its criticism of some Party leaders have described Judge Pieter Nelson Mandela in his battle with SA Football Union head Louis Luyt, as "timorous" and Judge Jan Combrink, who

acquitted ANC opponent Sifiso Nkabinde on murder charges related to violence in Richmond, as "an accomplished fascist".

The danger of such attacks is clear: public confidence in the judiciary will diminish. Yet it is the judges — not ANC leaders — who are causing most harm to the judiciary. Fourteen judges from the Natal bench launched a bid earlier this year to block newly appointed judge Vuka Tshabalala from becoming provincial deputy judge president. What was most disturbing about their

three apartheid government-appointed judges — Booyesen, Jan Hugo and Brian Galgut — have made a fresh bid to block Tshabalala's rise.

Though it can be argued Tshabalala does not have the right qualifications to hold the post, such an explanation cannot be offered for the earlier bid by appeal court judges to thwart the internationally respected Ismail Mahomed's move from Constitutional Court deputy president to chief justice.

It seems some old order judges want to entrench themselves and promote views contrary to the constitution. They have expressed support for the death penalty, even though their seniors in the Constitutional Court have ruled that it is unconstitutional. To demonstrate their loyalty to the new constitutional order, apartheid government-appointed judges should volunteer to be interviewed by the commission — which is recognised as an independent body — to determine whether they are still qualified to be on the bench.

Such a process will enhance the credibility and independence of the judiciary. Some judges, possibly former Broederbonders, might be ousted, others who are seen to be politically noncontentious will be retained while yet others, who upheld liberal values, could rise.

The latter has already happened to judges like Richard Goldstone and John Didcott, who were promoted in the post-1994 period to the Constitutional Court.

Their ascendancy under ANC rule is in contrast to the hostility that the apartheid government had for liberal judges. Even though many newly appointed judges — including Mahomed and Pius Langa, his successor as Constitutional Court deputy president — were aligned to the ANC, they have not been the party's lapdogs on the bench. They have made numerous rulings against the ANC and have even upheld rulings of apartheid government-appointed judges.

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For instance, the ANC, believing that Judge Piet Combrink of the Natal bench did not capture the democratic ethos of the new SA when he ruled that all traditional leaders were entitled to serve on local government regional councils, challenged his decision in the Constitutional Court without success.

Furthermore, Langa, a possible candidate for the court's presidency after Arthur Chaskalson's term ends, has indicated that he will ensure that minorities are protected from discrimination.

In a judgment earlier this year in a case between the Pretoria city council and Constatuta Park resident Johan Walker, Langa said Walker belonged to a "racial minority which could, in a political sense, be regarded as vulnerable".

"It is precisely individuals who are members of such minorities who are vulnerable to discriminatory treatment and who, in a very special sense, must look to the Bill of Rights for protection.

"When that happens, the court has a clear duty to come to the assistance of the person affected," Langa said.

During the apartheid era, judges were appointed by National Party (NP) politicians — without being interviewed by a body such as the commission.

This alone is sufficient reason to question the independence of some of them and to hold the view that the constituted and law is safer with newly appointed judges whose fitness to serve on the bench was vetted by the commission.

Newly appointed judges might lack experience, but how will they gain it if they are not given opportunities? What is worrying is that the 14 Natal judges do not want Tshabalala to be the deputy judge president — a position which will place him under Judge President Allan Howard.

Howard could prepare Tshabalala to succeed him, rather than allow a situation to develop where someone from the old or-



MAHOMED

der will be ideally placed to bid for his post when he retires within the next three years.

When the majority of the Natal bench — which was once reputed to be the most liberal — enter into such a power game, the ANC's attacks on the judiciary become understandable.

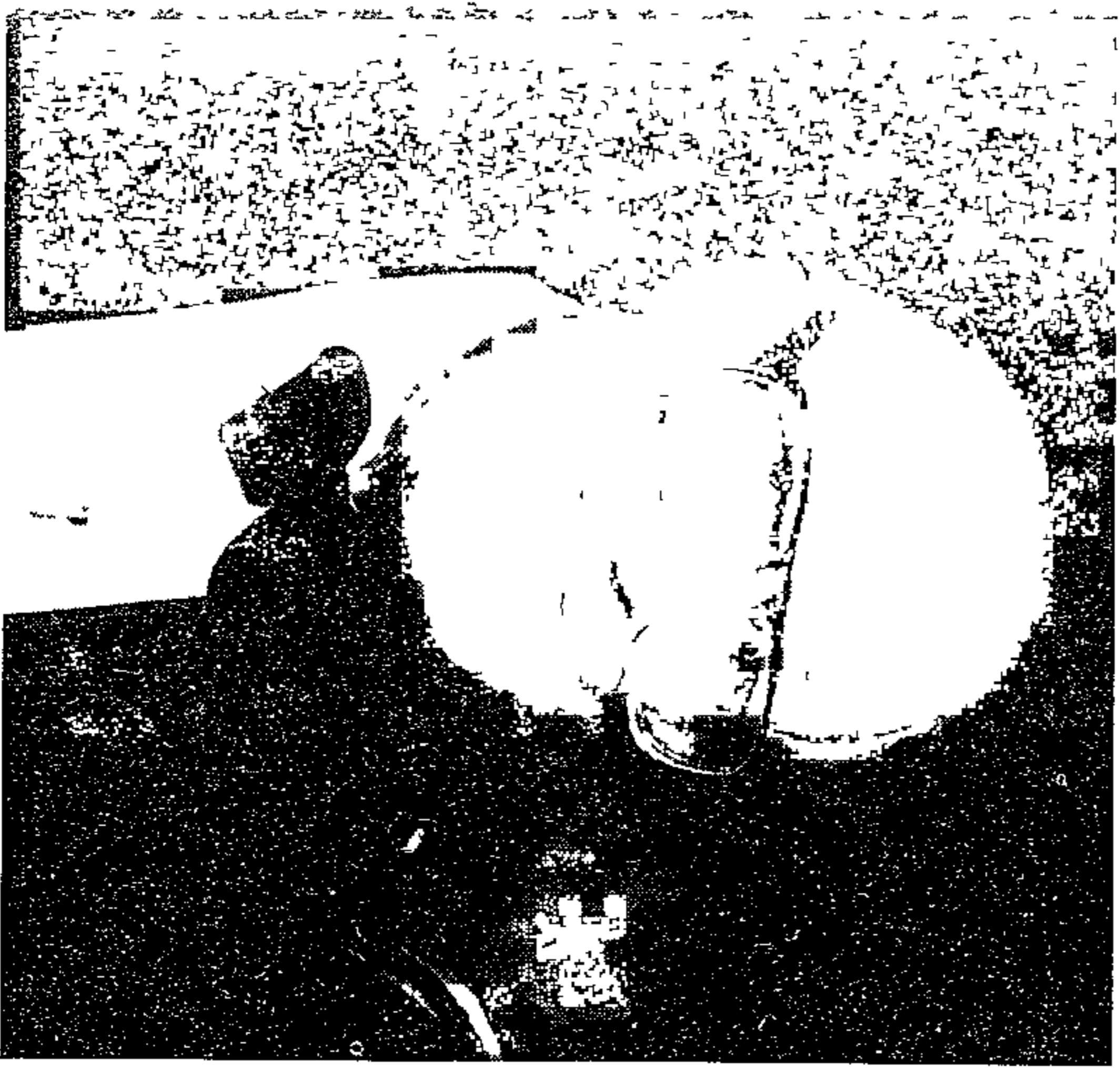
The party will not deserve its status as a former liberation movement if for the next 10 years, an apartheid government-appointed member of the bench is still the Natal judge president or deputy judge president.

Similarly, it is questionable whether most of SA's existing attorneys-general are best suited to their posts. They were also appointed by NP leaders. The new president retains this power. It should be vested in the commission to which all the attor-

neys-general should reapply for their jobs. One of the criteria for reappointment, given the high crime rate, should be their success rate in securing convictions.

If attorneys-general reapply for their posts, there will be no need for a national director of public prosecutions — a post created to keep a hawkish eye on the old order incumbents. The reality is that of the three arms of state, the judiciary, although it played a central role in maintaining apartheid, was least affected during constitutional negotiations because of concessions the ANC made to the NP.

The sooner this anomaly is addressed, the sooner the majority of South Africans will see the bench as independent rather than as the last bastion of NP and Broederbond rule.



DIDCOTT

# Tutu's moment of truth as TRC wraps it up

## Commission must thrash out report before chairman leaves for US

**JOHN YEAD**



**ON THE TRUTH COMMISSION**

Truth Commission chairman Desmond Tutu will chair a final plenary session of the commission tomorrow before leaving for the United States on Wednesday for a sabbatical of at least a year.

Tutu's meeting is crucial for the commissioners will have a nearly complete version of their final report and will be expected to resolve any outstanding issues or disagreements by the end of the day.

"By the time Archbishop Tutu leaves for the United States, he expects intense discussions will have come to an end and for the

commission to have approved a draft report which will then go for final editing," said John Allen, Archbishop Tutu's spokesman.

Two of the commissioners would then work "from top to bottom" through this edited version and their final version would be sent to the archbishop in Atlanta, Mr. Allen said.

Archbishop Tutu will spend a year at Emory University in Atlanta, Georgia, and has also had an offer of a year at an institution in Washington DC, which he may take up afterwards.

He will return for the special ceremony on October 28 when the final report is presented to President Mandela. The report is expected to run to five volumes and 2,000 pages.

Responding to a question from the Cape Argus, Mr. Allen denied a claim by Jacko Marree, National Party spokesman on the commission, that commissioners had recently recommended some of them who served on the human rights violations committee be "transferred" to the amnesty committee.

Mr. Allen said this recommendation had been made by Archbishop Tutu and not the commissioners.

He pointed out that the appointment of additional members of the amnesty committee - which is battling with a heavy workload and may have to sit until the middle of next year to deal with applications - was the sole prerogative of Mr. Mandela.

In an open letter, Mr. Marree told Archbishop Tutu and Justice Minister Dullah Omar that the NP wanted to lodge the "strongest objection" to

this proposal. He claimed members of the human rights investigations unit - particularly investigations unit head Dumisa Ntsebeza - would have "inside and privileged" information at their disposal.

"You cannot be a prosecutor and a judge. We also remind you that justice must not only be done, but must be seen to be done," Mr. Marree said.

But Mr. Allen said, Archbishop Tutu had "no problem with the general principle" of such transfers.

He pointed out that sub-

committees of the amnesty committee consisted of at least four members and that no individual acted as "judge".

At least three former human rights violations committee members - Denzil Potgieter, Wynand Malan and Ian Lax - had moved across to the amnesty committee several months ago without criticism.

There had been amnesty hearings where members of the panel - and on an occasion the entire panel - had recused themselves.

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AR 17/8/98

# TRC walking on a highwire?

(252) Sowetan 17/8/98

By Claire Keeton  
Feature Writer

**A**MNESTY decisions by the Truth and Reconciliation Commission are not always consistent, according to an analysis of the 75 amnesties granted through hearings

An American researcher at the Johannesburg-based Centre for the Study of Violence and Reconciliation, Maria Saino, has done research on this as part of monitoring the TRC

"The (amnesty panels) have made enough decisions to expect clear precedents. This would expedite the whole process and tighten it up against appeals," she said

Yet the decisions so far have not established such precedents, according to Saino

"How we view matters depends on the circumstances of each case," said the TRC's Amnesty Committee chairman, Judge Hassen Mall. "There may be outward similarities, but our emphasis on facts might be different to an analyst"

The TRC had received 7 060 amnesty applications by June 18, of which 4 696 had been decided. One hundred and twenty-five applications were successful, 50 applications were granted in chamber and 75 through public hearings

Sixty-one applications were refused after hearings and another 4 510 refused in chambers. Most refusals, 2 830, were not granted because the acts were not political

Of the remaining refusals, 565 missed the cut off date for amnesty, 410 were outside of the TRC's jurisdiction, 385 (including convicted prisoners) were refused because "guilt was denied", and 320 because the act was for personal gain

Around 67 percent of all applications have been processed, and the amnesty committee hopes to complete those remaining by mid-1999

The original amnesty committee of five has been increased to 19 members to speed up this process. Now they can operate in panels of three, with at least one judge per panel

## Expanded committee

While this is a necessity, the expanded size of the committee increases the probability of inconsistencies in amnesty decisions

"When we were only five there were no difficulties. Now that we have panels all over the country, it is not possible for one person to follow all decisions," Mall explained. "We try to be as consistent as possible"

The limited time and vast workload is another reason why amnesty panelsists may make contradictory decisions

"In the process of making so many decisions, it is difficult to deal with all the cases in exactly the same way," said the CSV's TRC expert Brandon Hamber

But he warned "Inconsistencies open up the potential to say the TRC is politically biased when it (the decision) might not be political"

Saino said "In early cases the amnesty committee took a close look at each case before deciding on it. They took a stance that showed some actions were out of bounds, for example, random attacks on civilians"

She said a case where three Ciskei policemen applied for amnesty for torture illustrated this. Amnesty was granted for three counts of torture carried out against political activists, but refused for one count in which the victim had no political links

In more recent decisions, that careful attention is being lost. There is



Flashback . ANC Umkhonto we Sizwe member Joe Kgoetle giving evidence at a TRC amnesty hearing in Johannesburg earlier this month. PIC LEN KHUMALO

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For example, members of the Azanian People's Liberation Army received amnesty for civilian deaths at the Heidelberg Pub in Cape Town

The definition of a political target could be related to the organisation's policy

However, it seems that whites are accepted as political targets for Apla, but not for self-defence units (SDUs), which were broadly aligned to the African National Congress

ANC SDU member Molefe Joseph Tshukudu was refused amnesty for killing a white woman because he perceived whites as the enemy

However, whether the offence was "primarily directed at a political opponent" is only one of the criteria, among many, that influence the final amnesty decision

According to the Promotion of National Unity and Reconciliation Act, another factor guiding the committee is whether the offence was committed "with the approval of the organisation, institution, liberation movement or body of which the person who committed the act was a member, an agent or a supporter"

Saino's analysis suggests that perpetrators with support from a political body, or those acting on orders, will be more likely to receive amnesty

For instance, Norman Gilindonda Gxekwa was given amnesty for taking part in the necklacing of three collaborators in Eastern Cape in the late 1980s. His application was supported by a letter from the ANC's Uitenhage branch

In contrast, another application involving necklacing by 12 people - Eastern Cape activists from Mdantsane - was refused. The decision emphasised that the applicants did not have the implied authority of the ANC and acted out of enmity rather than political motives

The issue of "political motives" is complicated because those victims were members of the "Killer Boys Gang", alleged to be working with the police. And in another case, perpetrators were granted amnesty for attacks against the "3 Million Gang" linked to the police

While the issue of proportionality was raised in the Mdantsane case, it was not even mentioned in Gxekwa's decision

An important influence could be that the families of the three deceased did not oppose Gxekwa's application

Mall said the outcome of an application was affected by whether it was opposed or not, particularly if there was evidence to back up the opposition - for instance, opposition on the grounds of not being "full disclosure"

"Full disclosure of all relevant facts" was central to amnesty criteria, although it was interpreted early on to apply only to the act for which the application was made and not to all violations

## Loophole

This loophole has allowed perpetrators to make strategic disclosures, thereby undermining the TRC's investigations and possibly victims' confidence in the process

"Victims want the whole story. This could taint their views of the TRC," Saino said

The TRC and its decisions can be challenged in court. A 1997 appeal by Hendrik Gerber against his refusal was unsuccessful, however, with the Pretoria High Court ruling that the committee had "good grounds for its findings"

Clearly the amnesty committee has a complex task and amnesty decisions must be based on the merits of the case, not be a balancing act

"Reconciliation doesn't mean one guy from this side got it, so this one didn't," said Saino

Critical to the amnesty process is the need for prosecutions. "Amnesty and prosecutions are a dual process," Hamber said

"It is imperative to carry this through - if people have not applied for amnesty and there is sufficient information implicating them, at a bare minimum their names must be handed over to the attorneys-general for prosecution"

He concluded "We must carry this process to the final stage. It is about re-establishing the rule of law in this country"



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# PW's old arch-enemy called to his defence

## *Beyers Naude appeal cited at trial*

AAC 18/8/98 (252)



### ON THE TRUTH COMMISSION

George - Of the many ironies to emerge during the Truth Commission's existence, few were as rich as the reference by P W Botha's lawyer to the prosecution of arch-opponent of apartheid Beyers Naude.

Dr Naude, director of the Christian Institute, was convicted in 1973 for refusing to testify before the Schlebusch Commission of Inquiry into the affairs of the institute

He was fined R50 and given a suspended three-month jail sentence

But Dr Naude, one of the most outspoken critics of Mr Botha's Nationalist government, appealed against conviction and won on a technicality

The Supreme Court found that the Schlebusch Commission had not had a quorum, because not all members had been present when Dr Naude refused to answer questions after being subpoenaed to appear

Mr Botha has pleaded not guilty in the Regional Court here to ignoring a subpoena to testify at a TRC hearing, alternatively hindering the commission in its work

During his closing address yesterday, Mr Botha's lawyer, Lappe Laubscher, SC, cited the legal case history of Dr Naude in support of his argument that the TRC panel which assembled to hear Mr Botha in Cape Town in December was not legally constituted

Mr Laubscher argued that because the commission had never formally decided what a quorum should be at its meetings or those of its committees or sub-committees, all commissioners had to be present for a hearing to be legally constituted

There had been no evidence by the State to the effect that the commission had ever



LEON MULLER

**Supporting role:** P W Botha leaves George Magistrate's Court yesterday with his new wife Barbara

taken a decision that a limited number of its members could conduct a hearing on its behalf, Mr Laubscher said

Bruce Morrison, SC, for the State, argued that the commission had been given "a considerable amount of leeway" in its founding act in terms of how it was allowed to operate

In terms of this act and the constitution, the commission was obliged to help bring about the process of healing the wrongs of the past, and it would be "ridiculous" to require all 17 commissioners to be present at each of its hearings all over South Africa "The intention of the legislature could not have been that," Mr Morrison said

Magistrate Victor Lugaju adjourned proceedings to 10 30am on Friday, when he will deliver his verdict

■ Mr Botha declined to speak to journalists after the hearing



**Work to do:** magistrate Victor Lugaju leaves court

# Justice reels under exodus of lawyers

(252) CT 18/8/98

A LACK OF DISCIPLINE, trade unionism and the demoralising effect of the way in which affirmative action is being implemented are given as reasons for the flight of state advocates from the office of the Cape attorney-general. Justice Writer **RONALD MORRIS** reports.

**A**N exodus of 12 experienced state advocates from the Cape attorney-general's office over the past 18 months will have an enormous impact on the administration of justice

This was said yesterday by Jasper Tredoux, an advocate who resigned last month after 11 years in the attorney-general's office.

Tredoux said he was still young and ambitious and that the chances of his reaching a top position in the department were slim

"I've realised there is no future for me in the Department of Justice because I'm white and a male. The time has come to make a change."

The belief that white males had no future in the department was widespread among his colleagues

Tredoux said he'd rather give someone else an opportunity to work in the attorney-general's office. "I liked it here and I'll always stay loyal to the department. I think people here are doing a good job."

But the way in which affirmative action had been implemented had affected the administration of justice down to grassroots level

"We all want to see the criminal justice system work, and so it is important that experience is not lost, as is now happening."

Tredoux said he understood the state was short of money. Thus, while the state provided a criminal with defence, the victim was not assisted in any way and had no say



'HAEMORRHAGE'. But Billy Downer believes there is hope

in deciding who would prosecute

The victim, whose rights were affected, had the right to at least be treated equally, Tredoux said

While the Criminal Procedures Act allowed the attorney-general to delegate prosecution to private counsel, this provision had hardly been used

Tredoux said it took about nine months to fill a vacancy, and that with South Africa becoming a constitutional state the workload had increased. Every docket had to be photocopied, because an accused person was entitled to all information held by the state



'LITTLE ADVANCEMENT': Jasper Tredoux PICTURES: ALAN TAYLOR

Justice Minister Dullah Omar said last night a number of white males had been appointed

"It is regrettable that some of the white state advocates do not understand the need to promote representativity. It is not a case of affirmative action, it is a case of promoting representativity which South Africa needs

"If there are those who cannot live with it, they are going to find it very difficult to live in the new South Africa."

Omar said he had told the attorneys-general that he is totally opposed to state advocates who

have resigned being employed on contract or briefed in any way

"I am very optimistic about the future," Omar said

A senior advocate, who asked not to be identified, said the justice system was failing because of discipline problems

Recently SA Police Service chief executive Meyer Kahn said there was 30% absenteeism in the police service

"How can you run a business with a 30% absenteeism? What is being done? And people complain that police are not at police stations at weekends," the advocate said

"A year ago, dockets were being lost. In Mitchells Plain, 98 dockets were found in the cupboard of a prosecutor who had not dealt with them. Those cases were withdrawn

"In the Southern Cape, a prosecutor lost dockets that had to be forwarded to the regional control prosecutor. All the department did after more than a year was to try to transfer the man

"It's ridiculous, but when disciplinary steps are taken it's regarded as racist."

Trade unionism was another problem

"Our office was previously seen as an office of professionals. We were forced into trade unionism because of our salaries. It led to prosecutors going on strike. This would never have happened if they had been treated as professionals."

The way in which affirmative action was being implemented was demoralising.

"The department is supposed to

□ Turn to Page 3

render a service, and the best service is supposed to be the criterion. What now happens is that promotion does not depend on performance but on race

"The result is that whites are too demoralised to perform because there's nothing in it for them — no incentive. Conversely, there is no incentive for people of colour to perform because promotion is not dependent on performance," the advocate said

Billy Downer, deputy chairperson of the Society for State Advocates, said the "haemorrhage" at the attorney-general's office

and other prosecutors' offices had been a matter of grave concern over the years

The society had warned that the continual outflow of experience would have a negative effect on the administration of justice

"We are pleased to see all these concerns have been recognised by the National Director of Prosecution and that he has promised to address these as soon as possible"

Another concern had been the prospect of promotion for white males

"It would be naive to think that this has

not affected white men and that some have not resigned because of this. The society is also pleased that a number of white men have been promoted recently and that juniors have also been appointed"

Cape Attorney-General Frank Kahn could not be reached for comment yesterday

□ From Page 1

Air crash a  
mystery for  
37 years

ASHLEY SMITH  
STAFF REPORTER

The death of Dag Hammarskjöld, the former secretary-general of the United Nations, has remained a mystery for 37 years.

An inquiry commission 13 months after the aircraft carrying him and 15 other dignitaries crashed in what was then Northern Rhodesia in September 1961 found that the mystery could not be solved.

Hammarskjöld's death came nine months after he had visited South Africa for the first time. He was in Cape Town in January 1961 — four months before the country left the Commonwealth.

The commission into his death reported that it had examined all possible causes of the crash "including sabotage, attack from the air or ground, material failure and human failure in the pilot."

While it found no evidence to support any of the theories advanced, neither was it able to exclude any possibilities.

Hammarskjöld brought to his post as UN secretary-general both the experience of a distinguished career in his native Sweden and a long family history of public service. He is remembered as the man who coined the phrase "Give me something to die for."

At the time of his death he was serving a second term as secretary-general after being re-elected in 1957.

When Hammarskjöld took the post in 1953 it was at a time of crisis for the office itself. The Korean war was raging and the Soviet Union was becoming increasingly isolated from the United Nations.

At the same time the world organisation was coming under American pressure on world issues. Hammarskjöld set about restoring the UN's freedom from national influence by its members.

# SA spies linked to death of UN chief

The Truth Commission today revealed sensational evidence pointing to direct South African involvement in an international plot to kill United Nations Secretary-General Dag Hammarskjöld in 1961.

Mr Hammarskjöld died when his aircraft crashed on its approach to Ndola airport in what was then Northern Rhodesia (now Zambia) where he was due to meet Katangese rebel leader Moise Tshombe to negotiate a truce in the Congo civil war.

The Truth Commission has found a set of letters, contained in a batch of documents from South African security archives, which reveal plans to blow up the secretary-general's aircraft.

The letters refer to the operation under the code-name "Howls Celeste" and also point to the involvement of the United States Central Intelligence Agency and Britain's MI6 intelligence agency.

The letters, some of which are hand-written and date from the early 1960s, are on the letterhead of an organisation called the SA Institute for Maritime Research, which has a Johannesburg address.

There is a current SA Institute of Maritime Research, based in Simon's Town, which has links with Armscor.

It is described as a "low-profile" organisation which does research for the SA Navy. One of the letters outlines the plan for the attack and refers to the amount, and type, of explosives to be used.

The bomb was apparently to be placed beneath the undercarriage of the aircraft so that it would detonate soon after take-off when the wheels were retracted.



JOHNEYELD AND ZUBEIDA JAFER

But another letter states that this did not work and that the bomb exploded when the wheels were lowered for landing.

This would correspond with the crash which killed the secretary-general.

The Swedish chartered DC6-B Albertina disappeared after the pilot had contacted Ndola airport and had flown over the landing site.

The letters appear to be correspondence between two security operatives who were directly involved in the plot.

The institute referred to in the letterhead is believed to have been a front company for the South African military.

Truth Commission chairman Desmond Tutu told a press conference today that the commission had been unable to investigate the veracity of the documents.

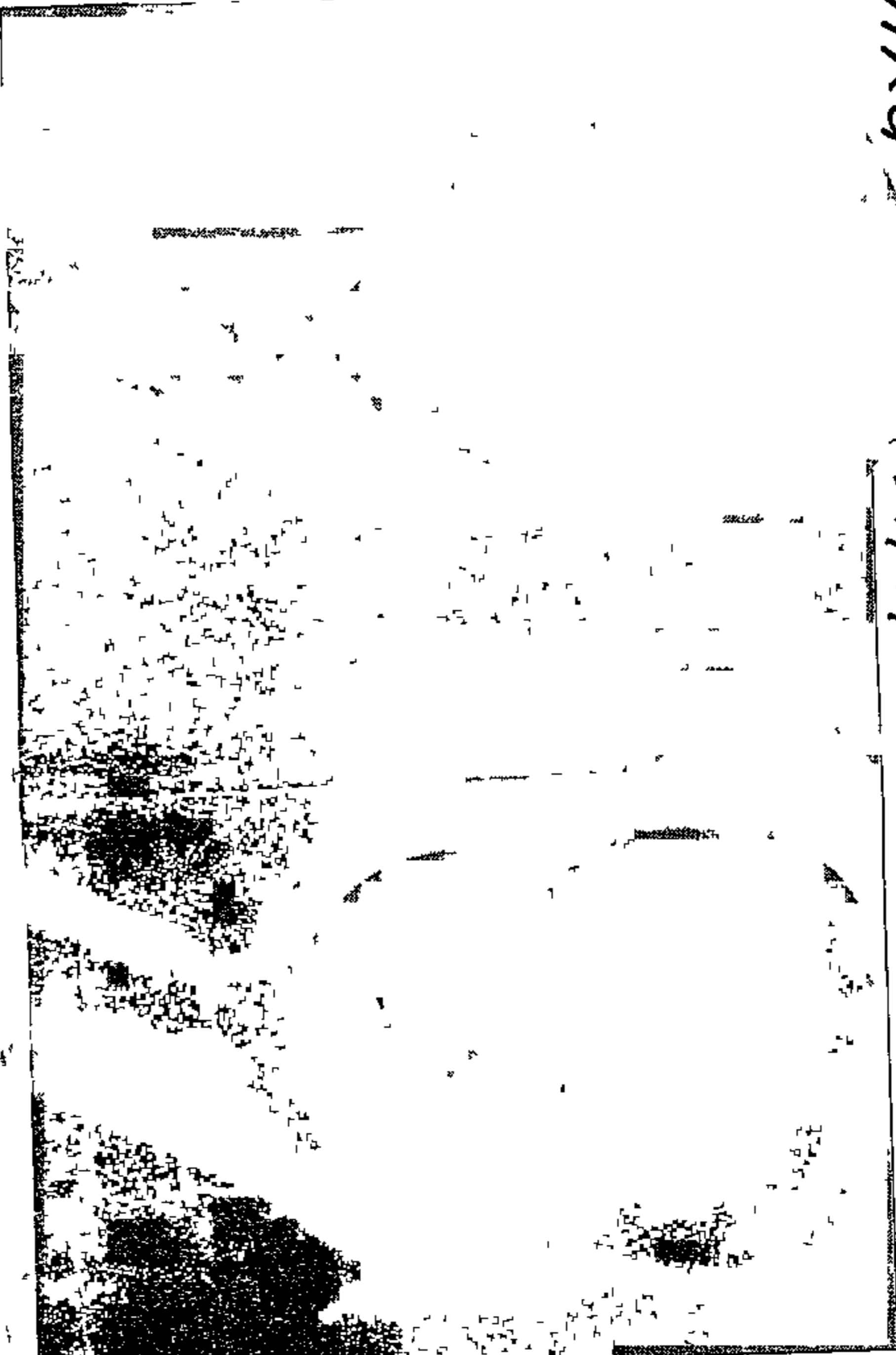
Because of the commission's obligation to inform individuals named in such documents, it blacked out names in copies of the letters given to the media today.

Archbishop Tutu said they had not been able to serve the required notices on those named.

The commission handed journalists copies of eight letters are dated between July 12, 1960 and September 1961.

They are marked "confidential" and "top secret your eyes only." They are sent from a commodore to a captain.

The address given for the SA Institute for Maritime Research is 5th Floor, Clinical Centre, De Villiers Street, Johannesburg. The first letter starts: "Head office is rather concerned with developments in the Congo, particularly the Haute Katanga, where it



Prime target? South African ex-prime minister Hendrik Verwoerd with UN chief Dag Hammarskjöld



Key discovery: Truth Commission chairman Archbishop Tutu announces the discovery of the 'assassination' documents. On the left is his deputy, Alex Boraine

To page 3

P.T.O.

# SA spies linked to death of UN chief

From page 1

appears that the local strongman Monsieur Moïse Tshombe, supported by Union Minière (a giant copper mining company) is planning a secession along with a number of émigrés.

A second letter says: "It is essential that your combat units be put into training as soon as possible. We expect that they will be needed shortly."

The third letter says that the CIA contact is called "Dwight"

The password is "How is Celeste these days?" and the reply is "She's recovering nicely apart from the cough".

In another letter, all units are told to be on standby and that the operation will proceed as planned.

"Tell our people that the op will not be allowed to be less than a total success.

"Union Minière has offered to

provide logistic or other support.

"We have told them to have six pounds of TNT at all possible locations with detonators, electrical contacts and wiring, batteries, etc."

"Your decision to use contact rather than barometric devices, is a wise one, we don't want mistakes or equipment failures at this late stage."

"GOOD LUCK!"

The next letter, which is handwritten, states: "We have a number of problems to sort out with regard to the operation in order to arrange for all three of the targets to be affected."

The next letter, also handwritten and dated September 14 1961 is headed Operation Celeste and says: "Our technician has orders to plant six pounds TNT in the wheelbay with contact detonator to activate as wheels are retracted on taking off"

"We are awaiting subject's time of departure before acting"

The last letter, also handwritten,



Mystery Institute: the letterhead of the SA Institute for Maritime Research'

but very unclear, says the device failed on take-off.

The wreckage of the Hammar-skjöld aircraft was found on a wooded ridge about 10km from the airport on September 18 1961, the day after it crashed.

The batch of letters revealing the plot contain explicit reference to "Dag". It is believed to have been in the Truth Commission's possession for months. It is part of a larger batch of security documents requisitioned from the state security archives.

But the sensational content of the letters was discovered only in the

past fortnight, by a researcher preparing material for the commission's final report.

Dumisa Ntsebeza, the commissioner who heads the TRC's investigative unit, said the documents were relevant to a specific investigation the TRC had been pursuing.

The only "tenuous link" between that investigation and these letters was the South African Institute for Maritime Research.

"The first thing we did was to send an investigator to establish whether there was an institute of this nature.

"We are of the view that there is (such) an institution, although in a different form."

The TRC has handed the original documents to the Government, since, if true, they will have serious international repercussions

Their discovery has come as the TRC prepares for its final report to President Mandela in October.

## Police seek amnesty for death of activists

(252) CT 19/8/98  
PRETORIA · Ten former policemen, including former police general Johan Coetzee, will appear before the Truth and Reconciliation Commission next month in a bid to get amnesty for bomb attacks in the 1980s in which anti-apartheid activists were killed.

The attacks include the murder of Ruth First, wife of late SACP leader Joe Slovo, the killing of Jeanette Schoon and her daughter Katryn in Angola and the bombing of the ANC's offices in London, the TRC said.

The most senior applicant is former police commissioner Coetzee, who is one of eight policemen seeking amnesty for the London bombing in 1982.

The other applicants for the London bombing are apartheid spy Craig Williamson, James Taylor, intelligence operative John Louis McPherson, explosives expert Roger Raven, John Adam, the former head of technical services Wybrand du Toit, and former Vlakplaas security police base commander Eugene de Kock.

Williamson and Raven are also seeking amnesty for the parcel bomb murder of First and the attempted murder of Slovo in Maputo, Mozambique in 1982.

Williamson, Raven and Isak Daniel Bosch are seeking amnesty for the murder of Schoon and her daughter in 1984 — Sapa

## 10 ex-cops to apply for amnesty

TEN former policemen, including former police general Johan Coetzee, will appear before the Truth and Reconciliation Commission next month in a bid to get amnesty for bomb attacks in the '80s in which anti-apartheid activists were killed.

The attacks include the murder of Ruth First, wife of late SA Communist Party leader Joe Slovo; the killing of Jeanette Schoon and her daughter Katryn in Angola; and the bombing of the African National Congress' offices in London, the TRC said yesterday.

The TRC's amnesty committee will hear applications for amnesty from 10 former Security Branch policemen.

The most senior applicant is former police commissioner Coetzee, who is one of eight policemen seeking amnesty for the London bombing in 1982.

The other applicants for the London bombing are apartheid "super-spy" Craig Williamson, Lieutenant James B Taylor, intelligence operative John Louis McPherson, explosives expert Roger HL Raven, Lieutenant John S Adam, the former head of technical services, Wybrand AL du Toit, and former Vlakplaas security police base commander Eugene de Kock.

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Williamson, Raven and Isak Daniel Bosch are seeking amnesty for the murder of Schoon and her daughter in 1984.

Former Brigadier Willem Schoon is seeking amnesty for the attempted murder of Schoon's husband, Marius, in Botswana in 1981. — Sapa

# Apla man says TRC is a 'circus'

*Sowetan 19/8/98 (252)*

By Willie Bokala

FORMER Azanian People's Liberation Army (Apla) national director of operations Mr Letlapa Mphahlele failed to attend an amnesty hearing in which he is an applicant yesterday and said he thought the Truth and Reconciliation Commission (TRC) was a "circus"

Mphahlele told *Sowetan* by phone from his office in Cape Town that he regarded the TRC as a circus and that he would not appear before its Bloemfontein hearing. This is the second time Mphahlele has refused to appear before the commission

The amnesty hearing relates to attacks in the Free State in 1993

In Bloemfontein yesterday another applicant, former Apla operative Mr Mangalisekile Bhani, who is currently serving 58 years in jail, told the committee that the Wesselsbron Supermarket was the perfect choice for an attack by Apla because it was frequented by Afrikaner Weerstandsbeweging (AWB) members

Bhani told the TRC that although the order to attack the supermarket had come from Apla's Free State commander Lerato Khotle, it

had Mphahlele's approval. Mphahlele ordered Khotle to carry out the mission and he in turn took the orders on himself

Five whites were killed and three others were injured in the attack on July 3 1993

Bhani said he had kept watch on the supermarket and discovered that it was patronised by AWB members and policemen on Friday and Saturday nights

Bhani said that he also led the attack on the supermarket himself

## Rifles and grenades

He said that his team, which comprised Silimela Ngesi, Daniso Sibanda and Sebenzile Mbeshu, armed with R4 rifles and grenades, entered the shop and started shooting all the whites present

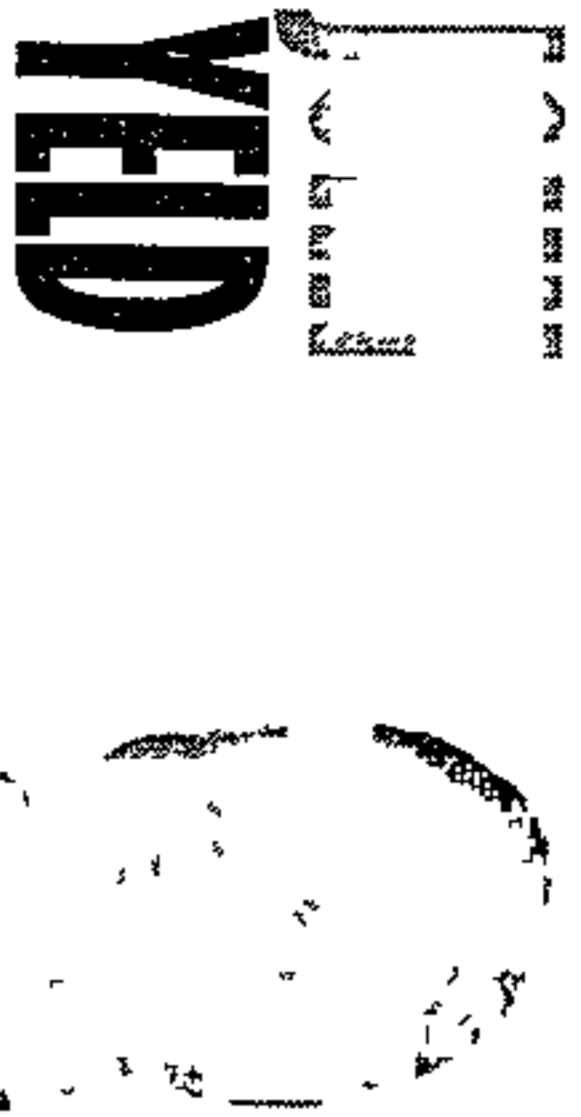
"I grabbed one woman and ordered the others to raise their hands. As they did I ordered my colleagues to start shooting. We took R4 000 and cheques and left," he said

Ngesi told the amnesty committee that white people did not belong in South Africa. Whites stole the land from blacks and then oppressed them



# Yes: Every s troucs : ru: 1 of: Uperation (e este

## Dispatches that detail plot to kill UN chief have one serious flaw ...



ON THE TRUTH COMMISSION

If the documents released by the Truth Commission yesterday relating to the "assassination" of United Nations Secretary-General Dag Hammarskjöld are a hoax, the perpetrators have gone to extreme lengths to make them appear authentic.

Much of the detail is compellingly realistic in the eight dispatches between a "Commodore" and a "Captain" - the Truth Commission has blacked out the names of the men because they have not been served with the required notices informing them of their implication in a possible gross human rights violation.

The documents reveal the "assassination" was code-named "Celeste". One dispatch, headed "Orders", states that "Dag" - clearly a reference to Hammarskjöld - would be in Leopoldville in the Congo on or about September 12, 1961. "The aircraft ferrying him will be a DC6 in the livery of 'Transair', a Swedish company.

"Please see that Leo (sic) airport as well as Elizabethville is covered by your people, as I want his removal to be handled more efficiently than was Patrice

"If time permits, send me a brief plan of action, otherwise proceed with all speed in absolute accuracy.

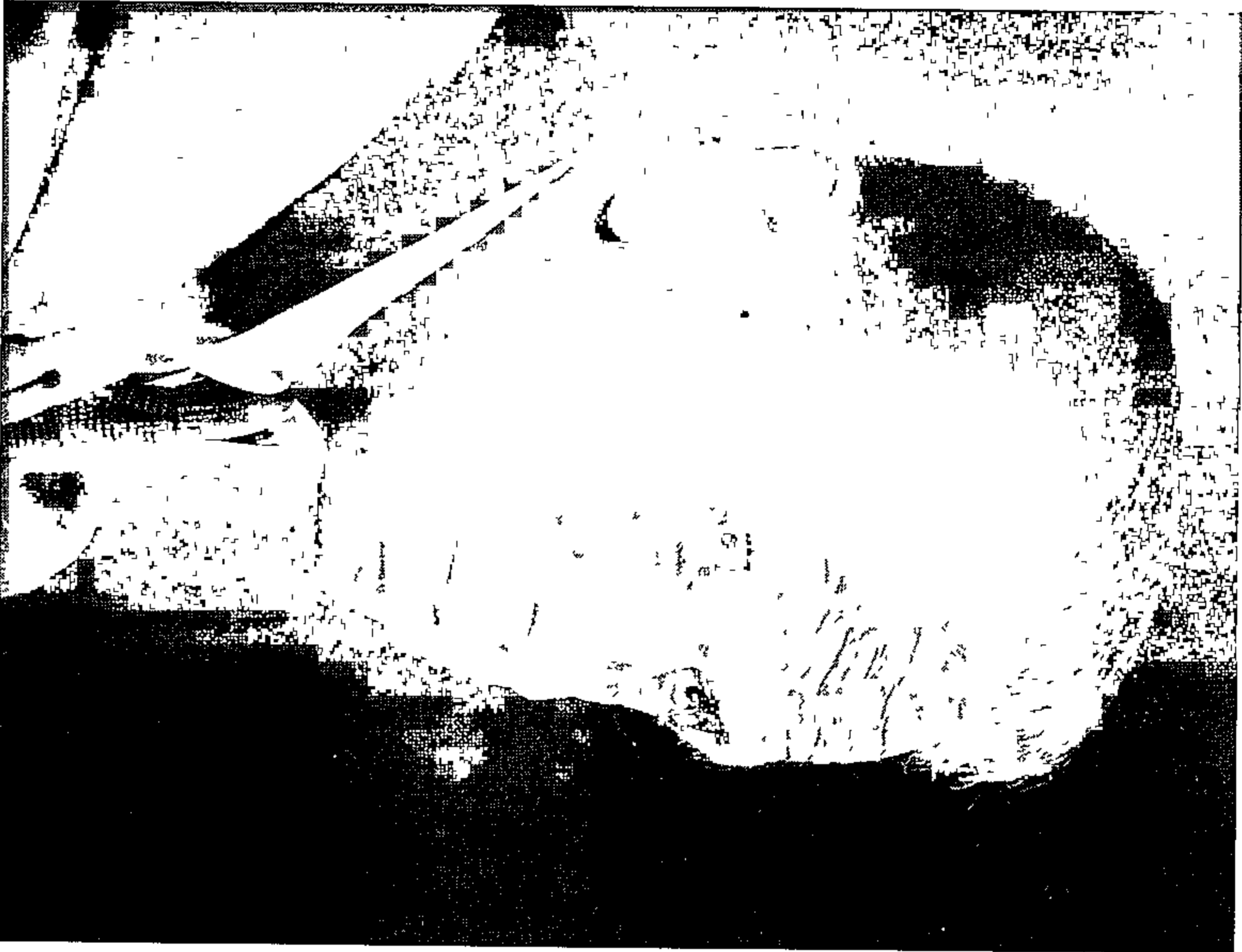
"If McKeown and O'Brien can be dealt with simultaneously, it would be useful but not if it could compromise the main operation."

McKeown could be a reference to Major-General Sean McKeown, the Irish army officer who was at the time commander of the United Nations forces in the Congo, stationed at Leopoldville.

Another of the letters states "Operation will proceed as planned. The Generals will not be accompanying the target."

The reference to O'Brien could be Connor Cruise O'Brien, the controversial Irish diplomat, scholar and writer who was appointed to head the UN's force in Katanga after rebel leader Moïse Tshombe had been arrested in 1961.

The aircraft carrying Hammarskjöld was a Swedish charter DC6, and it was ferrying the UN secretary-general to Ndola on the night of September 17-18, when it crashed.



Memory: Swede Dag Hammarskjöld was UN Secretary General from 1953 to 1961

Patrice appears to refer to Patrice Lumumba, a former post office worker who became the first prime minister of the Congo after independence.

After his Congolese army started a series of attacks on UN troops, he was "dismissed" by President Joseph Kasavubu and was later arrested, severely beaten and detained by army strongman Joseph Mobutu - later to become Mobutu Sese Seko - who had assumed power in a military coup.

### 'Dag will have to be sorted out on the 17th or 18th ... all my men ... are in position'

Lumumba held January 17, 1961, when he transferred his prisoner by air to Elizabethville, capital of the Katanga province, and into the hands of Tshombe. Lumumba's bitter enemy Lumumba was killed the same day in suspicious circumstances.

Another document released by the



Flashback: the burnt-out engine of the DC6 aircraft in which Dag Hammarskjöld died lies in dense bush near Ndola, Rhodesia, in 1961

commission, handwritten and marked "By Hand" and "Your Eyes Only", states: "We have a number of problems to sort out with regard to the operation, in order to arrange for all three of the targets to be affected, an enormous amount of planning will be required, in order to ensure the success of 'Celeste' and taking into account the fact that time is of the essence, I would suggest that we concentrate on D and leave the other two for some future date, possibly as early as next week or the week after."

"Dag will have to be sorted out on the 17th or 18th (he has an appointment in Ndola on the 18th or 19th), all my men as well as Congo (illegible word) people are in position. With a little luck, all will be well. Your servant, Commander."

Another document released by the

meeting between "M15, Special Ops Executive and SAIMR", and states "Dag has requested that blockbusters be shipped to Katanga via South Africa and Rhodesia - both Dr V and Sir Roy have refused."

The references are apparently to the then South African Prime Minister Hendrik Verwoerd and the Prime Minister of the then Federation of Rhodesia and Nyasaland, Sir Roy Welensky.

This letter continues: "Uno (this word is not completely legible but could be UNO, an abbreviation for United Nations Organisation) is becoming troublesome and it is felt that Hammarskjöld should be removed."

"Allen Dulles agrees and has promised full co-operation from his people."

Dulles was director of the American Central Intelligence Agency at the time.

According to William Burn in his

book *Killing Hope*, the CIA station in the Congo had cabled Washington in August 1960: "Embassy and station believe Congo experiencing classic communist effort [to] take over government", and Dulles had warned of a "communist takeover of the Congo with disastrous consequences for the interests of the free world."

### '20 minutes before his scheduled take-off he had transferred to another aircraft'

The first of the documents, dated July 12, 1960 - less than two weeks after the Congo became independent and just days before Tshombe seceded - states:

"Head office is rather concerned with developments in the Congo, particularly in the haute Katanga, where it appears that the local strong man Monsieur Moïse Tshombe, supported by (large mining company) Union Minière, is planning a secession along with a number of other ré-

(R52) AR4 20/8/98

Just 20 minutes before his scheduled take-off he had transferred to another aircraft, making it almost impossible for any saboteurs to have planted explosives on this plane.

There were two official inquiries into the crash.

The first was by the Rhodesian federal government, which concluded that the crash had been caused by pilot error and that the DC6 had been flying too low.

The second was by a UN commission of inquiry, which published its findings on May 2, 1962.

These were to the effect that the possibility of the crash having been caused by sabotage or an outside attack could not be excluded.

But this commission, which found no evidence of technical or structural failure of the DC6, also did not rule out the possibility that the pilot had insufficient information about the physical location of the airport at Ndola to be able to land safely.

The mystery of the letterhead on which the eight dispatches were written - South African Institute for Maritime Research - has also not been resolved.

Yesterday, the head of the Truth Commission's investigative unit, Dumisa Ntsebeza, revealed that the institute was the only link between the documents relating to Hammarskjöld and those being examined in terms of another investigation the commission was engaged in.

He gave no details of this probe.

The address on the letterhead is 5th Floor, Chemical Centre, De Villiers Street, Johannesburg.

The actual existence of a real organisation called the South African Institute for Marine Research - and particularly its links to the SA military and Armscor - was questioned by industry sources, writes *Cape Argus* staff reporter *Henri du Plessis*.

"At the time of Hammarskjöld's death in 1961, Armscor had not been founded yet," a source said. "All we had was a Defence Production Board which was a left-over from the 1950s and World War 2."

"I believe it is easy to create a letterhead for appearance's sake. You do not even have to form the institute."

There have been suggestions of a possible link to the Institute of Maritime Technology in Simon's Town, which has had arms maker Denel.

But the institute's head, Pierre Louw, said the institute had been formed only 22 years ago.

According to cuttings in the library of the Cape Argus, in 1994 Armscor spokesman Abba Omar briefed the "Institute of Maritime

Résea "1" on Armscor's new plans

# TRC sparks new probe on UN chiefs' death

JOSEPH ARAIES AND CLIVE SAWYER  
STAFF REPORTERS

The Swedish government is to re-open its investigation into the death of United Nations Secretary-General Dag Hammarskjöld in 1961.

Sec page 8 for John Yeld's analysis of the TRC's Dag Hammarskjöld dossier

And Justice Minister Dullah Omar will brief President Mandela on the developments today.

Yesterday, the Truth Commission released startling new documentation pointing to the apartheid South African government's involvement in an international plot to kill Hammarskjöld.

The evidence, in the form of purported dispatches on "Operation Celeste" between unnamed South African security operatives, also implicated the US Central Intelligence Agency and Britain's MI5. The memos are under the letterhead of "the South African Institute for Marine Research".

Hammarskjöld was killed when his aircraft crashed as it approached Ndola airport in what was then Northern Rhodesia (now Zambia).

He was on his way to meet the Katangese

rebel leader Moise Tshombe to negotiate a truce in the Congo civil war.

There have been two investigations but the cause of the crash remains a mystery.

Former Swedish ambassador Bengt Rosio completed Sweden's official probe in 1993, ruling out the possibility of the aircraft having been shot down or crashing as the result of an explosion.

Ms Soder said the Swedish government

## UN death crash probed

From page 1

(252) **ARL 20/8/98**

had ordered its embassy in Pretoria to get in touch with Truth Commission chairman Desmond Tutu and the Government about the new allegations.

Justice Minister Dullah Omar was expected to brief President Mandela on allegations of South African involvement during today's meeting of the Cabinet sub-committee on security and intelligence.

Meanwhile, apartheid-era defence force intelligence supremo Tienie

(252) Groenewald said the allegation sounded "a bit of a thumbsuck". But nothing was impossible.

General Groenewald, now a Freedom Front member of the National Council of Provinces, said he had met someone from the SA Institute for Marine Research only once, in 1992.

"It seemed to me to be an organisation with links to the United Kingdom. The person who came to talk to me was a British citizen.

"He talked about having very important contacts. I think it could even be something to do with MI6."

# GUINNY

## PW: pay up or go to jail

JOHN YELD

ON THE TRUTH COMMISSION

George— Former State President PW Botha was convicted today on a charge of failing to attend a Truth Commission hearing last December.

Botha was fined R10 000 (or 12 months' imprisonment) and was given an additional 12-month sentence, suspended for five years, on condition that he did not contravene any of the provisions of the TRC Act. His lawyers immediately lodged a High Court appeal against the conviction and sentence.

Passing sentence, Regional Court Magistrate Victor Lugaju said an aggravating factor was that Botha had shown no remorse throughout the proceedings.

However there were mitigating factors, including Botha's age, 82, his poor health and the fact that he was a first offender.

The mitigating factors far outweighed the aggravating factor, he said.

Passing judgment earlier, Mr Lugaju said it was the unanimous decision of the court that Botha had not had sufficient cause to

ignore a subpoena to appear.

He rejected all the technical arguments raised by Botha's lawyers, to the effect that the commission had not been legally entitled to call him and that it had acted in bad faith against him.

Mr Lugaju said he agreed with the State that a subpoena could "not simply be flouted" and could only be set aside by the High Court. He said the TRC had been "clearly entitled" to issue the Section 29 notice to Botha to appear and that this was a "valid administrative action".

In his hour-long judgment, Mr Lugaju said Botha's lawyers had failed to prove prejudice on the part of the commission. "We are of the view that the accused was treated with the utmost courtesy."

A group of about 50 African National Congress supporters stood behind the razor wire barricade outside the court with posters with wordings such as "We can forgive him for his past, send him to jail for arrogance".

Botha, who was accompanied to the

To page 5

### PW told to pay R10 000 or go to jail

From page 1

court by his new wife Barbara showed no emotion on hearing the verdict.

His lawyer, Advocate Lappe Laubscher, SC, asked for a brief adjournment and Mr Botha walked from court with a brief smile towards his supporters.

Mr Botha pleaded not guilty to the main charge of refusing to attend the TRC hearing in Cape Town last December. He had been subpoenaed to answer questions about the State Security Council, of which he was chairman. He also pleaded not guilty to an alternative charge of hindering the commission.

# Guguletu turns to bloody street law

MANDLA MNYAKAMA  
AND MOSES MTHETHELELI MACKAY  
STAFF REPORTERS

Fury at the police's inability to deal with crime has boiled over in brutal and bloody street justice meted out by Guguletu residents.

Siphiso Tomisi, a Rastafarian, is in Grote Schuur Hospital after being beaten up by an angry crowd for an alleged crime.

Three youths and a woman were hit, kicked and punched by Guguletu residents and taxi drivers at a terminus yesterday, and later a man accused of rape and robbery was sambokked and beaten.

While some Guguletu residents are horrified over the beatings meted out to people accused of crimes, others are delighted.

Residents said they supported the

beatings by taxi drivers and others and urged them to continue, as the police were "not doing their duty".

They said they had approached the taxi drivers for help because cases reported to police were ignored.

Moriat Sigidi, a Guguletu taxi-man, warned residents not to buy stolen goods from youths, because they would be confiscated.

"Purchasers will lose their money because we won't pay them back

"We want residents to co-operate with us as much as possible." Mr Sigidi said they took action only in cases reported to police.

A policewoman, who asked not to be named, said of the taxi drivers: "They don't want us to intervene when they are beating people. They say we can't cope with the police work. They would rather do the policing and investigate and discipline criminals"

ART 2/18/98 (aha)  
This week several people have been dragged from their homes, beaten and paraded naked in the streets

Several told their assailants where to find stolen property.

Residents said the township was now quiet at night and there were no more random shootings. Others said they could once again wear gold jewellery on the streets.

"Things look much better after this clean-up by our taximen," said a woman. "The police never do anything - and when you call them they always arrive too late."

"They come immediately only if you say you've got drugs, so they can take them away and share the drugs among them."

Yesterday, in spite of an angry condemnation by Nyanga and Guguletu police director Simon Mpembe, attacks continued.

# Light rap on the knuckles likely for finger-wagging P W Botha

**GEORGE: Magistrate Victor Lugau is today expected to find P W Botha guilty of defying the Truth and Reconciliation Commission. Special Assignments Team ROGER FRIEDMAN and BENNY GOOL report.**

THE loathed apartheid leader who oversaw the imprisonment of about 30 000 people without trial in the mid-1980s, and the destabilisation of the entire Southern African sub-continent, will probably escape being sent to prison.

He has not been charged with crimes against humanity, or terrorism, as many of his countrymen and women may have considered more appropriate. Instead of Nuremberg-type trials or a general amnesty, South Africa settled for the Truth and Reconciliation Commission, whose subpoena P W Botha chose to ignore.

The commission laid charges and Botha has been on trial since January. Under the Promotion of National Unity and Reconciliation Act, the commission's founding legislation, Botha faces a maximum prison sentence of two years and/or a fine not exceeding R20 000.

He will probably be fined and possibly receive a suspended sentence. Lugau is scheduled to deliver his verdict at 10 30am, and is expected to pass sentence immediately thereafter.

The punishment may not be harsh, but Botha will become the first apartheid leader to be convicted of a crime and his prosecution has already helped establish the principle that nobody is above the law. George ANC official Lanval Reid said

yesterday, "We are not out for revenge, our position has always been that we want him to obey the law."

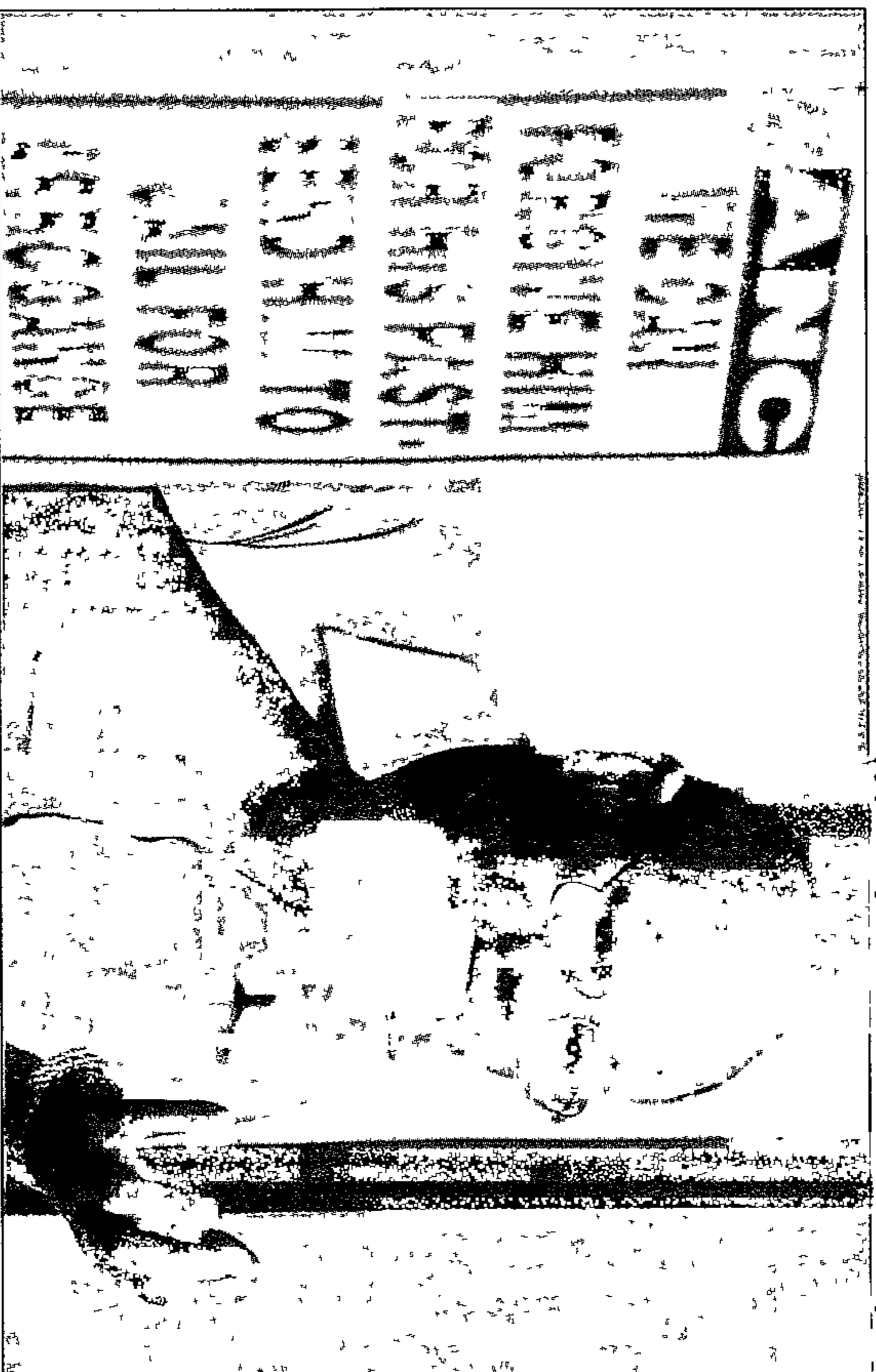
"His refusal to appear before the TRC compares very unfavourably with President Mandela's willingness to appear before the High Court in the South African Rugby Football Union case."

Reid said that although the commission's Human Rights Violations Committee had all but completed its brief, there was still an opportunity for Botha to be subpoenaed to appear before its committee on amnesty.

"We still want him to account for what went wrong during his term as state president. We expect the magistrate to find him guilty but we don't know what sentence will be passed. It might even be a symbolic sentence."

"We actually don't believe the sentence is that important. We hope that the outcome of the case may influence him to such an extent that he appears voluntarily before the amnesty committee. He is arrogant."

"He still believes that he's head of state and untouchable. We are saying that such thinking should stop; he is just an ordinary South African citizen," said Reid. Botha did not wish to discuss matters with members of the media camped out-



**NOT UNTOUCHABLE:** George ANC organiser Lanval Reid said yesterday P W Botha's trial was not about revenge, but establishing that nobody is above the law. The ANC will hold a picket demonstration outside court today.

side his retirement home, Die Anker, in Wilderness yesterday. His secretary said he had nothing to say and would not venture outdoors until

the media had left. She suggested that the journalists relax on the beach instead. Barbara Robertson, Botha's new wife, Barbara Robertson, pattered about in the garden before

receiving unidentified visitors. His lawyers have argued that the TRC was conducting a witch-hunt against apartheid leaders, that the TRC acted as a

lackey of the ANC, was prejudiced against Botha and its subpoena was technically flawed.

Botha is 82 years old. Some people have said that it is immoral that he be prosecuted at this age, though advanced age was not considered a worthy reason to avoid imprisonment when he was in charge of the country.

Before he left for the US this week, commission chairperson Archbishop Desmond Tutu remembered visiting veteran trade unionist Oscar Mpetsha at Groote Schuur Hospital.

"Here was an 80-year-old, with diabetes, who was about to lose a leg. They had chained him to his bed. I asked the policeman guarding him if I could talk to him. He said no. I asked if I could pray for him. He said no," Tutu recalled.

"A youngster reminded me of this case when I was in George for the trial recently. He said 'Please Arch, just let him go to jail for one month.' I said no. This is not what we would have preferred."

Botha, who served in the B J Vorster cabinet as minister of defence, became prime minister of South Africa in 1978. He had already evolved what was known as a "total strategy" to combat the pro-democracy movement. This involved the co-ordination of the military, economic, psychological, political, social, racial, diplomatic, cultural and ideological fields of state activity.

He created a national security management system — effectively a militarised bureaucracy — to operate in tandem with the regular civil service. In spite-

of the powerful array of repressive laws at his disposal, Botha imposed successive states of emergency in 1985 and 1986 to crush internal opposition to apartheid.

By June 1987, more than 26 000 people had been detained. Botha ruled for 10 years, his soldiers not limiting themselves to internal activities.

This is what then-Zambian president Kenneth Kaunda had to say in 1989: "What is taking place in the frontline states under aggression by apartheid is the same as one Jumbo jet filled with frontline children crashing without survivors every day."

"In Mozambique alone, as many as six factories to produce artificial limbs have been set up to assist those mangled by war. Angola today has the highest per capita number of limbless people in the whole world."

"Apartheid South Africa tries to fool the world by claiming its cross-border action has been aimed at the ANC. Yet we in the region know that only a tiny fraction of the victims have been South African. The apartheid government of South Africa claims that the ANC are 'terrorists'. We in the frontline states know that apartheid military forces and their surrogates are in truth the marauding terrorists in Southern Africa."

Our insight into Sclerose page had to be withheld because of space constraints. It will return to its regular Friday slot next week.



# TRC: PW could still be called

Star 22/8/98

By JOHN YELD and ADRIAN HADLAND

George Botha might still be subpoenaed to appear at a Truth and Reconciliation Commission hearing in the coming months.

But this time he will have a suspended 12 months' jail sentence hanging over his head as he decides whether to obey any new order.

This follows his conviction and sentencing in the regional court here yesterday for failing to appear at a hearing of the commission's human rights violations committee

in Cape Town in December.

Magistrate Victor Lugaju sentenced Botha to a R10 000 fine (or 12 months in jail) and an additional 12 months in jail, suspended for five years, on condition that he does not contravene any of the provisions of the TRC's founding act in future.

In his reaction to the judgment, Truth Commission deputy chairperson Alex Boraine made it clear that Botha could still be subpoenaed to appear at an amnesty hearing, although the human rights violations committee had completed its work. "The amnesty committee still

has many months of work ahead of it and retained the power to subpoena him again. We hope that if it needs Mr Botha's evidence, he will reconsider his attitude."

Dr Boraine said Botha's trial had reiterated that all South Africans, no matter how influential or powerful, were treated equally before the law.

"We are sad he refused to use the opportunity of appearing before the TRC, an opportunity that was taken advantage of by many former colleagues and other political leaders"

■ TO PAGE 2

## PW Botha might still be called to appear before the TRC

252

■ FROM PAGE 1

"His own stubbornness and unwillingness to compromise is what led to this long, drawn-out trial, but we are pleased that the law has finally taken its course"

The ANC welcomed the judgment and said Botha could consider himself "very lucky" that the trial had been conducted in an era in which human rights were respected.

ANC regional organiser Lanval Reid pointed out that during Botha's presidency, 80-year-old trade unionist and double amputee Oscar Mpetha had been jailed. "We appeal to him to accept the olive branch extended to him by Mandela, so that all of us can work together for reconciliation in this country"

Botha is on a nominal R50 bail, pending an appeal to the Cape High Court. His attorney, Ernst

Penzhorn, told journalists after the trial that his client was convinced there was a reasonable chance that another court would come to a different conclusion. "We respect the judgment of this court and have taken instructions to lodge this appeal"

The National Party expressed its dissatisfaction with the manner in which Botha had been treated by the TRC. "The action against Mr Botha is evidence of an uneven-handed approach with regard to dealing with the role-players of the past," said NP media director Daryl Swanepoel

"To the ANC they granted blanket amnesty, but in the Botha case they rushed into legal action before even studying submissions actually made. Actions such as this have resulted in the initial goodwill of South Africans to the process being lost."

Star 22/8/98

# ANC executive 'knew of abuse in camps'

ARG. 22/8/98

ARG

## MELANIE PETERS

African National Congress executive members, who visited ANC camps outside South Africa, knew of the "systematic abuse" that took place in them, the Durban High Court has heard.

This was evidence by three men appearing as witnesses for Musi Lombó - a former ANC member suing the ANC/SACP for R2,3-million for the pain and suffering he says he was made to endure while he was detained from 1986 to 1991 in camps outside South Africa.

Mwezi Twala, Robert Shange and Segamoney Pillay took the stand and testified to "dehumanising" ordeals and "hellish" experiences in the camps.

Mr Lombó's case resumed in the Durban High Court on August 12.

Several ANC/SACP leaders, including Chris Ham, ANC deputy president Jacob Zuma and ministers Alfred Nzo, Joe Modise and Ronnie Kasrils were named as allegedly giving instructions to guards to carry out the acts.

This week Mr Pillay showed the court scars on his back and leg which he said resulted from being "tortured and beaten" while detained in an Angolan jail, Nova Stalcoo, and an ANC camp, Quatro.

He testified that in both places he had seen the plaintiff, Mr Lombó.

Mr Pillay, who is at present a self-employed sales and marketing consultant, said the scars on his back were "a result of Quatro guards dripping melted plastic from a burnt pipe on to my back and pulling it off once it had dried".

"The scar on my leg is from an

iron poker heated in a fire and then pushed into my left leg," he said.

Mr Pillay said that before he was detained he "actively pursued the interests of the ANC" under the instructions of assassinated SACP leader Chris Ham.

Fearing for his safety in 1985, he went into exile where he thought he would further his studies. However, he was instead detained in Angola and put into solitary confinement.

"It was a small dark room with a toilet in the ground which was brimming with faeces" and infested with "flies, cockroaches and mice".

"This prison was where he saw Mr Lombó for the first time, in a cell opposite his own. "His features were swollen and his voice was weak," Mr Pillay said during his testimony.

After three months Mr Pillay said he and other detainees, including

Mr Lombó, were taken to Quatro where the average age of the guards was between 16 and 18.

Mr Pillay says he was detained at Quatro for 13 months. Upon his arrival, the guards told him only to respond to the names "Blanket, Coolie, Bastard, Traitor and Shit".

"I was brutally tortured and assaulted three to four times a week."

While he was detained, he was also "beaten into signing statements" and made to write an autobiography.

He also testified that on separate occasions he was "severely assaulted" by the guards before he was integrated by Mr Zuma and Mr Kasrils. Mr Pillay says that Oliver Tambo as well as Mr Ham also visited the camp.

He said "Members of the ANC national executive knew about the

systematic abuse. No one who went there (Quatro) could say they never knew."

In evidence similar to Mr Lombó's, witnesses Mr Shange, Mr Twala and Mr Pillay described how every morning they and their cell-mates were made to run to a pit to empty their "containers" of urine and faeces.

Their path took them between two rows of guards who would beat them. They also told the court that besides being involved in the building extensions of Quatro they were made to cut firewood and get water.

They testified that they were often assaulted during these chores, sometimes with the butt of a gun, or with sticks and leather belts. One method of punishment was to "pompa" - to inflate their cheeks before the guards struck them.

In cross-examination yesterday, Mr Shange testified that he would not have dared risk his life coming of conditions at Quatro.

He said that even Oliver Tambo knew of the conditions. "On one visit he commented that Quatro, which was beautiful from the outside, was actually a corrupt and evil place."

The counsel for the ANC, Guido Penzhorn, submitted a file to the court which he said was evidence that Mr Shange had, in fact, been detained for mutiny.

Mr Twala, another witness called last week, said he "counted more than 150-something beatings in 1987 while building extensions to Quatro."

"The guards took turns in giving me lashes. It was so bad that I lay on my stomach for two weeks. There were cuts and open flesh on my buttocks that oozed pus."

When Mr Shange, who is currently a member of the South African National Defence Force stationed in Kimberley, took the stand earlier in the week, he gave a gruesome account of "a man whose wounds had been left to rot after he was severely burnt with boiling water".

He was part of "Mkatashinga" - a group of "MK soldiers detained for voicing their grievances".

"We obtained a razor from a guard after we told him this person's wounds were rotting and stinking."

"Routine beatings were the order of the day. If any prisoner complained of tiredness the guards would give them 'petrol' - they would be hit on the spine, on the buttocks or in the small of the back with any instrument the guard chose."

"One man was hit on the chest with the blunt side of the axe"

# PW still not off TRC's hook <sup>(252)</sup>

JOHN YELD AND ADRIAN HADLAND

George. Former state president P.W. Botha may still be subpoenaed to appear at a Truth and Reconciliation Commission hearing in the next few months

But this time he will have a suspended 12-month jail sentence hanging over his head as he decides whether to obey any new order.

This follows his conviction and sentencing in the regional court here yesterday for failing to appear at a hearing of the commission's Human Rights Violations Committee in Cape Town in December last year.

Magistrate Victor Lugaju sentenced Botha to a R20 000 fine (or 12 months in jail) and an additional 12 months in jail, suspended for five years, on condition that he did not

To page 3



'STUBBORN': P.W. Botha and his wife Barbara

ARC 22/8/98

## TRC gets the better of Botha <sup>(257)</sup>

From page 1

contravene any of the provisions of the truth commission's Founding Act in future

Alex Boraine, the truth commission's deputy chairman, made it clear that Mr Botha could still be subpoenaed to appear at an amnesty hearing, even though the Human Rights Violations Committee had completed its work.

"The Amnesty Committee still has many months of work ahead of it and retains the power to subpoena him."

"We hope that if it needs Mr Botha's evidence he will reconsider his attitude."

Dr Boraine said Mr Botha's trial had reinforced the fact that all South Africans, no matter how influential or powerful, were treated equally before the law.

"We are sad that Mr Botha refused to use the opportunity of appearing before the truth commission, an opportunity that was taken advantage of by many of his former colleagues and other political leaders. His own stubbornness and unwillingness to compromise is what led to this long, drawn-out trial."

The African National Congress, welcoming the judgment, said Mr Botha should consider himself "very lucky" that the trial had been conducted in an era in which human rights were respected.

Mr Botha is on a nominal R50 bail, pending an appeal to the Cape High Court.



# New York system a hit at magistrate's court

Case screening speeds up Mitchell's Plain work flow

(252)  
ST(CM)23/8/98

JANET HEARD

**T**HE wheels of justice at the Mitchell's Plain Magistrate's Court have been turning more swiftly since the implementation of an innovative pre-trial service adopted from New York.

The year-old Pre-trial Services cuts through red tape to enable the court, which has on average 271 first appearances to deal with each week, to make more informed, humane and effective bail decisions.

One effect has been to reduce the numbers in Pollsmoor Prison. A year ago, 75 percent of awaiting-trial prisoners facing petty charges remained in jail because they couldn't afford bail. Today, the figure has dropped to 32 percent.

"What is happening is that people facing possession of dagga charges and who can't afford bail are being released on warning," said Michelle India Baird, director of the Bureau of Justice Assistance (BJA), a joint project between the Ministry of Justice and the New York Vera Institute of Justice.

"They are monitored closely by full-time supervision officers."

According to BJA statistics, 59 percent of drug-related crimes at the court involve the possession of dagga.

Pre-trial Services is a pilot project. Similar programmes have been implemented at the Johannesburg and Durban magistrate's courts.

Besides taking pressure off Pollsmoor, the project is intended to prevent dangerous criminals from getting bail easily.

To this end, the court has been linked electronically to the SA Police Services criminal record system in Pretoria, enabling a check for criminal records to be made immediately a suspect is arrested. It is the first court in the country to have been connected.

Each suspect due to appear in court is interviewed by specially trained justice and police officials. They submit a report to the court that includes a photograph, fingerprints and verified information about the suspect's community ties, employment, previous convictions and other information needed for a bail decision.

"This information enables the court to make more appropriate bail decisions," said Baird.

Magistrates were being encouraged to attach conditions when granting bail, such as re-

porting regularly to the police.

"Also, supervision officers go out to find offenders who skip bail."

Senior prosecutor Connie Erasmus said that although the project was still in its infancy, there had been a significant improvement in the administration of justice.

"We now have the history of the suspects at the tips of our fingers," said Erasmus.

According to the BJA, the Mitchell's Plain Magistrate's Court serves a population of about one million.

The court handles three times as many crimes involving drugs and twice as many involving firearms as the Johannesburg Magistrate's Court.

Although Pollsmoor Prison was built for 1 619 inmates, it accommodates more than 3 600, many of whom are awaiting trial.

# Truth body to grant relief to human rights victims soon

David Greybe

(257)

24/8/98

CAPE TOWN — The first batch of payments of urgent interim relief, to about 500 victims found by the truth commission to have suffered gross human rights violations, would be made soon, the justice department said yesterday.

The money would be paid from the President's Fund, which stood at R106m, justice spokesman Paul Setsetse said. The finance department had allocated R100m and R6m came from foreign donors, he said.

Payments will be made on a sliding scale, depending on the individual circumstances of victims — such as their number of dependants. Setsetse was unable to provide detailed figures of the sliding scale.

However, truth commission spokesman John Allen said the commission expected the average individual payment to "substantially exceed" the R2 000 figure mooted in government

circles as a possible top end of the scale. Allen said it was difficult to know at this stage exactly how many of about 15 000 victims found so far to have suffered gross human rights violations would qualify for urgent interim relief.

Allen said it was expected that the majority of the 15 000 — this figure was expected to climb by a few thousand in the reassessment process under way — would need urgent interim relief.

Many victims were in such dire straits that they could not wait for the final commission report to President Nelson Mandela in October and the legislation which would follow.

Urgent assistance was needed for those requiring emotional, medical and material assistance, access to education and symbolic help in laying to rest those who had died. The commission has proposed that each victim be awarded R21 000 a year for at least six years, which amounts to about R3bn.

# Battle lost, Botha trudges on

Sowetan 24/8/98 257

By Claire Keeton  
Feature Writer

**W**E can forgive him his past. Send him to jail for his arrogance," was the forceful message on one placard at the sentencing of former state president PW Botha on Friday, expressing the mood among protesters behind the razor wire at the George Regional Court

PW's good neighbourliness Lawaakamp forced removals 'PW's good neighbourliness, thousands of landmines in Angola and Mozambique" and "Botswana raid Women and children dead PW guilty" were other messages for Botha

While Botha - chairman of the State Security Council (SSC) from 1978 to 1989 - was not on trial for forced removals, cross-border raids or bombing his opponents these were the subtexts to the official charge of the contravention of the Promotion of National Unity and Reconciliation Act of 1995

The main charge against Botha was that he failed to appear before a Truth and Reconciliation Commission (TRC) hearing on December 19 1997 for questioning and the alternative count of hindering the TRC in its work.

Send him to jail We are begging, National Congress members on Botha's fateful day

Although that did not happen, the unequivocal guilty verdict was a landmark in South Africa's human rights history - proving that no person is above the law

Magistrate Victor Lugaju concluded "In view of the positions held by the accused, he appears to be the one person who would be able to assist the Commission to determine whether the former government or its functionaries created a climate in which gross violations of human rights could have occurred or (been) condoned or sanctioned"

Supported by his assessors Berton Fourie and Cordelia Robertson, Lugaju unanimously found "The failure of the accused to appear at the hearing of the Commission on December 19 1997 was unlawful, intentional and without sufficient cause"

Prosecutor Bruce Morrison underlined this point in his final argument, and argued that Botha was guilty of



About 50 people demonstrated outside the George Regional Court during former state president PW Botha's trial on Friday. PIC AFP

much more than the technical offence of failing to respond to a TRC subpoena

"We look at the accused and (know) we are not dealing with Joe Citizen We are looking at a person who was chairman of the State Security Council and head of the armed forces," Morrison said.

"His knowledge and involvement is particularly vital to the TRC carrying out its duties Without it a chapter remains (untold)

"What we are left with is a silence on the part of the accused, a defiant attitude and refusal to participate in the objectives of the TRC We wonder why he wished to remain silent."

During the trial, former police hit squad commander Eugene de Kock claimed Botha had personally ordered the bombing of two buildings which housed opponents from the churches and trade unions

Morrison said that Botha - as Minister of Defence (1966 to 1980), Prime Minister (1978 to 1984), State President (1984 to 1989) and chairman of the SSC - had a moral obligation to assist the TRC in uncovering the truth



P W Botha arrives at court on Friday. PIC: AFP

for families who had lost loved ones in the struggle when Botha was in power.

The prosecutor said Botha's refusal to cooperate was a "particularly grave" crime and that he would have asked for imprisonment if Botha (82) had been 30 or 40 years younger

Instead, Morrison asked for a fine of R60 000, with a term of imprisonment if Botha ignored any further subpoenas from the TRC's amnesty committee.

When Lugaju asked if Botha was able to pay such a fine, his counsel Lapa Laubscher replied that Botha was a pensioner prompting laughter in the courtroom.

Further questioning revealed that Botha draws a monthly pension of R20 000

After a short adjournment, Lugaju delivered sentence and said that mitigating factors in Botha's case were his age, health and the fact that he was a "first offender"

Aggravating factors were that Botha had failed to settle his dispute with the TRC amicably, despite having been given every opportunity to do so, and that he had "shown no remorse right through the proceedings"

Even on the day of judgment, Botha appeared unmoved by the hostile demonstrators, giving a military-type

**It demonstrates in a concrete way that we now have a society in which no one is above the law**

salute to the police as he stepped out of his BMW, wearing a pinstriped suit with his new bride at his side

However, Lugaju concluded that the mitigating factors outweighed the aggravating factors and sentenced Botha to a fine of R10 000 or 12 months in jail, with an additional sentence of 12 months suspended for five years

The additional sentence was imposed on condition that Botha did not contravene the Promotion of National Unity and Reconciliation Act during the suspension

Laubscher immediately lodged leave to appeal against the sentence, indicating no compromise in his client's attitude despite the prolonged proceedings

"We are convinced there is a reasonable chance another court will reach a different finding," he said after the court adjourned

But Botha himself declined to make a public statement, perhaps suggesting a sense of defeat for the first time since he went on trial in January

In Cape Town, TRC acting chairman Dr Alex Boraine welcomed the verdict as a step forward for human rights in South Africa.

"It demonstrates in a concrete way that we now have a society in which no one is above the law This is in stark contrast to the past, where the rule of law was effectively suspended," Boraine said

"Mr Botha has been publicly held accountable for his actions in a court of law and has been afforded every opportunity to defend himself, something which was often denied his political opponents during the years of his rule

"The trial has reiterated that all South Africans, no matter how influential and powerful, are treated equally before the law" said Boraine

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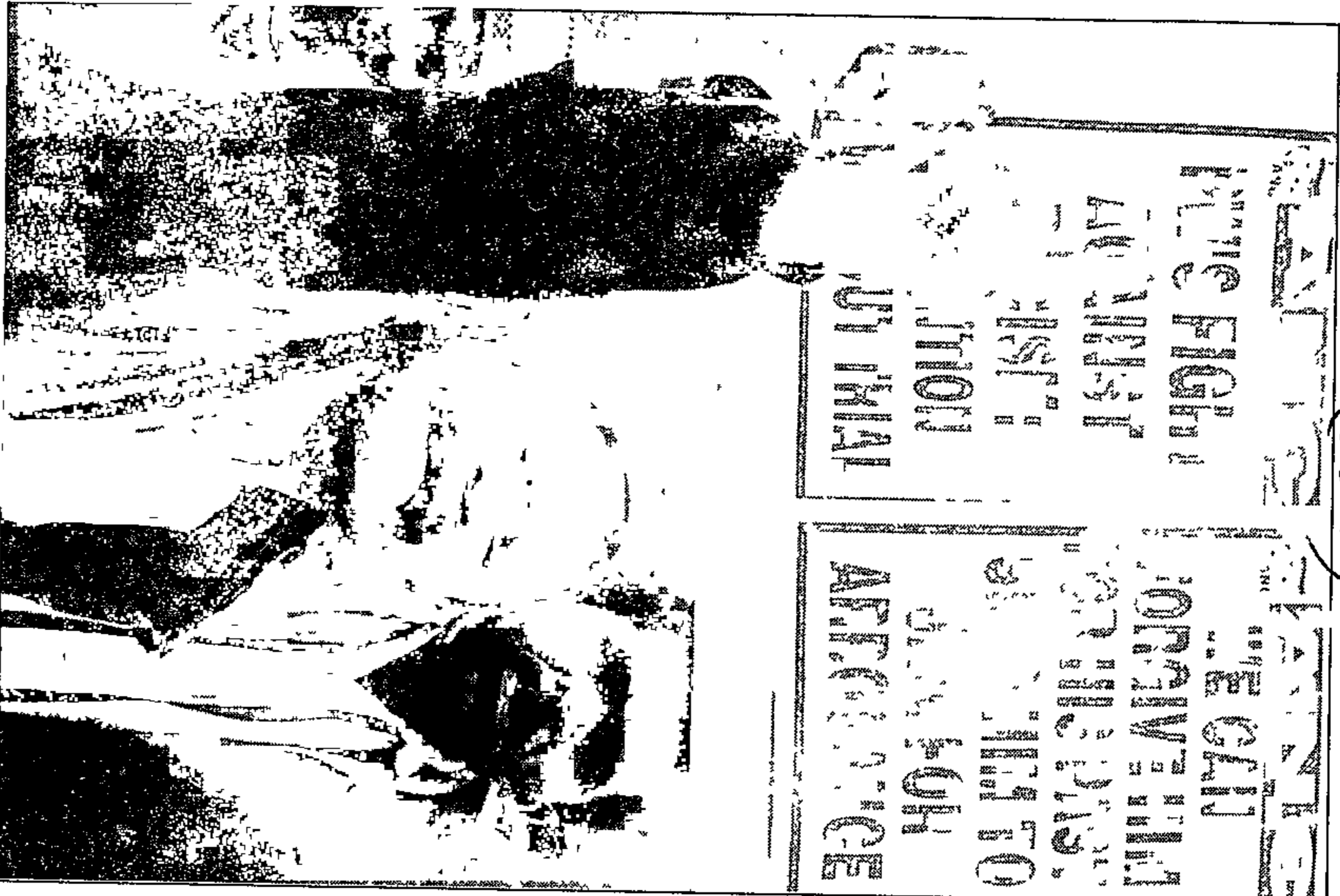
"Send him to jail. We are begging, send him to jail," chanted local African National Congress members on Botha's fateful day.

Although that did not happen, the inequivocal guilty verdict was a landmark in South Africa's human rights' history — proving that no person is above the law.

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PIC AFP

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"Mr Botha has been publicly held accountable for his actions in a court of law and has been afforded every opportunity to defend himself, something which was often denied his political opponents during the years of his rule.

"The trial has reiterated that all South Africans, no matter how influential and powerful, are treated equally before the law," said Borane.

# New hope for abuse victims

BY CATHY POWERS

(257)

Star 25/8/98

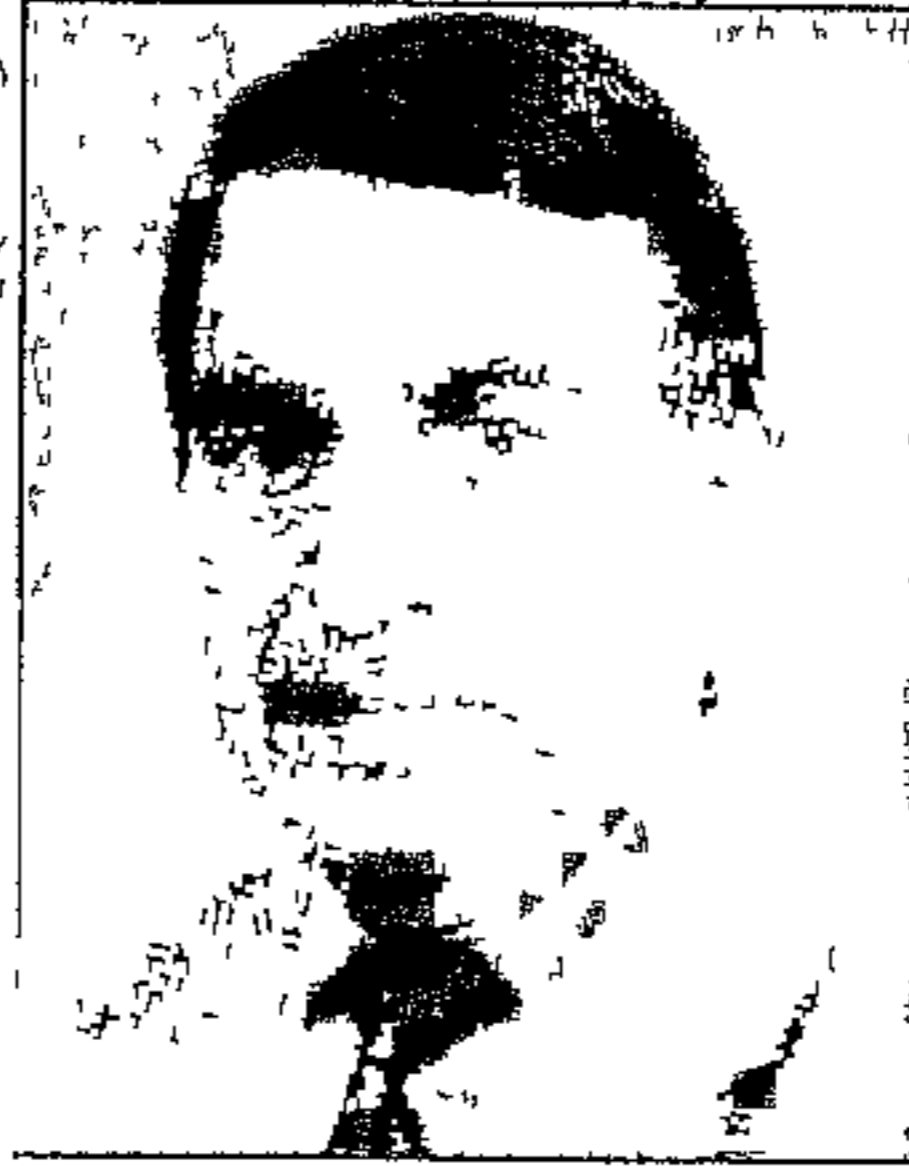
Victims of domestic violence would soon be able to approach appointed leaders in their communities to obtain interdicts against their abusers, Justice Minister Dullah Omar said yesterday.

Addressing a media briefing on four years of ANC governance, Omar said justices of the peace would undergo training by his department. These justices of the peace would be able to grant urgent temporary interdicts on weekends and at other times, bringing justice closer to the community.

Omar said the concept had already been recommended to the portfolio committee on justice.

Summing up the past four years of transformation in the justice system, Omar said about 60 major laws had been passed and 16 pieces of legislation were currently being considered. Among these were minimum sentences for serious offences and the more stringent bail laws already in operation.

Omar said prosecutors were being trained to deal with victims of sexual offences accord-



Dullah Omar ... summing up

ing to national guidelines drawn up last year.

He said the National Prosecuting Authority Bill, recently approved by Parliament, provided for state advocates and prosecutors to be paid competitive salaries.

Provision was being made for children to testify through intermediaries from a separate room to eliminate intimidation.

On community participation, Omar said the courts of chiefs and headmen would exist side by side with community courts.

# US universities to play role in training law graduates

ET 25/8/98

RONALD MORRIS  
JUSTICE WRITER

**A** PARTNERSHIP has been forged among selected South African and American universities to provide practical legal training for South African law graduates — to the ultimate benefit of the public.

The partnership would focus initially on historically disadvantaged universities, Minister of Justice Dullah Omar said.

A number of five-year programmes will be initiated. The details have yet to be decided.

The proposals follow a week-long visit to South Africa by members of the American Bar Association led by Dean White. They were invited by Omar.

concerns about clinical legal education in South Africa. He was interested to learn whether the American Bar Association could share experiences that might help to improve legal education and the delivery of legal services in South Africa.

Omar was also interested in broadening legal education to include skills that would allow a broader section of the public to gain legal advice.

Legal clinics could be used as a vehicle for delivering services and enhancing training.

The advantages would be that historically disadvantaged and underserved communities could be offered supervised legal services, while law students would gain practical experience.

The deans of law faculties had also identified a need for legal practitioners to improve their writing skills and research.

There was consensus that, as many graduates found it difficult to reconcile their academic knowledge with the demands of practice, there was a need to combine practical training with theory and for an integrated approach to legal

education and admissions.

Practical courses would better equip graduates to cope with problems in the real world of practice, Ramsey said.

Omar had agreed that local teaching methods were outdated and had to be looked at afresh.

Also, the legal profession was faced with anomalies that contributed to inequalities. These had to be brought to an end.

Among these was the need for uniform practical training for all graduates who wanted to practise, particularly in the Public Defender's office and legal aid clinics.

It was also agreed that the protection of the public required the raising of standards.

The LLB course has already been shortened from five to four years. Talks are under way to introduce skills training. It has yet to be decided whether students will have to serve in legal clinics as a degree requirement or after they have completed their degrees.

Omar said the transformation of the

justice system extended to the nature of the courses and training offered at universities.

White said some advocates and lecturers believed that historical practices were sound and could lead to positive changes.

"We did not, however, not find anyone who quarrelled with the objective of transformation — the only differences were over the means, not the end."

Enver Daniels, chief state law adviser, said that under the Constitution, people had the right to be represented by an attorney.

The legal aid system was expensive and creative ways would have to be found to reduce the costs.

One way would be to introduce community service for law graduates. This would serve three functions. It would help people to gain legal representation, provide law graduates with training, and give graduates easier access to work.

The idea of community service would be coupled with the transformation of the legal profession and legal system, Daniels said.

"We're trying to redress historical imbalances between white and black attorneys. We in government need to make sure that the high cost of training is not wasted by graduates not getting jobs. One way to do this is through community service and practical training."

The biggest stumbling blocks were the lack of money and the dearth of opportunities for graduates to do articles, Daniels said.



**PARTNERS IN LAW** Members of the American Bar Association discuss their partnership with South Africa, intended to improve the training of South African law students. They are (from left) Nnamdi Ezeru, Ziyad Motlala, a law professor, Michael Wolf, Dean White and Henry Ramsey Jun, a retired judge.

PICTURE: L. VON KNIPPE

# Cut criminal cash chain, says expert

Wyndham Hartley

CAPE TOWN — Attempts to control organised crime and large crime syndicates should be aimed mainly at identifying "unaccountable wealth" rather than just through the confiscation of assets, British crime expert Barry Rider said yesterday.

Rider, who is a director at London's Institute for Advanced Legal Studies, told a joint sitting of Parliament's justice and safety and security committees that the confiscation of assets or proceeds of crime did not work on its own.

He said that in the US and the UK, where confiscation had been allowed for years, only infinitesimal amounts of the estimated money laundered by crime syndicates were recovered.

Parliament's justice committee would soon begin working on the Organised Crime Bill, which was

approved by cabinet last week and provided extensively for the confiscation of the assets or proceeds of crime syndicates.

Committee chairman Johnny de Lange said Rider was complimentary about the broad sweep of the legislation being placed on the statute book in SA.

Rider said measures which forced disclosure and transparency about the origins of wealth were more efficient at identifying unaccountable wealth which came from criminal activity.

He said criminal law alone could not apprehend the crime syndicates, whose best models resembled good and efficient businesses. He said that, in addition to going for the syndicates themselves, those who "facilitated" the movement or laundering of money should be targeted. Facilitators like banks should be compelled to report certain transactions.

He said the only way to render the operation of crime syndicates unattractive was to render them uneconomic. To do this, governments had to target the organisations' money chains.

It was vital that the technical and regulatory mechanisms, generally ignored by the police, such as companies regulations, reporting of corporate accounts and taxation laws were more closely scrutinised because they could provide important clues to the existence of organised crime, he said.

Rider said Russian crime syndicates were a big threat to the west and there were disturbing signals that the Chinese triads operated not only from Taiwan but also from mainland China.

He said members of the largest triad group, the San Yong, were recently welcomed as honoured guests in China by the minister of security.

BD 25/8/98

## NP calls for ministerial resignations

Wyndham Hartley

CAPE TOWN — Trade and Industry Minister Alec Erwin and his deputy Phumzile Mlambo-Ngcuka should do the "honourable" thing and resign following the disaster of the National Small Business Council (NSBC), National Party MP David Graaff said yesterday.

Graaff said after Erwin briefed the portfolio committee on trade and industry on the NSBC that the council was being liquidated and it was still not known how many millions of rands of taxpayers' money had been lost.

"The board responsi-

## Omar upbeat about department

Dustin Chick

THE justice department had played a role in about 60 major laws in the past four years and was sponsoring 16 pieces of legislation being addressed by Parliament, Justice Minister Dullah Omar said yesterday.

Omar was speaking at an African National Congress (ANC) briefing on the progress made by his department.

Included among the major laws under consideration was the Maintenance Bill, legislation formalising customary marriages, and draft legislation seeking to formalise and regulate the use of lay assessors in courts.

Omar said the Maintenance Bill aimed at insuring that the obligations of the respondent in a maintenance case be met, without taking away his or her rights. He said the standing act was open to abuse, as respondents who did not arrive in court caused delays. Under the new legislation a maintenance order could be granted if the re-

spondent was absent despite receiving notice to attend the proceedings.

Omar said a new Magistrates Commission would come into being on October 1 to spearhead the transformation of magistrate's courts.

He said that over the past three years 30 black judges had been permanently appointed to the high court bench.

Omar said his department planned, in principle, to create a high court in each provincial capital. He said provincial governments would have the option to locate the court outside the capital, while Gauteng would have two separate high courts with seats in Johannesburg and Pretoria. All existing courts in the Eastern Cape "would have a role to play", Omar said.

He said the most important achievement by his department was the incorporation of the 11 apartheid-based justice departments into a single national department with a single national management.

(252) BD 25/8/98

## 'Anti-crime effort flawed'

(252) (S)  
Nomavenda Mathiane

DD 26/8/98

A FLAWED criminal justice system, corruption and general lack of trust in the system were elements that did not engender an atmosphere for proper law enforcement, national police commissioner George Fivaz said yesterday.

At a Federated Hospitality Association of SA (Fedhasa) congress in Midrand, Fivaz said the system was working beyond capacity, and that the country had to inculcate good values and norms if the war against crime was to be won. He said he disagreed with those who saw capital punishment as a crime deterrent. Countries not practising capital punishment used harsh sentences as a substitute for hangings.

In his address, Environmental Affairs and Tourism Minister Pallo Jordan said travel and tourism accounted for 17,8-million jobs and about \$6,2bn in gross domestic product. He said that by 2010, 5-million jobs would be created.



# Police move to curb taxi 'judges'

## Talks with drivers as vigilante justice rules in Gugs

MLAMLI MANELI AND MANDLA MNYAKAMA  
SPECIAL CORRESPONDENTS

Guguletu police say they have opened a channel of communication with taxi drivers to try to prevent criminal suspects being beaten up.

The drivers have been meting out street justice - using sjamboks, sticks and batons to beat suspects, some of whom have been seriously injured.

In the latest incident yesterday, a high school pupil was beaten and stolen goods worth more than R20 000 were recovered.

Inspector Vukile Ntandane of Guguletu police said there was now a communication channel between taxi drivers and police.

"It is unfortunate that some suspects are assaulted. We have tried to convince the taxi owners not to beat people because it is making our job difficult. There is significant progress now," he said.

Inspector Ntandane denied police were condoning the beatings.

About 350 people at the scene of yesterday's beating watched with approval. Most agreed that street justice was the only viable solution to the crime situation in Guguletu.

Some claimed this sort of justice had its roots in the townships of Port Elizabeth, where crime had

decreased substantially.

South National Civics Organisation spokesman Humphrey Ntuli said Sahnco was supporting the initiative by taxi operators because the justice system had failed. "We are working with the taxi owners because police are reluctant to tend to our problems in the community."

He said police often took more than a year to investigate a crime, with no positive outcome.

Community police forum member Themba Mashicile said communities were taking advantage of loopholes in the justice system and no one could solve the problem until criminals were purged.

"The constitution limits everyone. It says do not assault anyone - but it also says do not steal. People work hard for what they have and it is painful to lose it to criminals."

Taxi spokesman Kenneth Mndayi said his organisation was not bullying people at random but was helping people who had opened cases with police, and had valid case numbers.

"Our people come to us because we follow their complaints sincerely," he said. The drivers did not enjoy beating people up but they had a community mandate to do so because criminals confessed "only when they feel pain."

Editorial comment, page 19



Rough justice: a blood-covered suspect in Guguletu with some of the goods he is accused of stealing

MLAMLI MANELI

# Rule of law only way to go

By Bennie Bunsee

**T**HERE is a sharp conflict between the need to uphold law and order through an independent judiciary and elements in our society who wish to take law and order into their own hands

It poses sharp problems for the Ministry of Justice, which upholds justice and law and order, and those who are increasingly frustrated by the tardy process of justice, which they ascribe to the ministry's ineffectiveness

The Justice Ministry inherited a crippling legacy from the apartheid past, when both the police and judiciary were more concerned about fighting the opponents of apartheid than dealing with policing and justice in an even-handed manner in the interests of the general population

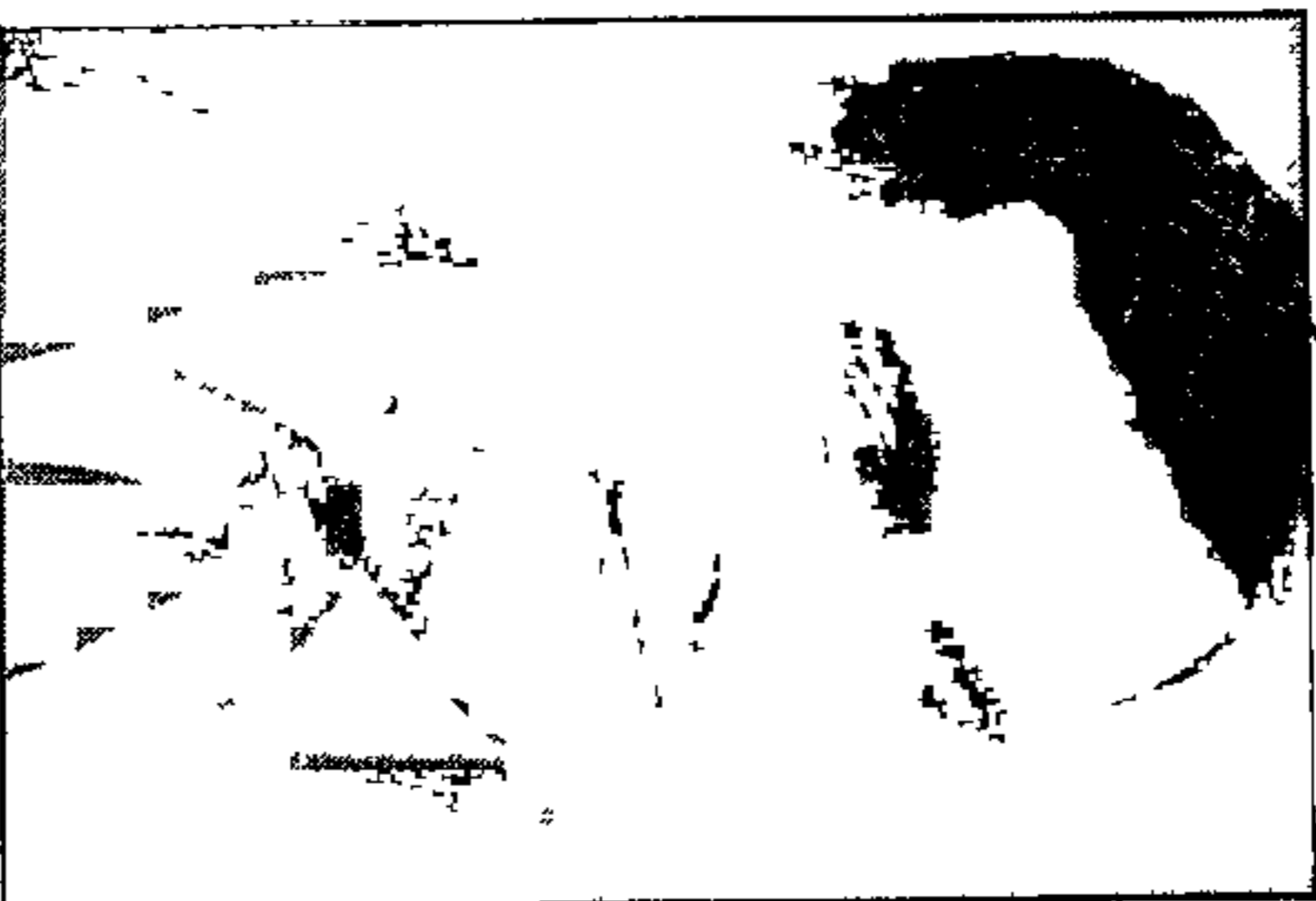
It inherited the alarming discrepancy, for example, that over 80 percent of the country's police stations were concentrated in white areas, catering for a small segment of the population

They spent more time making raids and arresting Africans for pass offences than fighting serious crime, some of which they colluded with for political ends

Then everything was subordinated to implementing apartheid to the total neglect of the interests of the vast majority of the population, who were allowed to fester in townships and other segregated areas where services were minimal

The very concept of justice was a total mockery. The incoming Justice Ministry had the enormous task of setting right these anomalies

Two major tasks confronted it: the first was to uphold the law as spelt out in the Constitution, and to abide by the



**Justice Minister Dullah Omar is making efforts to make the justice system accessible to the general population.**

declared constitutional principles of national building, national unity, reconciliation and non-racialism

The legal framework had to be drawn up for its implementation. The work of the Truth and Reconciliation Commission (TRC) aimed to set the broader framework

The second daunting task was that social expenditure now had to include four fifths of the population, which were previously excluded. It was also saddled with an apartheid bureaucracy whose old habits of thought did not always suit the new needs

Crucial to all of this was that human rights, civil liberties and democratic processes all had to be respected

These props of law and order had to be refashioned. But this was a process that needed

time - very frustrating to people on the ground who wanted quicker results, and who felt incensed that injustices were not dealt with more forthrightly

Recently in Gugulethu and Mamelodi, for instance, residents took the law into their own hands against suspected rapists and murderers. All this is not new, the dramatic entry of People against Gangsterism and Drugs heralded it

Similarly, recent African National Congress banners during the trial of former state president PW Botha for failing to respond to a TRC subpoena demanded that he be sent to jail

There was also an outcry when Sifiso Nkabinde, allegedly a warlord in KwaZulu-Natal, was released ostensibly on legal technicalities

The Willem de Villiers judgment in the South African Rugby Football Union (Sarfu) case also provoked similar outrage. Many felt that Sarfu was in the wrong

Clearly, there is a sharp contradiction in the perceptions of people on matters dealing with the implementation of justice and the upholding of law and order on issues which for them are quite clear-cut and reflect blatant injustice

The anger is so deep that they are constrained at times to take the law into their own hands

## No substitute

Yet, however understandable the impatience, the fact is that there is no substitute for the due processes of the law and our judiciary having the ultimate hand in meting out justice and maintaining law and order

Experience shows that however justified the setting up of vigilante or similar groups initially, they often end up becoming a menace to society. We know some of the excesses of

"necklacing" that started off as people's justified reaction to apartheid policies. Innocent people ended up being killed

There is no substitute for an independent justice system that upholds law and order on the basis of the principles of justice

Otherwise, as experience shows again and again, the implementation of justice ends up in anarchy

Even the greatest revolutionary struggles ultimately must settle down and govern on the basis of a judiciary and police that respectively mete out justice and maintain law and order

The struggle is to make them as perfect as possible, and genuinely people-oriented. Of course, our historical experience has taught us enough about unjust laws. Much of the struggle against apartheid was about that

But South Africa is now leaving that ugly past behind, hopefully never to return

It is now going through a legal and constitutional process of instituting justice through an independent judiciary. It can only be a long, and often tardy process. It cannot be rushed. The Justice Ministry itself is making very firm efforts to bring the justice system closer to the people

Community police forums are being established based on a cooperative relationship between the justice system, police and the people

It aims to set up community courts to deal with petty matters and local problems in a way which will promote harmony in local communities

The Justice Ministry, like every other Government body in the country, is engaged in transformation - changing from the old to the new, taking into account massive new requirements, a personnel that is in

tune with the new needs and one that must cope with enormous financial implications

The Justice Ministry has over the past four years been putting into place this new legal framework. Justice, and the institution of law and order, can only operate within this framework

No external body can replace what is solely the function of the police and judiciary in fighting crime and maintaining law and order

The challenge facing all of us is to ensure that laws and their implementation reflect the true needs of the community. If one looks at the work carried out by the Ministry of Justice over the past four years, its achievements in a relatively short time has been truly remarkable

## New laws

It has helped to pass 60 new laws, set up pre-trial services which make it difficult for serious offenders to obtain bail, helped mothers and children with new maintenance laws, sensitised magistrates, prosecutors and judges on gender and children issues

It separated the functions of the judiciary from administration through better rationalisation, has given independence to the courts and centralised prosecutorial activities as spelt out in the Constitution

It also set up the Constitutional Court and promoted 30 black judges and women to the High Court

Whatever difficulties face us in transformation, it is incumbent on all of us to ensure that institutions like our judiciary work on behalf of the people. The people, in association with the Justice Ministry, must make it work. Any other course is suicidal.

(The writer is a Ministry of Justice public relations official.)

# IFP call for referendum on death penalty rejected

(252)

ET 28/8/98

**KERRY CULLINAN**

THE ANC stood firm against the Inkatha Freedom Party's appeal for a referendum on the death penalty yesterday.

"We know the outcome of a referendum," Water Affairs and Forestry Minister Kader Asmal told the National Assembly

"Almost everywhere in the world among the population there is a desire for the judicial killing of certain offenders," he continued.

"When violence and mayhem grow, public opinion swings even more powerfully to this view.

"The ANC leadership will not sway to each eddy of public

emotion but stands firm on a principle shared by the whole enlightened and civilised world," Asmal said

"True democracy does not automatically allow the majority to legislate on all topics"

The Bill of Rights was beyond majority rule as many of these rights "protect the minority against the majority"

"Suppose the majority say the land was stolen from them and want the property clause removed?"

Asmal added that he was surprised the call came from the IFP, which had opposed the death penalty in 1995.

"I am sure the IFP raised the issue with the election in mind," he said.

The IFP's Farouk Cassim, who had asked for the debate, said the government needed a mandate from the electorate on capital punishment as "there is a danger of society going one way and the state the other"

"Let the Constitution be strengthened by a universal acceptance of its principles," he said

"If we sought to escape the political and moral issues by seeking refuge in the findings of the Constitutional Court, we are deceiving ourselves."

IFP MP Peter Smith said SA's murder rate

resembled a country at war and that there were 25 000 murderers on the streets who had not been apprehended

Smith added that while he was not in favour of the return of the death penalty, "we see the referendum as a wake-up call for government"

Justice Minister Dullah Omar described Smith's reasoning as "bizarre", saying the country did not have the resources to hold referendums

*Almost everywhere in the world there is a desire for the judicial killing of certain offenders*

"Those introducing this debate are irresponsible as they are exploiting public anger and anguish and outrage," said Omar

"It is a declaration of war on our Constitution"

The National Party and the African Christian Democratic Party both called for the return of the death penalty.

NP leader Marthinus van Schalkwyk said. "In more than 100 countries the death penalty is still on the statute book"

The African Christian Democratic Party's Louis Green asked what deterrents the government had introduced to stop criminals since abolishing the death penalty

The Freedom Front's Dr Corne Mulder said a separate referendum was not practical

He called on the government to allow citizens to vote on a death penalty at the same time as voting in the 1999 election

The Democratic Party's Dene Smuts said a referendum was "the worst route" to take on the issue

It would remove the power of the Constitutional Court and expose the country to "the tyranny of the majority"

The PAC's Malcolm Dyan said the death penalty "satisfies the animalistic desires of those who have not yet fallen foul of the law".

# Documents tell of SA plot to kill UN chief

(252)

Sowetan 28/8/98

By Pamela Dube  
Political Reporter

THE Truth and Reconciliation Commission yesterday released documents suggesting that the intelligence agencies of the former apartheid government, the United States and Britain were behind the air crash that killed United Nations secretary-general Dag Hammarskjold in 1961.

The son of a former Swedish prime minister, Hammarskjold was killed with 15 other UN delegates near the border between Katanga in the modern day Democratic Republic of Congo and Northern Rhodesia (Zambia) on the night of September 17 1961.

He was on a crisis resolution mission to secure a ceasefire between the Katangese troops and the non-combatant UN forces. The documents released by TRC chairman Archbishop Desmond Tutu before he left the country last night for a teaching post in Atlanta, Georgia, purports to be from an organisation

called the South African Institute of Maritime Research.

The documents are confidential communications between former South African military generals (whose names have been erased by the TRC), discussing ways to assassinate Hammarskjold.

In one letter, Hammarskjold's flight to Leopoldville is discussed, with an instruction that "see that Leo airport as well as Elizabethville is covered by your people as I want his (Hammarskjold's) removal to be handled more efficiently than was Patrice (Lumumba)".

In other correspondence, a commander instructs a captain to "tell your people that the op (operation) will not be allowed to be less than a total success. Union (the South African government) has offered to provide logistics or other support".

On September 14 1961 a handwritten letter from a captain reports progress in identifying the DC6 aircraft parked at Leopoldville airport to be used

for "transport of subject", adding that "our technician has orders to plant 6lbs (2,7kg) TNT in the wheel-bay with contact detonate to activate as wheels are retracted on taking off".

Tutu however, insisted that the TRC had been unable to investigate the veracity of these documents and of allegations that South African or other Western intelligence agencies were involved in bringing about the air crash. "Our mandate to conduct such investigations has run out".

He added that the commission had forwarded the documents to the Minister of Justice for further investigation.

TRC investigative head Mr Dumisa Ntsebeza said the commission managed to establish the existence of this institute and that it was still in operation "of a different nature".

The documents suggest that the assassination was necessary because of the "Union's concern" at the UN's involvement in the crises in the Great Lakes region at the time.

# Current Affairs

## THE JUDICIARY

### ROW DIVIDES KZN JUDGES

Calls mount for transformation

The judiciary, it seems, is observing the right to remain silent, though it stands accused of refusing to accept the reality of transformation. Judge William de Villiers's comments in his judgment in the SA Rugby Football Union case — in which he criticised, among others, President Nelson Mandela's testimony — has increased calls for transformation of the judiciary.

The judgment comes not long after appeal court judges objected to the appointment of Judge Ismail Mahommed as Chief Justice and coincides with the row over the appointment of a deputy chief justice for the KwaZulu-Natal bench.

Though Mahommed went on to beat his rival to the position — Judge Hendrik van Heerden — the battle for the appointment of the deputy judge president for KwaZulu-Natal is far from over.

Most KZN bench judges support Willem Booysen to succeed outgoing deputy judge president Judge John Broome ahead of a black candidate Judge Vuka Tshabalala.

However, their decision has angered and surprised many.

Transformation proponents see Tshabalala's appointment as part of the change process. They are also taken aback by some judges' opposition to the appointment of Tshabalala because during the apartheid years the then Natal bench tended to blaze a trail for change rather than put the brakes on progress.

"Natal courts did their bit in contesting elements of police legislation and the Terrorism Act with particular reference to detention without trial," says a member of the legal fraternity. "It was Natal judges, with Judge John Didcott in the forefront, who first started passing down decisions against the security police. Now they seem to have ended up in the opposite corner."

Though the Judicial Services Commission (JSC) postponed making a decision by calling for fresh nominations, the issue has been further complicated by the nomination of two additional judges for the position, judges Brian Galgut and Jan Hugo.

Results of the latest round are expected

in October at the earliest.

The procedure for appointing the judge is quite simple. Anyone can be nominated provided they are serving judges. The JSC sifts through the applications and shortlists the most likely candidates. It then votes to identify the eventual winner. The successful candidate must garner at least 13 of the 25 available votes.

The issue of who to appoint is more complex and hinges on judicial politics rather than merit. Historically there would have been no argument. Convention holds that the next most senior person gets the job and on that basis it would be Booysen.

However, opponents argue against his appointment for two reasons. One, is simply that this is an opportunity — without prejudice to standards or competence — to reflect the demographics of SA.

The other is that Booysen's political baggage, as a former executive member of the Afrikaner Broederbond — they claim he only resigned when his membership was exposed — is out of keeping with the New SA.

They also reject the suggestion that Tshabalala is not a judge of this division — he previously served on the Ciskei bench — and lacks experience.

Herb Payne

# Merid

## At last, a medical plan

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# D'Oliviera slammed over Eikenhof Three

Wally Mbhele

**T**he credibility of the police and the prosecution — led by the Transvaal Attorney General, Jan d'Oliviera — has come under heavy assault from lawyers defending three African National Congress members who were convicted for the 1993 Eikenhof massacre

Fresh evidence pointing to prior police knowledge of the identity of the real perpetrators of the massacre has begun to emerge as the Eikenhof Three — who claim to have been falsely convicted for the killings — begin a fresh quest for freedom

The defence team has launched a scathing attack on one of the key witnesses who continually changes his testimony. It is alleged he "was unduly influenced by the attorney general or the police"

Last week the three brought an urgent bail application before the Pretoria High Court. It was postponed when the judge who sentenced them in 1994, Mr Justice David Curlewis, refused to hear new evidence — although he did agree that another judge could hear new evidence for the bail application

The three — Siphwe Bholo, Boy Ndweni and Siphon Gavin — were convicted in 1994 for the gruesome murder of a Vaal Triangle woman, Zandra Mitchely, her son Shaun and his friend Claire Silberbauer

In March 1993 Mitchely's car was hit with a hail of AK-47 rifle fire by unknown assailants near Eikenhof in the Vaal Triangle

The three were arrested and convicted following a controversial police investigation led by the former commander of the notorious Brixton murder and robbery unit, Charlie Landman. They narrowly escaped going to the gallows when the death penalty was abolished

Instructed by Mohamed Rander, the defence team — led by David Soggot, assisted by Gcina Malindi — charges that the prosecution failed to place certain vital documents before the court which could have proved the innocence of their clients

Evidence of witnesses who positively identified Azanian People's Liberation Army (Apla) members as those responsible was not made available to the defence team during the trial. It is alleged that the state also failed to call those witnesses to give testimony

Police intelligence reports show that at least three schoolchildren saw and identified two Apla operatives who participated in the massacre. Documents showing that one of the witnesses stated that the persons he saw at a police identification parade were not those responsible for the attack was also not produced at the trial.

"There was a duty on the prosecution to inform defence counsel in the trial of information favourable



Support team: The ANC's Cheryl Carolus with Boy Ndweni, one of the Eikenhof Three. PHOTO: SIDDIQUE DAVIDS

to the accused and a corresponding duty to make documents available

The obligation arose out of an ethical obligation of the state to make available information in order that there should be a fair trial," charges the defence

The key to the motivation for police switching attention from Apla to ANC members during the investigation was "to provoke in the white population a disbelief in the ANC's protestations of non-racialism, non-violence and ANC claims to have suspended the armed struggle"

This happened at a crucial stage in 1993 when delicate constitutional negotiations were in progress with a view to "the surrender of exclusive white power", says the defence

The Eikenhof case has also been muddled by a constant changing of statements by two of the crucial state witnesses. At the 1994 trial, Abel Korope destroyed the three's alibi, and Mziwamadoda Mpunga identified them as the men who hijacked his BMW, which was used in the massacre

But Mpunga confessed last year that he was twice shown photographs of the convicted men before he was taken to the identification parade to point them out. He made this statement to the deputy attorney general, Anton Ackerman

Korope confessed in a sworn affidavit to lying in

court because he was promised a R250 000 reward by Landman

The two men have subsequently changed their stories, once again implicating the Eikenhof Three. Mpunga has denied that he "was unduly influenced by the Attorney General Jan D'Oliviera or the police. This explanation cannot stand, bearing in mind that in his statement to the Ackerman inquiry he was making a revelation of police misconduct," argues the Eikenhof defence

The defence says "Korope's assertion that he was ignorant of the contents of the affidavit when he signed it is romancing and cannot bear scrutiny. His silence as to whether he took any steps to correct the record by contacting the police or the *Mail & Guardian* [which published his affidavit] is yet further proof of a thinly veiled dishonesty"

It has emerged that in 1995 when the police raided the house of Letlapa Mphahlele, a senior Apla official, they discovered two secret reports by the people who carried out the attack

The reports — confiscated from Mphahlele's house in Lesotho — were addressed to Apla's director of special operations and the explanation given fits in with events of what happened at Eikenhof. Names of Apla operatives responsible for the massacre are mentioned in the reports

It appears that these Apla members had planned to attack a bus-load of white schoolchildren. However, they abandoned the idea when the

bus passed carrying only a few pupils

That's when they decided to attack what is called in their report "any settler car". The target happened to be Mitchely's car

"We never spent four minutes in the attack. We went to Orange Farm and Bongani left an AK-47 cassette in the car," says the report. The BMW car used to execute the operation had earlier been hijacked from Mpunga. New evidence pointing to Apla's responsibility unfolded in July last year when Apla commander, Phila Dolo, who claims to have ordered the attack, applied for amnesty from the Truth and Reconciliation Commission. Dolo's amnesty application is due to be heard from September 4 to 18

Dolo's affidavit to the commission confirms he ordered the attack. He says he does not know the ANC members serving sentences for the attack

The defence also has documents proving that one of the AK-47s used in the massacre was used by Dolo when he shot and killed a policeman in Diepkloof, Soweto, in 1994. The ANC three were already in custody but the police ballistic report has proved that Dolo's AK-47 is the same as the one used in Eikenhof

The hearing has been postponed "indefinitely" until another judge is available to hear the bail application, which is opposed by the state. The postponement followed Soggot's plea for Curlewis's recusal, charging that Curlewis's refusal to hear fresh evidence would amount to a miscarriage of justice

# Langquishing in jail for want of

## Thousands of awaiting-trial prisoners cannot afford to pay the amount set by the courts, and often sit

By GYNNIS UNDERHILL  
and KHANYISILE NKOSI

**M**ore than 20 000 awaiting-trial prisoners who have been granted bail are in jail because they cannot afford to pay up, according to a new report by the Bureau of Justice Assistance.

"It is unjust for poor people to be held in prison simply because they cannot afford to pay bail, and it may be a violation of their constitution-

al rights," the report said.

The high number of unsentenced prisoners in jails may result from court delays in finalising cases, according to the latest Bureau of Justice Assistance report.

Pollsmoor Prison's admission centre, for instance, is bursting at the seams. Although it is designed to take only 1 690 awaiting-trial prisoners, the number has soared to 3 800.

Many cannot afford bail, and because the justice system can be slow

to process cases, awaiting-trial prisoners languish behind bars for months and even years.

The Bureau of Justice Assistance, a joint initiative of the Ministry of Justice and the New York-based Vera Institute of Justice, said there was no compelling reason for awaiting-trial prisoners who have been granted bail to spend time in prison. Imprisonment of accused who were granted bail discriminated against poor people, it stated.

"Unsentenced people who remain in prison despite having been granted bail by the courts generally do so because they are too poor to afford to pay the amount set by the court."

The national prisons system, built to accommodate 99 407 prisoners, is currently housing 143 000 inmates. The awaiting-trial, prison population now exceeds 43 000.

Michelle India Baird, director of the Bureau of Justice Assistance, said the pre-trial services project launched a year ago had been successful and would be extended. The

aim was to improve the country's bail system and reduce the load on the prisons.

But in Gauteng, 10 months down the line, prisons are still packed with awaiting-trial prisoners.

According to Bongani Msomi, Johannesburg's deputy chief bail officer, most of the prisoners are in custody because they cannot afford the bail that has been granted.

"For example, a court will give a minimum bail of R3 000 for house-breaking, whether the person can

afford it or not," Msomi said.

Although the system to look at the person's circumstances is succeeding, the growing number of awaiting-trial prisoners has resulted in inadequate controls.

Correctional Services spokesperson Barry Eksteen said that in the Johannesburg prison alone, there were 5 483 male and 272 female awaiting trial prisoners.

Often as many as 160 prisoners are brought to court with only five policemen to guard them. This in

turn leads to escapes

The Justice Department has introduced a new system where the first appearance for detainees will be conducted on television. This would mean that there won't be a necessity to transport prisoners to and from court, Msomi said.

He added that the closed-circuit television to be installed at Johannesburg Prison and the Regional Court would cut transport costs and minimise the possibility of prisoners escaping.

incarcerated for months

(2172) Star 29/8/98

# bail cash

# Omar suggests broad changes to courts

CARMEL RICKARD

(207) 5130/8/98  
MAJOR changes to the court structure and the legal profession have been suggested by the Minister of Justice, Dullah Omar, who said transformation was not happening quickly or thoroughly enough in the operation of the courts, the attitudes of the judiciary and the constitution of the legal profession

Speaking in Maritzburg on Friday, Omar said he was aware his proposals would be controversial, but he wanted to promote "vigorous debate".

One of the most significant changes he has suggested is grouping courts by subject. In other words, criminal courts — from district to High Courts — and related legal offices, such as the court registrar dealing with criminal justice, should be clustered together. Similarly, those dealing with civil matters should be grouped together. A third division

might be courts and offices dealing with family matters, such as divorce.

Omar listed benefits including the development of specialist judicial officers and the development of high-security systems in the criminal court centre

Also, specialist judicial officers could deal with cases in their area of expertise quicker and more confidently. On the other hand, he was aware of objections that a specialised bench would lead to "staleness" among judicial officers.

This could be overcome, he said, by allowing mobility between the various specialised benches so judicial officers could move between specialities if they chose, thus acquiring a broad range of experience and knowledge of the law

He said his proposal would bridge the divide between magistrates and High Court judges. A unified judiciary would allow a career path from district magistrate to Appeal Court judge, and would attract a much wider range of candidates to the magistracy

Omar said there was a gulf between judges and magistrates, the latter "not always enjoying the reputation for independence and excellence judges do"

New uniform qualifications for admission to legal practice would ensure that ultimately all members of the judiciary would have the same basic qualifications. This would dispel the idea that lower-court judges were inherently inferior to those of the higher courts.

He also proposed a single exam for all lawyers wishing to practice. He did not spell out whether he favoured scrapping the admission exams administered by law societies (for attorneys) and the Bar (for advocates), but he was critical of these

He said the exams seemed to have the aim of enhancing the status and reputation of the profession, rather than protecting and promoting the public interest

Asked for comment, the chairman of the General Council of the Bar, Peter Hodes SC, raised objections to a number of the suggestions and said that, in many cases, Omar had given no reason for the proposed changes



# I had to keep Mandela alive - Basson

Cape Town - Dr. Wouter Basson, head of the apartheid government's chemical and biological warfare programme, told the Truth and Reconciliation Commission yesterday that it had been his responsibility to ensure that President Nelson Mandela was kept alive during his incarceration.

Basson said he was shown a document in 1985, or 1986, by then defence minister General Magnus Malan in which it was alleged that a faction within the ANC was planning to kill Mandela, they thought he was not valuable enough.

The responsibility of Mandela's safety regarding any possible

biological chemical or biological attack on him fell on Basson's shoulders.

Basson said he tasked two teams to investigate all possible ways that Mandela could be harmed and all possible ways to prevent this. The teams had no contact with the State Security Council.

He added there was no programme initiated by the defence force at Rooderplaat Research Laboratories aimed at controlling the fertility of black people.

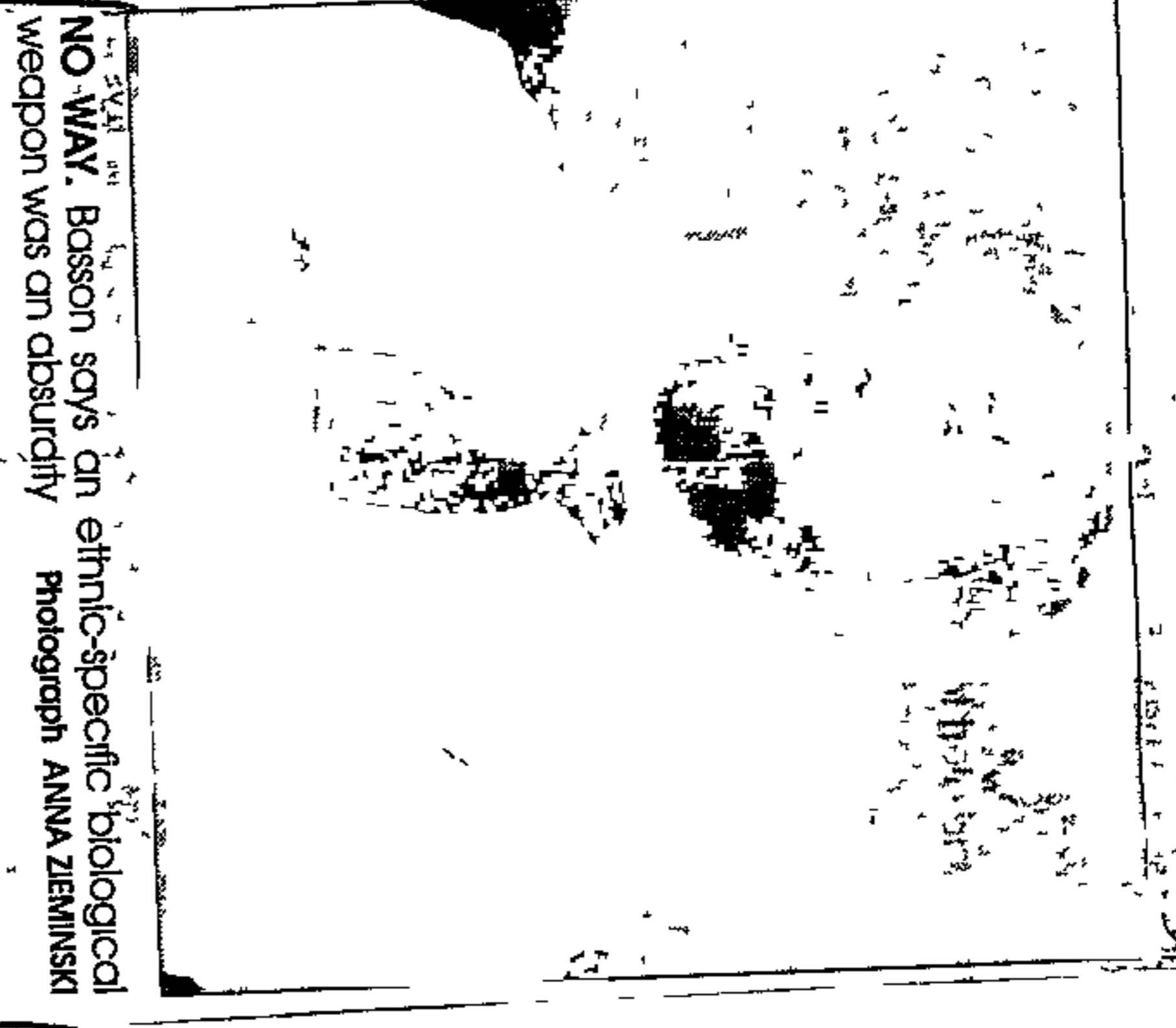
"I deny that there were any projects at Rooderplaat initiated by the defence force to control the fertility of any race."

However, researchers at RRL, outside Pretoria, had the right to do research in any field of interest to them, he said. They were scientists and, as such, had to publish their research.

The proposal of controlling the fertility of any people was a scientific absurdity and, in any case, there were enough substances available for birth control. There was no way to develop an ethnic-specific biological weapon, Basson said.

Rooderplaat was never involved in any such research. It would have been a waste of money since it was impossible within the current stage of scientific development - Sapa

(SAPA) 18/8/98



NO WAY. Basson says an ethnic-specific biological weapon was on obscurity  
Photograph ANNA ZEMINSKI

# Dr Death fails to deliver the goods to the TRC

ADILE BALETIA

Delays and denials marked Wouter Basson's testimony before the Truth and Reconciliation Commission for his alleged role in the apartheid regime's notorious chemical and biological warfare programme. Dr Basson's evidence ended the commission's two-and-a-half-year investigation into gross human rights violations and abuse during the apartheid years.

The former chief of the chemical warfare programme, dubbed "Dr Death", flatly denied that poisons and toxins produced under him were used as weapons to harm or kill people. Instead he insisted they were part of a plan to train operatives for their own protection.

He said chocolates laced with cyanide and other toxins, cigarettes contaminated with anthrax, and whisky doctored with weed killer were tested on animals to alert agents to their dangerous properties. As an example he said agents were warned not to eat chocolates left on pillows in hotels.

He also denied that ecstasy, dagga, mandrax and cocaine were manufactured and sold to enslave South African youth. "Not one mandrax tablet was produced at our laboratories," he said.

Asked whether he was ever tempted to sell drugs in his possession, he said the temptation was all around and that in the past two days he had been tempted by a young woman, his lawyer's assistant. When asked to withdraw his "sexist" remark he apologised, saying he was referring to the woman's cooking.

He reluctantly began giving evidence yesterday after giving the commission the runaround for two days, refusing to testify until his lawyers were present. His nine-hour testimony was delayed on several occasions after he refused to answer questions in case it prejudiced his upcoming criminal case.

He is due to go on trial next month on charges including conspiracy to murder, manufacturing mandrax and ecstasy, and fraud of R50-million.

Faced with possible contempt charges, Dr Basson eventually co-operated with the proceedings without having his lawyer present.

'protected Madibidi', page 3

(262) ARG 1/8/98

# Protected Madiba, says Basson

## Apartheid's chemical warfare expert claims young ANC members wanted to kill jailed leader

JOHN YELD

A plot by radical young African National Congress members in the mid-1980s to kill Nelson Mandela while he was still in jail was foiled by the apartheid government because it was concerned about his welfare, controversial doctor Wouter Basson claimed before the Truth Commission yesterday.

Dr Basson, the project leader of the former government's chemical and biological weapons (CBW) programme codenamed Project Coast, said he had been personally ordered to draw up a plan to protect Mr Mandela from all possible attack, and he had ensured that the prison and other authorities responsible for Mr Mandela were notified about his plan.

Dr Basson said he did not have a copy of his plan, but that there should still be documentation in the military archives.

He testified yesterday after a tense legal battle with the commission over whether he should answer their questions lasted almost the entire week.

Dr Basson's testimony about Mr Mandela came as he responded to questions by Hanif Vally, who was leading evidence for the commission.

The questions related to evidence at an earlier session of the commission's hearing into the CBW pro-

gramme that the former State Security Council (SSC) had in 1986 considered a range of proposals about the release of Mr Mandela.

One of the proposals, which ranged from immediate release to continued, indeterminate incarceration, was that Mr Mandela had to be "in a relatively weak physical condition so that he cannot act as leader for long".

One of the scientists involved in the CBW programme, Schalk van Rensburg, testified at the earlier hearing that he had been told by another key scientist involved in the programme that Mr Mandela's mental faculties were likely to be impaired for a considerable time after his release.

He had deduced that Mr Mandela's medication would have been laced with a poison such as Thallium while he was being held in jail.

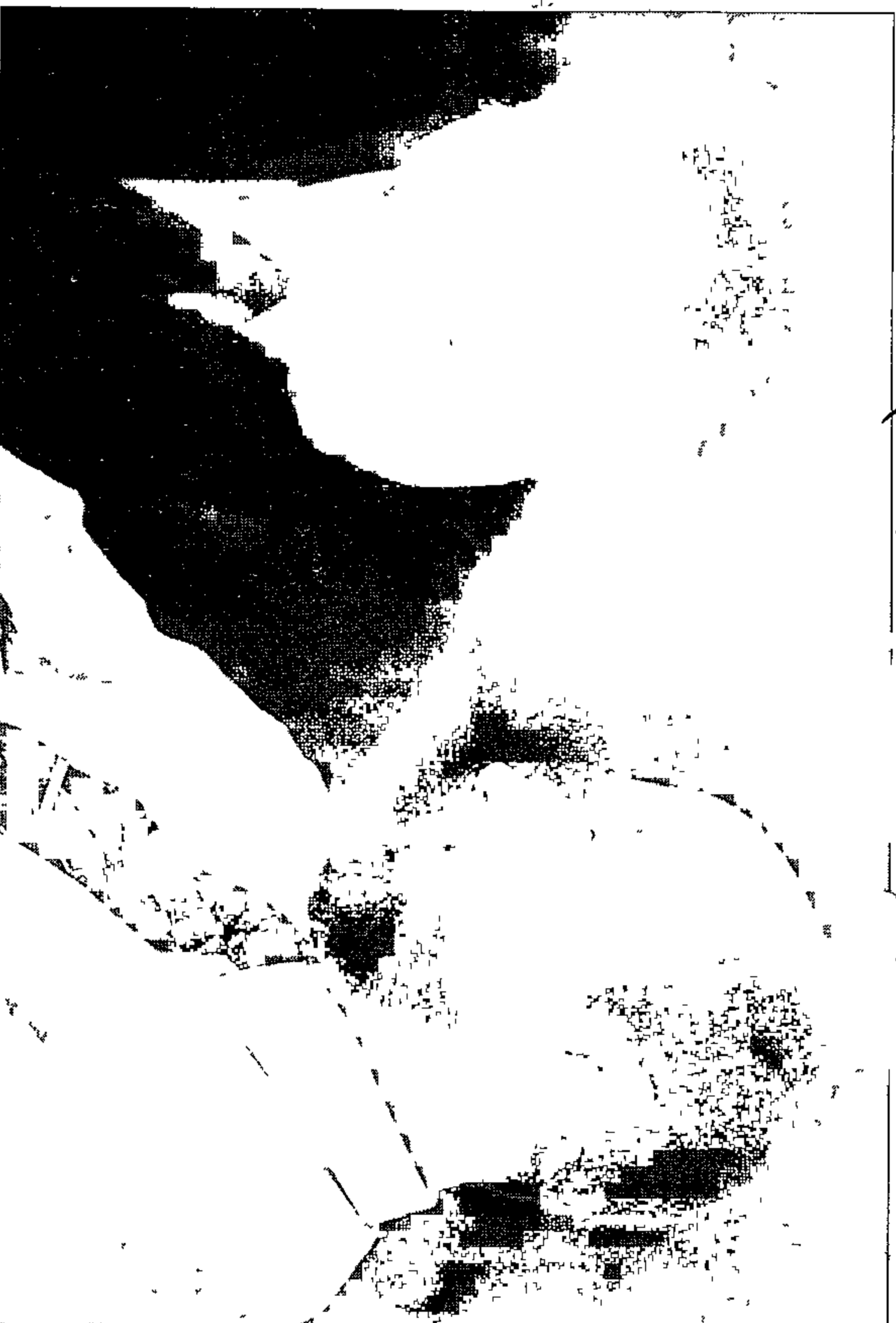
Yesterday, Dr Basson told the Truth and Reconciliation Commission that he had no knowledge of the SSC document. He said that in 1986, he had been instructed by then defence minister Magnus Malan to draw up a plan to ensure that Mr Mandela remained alive and in good health.

This was because the SA Defence Force had produced an intelligence report claiming that certain young ANC members wanted to kill Mr Mandela "for their own ambitions".

"They thought he wouldn't be radical enough," Dr Basson said. Gener-

(252)

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CONTROVERSIAL: Wouter Basson, right, with his advocate Jacop Cilliers of the TRC

Picture: ROY WIGLEY

al Malan had told him that, "for the sake of the country", Mr Mandela had to remain alive.

Dr Basson said he had then employed a "classic military plan-

ning strategy" by appointing two teams - a red "offensive" team and a blue "defensive" team.

The red team had been instructed to investigate all possible ways - in theory - of killing Mr Mandela in jail, while the blue team had to research all possible means of protecting Mr Mandela.

"I then took the two plans and inte-

grated them into one plan," Dr Basson said.

This was a single comprehensive plan to protect Mr Mandela and included all possible anticipated threats against the jailed ANC leader and ways of defending him.

"I then handed it to the authorities," Dr Basson said. "The fact that Mr Mandela is alive today can be ascribed to the fact that the political leaders of the time gave instructions that he was to be protected".

Panel member Fazel Randera asked Dr Basson whether the poisoning of Mr Mandela had been one of the possibilities suggested by his "red" group.

Dr Basson responded that the two groups would have considered all the options.

"I cannot remember all the options, but this group (red) never had any contact with the SSC and I never passed it (the red group's plan) to the SSC."

Pressed by Mr Vally to answer "yes" or "no" to a question on whether one of the options proposed for harming Mr Mandela had been exposing him to tuberculosis bacteria in jail, Dr Basson said he couldn't answer.

"It's not a 'yes' or 'no' question," he said.

Mr Mandela was treated for TB when he was in jail.

Responding to further questions, Dr Basson said the most senior politician he had any dealings with

was General Malan, and that he had never reported to the SSC or received any instructions from it.

Asked whether he would have been the right person to have been approached by the SSC had it decided to implement any proposal to poison Mr Mandela, Dr Basson responded: "I've been advised by my legal adviser not to speculate and I'm not going to speculate."

He was also asked why he, as the project leader of the CBW programme, should have been asked by General Malan to produce the plan to protect Mr Mandela.

He responded: "I can't answer on behalf of General Malan."

However, he said he had been involved in research into the use of poisons, following the discovery of an ANC arms cache by SADF forces.

"There were a few chemicals in containers - substances used by sam-gomas to poison people."

"I personally spent two days in hospital because I was exposed to these."

Dr Basson said Russian and Cuban weapons were available to the ANC, and General Malan may have believed some ANC members could have used such weapons against Mr Mandela.

"For example, they could have poisoned his soup."

"I had to determine what CBW weapons could have been used against him (Mr Mandela) and I had to protect him," he said.

(3/27)  
Less than  
150 people  
given amnesty

By JIMMY SEEPE

LESS than 150 people have been granted amnesty in the two years that the Truth and Reconciliation Commission has heard of thousands of atrocities.

Latest statistics released to City Press this week show that despite coming in for criticism for granting amnesty to high profile killers like the four who murdered American Fulbright student Amy Biehl in 1993, the TRC has not been lenient in granting amnesty to killers.

Biehl was stoned and stabbed to death in Gugulethu on August 25, 1993.

In a rush to meet its Friday deadline, the commission granted amnesty to two Afrikaner Weerstandsweg supporters who murdered a motorist and attempted to murder his brother on election day in 1994.

The two, James Wheeler and Cornelius Rudolph Peyer, stopped motorists Vivana Kenneth Papiyana and Godfrey Madoda Papiyana who were travelling between Wentonaria and Randfontein on April 27, 1994.

Wheeler checked a pistol and passed it to Peyer who fired at Vivana Papiyana, killing him. His brother was injured in the attack.

They claimed they had attacked the Papiyana brothers in the hope of disrupting the elections.

The 150 granted amnesty exclude the amnesty granted to 37 ANC leaders which was withdrawn because of a political uproar.

The Commission, which officially wrapped up its activities on July 30, will still continue to sit until all submissions have been heard.

The TRC has granted 1195 amnesties by June 18 from a total of 1000 applications. About 75 amnesties were granted after public hearings and 1000 granted in the hush.

The bulk of the applications, about 1510, were not granted administratively, as 1000 of them did not meet the requirements under the Truth Commission Act.

People from across the political spectrum appear to have benefitted from amnesties granted by the TRC.

Individuals involved in the 1993-94 Natal carnage included the four who murdered Biehl.

Thabo Mbeki who launched an attack on the TRC in Natal has been criticised for many people died was freed.

The committee rejected about 2830 applications because the applicants did not prove they had acted from a political objective.

People criticised by the Pan Africanist Congress which claimed the TRC was a mouthpiece for the ANC, many Azanian People's Liberation Army (Apla) cadres walked free.

Despite the criticism, the Commission has granted amnesty in some of the most controversial cases.

It included seven members of Apla who attacked and killed civilians at a church service in St James Church in Cape Town.

Others freed were involved in the Heidelberg Tavern attack.

Amnesty was granted when the former cadres made full disclosure and confessions that they had received orders from Apla's high command to attack their targets.

ANC supporters have also benefitted from the amnesty.

The most criticised amnesty was that of 37 ANC leaders, who were granted amnesty without detailing their alleged atrocities.

The leaders who included ANC president Thabo Mbeki, Minister of Defence Joe Modise and Chief of the South African National Defence Force, Siphiwe Nyanda, later had their amnesties withdrawn.

They were required to re-submit their applications individually before August 1.

The amnesty committee will continue its work for at least another year. The TRC, meanwhile must report to Parliament within three months.

The TRC's regional offices in Johannesburg, Durban and East London have been closed. The Cape Town office will stay open while TRC officials wrap up their activities.

# Court appearance for 'Dr Death' tomorrow

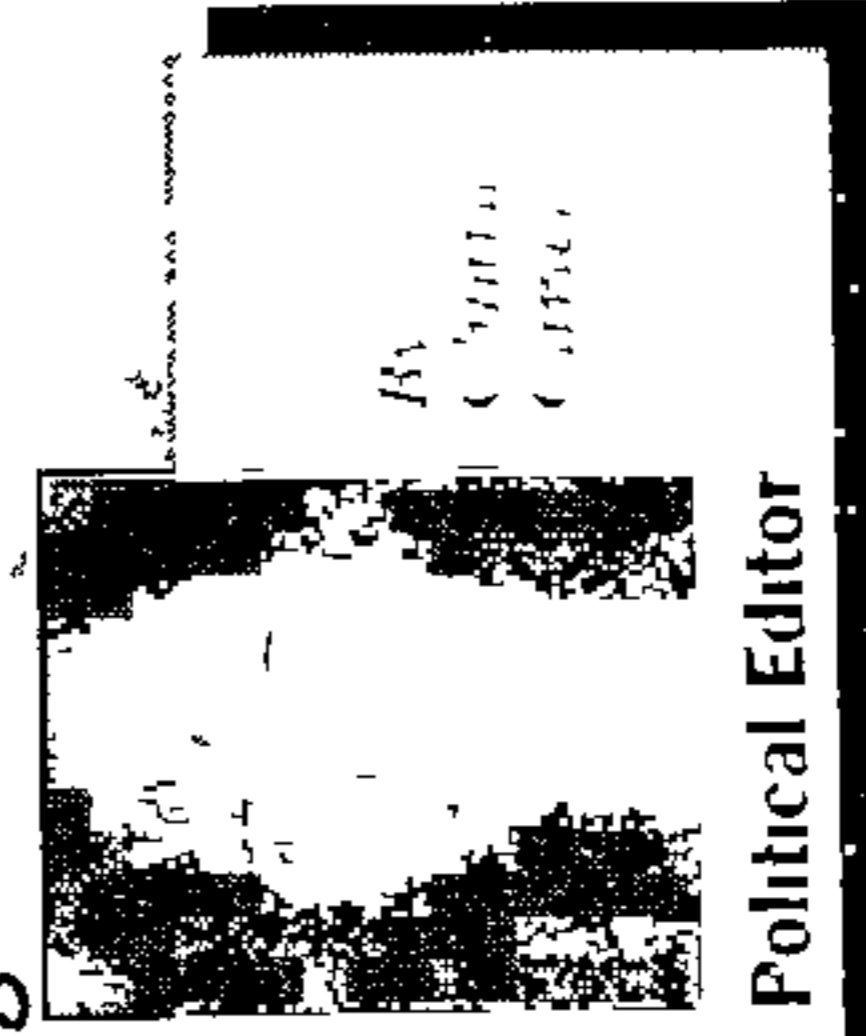
*(2/22) Basson wrangles with TRC but does testify*

**W**outer Basson, the apartheid medical expert nicknamed "Dr Death" - makes a preliminary court appearance tomorrow with the Attorney-General's office poised to set a date for a trial which promises to outstrip the De Kock case in sensational revelations.

Basson, who headed the chemical and biological warfare programme, faces charges connected with the manufacture of drugs, fraud totaling R50 million and conspiracy to murder.

Investigators have probed several front companies set up by the previous government and have looked into lurid allegations including claims that experiments were conducted on humans.

Prosecutors are in for a tough time judging from the way Basson and his legal team repeatedly delay.



**Political Editor**

ed proceedings at the TRC which ended more than two years of public hearings with testimony from Basson on Friday.

Basson eventually testified into the night after wranglings between his legal team and the TRC.

In the end nothing new emerged and the TRC was left with many questions still unanswered.

Basson told the TRC he had been

charged with ensuring the safety of ANC leader Nelson Mandela after being told that a group of radicals in the ANC wanted to kill him because he was not extremist enough.

Basson set up a "classic military operation" with two groups - he was charged with finding ways to kill Mandela, the other with finding ways to prevent such a killing.

He knew nothing about a document from a State Security Council subcommittee which mooted the possibility of killing Mandela.

Basson said he had never committed an illegal act and denied responsibility for enslaving people with drugs.

He also denied that front company Rooodeplaas Research Laboratories ran a project aimed at curbing fertility in black women.

He sidestepped questions about the cultivation of cholera which the TRC had been told was intended to

cause epidemics in southern Africa.

Basson was questioned about the manufacture of toxins and the purpose of lacing various articles with poisons.

These included a "shopping list" presented by TRC legal adviser Hanif Vally.

The list included cigarettes, whisky, chocolates, shampoo and sugar laced with poisons and organisms such as cyanide, salmonella, typhus and snake poison.

Basson said all countries aimed at producing perfect poisons - odourless, tasteless toxins - and recalled how South Africa helped the United States by getting a sample of a Soviet-produced toxin able to penetrate all defences.

He said the Mandrax and Ecstasy which apartheid scientists had produced were either used for research or destroyed.

**MORE QUESTIONS THAN ANSWERS** Wouter Basson testified well into the night before the TRC on Friday, but questions remain

# Truth commission has yet to complete its task

Linda Ensor

(252)

CAPE TOWN — It has cost taxpayers about R155m and has been in the public eye for about two-and-a-half years, but the truth commission's work is by no means complete.

SD 3/3/98

Neither has the public disclosure of gross human rights violations come to an end. All that ended on Friday was the commission's power to subpoena people, spokesman John Allen said yesterday.

During the next few months public hearings will be held into the amnesty applications of about 1 200 people, among them former spy Craig Williamson and convicted policeman Eugene de Kock.

Former defence force general Joop Joubert, who headed up special forces, will take the stand, while Deputy Defence Minister Ronnie Kasrils will testify about the African National Congress's use of landmines in the Eastern Cape.

Allen said about two-thirds of the 7 000 amnesty applications had been dealt with without the need for a public hearing. Of the 1 500 confirmed cases of gross violation of human rights which required a public hearing, about 300 had been finalised or were in the process of being decided.

Another major aspect of the commission's work is to compile and submit a report to President Nelson Mandela by October 28.

Commissioner Dumisa Ntsebeza said the Promotion of National Unity and Reconciliation Act required the commission to reflect the views and motives of the perpetrators and the social context in which they committed their acts.

Commission staff had been pruned as the scope of its activities had shrunk and regional offices in Johannesburg, Durban and East London had closed.

# Bomb disposal expert admits he placed Khotso House explosives

Stephané Bothma

PRETORIA — Two weeks of testimony of how the SA Police and the former government had stooped to "large-scale terrorism" by bombing the headquarters of two of its perceived enemies came to an end on Friday.

As it did so, an internationally acclaimed bomb disposal expert told the truth commissioner's amnesty committee how he had prepared the explosives that destroyed Khotso and Cosatu House.

George Hammond was one of 35 policemen who applied for amnesty with his former commissioner, Gen Johan van der Merwe, and then law and order minister Adriaan Vlok for the 1987 bombing of Cosatu House and the bombing of SA Council of Churches headquarters Khotso House a year later.

Hammond had received widespread acclaim in 1990 for his heroic disarming of a 110kg car bomb five minutes before it was set for detonation, the committee heard. He was awarded the Gold Cross for bravery for disarming a bomb in the Hallmark Building on

July 28 1990. He also received a long list of awards and decorations for other heroic acts.

Hammond testified that he had assisted in preparing and placing the charges which wrecked the offices of Cosatu and Khotso House.

The committee had heard from former Vlakplaas commander Cpl Eugene de Kock that former state president PW Botha had given the orders for both acts. De Kock said he had been surprised at the order to bomb Cosatu House, as it was the first time that the police were to embark on "large scale terrorism" within SA's borders.

On Friday, the former head of the police explosives unit, Charles "Bomb" Zeelie, told the committee how he had returned to Khotso house after the blast as an investigator. He said he had covered up his own involvement in the blast and created the impression that someone else was responsible.

Although he was not involved in the bombing of Cosatu House, he investigated the crime knowing the security forces were responsible, he testified.

Sapa-DPA reports that Tarwan denied yesterday that it helped SA

develop chemical weapons in the 1980s, and declared that it would not develop and did not possess such weapons. The defence ministry's denial was in response to an allegation by Walter Basson, the head of SA's apartheid-era chemical warfare programme.

"Our military never manufactured or possessed chemical weapons. We only conduct research in this field to prepare against a chemical warfare attack," the ministry said.

Basson told the truth commission on Friday that US, Japanese and Taiwanese scientists helped the apartheid government set up its chemical and biological warfare programme by swapping sensitive information. A document showed Basson had in May 1981 been briefed in Taipei on Taiwan's biological warfare facilities. He said he used the information to launch the apartheid biological warfare programme in 1982.

Basson denied he spearheaded research into a vaccine to sterilise blacks and bacteria that would kill only black people.

Public attitudes: Page 11



Forensic staff attached to the truth commission removed from an unmarked grave at Mamelodi Cemetery outside Pretoria last week the remains of Washington Bongco, to be returned to his family. Bongco, a former member of the African National Congress's armed wing, was executed in 1964.

Picture AP

# Body has served national reconciliation

A recent survey on the value of the truth commission in relation to reconciliation has been much misunderstood. Political editor Drew Forrest takes a deeper look at the results and their implications

(252) p0 3/8/98



Truth commission chairman Archbishop Desmond Tutu

FROM the gleeful editorialising of certain newspapers, one might conclude that the Market Research Africa (MRA) survey on the Truth and Reconciliation Commission shows that the mass of South Africans reject the commission. It does nothing of the kind.

What the survey highlights is that public attitudes to the commission are deeply divided along lines of race. Whites, and particularly Afrikaners, think the commission is a bad idea. More than half the blacks polled think it will have a beneficial effect.

The old adage about lies, damned lies and statistics applies to opinion polls — the way questions are framed, and the grinding of ideological axes, can make a large difference on interpretation. The survey does indeed find that two-thirds of respondents believe the revelations of the truth commission process have made South Africans angrier and led to a deterioration in relations between the races. However, it also finds that 54% of blacks "strongly agree or tend to agree" that the races can now interact more harmoniously, with another 24% being neutral. Close to 90% of whites "strongly disagree or tend to disagree" that the truth body will bring the races closer together.

The same divergence can be observed on whether the commission has been "fair to all sides and all races". Of black respondents, 60% believed it had been fair, with a further 24% being neutral. A scant 19% of whites saw the commission as impartial.

The inference must be that although blacks and whites agree that the commission has made people angry, they differ profoundly on whether it has advanced the cause of reconciliation. There is no necessary contradiction in this. By rights, white people should be outraged at what the apartheid security forces did in their name, including the manufacture of large quantities of narcotics and the murder of policemen by other policemen to cover their tracks. However, given that the truth commission's most harrowing disclosures have been of white security force crimes against black activists, it may reasonably be inferred that whites are not expressing their own anger. They are projecting fear and moral discomfort at the anticipated rage of black people.

They are right, as the black respondents confirm. It would be

surprising if blacks were not enraged by revelations that the government tried to develop a chemical programme to limit black fertility, or that white policemen cooked meat on one fire while murdering youth on a fire nearby.

What is striking, however, is that close to 80% of MRA's black respondents do not regard such disclosures as an unsurpassable obstacle to better racial understanding, and that more than half believe "the people in SA will now be able to live together more easily".

The apparent assumption is that the truth commission has helped open white eyes to the realities of apartheid rule, narrowing the gulf between white and black perceptions.

What the MRA ought to have asked is should the commission have been established? Given black perceptions of its longer-term benefits and impartiality, it seems far to assume that most black people would have answered in the affirmative.

The black optimism highlighted by the poll is probably not entirely unjustified. None of the hostile media commentators now try to deny security force lawlessness, or that torture and murder were instruments of state policy. The commission has made it much harder for whites to cling to illusions, and to continue duping themselves that apartheid was a moral crusade for western values.

With denial no longer an option, the new tactic is apparently to deflect blame by suggesting that the African National Congress is no less culpable and that the truth body, its cat's paw, is intent on disguising its role. Die Burger's alleged political commentator, Dawye, this week described the commission as "a one-eyed monster" and "the bulldozer of the ANC-communist alliance".

The truth commission has contributed to its image problems, most notably when the amnesty committee gave a collective pardon to the ANC's leadership in apparent contradiction of the law and without explaining itself, but the largely autonomous commit-

tee consists of judges who can hardly be considered stooges of the ANC. Those who actually know the commission can tell of its acute, even excessive, sensitivity to accusations of bias. Indeed, some black critics complain that the truth commission is unfair to whites, but that it panders to them.

Most of the 21 000 statements made to the commission come from victims of state violations, as one would expect in a country where the state exercised extraordinary powers to repress dissent over three decades. However, whites are disproportionately represented among the 2 500 people who have given oral evidence. Before hearings on atrocities where whites were victims, such as the Church Street blast in Pretoria, the commission has set out to trace and invite victims or their relatives to take the stand.

The impression that the commission has focused on security force crimes arises in part from the amnesty process, where the media has predictably homed in on white mischief, but the statistical fact is that most applications flow from inter-group strife in black areas — the very first amnesty hearing, for example, centred on violence between pro- and anti-Mangope factions in Botshabelo. It is here that many necklaced killings have come under the spotlight.

In any event it makes no sense to dismiss the amnesty committee as one-eyed when 2 300 applications — a third of the total — are outstanding. Pleas by ANC members in respect of the Magoo's Bar, Windy Bar and Ellis Park bombings, for example, still lie ahead. It would be hard to find a gross violation by ANC supporters which the commission has ignored. It may have been a mistake not to stage a special hearing on

abuses in the ANC camps, because the perpetrators have not been made to stand at the bar of public opinion. The fact is that the commission has amassed a large body of evidence on this matter from victim hearings, earlier inquiries and ANC party submissions.

In contrast with the National Party and the defence force, whose overriding concern has been damage limitation, the ANC has been tolerably open about the human rights abuses which mar its past. In addition, many ANC violations have long been in the public domain because the perpetrators have been tried, convicted and in some cases put to death. It is the elaborate concealment of state abuses, quite apart from their sheer scale and severity over 30 years, which compels the body to give them special attention.

A blanket amnesty, by contrast, would have let the butchers and torturers on all sides entirely off the hook, drawing a veil over a decade period of SA history and offering no deterrent to future human rights violators. Do decent, law-abiding whites really believe that the truth, even unpleasant truth, should be suppressed? The point about the process is that it does offer amnesty to criminals across the political spectrum — but not return for full disclosure.

The MRA survey underscores the fact that of all South Africans, Afrikaners are most hostile to the commission. Only 17% of Afrikaners believe it has been impartial, for example, as compared with 29% of English-speaking whites. Such sentiments cannot be laid at the doorstep of the commission — indeed, many Afrikaners have unburdened themselves at victim hearings and gained from the amnesty process.

The real culprits are the political parties and media pundits who do everything in their power to confirm Afrikaners in their political alienation. It is irresponsible for "Dawye" to accuse the commission of conferring collective blame on Afrikaners for apartheid when it has never done this. It is irresponsible to lionise PW Botha and project him as a victim when the old tyrant shows so little respect for the law.

There have been many moving cases where the commission has brought together victims and perpetrators in a new bond of sympathy, but its major role has been to such South Africans towards a national consensus about their past. Those who really care about reconciliation should not be undermining its efforts.

Assuming "Dawye" believes democracy is a good thing, he should explain how a peaceful shift to majority rule could have been achieved with reprisals on the cards. The "victim's justice" which applied at Nuremberg was not an option in SA, for the simple reason that neither side was at the other's mercy.



He also accused the ministry of not public education processes," he said. He also accused the ministry of not public education processes," he said. He also accused the ministry of not public education processes," he said.

# AWB 3 shooting: Terre'Blanche speaks to press

## Strong police presence as Bop man appears - but hearing is postponed

Mmabatho - The amnesty hearing for the Bophuthatswana policeman who shot and killed three wounded AWB men during their invasion of the former homeland in March 1994 was today postponed to next month before any evidence was led.

The hearing for the former Bophuthatswana constable, Ontlameise Bernstein Menyatsoe, for shooting AWB members Jacobus Fyrs, Alwyn Wolfaardt and Nick Fourie on March 11, 1994, will now take place from September 21-25.

The application for the postponement was brought by advocate Johann Engelbrecht, SC, appearing for the AWB and its leader, Eugene Terre'Blanche.

### JOHN YELD



#### ON THE TRUTH COMMISSION

Mr Engelbrecht told the amnesty panel, headed by Judge Selwyn Miller, that it was essential for them to trace two Sunday Times journalists, Peter de Iono and Ray Hartley, who had been at the scene.

Mr Engelbrecht said Mr De Iono in particular could supply "vital evidence" about the conduct of Mr Menyatsoe at the time of the shootings.

Mr Engelbrecht also said that documentation relating to the amnesty application had only been received by the AWB on Friday, July 31, and he had only been briefed on Saturday.

"Due to insufficient time, we were unable to prepare properly," Mokotledi Mpshe, leading evidence for the amnesty committee, said he did not oppose the application for postponement but he strongly denied that the AWB had only been informed on Friday.

He said the required notice had been sent to the AWB's offices in Ventersdorp on June 2 by registered post. "I heard absolutely nothing from them until July 29," Mr Yeld said.

There was a strong police presence at the hearing today, being held in the former parliament building of the Bophuthatswana, and there was a roadblock at the entrance to the complex.



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ardice" and a contravention of the Geneva Convention.

He refused to repeat his remarks in English when requested to do so by a journalist.

The shooting of the three on March 11 1994 came a day after President Mangope had been persuaded to call in the "Boere Army" of the rightwing Afrikaner Volksfront, commanded by former SA Defence Force chief Constand Viljoen.

This was part of his effort to contain the huge surge of hostility against him and the outbreak of violence which had followed his refusal to agree to the re-incorporation of his supposedly independent homeland and to take part in South Africa's first democratic elections.

The AWB was supposed to have been excluded from the rightwing force sent to Bophuthatswana under General Viljoen, but its members went anyway and added significantly to the chaos by indiscriminately shooting and assaulting people.

The AWB's activities deeply angered Bophuthatswana's black soldiers and police, who then refused to co-operate with the "official Boere Army" sent to help them and who turned on the AWB force in the streets of Mmabatho, capital of the homeland.

Mr Fourie, Mr Fyrs and Mr Wolfaardt were driving in an AWB convoy in the centre of Mmabatho when they were ambushed by the homeland's security forces. All three were wounded - Mr Fourie apparently fatally, while the other two were still able to speak and plead for help.

Watched by journalists, television crews and photographers, Mr Wolfaardt called out: "Please God, help us - get us some medical help."

Constable Menyatsoe then stepped up and, in full view of the cameras, fired several rounds directly into each of the three at close range.

While the events of those two days resulted in President Mangope stepping down and the re-incorporation of Bophuthatswana into South Africa, there was a more significant consequence - the shattering of the illusion of right wing Afrikaner unity and of the possibility of armed resurrection by the right wing.

# TRC told of the menace of IFP march on Shell House

Star 4/8/98

(252)

A large group of IFP marchers displayed aggressive behaviour as they approached the ANC's Shell House headquarters in Johannesburg on March 28 1994, and there was a possibility they would try to enter the building, a policeman told the Truth and Reconciliation Commission yesterday

Sergeant Willem van Greunen was giving testimony to the TRC's amnesty committee at the Central Methodist Church in Johannesburg

Thirteen ANC members are applying for amnesty for opening fire on marchers during an anti-election protest organised by the IFP

The IFP's subsequent claim that the march was staged by Zulu indunas in support of the Zulu king was dismissed by an inquest judge last year

Eight marchers were killed near Shell House in the shooting

On March 28 1994, as 500 marchers approached armed ANC guards, Van Greunen and his colleague, Sergeant Louis van Reenen, ran towards the protesters in an attempt to divert them from the flashpoint

Van Greunen said the potential for conflict was clear to him and it had crossed his mind that the marchers might try to enter Shell House

He said he was carrying a shotgun and his colleague was also armed. He said it should have been clear to the marchers that they were armed policemen who wanted them to change the direction of the march away from the ANC guards

However, the marchers overran the

two policemen, and Van Greunen was injured by a spear or an assegai

"I felt their conduct was aggressive," he said. He could not say with certainty where the first shots came from. He did not see any firearms among the crowd.

His colleague, Van Reenen, now a police inspector, told the TRC he was aware that day that Shell House was the ANC's headquarters, that the IFP was conducting an anti-election march and that the two organisations had a history of antagonism

He said he feared for his safety when marchers paid no heed to his request for them to change direction

He agreed with ANC legal representative Karel Tip that the marchers had inspired fear and that the ANC guards had only seconds to assess and react to the situation. But, he said, he was unable to say whether the guards were justified in shooting

An earlier witness, fast-food store owner Jimmy Stephens, was sure there was no justification. He described the deaths of the marchers as "cold-blooded murder"

Stephens said a guard armed with an AK-47 rifle went down on his haunches next to a single policeman, who took no action during the entire incident, and opened fire on full automatic

After firing bursts for 20 seconds, the guard reloaded the rifle and continued firing single shots. The policeman next to him did nothing to stop him from firing, Stephens testified. -

Sapa

# Ellis Park car bomb 'was not meant to kill'

In an emotional hearing, two former ANC cadres ask the TRC for amnesty for a blast that killed two rugby spectators

BY ROBERT BRAND

The 1988 Ellis Park bomb blast, which killed two rugby spectators, was intended to send a message to SA's whites, two former members of the ANC's armed wing told the Truth and Reconciliation Commission yesterday.

Harold Matshididi and Aggie Shoke, formerly of Umkhonto weSizwe, told the TRC's amnesty committee they did not intend to kill anyone when they helped to set off a powerful car bomb near the stadium. "People died unintentionally. We were sending a signal to the white people that we had had enough, that they should talk to their leaders and tell them we are people too," Matshididi said.

Friends Clive Clucas (48) and Linus Marais (34), who were on their way home after watching a Currie Cup rugby match, were killed and 35 people injured when the bomb exploded minutes after the end of the game on July 2 1988.

Matshididi and Shoke, now members of the SA Police Service, have applied for amnesty with two other unit members, commander Lester Dumakude



At the hearing... Sally Clucas (left) and Magriet Erasmus, widows of two men who were killed in the 1988 Ellis Park car bomb blast.

and Itumeleng Dube.

There were emotional scenes when Clucas's widow Sally faced Matshididi and questioned him. "You killed my husband, an innocent man who went to watch a rugby match. He never came home. We had two children. We never harmed anybody. Why?" she asked.

Matshididi replied it had not been his intention to kill Clive Clucas. "I know how sad it is to lose a loved one. If we wanted to kill people, we would have planted the bomb inside."

"Many things happened in those years and many of us are now saying they were not necessary," Matshididi replied.

Linus Marais' widow, Magriet Erasmus, chose not to question the applicants.

Matshididi and Shoke said they had acted on the instructions of their commander, Dumakude. The car bomb was parked some way from the stadium to avoid casualties and timed to explode during the match, when spectators would be inside the stadium.

Matshididi admitted they had made no effort to find out when the match would end and spectators would stream into the streets around the stadium.

After completing their testimony, both applicants asked for forgiveness.

## Journalists called to testify over Bop killings

BY SIMON ZWANE

Two journalists, who saw the slaying of three rightwingers during the Afrikaner Weerstandsbeweging's raid on Bophuthatswana in March 1994, will be subpoenaed to appear before the amnesty committee of the Truth and Reconciliation Commission.

Sunday Times reporters Peter de Ionna and Ray Hartley are to be called as witnesses to explain what they saw on March 11, when police officer Ontlametse Bernstein Menyatsoe shot and killed Jacobus Stephanus Uys, Alwyn Wolfaardt and Nicolaas Cornelius Fourie in a Imabatho. Menyatsoe is applying for

amnesty for the killings, which took place in full view of the media during the uprising against former Bop leader Lucas Mangope.

Mangope requested the assistance of the AWB and the Freedom Front in quelling the rebellion that broke out when his government indicated its unwillingness to take part in South Africa's first democratic election in April 1994.

Advocate Johann Engelbrecht, legal representative for the AWB, yesterday requested a postponement in Menyatsoe's application until September 21 to afford him time to interview the two reporters.

Engelbrecht said he believed it was "absolutely important"

for him to speak to the two reporters.

Police in riot gear and armoured vehicles maintained a heavy presence at Bop's old parliament buildings, where the hearing took place. A handful of rightwingers led by AWB leader Eugene TerreBlanche, whose organisation is opposing the application, also attended the hearing.

It was the first time that TerreBlanche had attended proceedings of the amnesty committee, involving members of his organisation.

Menyatsoe, who did not appear yesterday, made an application last year after another officer was implicated. He has never been charged with murder.

# TRC's long walk to reconciliation is far from over

BY ROBERT BRAND

**M**dantsane, Sunday April 14. The Assemblies of God Church, atop a hill amid a sea of red-brick dwellings, corrugated-iron shacks and meandering dirt roads

At 2 in the afternoon, it is uncomfortably hot. More than 1 000 people are packed inside the church; others throng the bare church yard enclosed by its 2m-high wire fence from within the church rise the hauntingly beautiful strains of an old Xhosa hymn "Tizalis'idinga /akho Thixo Nkosi yenyamiso ..."

"Puli! Your promise, God of Truth.") It was a day before the start of the Truth and Reconciliation Commission's first public hearing in East London, and Archbishop Desmond Tutu had come to the church in Mdantsane to ask God's blessing and to preach reconciliation and forgiveness. And there was a spurt of forgiveness in the church, a spirit which also pervaded the first round of public hearings in the East London City Hall

That was more than two years ago. Then, the TRC process held so much hope that we forgot it was a political compromise not exactly what anyone wanted, but what most could live with. And it seemed that everyone was ready to embrace this unique experiment. As victim after victim told horrendous tales of



Draw 4/8/98

(TRC)

suffering in the East London City Hall that week, it seemed an overwhelming wave of sorrow and goodwill – the will to make good – swept the land

Who did not have tears in the eyes or a lump in the throat when a weeping Elizabeth Hashe asked what had happened to her husband Sipho, who had disappeared in mysterious circumstances 10 years before. Yet she was willing to forgive, and so were others like her. And those in whose name her husband was murdered seemed willing to accept that forgiveness with humility. It seemed as if the building blocks for reconciliation were being laid

But that was then. Now, as the process enters its final phases amid acrimony and cynicism, that initial promise has dissipated. We have forgotten the hope and idealism which

marked the start of the process, we have forgotten why the process, although at times intensely painful, was necessary. We point at surveys showing that most South Africans believe the commission has deepened rather than bridged racial divisions, we choke at the release of people who have committed unspeakable atrocities in the name of politics, we balk at the thought of paying in hard currency – rather than tears – to make good for the sins of the past.

So let us go back to the beginning. When the first tentative negotiations between the ruling National Party and the ANC started in the early 90s, there were two opposing views which seemed to be a major obstacle to a negotiated solution: the NP's insistence on an amnesty for all members of the security forces who may have been guilty of crimes in the name of apartheid; and an entirely understandable desire for retribution on the side of the people who bore the brunt of the oppression. And so the interim constitution contained a clause guaranteeing an amnesty process, but leaving the details to be worked out by a democratically elected parliament.

The TRC legislation went through more than 20 drafts before it was finally approved by all parties in that parliament in 1995, and so South Africa's unique experiment came into being.

It was unique because it was a product of compromise, not a process imposed on the vanquished by the victor, because the commission had wide-ranging powers of search and subpoena to enable it to get to the truth, and because it had the power to grant amnesty in return for the truth.

It refused to accept that the past could simply be buried, but it was founded in the belief that a new democracy cannot exact vengeance indefinitely; that the future had to be

## If it works, it'll set new standard for such bodies

built on a foundation of forgiveness. It was a considerable risk, said José Zalaquett, a former member of the Chilean truth commission, "With its ambitious mission, South Africa has considerably raised the stakes. If it succeeds, it will set a new standard for such bodies worldwide, and we will all be in your debt, if it does not, it will be a failure of colossal proportions that will put at risk South Africa's transition to democracy."

Now that the first phase of the

commission's work is over, we can ask ourselves: Did it succeed? The answer can, at best, be only partial.

The commission has had major shortcomings, perhaps the most serious being that its investigative arm was flawed because of a lack of staff and expertise. Many cases went unexamined, many who submitted statements or testified in public hearings will never have the answers they demanded. But this was not entirely unexpected.

The commission was mandated to investigate a period of more than 30 tumultuous years in which many things happened and thousands of people suffered human rights violations. The task was, quite simply, beyond the capabilities of the commission's investigative staff.

But that is not a fatal flaw. The TRC's mandate, according to its founding law, was not to investigate and solve each and every human rights violation – it was to establish "as complete a picture as possible of the nature, causes and extent of gross human rights violations" during the latter decades of apartheid.

And in the more than 21 000 statements from victims and 7 000 amnesty applications, the TRC has received as good an account of the apartheid conflict as could be expected.

The amnesty process quickly became unpalatable as the perpetrators of some of the more heinous crimes committed during apartheid

were freed, and this is often cited by critics as another flaw.

But we forget that the demand for amnesty was central to the establishment of the commission in the first place. And the resentment caused by freeing these killers is nothing compared to the resentment which would have resulted from countless prosecutions of apartheid criminals, most of which would most likely have been unsuccessful.

On balance, the commission's achievements outweigh its weaknesses. It has uncovered some of the most enduring mysteries of the apartheid era – the fate of the Cradock Four and the Peboe Three, the last hours of Steve Biko, the death of Stanzu Bopape, to name but a few – and it has given a voice to thousands of people who previously endured their suffering in silence.

It has laid the foundation for a new history, not, as former president F W de Klerk charged last week, a "one-sided version of history" imposed by biased commissioners, but a history synthesised from the stories of thousands of victims on both sides of the apartheid conflict.

Whether this history is factually right or wrong in every detail is immaterial. There is now a common understanding of the suffering caused by apartheid, and no room to deny that much of it was caused willfully by successive NP governments, supported by the majority

of whites in this country.

There's the knowledge that one form of cruelty bred another, and vicious atrocities were committed in the name of the freedom struggle. Those are the basics, the details could be left to future scholars.

But in trying to answer the question of whether the commission has succeeded, we must remember that the process is far from over. About 80% of the amnesty process remains to be dealt with; the final report has yet to be completed; and the reparations programme has yet to start.

Making good for the wrongs of the past is likely to be the key to the process. We have to, because the Constitutional Court has ruled that a *quid pro quo* for granting amnesty to perpetrators and thus depriving their victims of the right to sue for damages is a substantial and not merely symbolic compensation programme.

We have to, also, because we are human, and we have to make good the harm we have done. The reparations policy proposed by the TRC will cost the state at least R3-billion over six years.

But the question is not whether we can afford it, the question is whether we can afford not to implement it. We should ask ourselves how it could be done, and then start working towards it in the same spirit of hope and promise which marked the TRC's first hearings.

# Bridging the great divide

White South Africans need to look deeply at themselves and their largely ungenerous reaction to the TRC and its work, writes Archbishop Desmond Tutu

RTM 4/8/98

(2/92)

**O**n one point there is unanimity about the TRC - just nobody could ignore it. Some have vilified it, others have praised it, none has treated it with indifference - really.

Now that the human rights violations committee's hearings have come to an end, I want to answer the question "Archbishop, now that the TRC has reached this point before you write the report and hand it over to the president, are you satisfied with your work?"

Before I try to answer it, may I first pay warm tributes to those many people deserving them. It has been a wonderful privilege to have been asked to preside over this process seeking to heal a traumatised and deeply divided people.

Perhaps it is because all realise that this is not your ordinary run-of-the-mill commission that it has

## Surveys deal with

## anonymous statistics

evoked such strong emotions - for it has in a very real sense to do with the kind of society we hope to become.

It is in some ways a matter of life and death. It has been marvellous to have worked with a remarkable bunch of people.

I am thrilled to be able to pay a richly deserved tribute to my fellow commissioners, especially my deputy chair Dr Alex Boraine, to the committee members and to a splendid and outstanding team of staff persons, many of whom have often gone beyond the call of duty.

We have been blessed too by the media both print and electronic

postmortems, judicial inquiries, inquiries, etc, which failed spectacularly to solve the riddles, we now know through our amnesty process what precisely happened to Steve Biko, to the Cradock Four, to Stanzas Bopape, to the Pebco Three, etc, because the perpetrators told us. Shirley Gunn has been vindicated because now we know who bombed Khotsiso House, when previously we had been misled by high officials who lied publicly and brazenly.

But deception was an integral part of an evil policy such as apartheid.

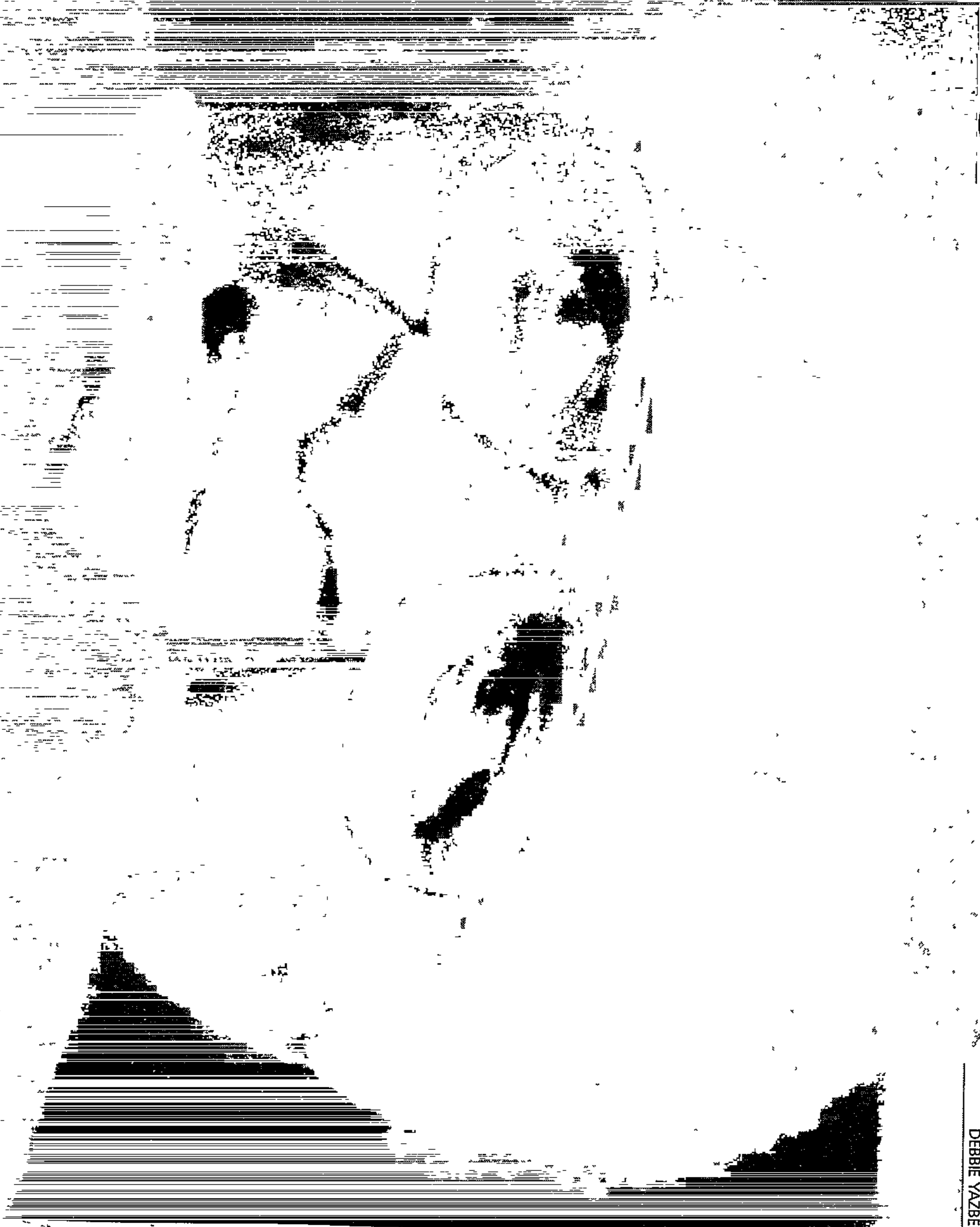
Its high priests had misled us before without compunction about South African troops fighting in Angola.

They have lied as a matter of course, or you have very clever hair-splitting sophistry. "We did not say we did not know. We said we did not sanction illegal acts .. such as bombing Khotsiso House. Once we knew, of course we did nothing about it."

I thought there was in law something about being accessories before or after a fact. Was doing nothing really condonatory?

Just ask the families of those whose remains we have exhumed what they think of the TRC when their loved ones had been abducted and killed and buried secretly. What about the TRC uncovering apartheid's chemical and biological warfare programme and its quite diabolical projects?

Those who from day one have sought to discredit the TRC and who have sniped at us, carrying out pre-emptive strikes ahead of our report so that they could say "What did you expect?" when it condemns the perpetrators of gross violations, have gleefully latched on to the results of the MRA/Business Day survey



DEBBIE YAZBEK

or do you really agree with those leaders - and do you want us to degenerate into a Bosnia, a Rwanda, a Northern Ireland?

Or don't you want to contribute to reconciliation by doing something about transformation, about improving the quality of life of those who for so long have been the underdogs?

Without that transformation lasting, reconciliation will be impossible.

Surveys are awful because they refer to faceless, anonymous statistics and speak in generalisations. We have seen through the TRC some extraordinary examples of forgiveness and reconciliation from black and white South Africans and non-South Africans.

What about Brian Mitchell and the Trust Feed Farm community? What about Beth Savage of King William's Town, what about Henne Smit, whose son died in Amanzimtoti?

## Blessed by media, both print and electronic

What about the Guguletu Seven mothers? What about the Bhehl family?

What of the confessions by the Stellenbosch Dutch Reformed Church presbytery, or what happened in the Lynnwood Dutch Reformed Church?

And who will ever forget Neville Clarence, blinded by the Church Street bomb, shaking hands with Aboobaker Ismail? Is there no leader of some

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We have been blessed too by the media, both print and electronic, who have carried TRC news to every corner of our country and overseas.

Thank you  
We are indebted to various faith communities, NGOs and others who have facilitated our work in all kinds of ways. Last but not least, we doff our hats to those who came forward to tell their stories.

To return to the original question, "Are you satisfied with the work of the TRC?"

We should be honest and say we wish we could have done more.

We wish it had been possible for the victims to have got some reparation already, we wish more big fish from the previous regime had been more forthcoming than has been the case – but I think we can also say, modestly, the TRC has done remarkably well, given all the different constraints under which we operated.

Have we uncovered much truth? An unbiased observer would say "Quite definitely, yes." After many

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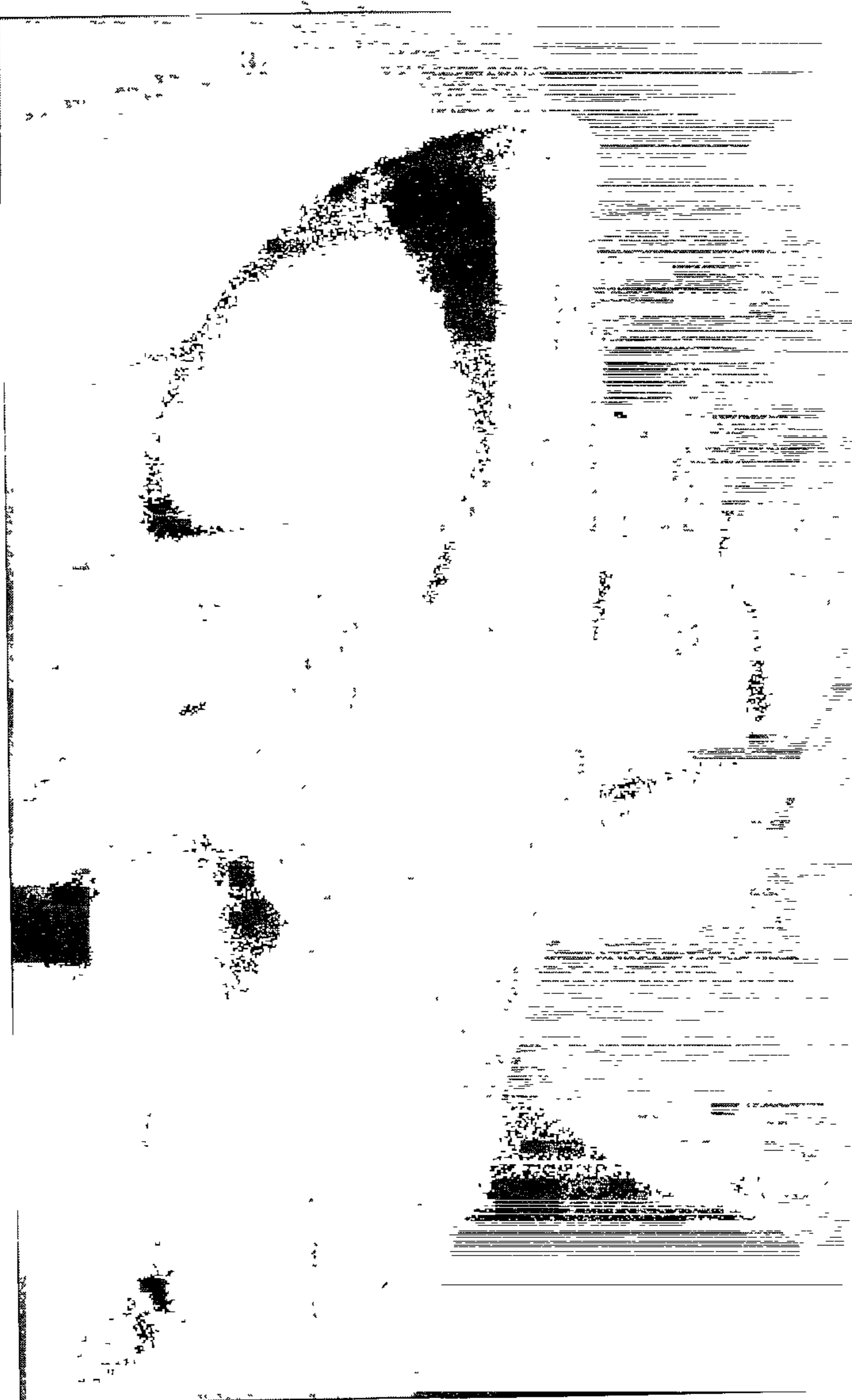
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## True reconciliation cannot be based on lies

believe the commission has deepened rather than bridged racial divides.

How utterly pathetic. It surely would have been odd in the extreme had people not been incensed at the atrocities that have been revealed. What did we expect? Surely not that the Bopape family would dance with joy to hear that their son was tortured to death and that his body was fed to crocodiles. While police engaged in an elaborate and macabre cover-up?

What is breathtaking, and those who have used the survey have hardly referred to it, is that nearly 80% of blacks, the ones who suffered



Can't take no more. Archbishop Desmond Tutu often seemed overwhelmed by the horrific details uncovered by the Truth and Reconciliation Commission

most under apartheid, are ready to make a go of working for reconciliation.

It is, shattering, those who benefited from apartheid who according to the survey do not think reconcil-

ation is possible.

We should have been devastated had it been the vast majority of this land who had said "We have given up on reconciliation. To hell with Mandela and Tutu. We are going on

a revenge rampage. We are going to take over those nice houses and let the whites come and live in the shacks, in the squalor."

My dear white compatriots, it is a wake-up call to you. You have been

let down by most of your leaders, who have made you out to be unmean-spirited to respond to the incredible magnanimity and generosity of the victims.

Please grasp this opportunity,

## media, both print and electronic

What about the Guguletu Seven mothers? What about the Bhehl family?

What of the confessions by the Stellenbosch Dutch Reformed Church presbytery, or what happened in the Lynwood Dutch Reformed Church?

And who will ever forget Neville Clarence, blinded by the Church Street bomb, shaking hands with Aboobaker Ismail?

Is there no leader of some stature and some integrity in the white community who won't try to be too smart, who is not trying to see how much he can get away with, but who will say quite simply: "We had a bad policy that had evil consequences. We are sorry. Please forgive us?" and not then qualify it to death.

That would help to close the chapter on our horrendous past and enable us to move forward into the future with confidence, absolved, forgiving and forgiven.

Reconciliation is not going to be cheap or easy.

The TRC was never meant to achieve, but to promote reconciliation. It is a national project requiring the participation of every single South African.

True reconciliation cannot be based on lies.

The TRC has helped to lay a firm foundation for true reconciliation – it has unearthed a great deal of the truth.

The rest is up to each one of

TRUTH AND RECONCILIATION COMMISSION

TRUTH COMMISSION

# AWB members oppose amnesty application

Stephané Bothma

**MAFKENG** — Six uniformed Afrikaner Weerstandsbeweging (AWB) members, led by the organisation's leader, Eugene Terre'Blanche, attended yesterday's truth commission hearing in the North West capital to oppose an amnesty application by Bernstein Menyatsoe for the March 1994 killing of three AWB "soldiers".

Jacobus Uys, Alwyn Wolfart and Nicholas Fourie were killed during the AWB's invasion of Bophuthatswana in full view of television cameras and in the presence of Bophuthatswana police and defence force members.

More than 60 people died that month when the AWB attempted to preserve the independence of Bophuthatswana shortly before SA's first democratic elections.

The AWB yesterday asked for a postponement of the hearing after the organisation's lawyers said they needed time to interview two journalists who witnessed the killings.

Menyatsoe, currently a serving member of the SA Police Service, did not appear at the hearing. Instead he was kept in a room adjoining the amnesty chamber "for his own safety", according to his lawyers.

DD 4/8/98 (2572)

A few family members of the slain AWB men attended the hearing. Menyatsoe's application for amnesty is also being opposed by Uys's widow.

Applying for the postponement, which was granted by committee chairman Judge Selwyn Miller, Johan Engelbrecht, said it was important that he consulted with the two journalists before cross examining the applicant.

The journalists are Peter de Ionnio and Ray Hartley from the Sunday Times. Engelbrecht asked Miller to subpoena the two journalists but the chairman said that decision rested with the commission.

The hearing was postponed to September 21. Meanwhile, Sapa reports that the truth commission granted amnesty to a former AWB commander in the Queenstown area for the bombing of two houses shortly before the 1994 elections, the commission said yesterday.

Nicolaas Willem de Jongh and two other AWB members bombed Wiseman Zitembule Sana's house in Queenstown on August 13, 1993. The following day the three attacked Johnson Dumile Sateni's house at Hofmeyer with explosives. Extensive damage was caused in both incidents but no-one was injured.

**I was afraid, says policeman**  
Taryn Lamberti

**A POLICEMAN** who was on duty in the Johannesburg city centre on the day of the Shell House shootings in March 1994, told the truth commission's amnesty committee yesterday he had been afraid when he saw a group of Zulu marchers heading towards the African National Congress's (ANC) headquarters.

Sgt Louis van Reenen said he had feared for his own safety when the marchers crossed De Villiers Street and moved directly towards Shell House.

Nineteen people died during the march by Inkatha Freedom Party sympathisers.

Some of the 13 ANC security guards applying for amnesty for their part in the incident conceded that they may have exceeded the bounds of self-defence.



The truth commission's amnesty committee at a hearing in Johannesburg yesterday where it heard evidence during the amnesty applications of 13 ANC security guards who were involved in a shooting incident with IFP supporters outside Shell House in the city centre in March 1994.

Picture: TREVOR SAMSON

# We did not intend to kill, says Ellis Park bomber

(297) 00 4/8/98  
A FORMER Umkhonto we Sizwe (MK) cadre applying for amnesty for the July 1988 car bomb explosion at Ellis Park sports stadium, in which two people died and 35 were injured, said the aim of the bomb was not to kill anybody, but to send a message to whites that they, too, were vulnerable.

Harold Matshididi, 51, and Aggie Shoke, 44, are applying for amnesty in connection with the Ellis Park bomb. Matshididi is employed at the police provincial protection services in Braamfontein, Johannesburg.

The hearing, before the amnesty committee of the truth commission, is being held in Mayfair, Johannesburg.

"The deaths were accidental and we did not place the bomb to kill people," Matshididi said yesterday.

According to him the bomb was assembled by the commander of a special MK unit, Lester Dumakude, who also drove it to Ellis Park shortly before it was to explode at 5pm on July 2.

Dumakude and another member of the MK cell, Itumeleng Dube, applied for amnesty only after they were implicated in the testimonies of Matshididi and Shoke. They will attend pro-

ceedings today.

Speaking in Setswana, Matshididi asked forgiveness from the wives of the two men killed in the explosion.

Clive Clucas, 58, and Linus Marais, 34, died when the bomb went off shortly after the Currie Cup rugby match between Transvaal and Free State. The former journalist Gordon Eddey lost a leg.

"I want to say to those who lost loved ones, that it was not our intention to kill anybody. I know it will be difficult for you to forgive us, but we are really sorry," Matshididi said.

He denied that MK commander Hein Grosskopf had been involved in planning the bombing.

A tearful Sally Clucas faced Matshididi and told him he had killed her husband — an innocent man who only went to watch a rugby match. "He never returned home. We have two children and we were never able to put our lives together," Clucas said.

She asked Matshididi if her husband's death had achieved anything. "Many things have happened in those years and many of us say they were not necessary," he said — Sapa.



# 'The TRC has helped lay a firm foundation for true reconciliation'

**ARE YOU satisfied with the work of the TRC? Now that it's all over, ARCHBISHOP DESMOND TUTU answers the question he is often asked.**



ON one point there is unanimity about the TRC — just nobody could ignore it. Some have vilified it, others have praised it, no one has treated it with indifference — really.

Now that the Human Rights Violations Committee's hearings have come to an end, I want to try to answer the question "Archbishop, now that the TRC has reached this point, before you write the report and hand it over to the President, are you satisfied with your work?"

Before I try to answer it, may I first pay warm tributes to those many people deserving them. It has been a wonderful privilege to have been asked to preside over this process seeking to heal a traumatised and deeply divided people.

Perhaps it is because all realise that this is not your ordinary run-of-the-mill commission that it has evoked such strong emotions — for it has in a very real sense to do with the kind of society

we hope to become. It is in some ways a matter of life and death. It has been marvellous to have worked with a remarkable bunch of people, gifted, dedicated and conscientious to a fault. I am thrilled to be able to pay a richly deserved tribute to my fellow commissioners, especially my deputy chair, Dr Alex Boraine, to the committee members and to a splendid and outstanding team of staff, many of whom have often gone beyond the call of duty.

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To return to the original question, Am I satisfied with the work of the TRC?

We should be honest and say we wish we could have done more. We wish it had been possible for the victims to have already received some reparation, we wish more big fish from the previous regime had been more forthcoming than has been the case — but I think we can also say, modestly, the TRC has done remarkably well, given all the different constraints under which we operated.

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(2572) CT4/8/98

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Surveys are awful because they refer to faceless, anonymous statistics and speak in generalisations. We have seen through the TRC some extraordinary examples of forgiveness and reconciliation from black and white South Africans and non-South Africans. What about Brian Mitchell and the Trust Feed Farm community?

What about Mrs Beth Savage of King William's Town, what about Mr Hemie Smit whose son died in Amanzimtoti? What about the Guguletu Seven's mothers? What about the Biehl family?

What of the confessions by the Stellenbosch Dutch Reformed Church presbytery or what happened in the Lynnwood Dutch Reformed Church? And who will ever forget Mr Neville Clarence, blinded by the Church Street bomb, shaking hands with Mr Abubaker Ismail — some potent examples out of many of reconciliation and forgiveness happening.

Is there no leader of some stature and some integrity in the white community who won't try to be too smart, who is not trying to see how much he can get away with, but who will say quite simply "We had a bad policy that had evil consequences. We are sorry. Please forgive us?" and not then qualify it to death. That would help to close the chapter on our horrendous past and enable us to move forward into the future with confidence, absolved, forgiving and forgiven.

Reconciliation is not going to be cheap or easy. The TRC was never meant to achieve, but to promote reconciliation. It is a national project requiring the participation of every single South African. True reconciliation cannot be based on lies. The TRC has helped to lay a firm foundation for true reconciliation — it has unearthed a great deal of the truth.

The rest is up to each one of us. "

'LANGUAGE MONUMENT NOT A JOKE'

# FF storms out after jibe at Afrikaans icon

**ABUBAKER ISMAIL, SANDF chief of policy, says it is necessary to use a single language to co-ordinate commands, JOYAL RANTAO of the Parliamentary Bureau reports.**

THE Freedom Front stormed out of a committee meeting on the South African National Defence Force's language policy after an ANC MP had joked about the Afrikaans Language Monument yesterday.

An angry Pieter Groenewald, the Freedom Front representative on the joint standing committee, objected to comments made by ANC MP Gabriel Loots.

He walked out of the meeting when committee chair Tony Yengem ruled his emotional outburst out of order.

Loots had asked why the institution that protected the welfare of Afrikaans was called a monument. Some people described the monument at Paarl as "sexist", he said.

An outraged Groenewald objected "Are we playing games? The language monument is dear to me as an Afrikaner. I will not allow it to be turned into a joke."

The Constitution protects Afrikaans and Afrikaner cultural monuments and these should be respected by all. I can also start to make some things a joke."

Loots later apologised to the FF and other Afrikaans-speakers.

"I want to apologise," he said.

"I am Afrikaans speaking and would not do anything in disrespect for the language."

"I was doing this in a light-hearted manner."

The spat between Loots and Groenewald came when members of Parliament were given an opportunity to put questions to Jake Louw of the Afrikaans Language Monument.

Louw had argued against the South African National Defence Force's proposal to entrench English as a medium of instruction.

Afrikaans had been widely used in the SANDF, he said.

He believed it should be chosen as the main language as it was widely spoken in the Western Cape, Gauteng and the Northern Cape. "Afrikaans is easy to understand and learn," Louw argued. "The SANDF will disempower members if it chooses English as (its) language."



**TONY YENGENI**

ANC MPs disagreed. They said that speakers of other languages could use similar arguments to press for their languages to be elevated in the SANDF.

Earlier, Abubaker Ismail, chief of policy and planning in the SANDF, told the committee that the aim of the draft policy tabled before it was to establish an equitable language dispensation.

It was intended to strike a balance between the imperatives of the Constitution and the Department of Defence's operational needs, the general said.

It was necessary to choose a common medium of communication to avert the problem of having to issue commands in each of the 11 official languages, Ismail said yesterday.

The efficient coordination of commands was vital in achieving the department's objectives. This would be possible only if the forces used a single designated language — English, Ismail said. Appropriate link languages would be used to facilitate communication further down the ranks.



**LET ME SHOW YOU AROUND:** Deputy President Thabo Mbeki and Swiss President Flavio Corti in Parliament yesterday. The Swiss have signed an agreement committing \$2.7 million (R16.6m) to a student loan fund in South Africa.

**PICTURE: AP**

## 'We're talking nation-building — all at once'

**KERRY CULLINAN**  
PARLIAMENTARY BUREAU

THE National Assembly and all nine provincial legislatures will today conduct a simultaneous debate for the first time ever, focusing on nation-building and the rights of cultural, religious and linguistic communities.

Deputy President Thabo Mbeki will introduce the national debate. He will be

followed by ANC MPs including Nozizwe Rontledge, who will speak on Zulu identity and reconciliation, Inam Gasan Solomon on religion and nation-building, Bishop Lekoba Tolo and Andries Nel.

Opposition party leaders and MPs will also speak in the debate aimed at laying the groundwork for setting up the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.

Constitutional Affairs Minister Mohammed Valli Moosa, whose ministry is charged with setting up the commission, said the "unprecedented" debate would "launch a nationwide debate on culture, religion, language and nationhood." After tomorrow, public hearings on the role of the commission will be conducted followed by a national conference in September to coincide with Heritage Day.

## Ellis Park car bombers apply for amnesty

**for amnesty**  
(gān)

**ROBERT BRAND**

CT 4/8/98

**JOHANNESBURG** The 1988 Ellis Park bomb blast, which killed two rugby spectators on their way home from a match, was intended to "send a message" to South Africa's whites, two former members of the ANC's armed wing told the Truth and Reconciliation Commission yesterday.

Harold Matshididi and Aggie Shoke told the TRC's amnesty committee they did not intend to kill anyone when they helped set off a powerful car bomb near the stadium and asked for forgiveness.

"People died unintentionally. We were sending a signal to the white people that we had had enough, that they should talk to their leaders and tell them we are people too," Matshididi said.

Friends Clive Clucas, 48, and Linus Marais, 34, were killed and 35 people injured when the bomb exploded at 5.10pm, minutes after the referee had blown the final whistle in a Currie Cup match between Transvaal and Free State on July 2, 1988.

Matshididi and Shoke, now members of the South African Police Service, have applied for amnesty for the blast together with two other members of the special operations unit, commander Lester Dumakude and Itumeleng Dube.

There were emotional scenes when Clucas' widow, Sally, faced Matshididi and questioned him about the blast. Linus Marais' widow, Magriet Erasmus, was also present but chose not to question the applicants.

The car bomb was parked some way from the stadium to avoid casualties and timed to explode during the match, when spectators would be inside the stadium, they said. Matshididi admitted that they had made no effort to find out when the match would end. He denied that Heinrich Grosskopf, the son of former newspaper editor H J Grosskopf, had anything to do with the blast. Grosskopf was accused of complicity in the Ellis Park blast and other bombings by former law and order minister Adnaam Vlok.

# Black attorney slams justice department

By Khangale Makhado

A BLACK attorney in Klerksdorp criticised the department of justice yesterday for failing to address a complaint he had lodged against a white senior prosecutor for allegedly using vulgar language.

Mr Puna Moroko's complaint follows an incident in which the prosecutor, whose name is known to *Sowetan*, allegedly told him "Vandag soek ek nie k\*k nie" during a telephone inquiry early this year.

At the time the justice department told *Sowetan* that the matter had been referred to their regional office in

Mmabatho for immediate investigation, adding that depending on the findings, misconduct steps may be taken.

However, when *Sowetan* inquired about the progress of the case we were told that the matter had been settled amicably between the complainant and the prosecutor and that "it was therefore not necessary to take any action against any of the parties."

Communication Services spokesman Mr Rasiga Naicker said letters had been sent to Moroko by the attorney general who indicated that he did not intend taking any steps against either of the parties.

"It was suggested by the AG in his letter that Moroko and the prosecutor settle their differences in an amicable fashion and since there has been no further correspondence from Moroko it was assumed that he had obviously accepted the suggestion," Naicker said.

Moroko denied having received any letter from the AG's office and said Naicker's statement contradicted the earlier statement that the matter had been referred to the regional office.

"There is clearly a problem here because the Public Service Act clearly states that the use of vulgar language by any officer in the public sector constitutes misconduct," Moroko said.

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Sowetan 1/8/98

# IFP man tells TRC of march on Shell House

(257) Sapa 5/8/98

Marchers dived for cover, turned and ran or fell down after being shot when they were met by a hail of bullets near the ANC's Shell House headquarters in Johannesburg, the TRC was told yesterday.

Bafana Mahlaba, of Nancefield hostel, told the TRC amnesty committee hearing at the Central Methodist Church in Johannesburg that he was shot in the leg during the march.

Thirteen ANC members are applying for amnesty for opening fire on marchers during an anti-election protest organised by the Inkatha Freedom Party on March 28 1994.

Mahlaba said he was part of a group of people who converged about 50m away from a small group of ANC security guards protecting their head office in Plein Street.

The marchers began chanting "Usuthu" as they moved forward towards the ANC guards. Mahlaba said he was carrying a shield, a spear, a stick and a knobkerrie.

"When we started

chanting, they started shooting," he said.

Marchers dived for cover, and others turned and ran.

Mahlaba was shot when he tried to help his brother, who was lying on the ground after having been shot. He said police arrived and dragged him to the street corner. He was taken away in an ambulance. It took him three months to recover from his wound.

Asked if any of his fellow marchers opened fire that day, Mahlaba said he had not seen any.

Even if they had, he would not have heard their shots because of the sound of gunfire all around.

He denied ANC claims that marchers launched an attack on the ANC headquarters.

Eight marchers died in the incident.

The amnesty hearing was scheduled to proceed until Friday, but was concluded yesterday when lawyers representing the IFP and the ANC agreed to submit written arguments to the TRC panel.

- Sapa

# Community courts are far from being 'kangaroo' justice

By RAPHAEL BANDA

auteng Premier Mathole Motshekga has received a massive boost for his vision to introduce community courts as part of streamlining the justice system.

Warnings have been sounded, however, that there must be safeguards against creating "kangaroo courts".

Amid the concern, Justice Minister Dullah Omar gave cautious approval to the initiative and set boundaries for the envisaged courts.

He wants to see the courts being complementary to the formal justice system, which he pinpoints as the number one culprit.

"Serious criminal cases can never be left to the community courts," said the minister in a keynote address to a conference hosted by Motshekga.

The minister indicated he was uncomfortable with offenders escaping the wrath of the law through community courts, which would not have the legal power to pass a sentence. He sees issues such as violence against women and children as falling within the realm of the formal justice system.

This signals already how much legislation for the establishment of community courts will be watered down.

"Violence against women and children can never be tolerated and will have to be firmly dealt with," the minister said.

Motshekga says his vision is not to create a form of kangaroo courts, but courts "poised to deal with fairly

## Guard against 'kangaroo' courts'

ly squabbles, municipal violations, soft drug abuse and prostitution."

These courts will hand down orders. The safeguards against abuse of power will be higher authorities and courts of appeal, effectively magistrate's courts.

The vision of alternative justice implies that the formal justice system has failed to provide access to justice and that mechanisms and procedures must be created to fill this vacuum.

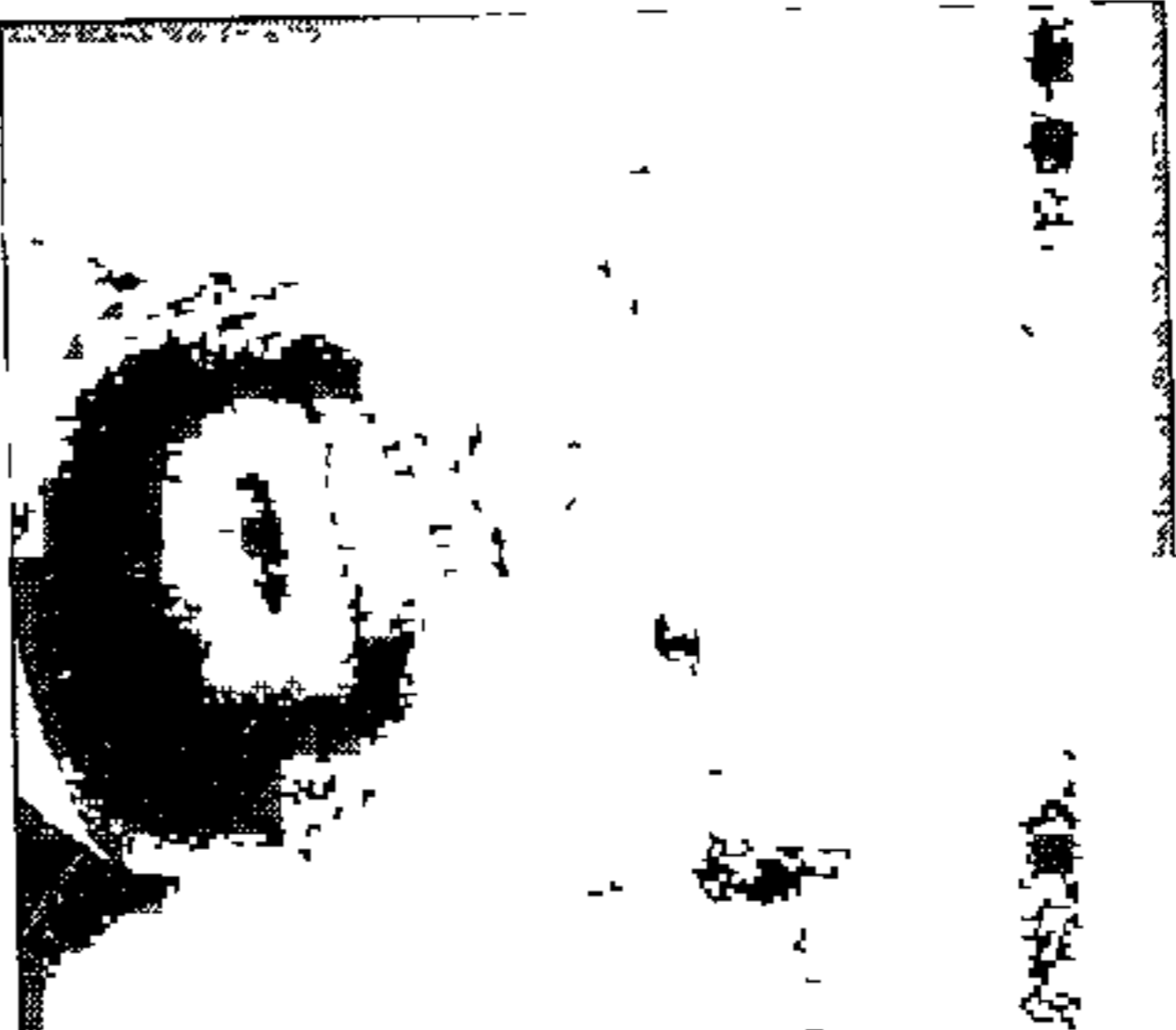
Business leaders, police officials,

the clergy, local authorities' representatives, prison officers, and academics were among a host of delegates who gathered in Midrand to join forces with the premier in an attempt to give reality to the vision.

Motshekga was the first to deliver an address at the one-day "crime summit" in which he quickly underscored that the social fabric had been torn apart in townships and that his initiative was aimed at recreating the values that keep society together.

Motshekga was elected premier of the biggest province in the country after an intense power struggle in the ANC leadership. If he triumphs in his bid for community courts it will be a victory for his grassroots supporters.

Before the conference was over, as he mingled freely with delegates, Motshekga was already celebrating a victory, pronouncing that "a partnership and vision" had emerged at the conference between national, provincial, and local government on the one hand, and business, civil society, youth and women on the other. He said the groundswell of support he had received during the workshop was the "greatest motive force not only for the transformation



Motshekga ... his brainchild.

of the justice system in the country, but also for the implementation of the alternative justice system."

Motshekga, eager to incorporate fruitful ideas in his vision, listened eagerly as speaker after speaker delivered their presentations. Then he would quickly seize the prepared document as the speaker left the podium.

Omar spoke of local structures put in place during the anti-apartheid struggle and stressed that although he saw community courts

in a positive light, these courts could not be viewed as courts for blacks.

"We will not tolerate the notion that these courts are for blacks and the formal justice system for others. There can be no white justice and black justice in our democracy."

He was at pains to explain that what was needed was the total transformation of the formal justice system.

Omar, who acknowledged that transformation had to focus on magistrate level, called at the conference for "positive proposals which will lead to appropriate legislation and action."

At times Motshekga employed his poetic talent to drive the point home, drawing a murmur or two from the delegates.

For example he said "The purpose of today's summit is not to be another glorified talkshop, where theories abound and philosophies are bandied about. No, it is my wish that we should, at the end of this day, arrive at lucid, practical and implementable plans, that we can take from here so that we can now start ploughing and planting before it is too late to reap a harvest."

The South African Law Commission has already given community

courts the thumbs-up following consultations with a wide range of role-players. The commission has recommended that legislation should be promoted to make adequate provision for such informal structures in the administration of justice.

"The overriding principle should be the availability of choice. Access to informal structures should not be made compulsory," the commis-

## There can be no white and black justice

sion said, adding that support was for community structures to be dispute resolution forums rather than courts.

Anti-Renaud Morris, of the Braamfontein-based Community Dispute Resolution Trust, observed that community conflict resolution was not "about who is guilty or innocent".

Adding his voice to the debate, M A Chauke, a senior public prosecutor in Randburg, pointed out that the community had to be informed and that as long as the community courts work hand in hand with the

formal courts" it was a viable option. "They need to be formalised, otherwise they will become kangaroo courts," he warned.

Enabling legislation can only be considered next year but Chauke acknowledged the urgency of the matter when he noted that family courts could play the role of community courts pending the legislation.

Lay assessors have been introduced into the judicial system and Omar said they were helping to enhance the credibility of "our courts". In addition, a pre-trial services project is being piloted in Mitchell's Plain, Cape Town.

Despite the support Motshekga has received, he may have to deal with stiff opposition from rival parties. Peter Leon, Democratic Party leader in the Gauteng legislature, said he is considering introducing a motion on the proposal.

"Omar's approach to an alternative criminal justice system is understandably extremely cautious in view of his responsibility for overseeing the formal criminal justice system," Leon said.

Other observers said the establishment of the courts should not lead to an extra tax burden on South Africans.

# I looked into their eyes, says bomber

Star 5/8/98

Dumakude's evidence contradicts

version heard earlier at TRC hearing

By Robert Brando

**A** former Umkhonto we Sizwe commander looked straight at two men when he pressed the button which detonated a powerful car bomb outside Ellis Park rugby stadium, killing them both, he told the Truth and Reconciliation Commission in Johannesburg yesterday.

Lester Dumakude admitted detonating the 1988 Ellis Park bomb by remote control minutes after the final whistle had blown in a Currie Cup match and spectators started leaving the stadium. Linus Marras (34) and Clive Clucas (48) were killed and 35 people injured.

Dumakude, a former MK commander and now a senior officer in the SANDF, is applying for amnesty for the bombing together with two other former MK members, Harold Motshidi and Aftie Shoke.

Dumakude did not mention the Ellis Park bomb in his amnesty application, but was called to the hearing after Motshidi and Shoke testified he had ordered the bombing.

The three applicants have said the bomb was not meant to kill anyone, but to "send a signal" to whites that the country had to change. Dumakude admitted, however, that he had foreseen the possibility of civilian casualties.

Dumakude's testimony directly contradicted evidence given on Monday by Motshidi, who said he and Dumakude had gone to Hillbrow after turning the bomb to explode before the rugby match ended. They had heard the explosion

when they arrived at a pre-arranged meeting place where two other members of the unit were waiting.

But Dumakude said that although the bomb had a timing device set to detonate when the match ended, he had personally detonated the bomb with a backup remote control.

He said that after arming the bomb, he had walked to an "observation post" at a safe distance where he waited with the remote-control device. He saw Marras and Clucas walking towards the car and detonated the device because he thought that if he waited any longer, more spectators could come streaming out of the stadium gates.

But under cross-examination he said he had decided to detonate the bomb because he had suspected Marras and Clucas were security guards and feared the bomb would be discovered.

Dumakude said Ellis Park was a "legitimate target" in accordance with ANC policy at the time, which had been to "take the struggle into white areas".

Earlier, the widows of Clucas and Marras said they would never forgive the men who killed their husbands.

"The bomb did not happen at a military base or a police station. It was a recreational event at a rugby stadium."

Clucas's widow Sally said in a statement. She, her son and her daughter are opposing amnesty.

Margriet Erasmus, widow of Marras, said she believed the men were protecting others in MK who were responsible for ordering the attack.

ANTON HAMMERS



Applying for amnesty... Ellis Park bomber Lester Dumakude believed the stadium was a legitimate target in terms of ANC policy of taking the struggle to white areas.

# Ellis Park hearing postponed

Johannesburg - The Truth and Reconciliation Commission amnesty hearing into the 1988 Ellis Park bombing was today postponed to Friday to give a lawyer an opportunity to appraise contradictions in his client's evidence

Eric van den Berg, appearing for the Umkhonto we Sizwe (MK) special operations unit commander who planned the bombing, said he did not have an opportunity to appraise his client's evidence before he started testifying yesterday.

Lester Dumakude, 45, was notified on Monday to appear before the commission yesterday after he was implicated in the testimony of two MK operatives who served under him and who have applied for amnesty for the Ellis Park bombing.

Harold Matshididi, 51, and Aggie Shoke, 44, testified on Monday. Clive Clucas, 48, and Linus Marais, 34, died and 35 others were injured.

Mr Van den Berg said he led his client without having full instructions to address the contradictions between his testimony and the testimony of Mr Shoke and Mr Matshididi.

Dumakude, now a lieutenant-colonel in the SA National Defence Force, yesterday said he was about 15m from the bomb when he set it off by remote control.

The committee today continues hearing evidence on the May 20, 1987 car bombing at the Johannesburg Magistrate's Court in which four policemen died and 14 others were injured.

SANDF chief Sphiwe Nyanda, who was the MK commander for Transvaal and allegedly gave the order for the bombing, was present at the start of the hearing today.

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SPORTS GROUND A 'LEGITIMATE TARGET'

# TRC applicants tell of Ellis Park bombings

CT 5/8/98 (QIN)

**JOHANNESBURG:** The TRC heard yesterday that a bomb detonated at Ellis Park in 1988 was merely meant as a warning. **ROBERT BRAND** reports.

**A** FORMER uMkhonto weSizwe commander yesterday told the Truth and Reconciliation Commission he looked straight at two men when he pressed the button which detonated a powerful car bomb outside Ellis Park rugby stadium, killing them both.

Lester Dumakude admitted detonating the 1988 Ellis Park bomb by remote control minutes after the final whistle had blown in a Currie Cup match between Transvaal and Free State, and spectators started leaving the stadium.

Linus Marais, 34, and Clive Clucas, 48, were killed and 35 people injured.

Dumakude, a former commander of MK's special operations unit and now a senior officer in the SA National Defence Force, is applying for amnesty for the bombing, together with two other former MK members, Harold Motshidi and Aggie Shoke.

Dumakude did not mention the Ellis Park bomb in his amnesty application, but was called to the hearing after Motshidi and Shoke testified he had ordered it.

The three applicants said the

bomb was not meant to kill anyone, but to "send a signal" to whites that the country had to change. Dumakude admitted, however, that he had foreseen the possibility of civilian casualties when he chose Ellis Park as a target.

Dumakude's testimony directly contradicted evidence given by Motshidi, who said he and Dumakude had gone to Hillbrow after turning the bomb to explode before the rugby match ended. They heard the explosion when they arrived at a pre-arranged meeting place where two other members of the unit were waiting.

But Dumakude said although the bomb had a timing device set to detonate when the match ended, he had personally detonated the bomb with a back-up remote control.

He said after arming the bomb, he had walked to an "observation post" at a safe distance where he waited with the remote control device. He saw Marais and Clucas walking towards the car and detonated the device because he

thought if he waited any longer more spectators could come streaming out of the stadium gates.

Under cross-examination later, however, he said he had decided to detonate the bomb because he suspected Marais and Clucas were security guards and he feared the bomb would be discovered.

Dumakude said Ellis Park was a "legitimate target" in accordance with ANC policy at the time.

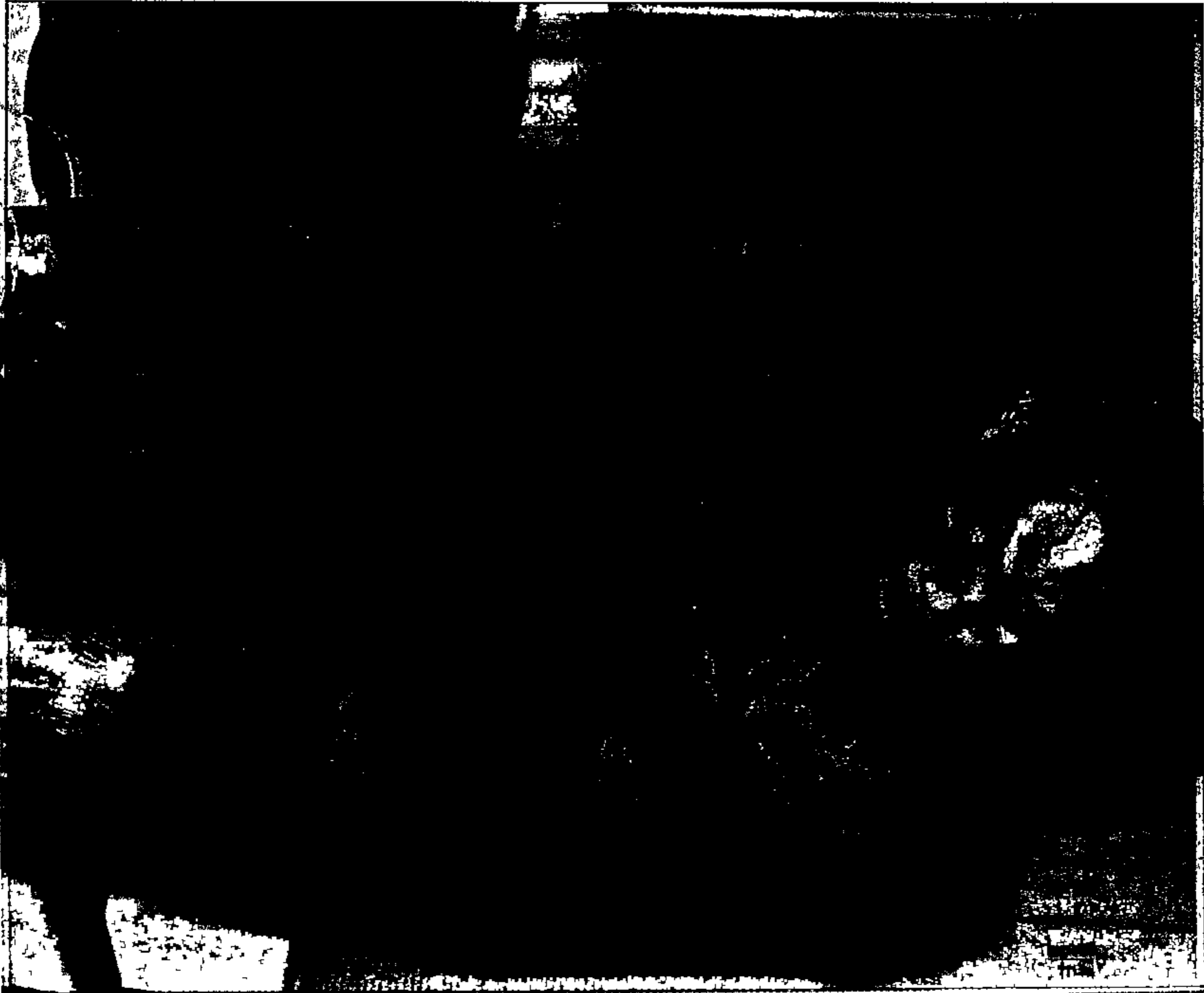
Earlier, the widows of Clucas and Marais said they would never forgive the men who had killed their husbands.

"The bomb did not happen at a military base or a police station. It was a recreational event at a rugby stadium where innocent people were watching a sports match. How can such an unselective act of violence be condoned?" asked Clucas' widow in a statement read to the commission.

She also read statements by her son and daughter opposing the amnesty applications.

Margret Erasmus, widow of Marais, said she did not believe the two former MK commanders had disclosed the full truth, and said they were protecting those who had ordered the attack.

"I would like to know who exactly in MK gave the order"



**AMNESTY APPLICANT:** Lester Dumakude has admitted to detonating a bomb at Ellis Park in 1988 that killed two people and injured 35 others.

PICTURE: THE STAR

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# Overhaul our judiciary now

Source: 5/18/198

By Seth Nthai

**T**HE time is long past when the judiciary in South Africa was regarded as a sacred cow immune to public scrutiny. Recent events bear testimony to this.

Only recently, the Congress of South African Trade Unions, for the first time made a public announcement calling for the resignation of Judge William de Villiers, who presided over the South African Rugby Football Union (Sarfu) case.

At the time of writing this article, the same judge had not furnished reasons for his judgment. There was mounting pressure, from politicians and the organised profession, on Transvaal Judge-President Frikke Eloff to ensure that reasons for judgment in the Sarfu case were furnished urgently to enable President Nelson Mandela to proceed with an appeal.

On the other hand, the African National Congress in KwaZulu-Natal has resolved to embark on campaigns to ensure that transformation of the judiciary, particularly in KwaZulu-Natal, is speeded up.

Day by day, there is a growing voice from all sectors of our society, urging the Government and the legal profession to focus on the transformation of the judiciary.

This brings me to an important instrument for the transformation of the judiciary, the Judicial Service Commission (JSC).

This institution is the creature of our Constitution. Since its establishment, the JSC has steered the delicate process of appointing judges with a view to changing the demographic composition of the judiciary. However, much more remains to be done.

Furthermore, it is encouraging that the JSC conducts its business in public when interviewing candidates. This public conduct of its business has removed a veil of secrecy from the appointment of judges.

During the apartheid era, the

appointment of judges was regarded as a "sacred" duty shrouded in mystery. This encouraged political appointments.

In the past, conventional norms were compromised in order to ensure that most judges were "political appointees".

Legal historians will remember the controversial appointment of Judge LC Steyn to the bench, which led to the Johannesburg Bar's resolution to boycott the new judge's court for the first 21 days of his appointment.

Subsequently, the General Council of the Bar (GCB) also expressed its disapproval. Of course, we have not forgotten that he was ultimately appointed Chief Justice over two qualifying judges of appeal.

We also need to remind ourselves that during the constitutional crisis of 1951-1955, the apartheid regime, in its endeavour to remove the coloured people from the common voters' roll, packed the court with newly appointed and sympathetic judges.

## Removed from roll

The number of Appellate Division judges was increased to 11. Indeed, the Government fulfilled its devious plan - the coloured people were finally removed from the common voters' roll.

In our new dispensation, there is no doubt that we need the skills of both black and white judges (some of them from the old order).

On the other hand, the appointment of black and female judges should be treated as a matter of extreme priority. The JSC is expected to see to it that this is done urgently.

I also wish to comment on the resolution of the GCB calling on the JSC to conduct all its proceedings in public. This includes that the JSC, just as much as it interviews candidates in public, should also conduct all its decision-making in public.

In its media release, the GCB stated: "Distressing on occasion, questions have been permitted as to whether they

(candidates) are members of particular

political parties or why a particular candidate has never joined a political party. "But the same standard does not apply to the JSC itself when it gets down to the actual business of choosing South Africa's judges".

The GCB concluded "The inevitable result is public and especially media speculation - which the JSC naturally finds itself unable to confirm or correct, since it has met behind closed doors".

With due respect, I do not share the views of the GCB. The JSC is quite correct to hold its deliberations behind closed doors. We need to guard against promoting a vulgarised form of transparency and accountability.

If the GCB insists on its standpoint, we may as well demand that the GCB itself lead the way by opening all its meetings to the public, including the media. Is it not so that charity begins at home?

But if we continue to demand an overdose of transparency, we may as well insist that the judges president also conduct their meetings with judges in public. We may even go to the extent of calling for the Cabinet to hold its meetings in public.

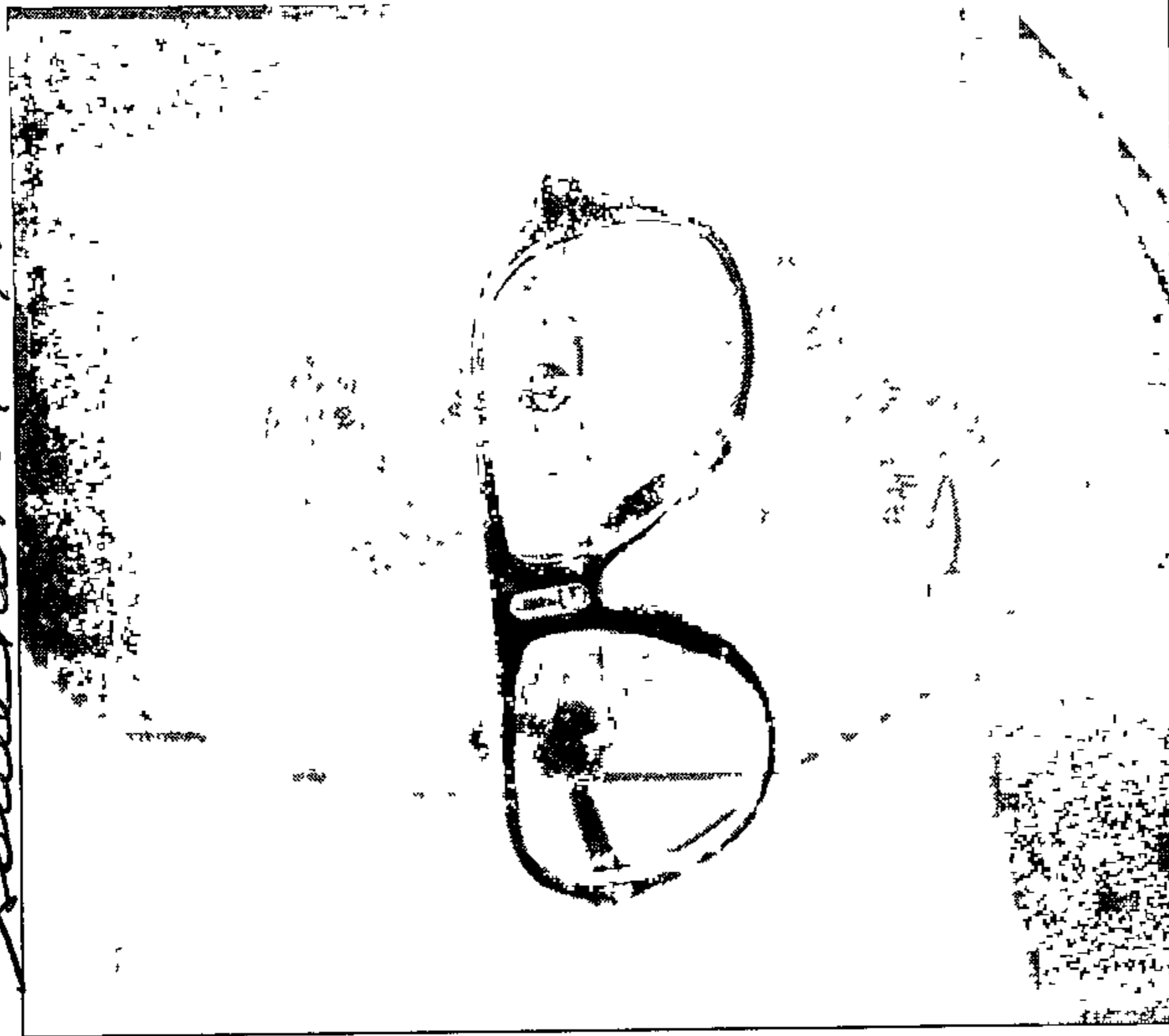
Is that not taking the issue of transparency too far?

The JSC has opened its doors to the public and the media to observe the process of interviewing candidates. However, the media have not played this role appropriately.

We have not yet witnessed a barrage of senior journalists descending on Cape Town to observe this important process of appointing judges. Senior journalists and editors were absent during the previous public hearings of the JSC.

The problem, therefore, does not lie with "media speculation", as the GCB contends. It is simply a matter of the low standard of media reporting that has created incorrect perceptions about the functions of the JSC.

The idea of the judges from the old order taking a new oath of allegiance to



Northern Province safety and security MEC Seth Nthai.

our new Constitution should also be resuscitated.

As in other arms of state power, such as the police, army and intelligence, we have witnessed an exodus of members who opted for severance packages as some of them felt they were unable to serve the new order.

I am of the opinion that the time is now ripe for all judges to take a new oath of allegiance to the Constitution. Those who feel that they are unable to do so, should do the honourable thing and resign.

In order to rescue the already sinking image of the judiciary, the GCB, the

JSC and the Ministry of Justice should convene a conference where the issue raised in this article can be dealt with head-on.

In conclusion, I am convinced that country is blessed with immeasurable talents in the judiciary, the attorney profession and the Bar. These should be directed towards building our society and improving the administration of justice.

(The writer is a Pretoria advocate and Northern Province MEC for safety and security. His article first appeared in the August issue of the attorney journal De Rebus.)

# 'Nyanda behind fatal car bombing'

By ROBERT BRAND

SA National Defence Force chief General Sphiwe Nyanda masterminded the 1987 Johannesburg Magistrate's Court bomb blast in which four policemen were killed, the Truth and Reconciliation Commission heard yesterday

Solly Shoke, a former MK commander and now a brigadier in the SANDF, told the amnesty committee that the May 20 1987 attack was Nyanda's "concept".

The four policemen - Constables Weyers Ivor Botha, Kobus Wilkens, Christoffel Botha and André Duvenhage - died when a decoy explosion inside the court lured them to the scene where a car bomb was detonated by remote control. Fourteen others were injured, 11 of them civilians.

At the time, Nyanda was chairperson of the ANC's Swaziland

Shaw 6/8/98  
"politico-military committee" and head of the organisation's Transvaal military structure.

Nyanda did not contest the evidence, his lawyer, A P Landman, told the committee. Nyanda has not applied for amnesty specifically for the magistrate's court bomb, although he may have applied for amnesty in general for acts committed in the course of the struggle.

He was not among 37 senior ANC members granted "blanket amnesty" - later overturned by the High Court - earlier this year.

If Nyanda has not applied for amnesty, he may face criminal prosecution or civil claims from the families of the victims.

Shoke is applying for amnesty for the attack together with two other former MK members - Joseph Koetle and Wilham Mabele.

Shoke said they had discussed

(252)  
planting a mini limpet mine to lure police to the scene before they would set off the more powerful car bomb by remote control.

Koetle was told to carry out the operation. The car was driven by Mabele, who told the committee he did not know it contained a bomb, although he suspected "something was going on".

Mabele, who was 19 at the time, said he realised that the car he had driven to the court had contained a bomb when Koetle told him to watch the television news that night and he saw images of the destruction.

Shoke said the court was chosen as a target because it was an apartheid symbol and was used to enforce apartheid laws.

The hearing, at the Johannesburg Institute for Social Studies in Mayfair, was postponed for argument.

# Legal Aid Board director 'misled' Omar on finances

Linda Ensor

CAPE TOWN — The director of the Legal Aid Board appeared to have misled Justice Minister Dullah Omar and the body's board of directors about the financial "shambles" within the aid organisation, Parliament's standing committee on public accounts learnt yesterday.

It emerged from documents presented to the committee that while the law required that the annual balance sheet and income statement handed to Omar be certified by the auditor-general, his refusal to pass an audit opinion for the 1995/96 accounts because of the state of the finances was not mentioned. Instead, the annual report included a letter to Omar, signed by director Nic Pretorius and the board's chairman, saying that the necessary certification had been made.

The minutes of a board meeting in April 1997 also showed that Pretorius told his fellow directors that the auditor-general "was satisfied with the statements" when this was not the case.

Pretorius raised the ire of the committee when he said he did not believe the auditor-general's reports gave an accurate picture of the board's finances. He objected strongly to suggestions that he had not been honest with the board and put the financial

malaise down to a lack of trained personnel at a time when the demand for its services had soared. Since 1990 the number of cases had increased 454%.

Committee members were annoyed that after four years of highlighting the lack of financial management in the board, there had been little improvement. Auditor-General Henri Kluever was unable to express an opinion on the 1995/96 financial statements and he had informed committee members that the situation for the 1996/97 accounts was not much better.

The audit reports for 1993/94 and 1994/95 were qualified, yet each time the committee was assured the situation was improving. Basic accounting tasks such as bank reconciliations and record keeping, which did not require much staff, were not undertaken.

African National Congress MP Geoff Doidge said the committee would have to make a strong pronouncement on the financial affairs of the board.

Gavin Woods of the Inkatha Freedom Party said justice director-general Jasper Noeth, the vice-chairman of the board, had not satisfactorily answered questions on why the board failed to perform its fiduciary duties. The board was slammed for not exercising proper oversight over the Legal Aid Board's activities.

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# SANDEF chief 'was behind court blast'

ET 6/8/98 (272)  
**ROBERT BRAND**

JOHANNESBURG SA National Defence Force chief General Siphwe Nyanda was the mastermind behind the 1987 Johannesburg Magistrate's Court bomb blast in which four policemen were killed, the Truth and Reconciliation Commission heard yesterday.

Solly Shoke, a former MK commander and now a brigadier in the SANDEF, told the TRC's amnesty committee that the attack on May 20, 1987 was Nyanda's "concept" and that the details had been discussed with him.

The four policemen — Weyers Ivor Botha, Kobus Wilkens, Christoffel Botha and Andre Duvenhage — died after a decoy explosion inside the court building lured them to the scene before a car bomb was detonated by remote control. Fourteen people were injured, 11 of them civilians.

At the time, Nyanda was chairperson of the ANC's Swaziland "politico-military committee" and head of the organisation's Transvaal military structure.

Nyanda, who was present during Shoke's testimony, did not contest the evidence, his lawyer A P Landman, told the committee. Nyanda has not applied for amnesty specifically for the magistrate's court bomb, although he may have applied for amnesty in general for acts committed in the course of the struggle.

He was not among 37 senior ANC members who were granted "blanket amnesty" — later overturned by the High Court — earlier

this year. If Nyanda has not applied for amnesty, he may face criminal prosecution or civil claims from the families of the victims.

Shoke is applying for amnesty for the attack, together with two other former MK members, Joseph Koetle and William Mabele.

"Nyanda came up with the idea and he outlined the concept. It was his idea, but he was not working alone. It was a commander concept," Shoke said.

He said they had discussed the planting of a mm limpet mine to lure police to the scene, before setting off the more powerful car bomb by remote control.

Koetle was given the task of carrying out the operation. The car was driven to the court by Mabele, on Koetle's instructions. Mabele told the committee he had not known it contained a bomb, although he suspected "something was going on".

Mabele, who was 19 at the time, said he realised that the car contained a bomb when Koetle told him to watch the television news that night and he saw images of the destruction.

Shoke said the court was chosen as a target because it was an apartheid symbol and it was the institution used to enforce apartheid laws.

"The people killed by this bomb were the very same people sent into the townships, shooting at unarmed, innocent children and black people," he said.

The hearing, in the Johannesburg Institute for Social Studies in Mayfair, was postponed until tomorrow for argument.



**MASTERMIND:** Siphwe Nyanda

# TRC hears of Reef explosions by MK

(252) *Sowetan 6/8/98*  
By Willie Bokala

THE role of former Umkhonto we Sizwe commander and current South African National Defence Force chief General Sphiwe Nyanda in MK's operations during the years of the liberation struggle came under the spotlight yesterday.

Nyanda attended the Truth and Reconciliation Commission amnesty committee hearing at the Johannesburg Institute of Social Services in Mayfair where four former MK guerrillas are applying for amnesty for a bomb explosion that killed four policemen in 1987. The four were also responsible for a spate of other bomb attacks on police stations in and around the Reef.

Joseph Koetle, Aggie Shoke, William Mabele and Dick Hlongwane also seek amnesty for landmine explosions in the Northern Province between 1987 and 1990. The police stations they attacked were Moroka, Orlando, Booyens, Mabopane and Daveyton.

Shoke, now a brigadier in the SANDF and Koetle, also a senior officer in the army, told the committee that the order to target the police and the Johannesburg Magistrate's Court building was given by then MK commander Nyanda.

Koetle said Nyanda had earlier sent him on a reconnaissance mission to collect information on possible MK targets inside the country.

He did the survey and reported back to Nyanda, who selected the court as a possible target. He was later contacted by his area commander, Shoke, who told him to carry out the mission.

He said MK operatives discharged a small explosive to lure policemen outside the Johannesburg Magistrate's Court before blowing them up with a powerful car bomb in 1987.

Four policemen Ivo Botha, Christofel Botha, Kobus Willemse and TJ Duvenhage - were killed. Three officers, William Kutwana, Frederick Ernst and MS Mallo were injured and 62 cars parked nearby were damaged.

CRIME

# IN TOUCH WITH THE UNTOUCHABLES

(252)

FM 7/8/98

The proposed gang-busting laws depend on the justice system

In May, Justice Minister Dullah Omar appointed a special task team to draft a Bill enabling him to pass a Prevention of Organised Crime Law this parliamentary session. With tightened bail conditions coming into force, and certain amendments to the Proceeds of Crime Act of 1996, the elements of a comprehensive gang-busting policy are falling into place.

Not before time last week two Cape Town men were killed in their bakkie when a pipe-bomb they appeared to be transporting blew up. The vehicle was covered with People Against Gangsterism & Drugs (Pagad) slogans. The men are believed to have been on their way to yet another "antigang" attack, and many now regard Pagad as simply a different kind of gang.

Pagad representatives have consistently denied involvement in a spate of bomb-

ings whose targets appear to be known Cape gangsters, but few believe this, and a vicious cycle of attacks and counter-attacks — particularly on the Cape Flats — indicates the police and judicial system are unable to cope with either the gangs or the vigilantes who oppose them.

A draft of the Organised Crime Bill defines several new offences, of which the most important is that consorting with known gangsters could carry penalties of up to 30 years.

Among a schedule of identifying traits for gangsters is that he or she "resides in or frequents a particular criminal gang's area and adopts their style of dress, their use of hand signs, language, tattoos, and associates with known gang members".

Consideration has been given to the constitutionality of the Bill, which in effect

argues that those who violate the rights of victims cannot themselves enjoy such rights without limitation.

In addition, it is intended that "criminal assets", which are the proceeds of crime, will be forfeited and housed in a Criminal Assets Recovery Fund, which will "render financial assistance to law enforcement agencies".

Further, a special police unit will be created to operate nationally against gangs and crime syndicates — in effect a unit of "untouchables" reporting to the new National Director of Public Prosecutions, Bulelani Ngcuka.

A final version of the Bill is expected to be tabled soon. Its essence lies in the intent to mount "a focused attack upon the economic bases of criminal organisations and syndicates". Late last month Omar said he had been assured that "all the parties in the (parliamentary) justice committee support the main principles in the Bill". The committee was in the United States earlier this year to study that country's effective gang-busting legislation.

The Bill assumes the police and judiciary will be able to get to grips with organised crime — that's a large assumption.

For example, an Institute for Democracy

In SA (Idasa) survey of the Pagad gang wars in the Western Cape — which contributes to the region's high murder rate — found that, in 1997, "people on the Cape Flats exhibit weak support for the rule of law, and the extension of procedural rights to those accused of crimes". They did not believe that co-operation with the police was safe, and a large majority supported radical anticrime actions. These included marching on the houses of "known" criminals to pressure them to leave the community (70%) or using violence or force to rid neighbourhoods of criminals (55%).

Idasa comments "Almost one-third of the people surveyed supported Pagad (31%), but only a small minority (6%) said it was likely they would join the organisation".

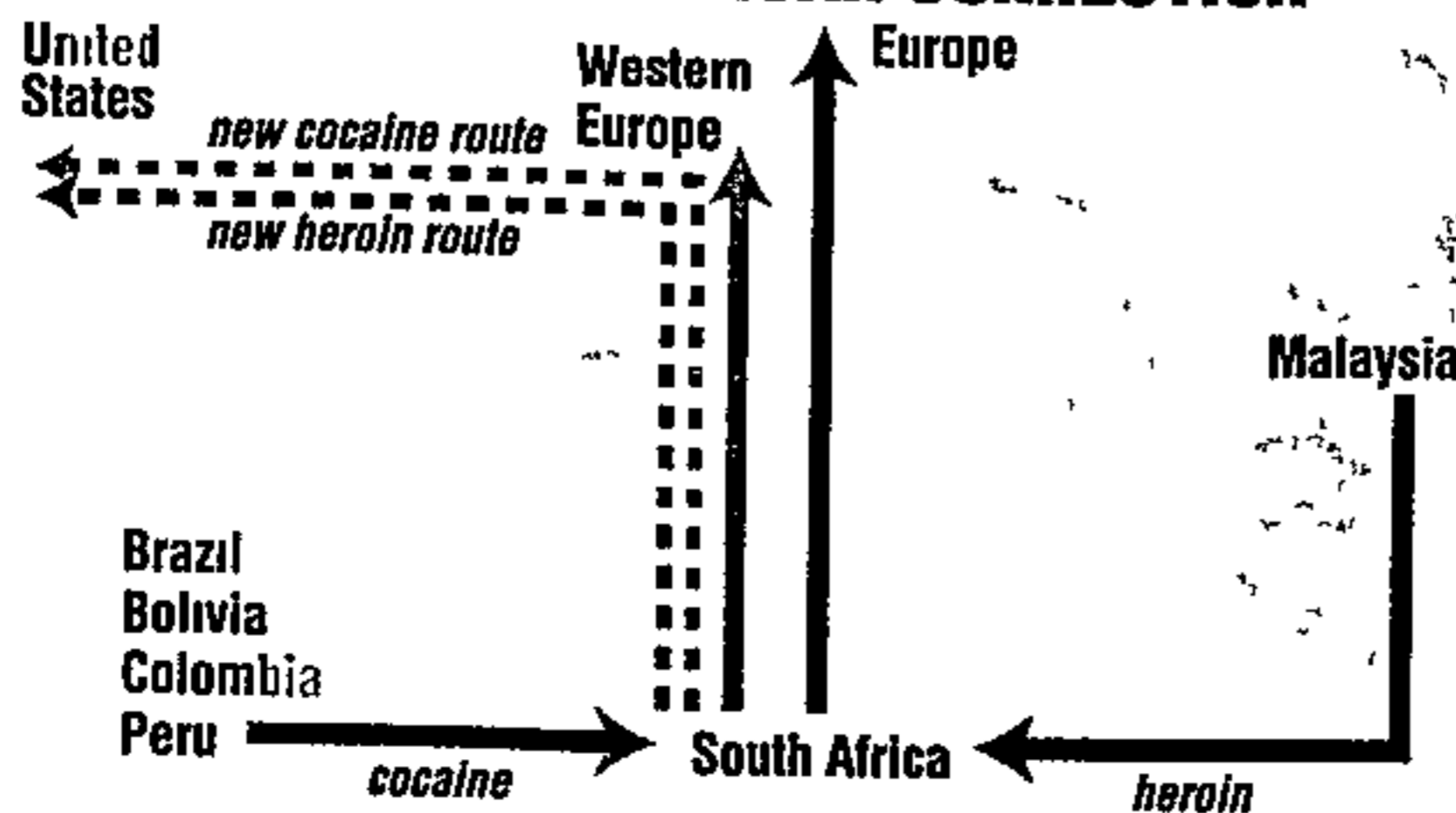
These figures and opinion polls indicate a deep community suspicion of the police and a lack of faith in the prosecuting authorities. As matters stand — with the advent of the Cape Town bombings (pipe-bombs can be made with readily available chemicals) — it is clear that a hard core has emerged within Pagad, that it is predominantly Muslim, and that an involuntary code of silence among victims and witnesses has developed precisely because the police and courts appear ineffective or corrupt.

To the extent that the Organised Crime Bill helps crack big-time car theft or drug syndicates, it is certainly a step in the right direction. But the real national problem remains the economic destitution of young

people in places like Mitchells Plain, Guguletu and elsewhere in the country. Law-abiding citizens — often in divided households — are cowed into submission by the arrogance of the gang-lords, and, it would seem, at least tacitly condone the vigilante tactics of a minority that is prepared to kill.

Peter Wilhelm

## THE SOUTH AFRICAN CONNECTION



# Generals seek belated amnesty

In last-minute proposal, retired top brass say they are willing to take responsibility for former foot soldiers

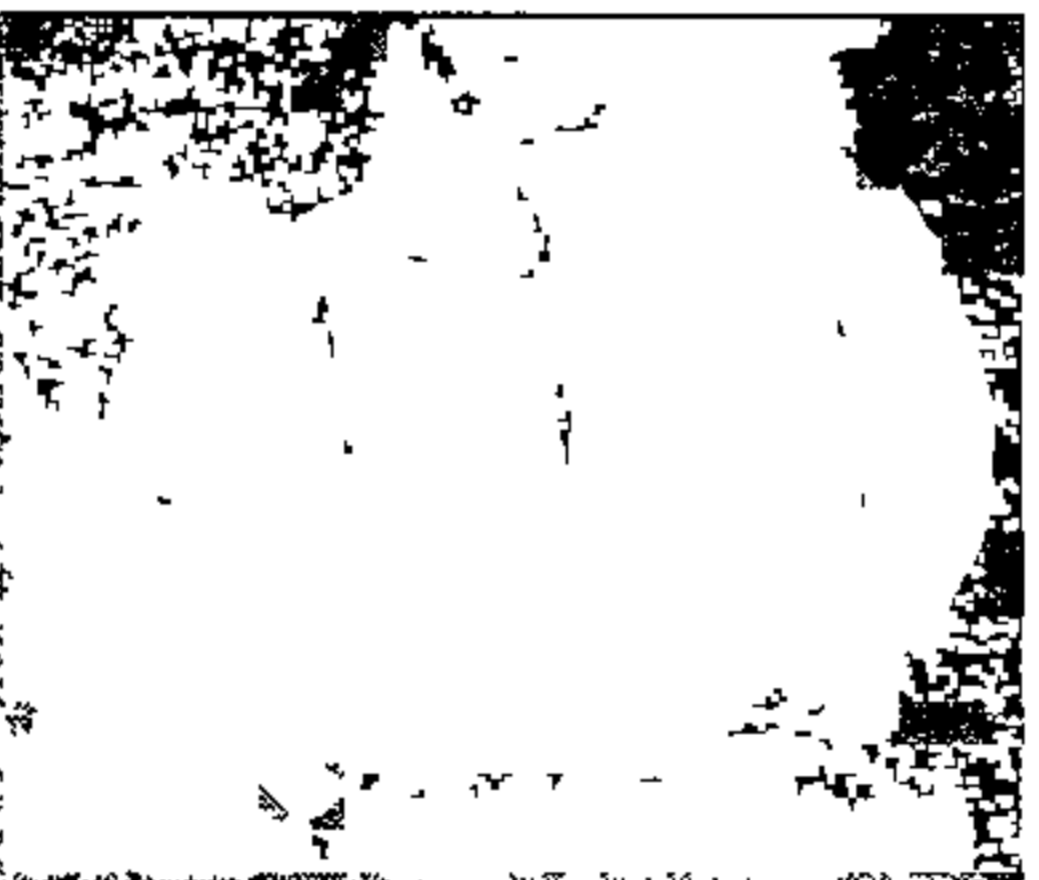
By THAMI NGIDI

In an attempt to avoid criminal and civil lawsuits, three apartheid-era army generals have made a last-minute proposal to President Nelson Mandela to consider granting them a general amnesty.

In their proposal, the three retired generals - Constand Viljoen, Jannie Geldenhuys and Magnus Malan - said they were willing to take responsibility for the activities of former foot soldiers under their command and would also take responsibility for implied orders. For this they wanted general amnesty which would shield them from prosecution.

The proposal was handed to Mandela's office on the eve of the Truth and Reconciliation Commission's final closure deadline of July 31. This week, Viljoen, who is also leader of the Freedom Front, told a media briefing in Cape Town that he had hoped to receive an answer from the president's office soon.

The generals stressed they did not want general amnesty just for themselves. "Granting amnesty to generals only leaving in the cold their former subordinates who acted under their command, or on perceived authority will never be acceptable to us."



**SEEKING AMNESTY:** Former apartheid generals Constand Viljoen, Jannie Geldenhuys and Magnus Malan

The generals, together with former National Party cabinet ministers, have come under pressure from former foot soldiers such as convicted Vlakplaas commander Eugene de Kock and self-confessed hit-squad leader Dirk Coetzee.

Adriaan Vlok, former minister of police in the NP government, has so far been the only high-ranking member of the old establishment to accept publicly his part in

atrocities of the past.

The proposals, however, are seen as an attempt to take responsibility without full disclosure. In support of the proposals, the generals argue that "wars tend to blunt moral sense, and rub out in the minds of even the best of men the line between right and wrong".

They also want the requisite legislation to be amended to provide for the amnesty,

which would require the input of Justice Minister Dullah Omar.

Viljoen said this week the TRC had failed in its work: "There has been no reconciliation, some truth, and very little progress on amnesty as well as reparation. This has been particularly true of cross-border operations, the ANC camps abroad and the KwaZulu Natal situation," he said. "Many normal operational tasks are regarded as gross violations for which those responsible have not applied for amnesty," he added.

In terms of the new proposal, an applicant would stand before the attorney-general and plead for amnesty if the action is deemed to have been politically motivated. This would mean that work originally done by the TRC would be continued in normal courts.

Another proposal is for protection for former army generals and foot soldiers responsible for cross-border raids who might be extradited. "It is suggested that the Government takes steps to protect former members of the security community who had to participate in cross-border operations, or who had to perform duties outside South Africa, against being extradited on request from other countries," said Viljoen.



# Generals ask for blanket

## Retired military leaders say they will take responsibility for the actions

(252)

### THAMI NGIDI

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under their command and would also take responsibility for implied orders.

For this they wanted general amnesty which would shield them from prosecution.

The proposal was handed to Deputy President Thabo Mbeki's office on the eve of the Truth and Reconciliation Commission's final closure deadline of July 31.

This week General Viljoen, also leader of the Freedom Front, told a media briefing in Cape Town that he had hoped to receive an answer

from the president's office soon.

The generals made it clear they did not want general amnesty just for themselves.

"Granting amnesty to generals only, leaving in the cold their former subordinates who acted under their command, or on perceived authority, will never be acceptable to us", they said.

The generals, together with former National Party cabinet ministers, have come under pressure from former soldiers such as convicted Vlakplaas commander

Eugene de Kock and self-confessed hit squad leader Dirk Coetzee. Adriaan Vlok, former minister of police in the NP government, has so far been the only high-ranking member of the old establishment to accept publicly his part in the past atrocities.

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in the minds of the best of men."

They also wanted the requisite legislation to be amended to provide for the amnesty which would have required the input of Justice Minister Dullah Omar.

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"This has been particularly true of cross-border operations, the

## of their soldiers

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African National Congress camps abroad and the KwaZulu-Natal situation," he said, adding that "many normal operational tasks are regarded as gross violations for which those responsible have not applied for amnesty."

In terms of the new proposal, an applicant would stand before the Attorney-General and plead for amnesty if the action is deemed to have been politically motivated.

This would mean that work originally done by the TRC would be continued in normal courts.

The proposal also wants to protect former army generals and soldiers responsible for cross-border raids into neighbouring countries who may be extradited by the countries the territorial integrity of which they had violated.

"It is suggested Government takes steps to protect former members of the security community who had to participate in cross-border operations, or who had to perform duties outside South Africa, against being extradited on request from other countries."

# amnesty

# Prosecutors need respect

ET 19/8/98  
(252)

PHUMZILE NGWEZI

PROSECUTORS do not get the respect they deserve as an important element in fighting crime, according to the new national director of public prosecutions, Bulelani Ngcuka.

Addressing state prosecutors at the Pretoria Magistrate's Court, Ngcuka said the biggest challenge faced by South Africa was crime.

"When you walk in the street you want to know that security is guaranteed. Prosecutors are the instruments we have to fight crime, to get rid of the fear of crime (and) to ensure that those who commit crime stay in prison."

In order for criminals to be convicted, prosecutors needed the necessary skills and experience to carry out their duties efficiently.

Prosecutors were still viewed by many people as civil servants and not professionals, he said. Transformation (of the justice system) would play an important role in making prosecutors more reputable.

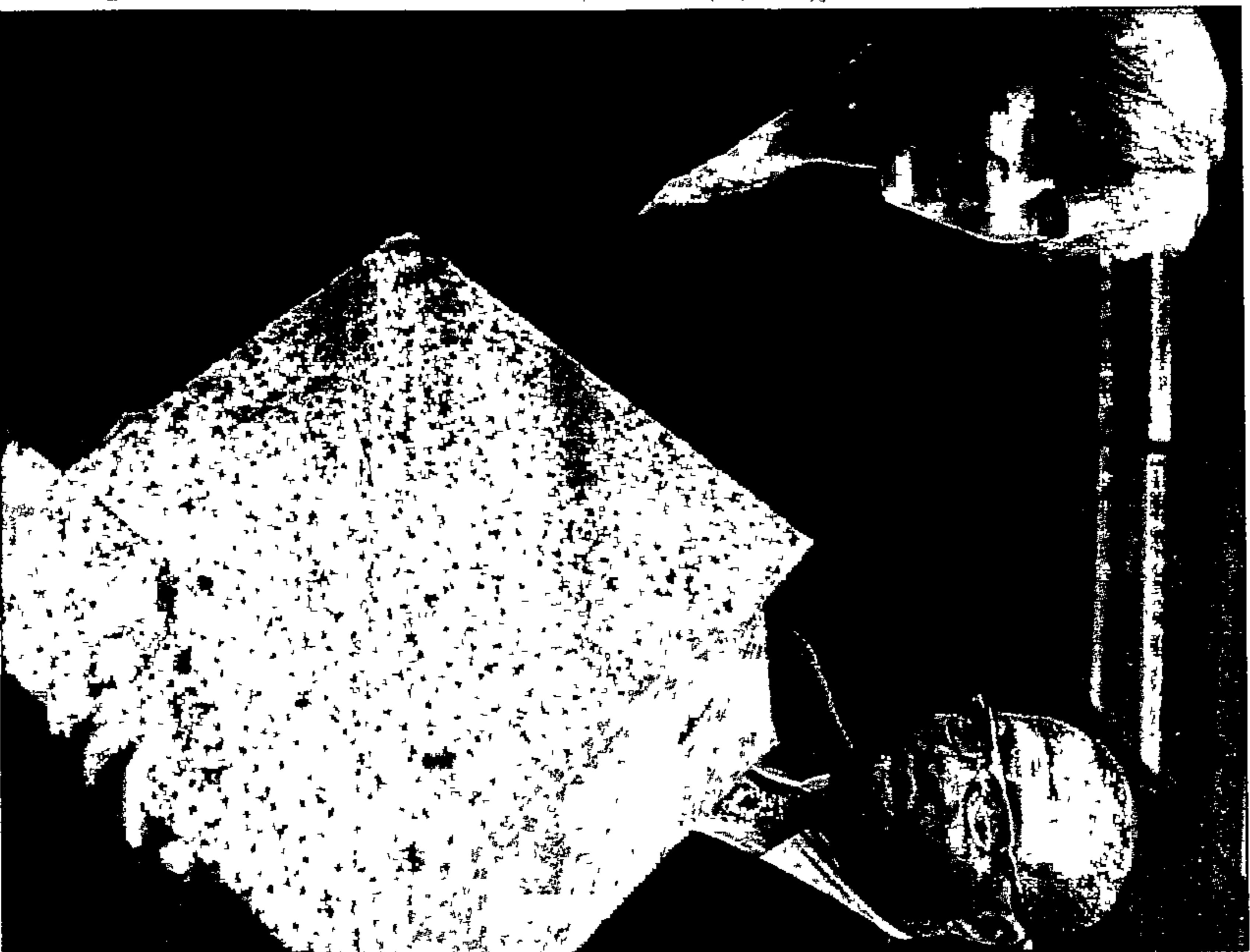
"Civil servants are still not regarded as professionals and this has resulted in many people having more respect for lawyers who defend rapists and other criminals."

"Prosecutors are people's lawyers but they are not respected. We need to change that by transforming people's minds. Prosecutors must be treated with respect, pride and dignity."

He admitted that it would not be easy to achieve this, and that it was only through a concerted effort that the public's attitudes towards prosecutors could be changed.

Ngcuka appealed to prosecutors not to leave their jobs for greener pastures and said: "Together we will fight to make sure that there are improvements in your working conditions."

He also appealed to prosecutors to give him an opportunity to prove himself as the new head of prosecutions. "Without you we cannot deal with the (crime) crisis but together we can make a difference."



**WELCOME ABOARD:** Marnan van der Merwe, a member of the National Prosecutors' Union of South Africa, presents the new national director of public prosecutions, Bulelani Ngcuka, with a gift from the union.

PICTURE: KENDRIDGE MATLABATHE

THERE is a Zulu saying that "all truth is bitter" It is understandable, therefore, that many victims/survivors have found the disclosures highlighted by the commission a bitter pill to swallow

However anxious one is to know the truth, when it includes torture, abduction and death it is hard to bear But in the same way as the aloe with all its bitterness has powerful healing properties, I believe the TRC process has brought about a measure of healing, particularly to those who for so long have been denied the truth

Many victims and survivors have had to revisit their experiences of grief and mourning, but judging from their comments and responses, anything is better than not knowing what happened

Truth is also bitter for those who for so long have claimed they didn't know that gross human rights violations were taking place It isn't easy to accept that either we lived in total ignorance of what was happening on our very doorstep or that we did know but deliberately shut our eyes to it

Truth often causes embarrassment and discomfort This has resulted in considerable opposition to the commission Some individuals, lawyers and even political parties have taken it to court Commission members have been attacked, vilified and accused of being biased, of being one-sided and of having targeted the white Afrikaner

Against this background, is it possible to identify any positive contribution that the truth commission has made?

In the first place it must be stressed that the wounds incurred in the long and bitter period of repression and resistance are too deep to be trivialised by imagining that a single initiative such as the commission can, on its own, bring about a peaceful, stable and restored society The commission is one initiative and should not be seen in isolation

A further dimension in the truth-seeking and truth-telling is the public nature of the commission's activities Unlike any similar commission in the world, it has not conducted its work behind closed doors The advantage of a commission's work being open to the public and to the media is, firstly, transparency, which is so markedly different from our past experiences

Secondly, through radio, television and the print media, most South Africans have been able to participate in the journey of the truth commission

However, there has been a down side Often after a hearing lasting 12 hours or more, there would be a single minute on television, a few minutes on radio and a couple of columns in the print media The result is, therefore, through no one's fault, that the commission's work has been distorted into a series of sound bites, brief pictures or a few lines, rather than conveyed in terms of its complexity, its ambiguity and its challenge

It is particularly important, therefore, that judgment on the commission's overall contribu-

# Commission revives culture of truth-telling



ST 9/8/98 (252)  
*The voice that survivors put to  
our terrible past is the truth  
commission's finest achievement,  
writes ALEX BORAINÉ*

tion should be reserved until its final report is published

Nevertheless, it is possible to point to a number of modest goals it has achieved

Firstly, it has broken the deathly silence surrounding the grotesque consequences of the apartheid system

The commission was enjoined by law to "establish as complete a picture as possible of gross human rights violations perpetrated between 1960 and 1994 by conducting investigations and hearings" The impact of doing this in public has been not inconsiderable The investigations have not been merely scientific and legal but also essentially human Thousands of victims/survivors from all parts of South Africa have appeared and told their simple yet powerful stories of suffering and indignity

As a consequence, the stories of victimisation and human rights violations have been told not merely in statistics and incidents, but with a poignant human voice

Furthermore, the victims/survivors themselves have experienced a degree of catharsis because, for the first time, they have been received by a compassionate and a sympathetic state-appointed commission Their experience prior to this was of a hostile state

When loved ones went missing, they went first to the local police station and were treated in many instances as nuisances and, in many more, as people of no consequence When they went to state hospitals looking for sons and daughters, fathers and moth-

ers, they received similar treatment It was no better when they went to the mortuary in a final attempt to find someone

Now at least they were being received publicly, with dignity, and the whole of South Africa had an opportunity to share in their grief and sorrow

Secondly, against the background of a country where for decades a cover-up was the order of the day and propaganda masqueraded as truth, the commission's ability to bring forth truth thus far not known is perhaps one of its greatest contributions to an open society Many victims who had never known who had taken their loved ones into custody, where they had been taken, under what circumstances, the nature of the torture, the manner of the killing, now know

Perpetrators have come forward not in their scores, not in their hundreds, but in their thousands, to confess their involvement in gross human rights violations

The truth has now, in no small measure, been uncovered and there has been an emerging pattern which helps to understand what was taking place in a climate created by politicians and a system implemented by generals and by foot soldiers

Also, there has been not only an accumulation of knowledge but, in many instances, of acknowledgement

Through the hearings of major institutions — including political parties, business and labour, the health sector, the judiciary, the media and the faith community — many people

have publicly acknowledged their own collusion with apartheid The ability of this acknowledgement to trigger off a generous response from those who have been victimised and, indeed, dehumanised in the past should never be underestimated

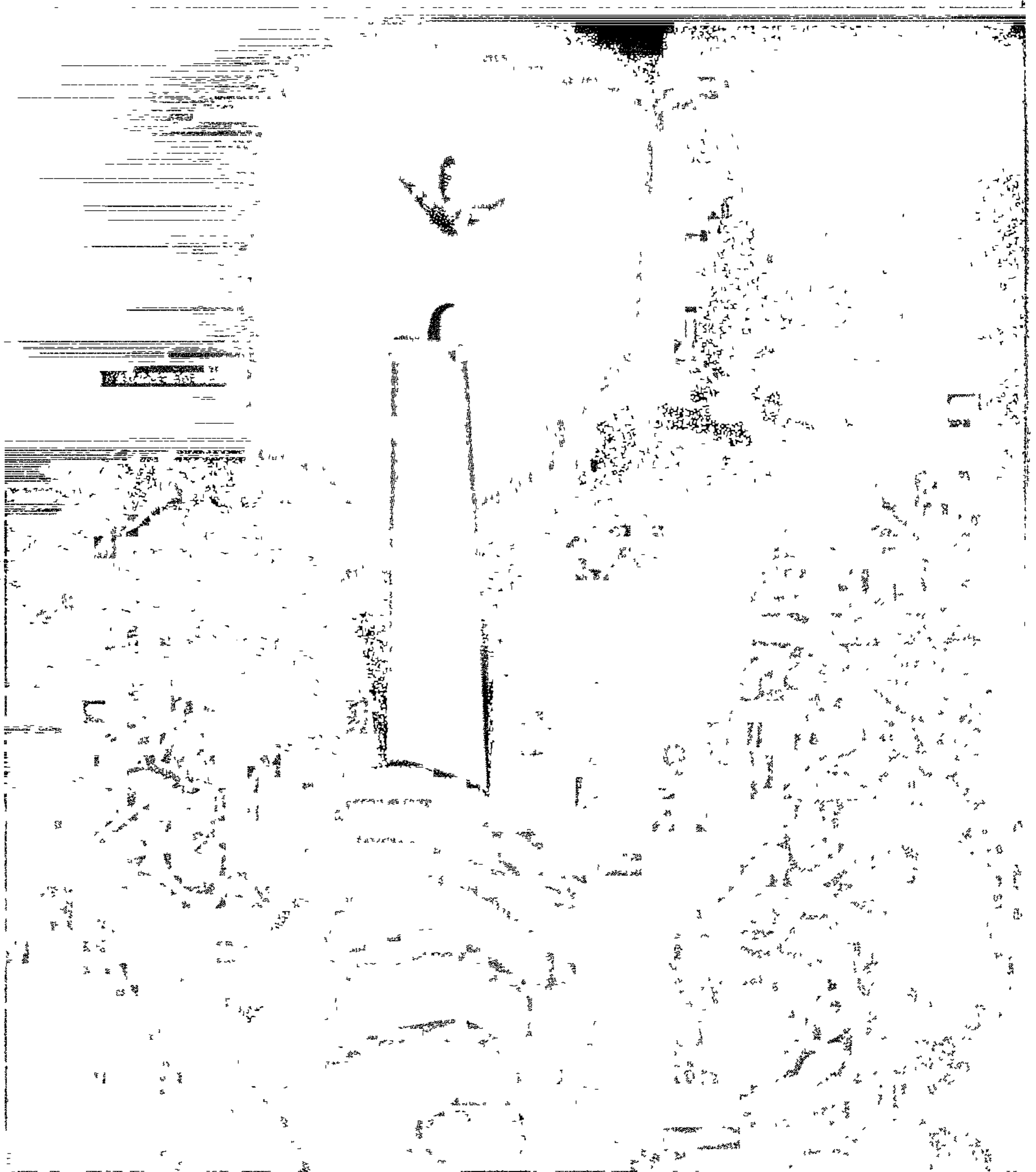
The generosity of spirit of most victims/survivors has been one of the most remarkable experiences of those of us who have sat on the commission, and this has spilled over into the wider community

But acknowledgement has gone one step further The commission has made it impossible, particularly for white South Africans, to continue to declare "I didn't know" If they didn't know then they certainly know now

In looking back over the past two and a half years, my deepest joy has been the remarkable courage demonstrated by victims who have come before the commission

Time and time again I have witnessed very ordinary people approach the stage almost timidly and with head cast down When they left the stage, there seemed to be a new spring in their step, a new light in their eyes Over and over again the witness or a family member would talk about "a huge burden being lifted" or "the end of my pain" or "a new hope", despite all the horror of the past

My worst disappointment has been the cynicism, the lack of generosity, the refusal to acknowledge complicity in the apartheid saga by the majority of white South Africans



Graphic: SHAHN IRWIN

In particular, I have been grievously disappointed at the unwillingness of some political leaders to accept that their policies resulted in gross human rights violations.

Finally, my greatest hope is that at the season of madness that ripped South Africa and

poured out its grotesque seeds of hatred and division will, in some small measure, come to an end, that the awfulness of oppression, which in many instances brought about a corresponding horror in resistance, will never happen again.

If the truth commission has

made any contribution towards this possibility then it will, with all its demands and anguish, have been worthwhile.

Essentially and ultimately the commission is not about the past. It is about building a more just, more decent and more gentle future. But to do this we

must lay to rest the ghosts of the past. A start has been made by the Truth and Reconciliation Commission. Now all of us must build on those foundations.

■ Dr. Alex Boraine is vice chairperson of the Truth and Reconciliation Commission.

# Justice system is 'a shambles'

Star 10/8/98

(252)

Single department should replace Justice, Safety and Security and Correctional Services

By **ROBERT BRAND**

**T**he ministries of Justice, Safety and Security and Correctional Services should be scrapped and replaced by a single department in a bid to reconstruct a "shambolic" and "absolutely hopeless" justice system

Experts say this would prevent "appalling" lapses in co-ordination such as the one which led to the release last week of a suspected rapist into the custody of his parents after he told the court he was 16.

It later emerged the man, who had allegedly raped a 16-year-old girl in Atteridgeville, Pretoria, is in fact 26 and out on parole after serving a two-year sentence for a previous rape conviction

"This is another example of how the whole justice system is in a shambolic state," said Dr Vinod Jaichand, national direc-

tor of Lawyers for Human Rights

Justice Minister Dullah Omar said he was "dismayed" at the handling of the case and called for an investigation by the attorney-general and the Magistrates' Commission

But critics say Omar's own department should bear the blame because it has failed to put into place structures to ensure magistrates could make informed decisions in bail applications. "The Department of Justice is absolutely hopeless.

The gap between the police and Correctional Services is the Department of Justice," said Professor Ben Smit of Unisa's department of criminology.

The greatest problem leading to the release of convicted criminals on bail was the lack of an integrated data base giving prosecutors and courts access to the police's criminal records centre, Smit said. New legisla-

tion introduced in Parliament this year aims to make it tougher for repeat offenders to get bail by compelling suspects to inform the court about their previous convictions

But this information should not be left to the accused to divulge. It should be available to magistrates in bail applications as a matter of course, critics say

Omar announced this week that a pilot project linking computers at the Mitchell's Plain Magistrates' Court with the criminal records centre would be extended to other areas

But it is far too late, said Jaichand. "It is appalling that it took so long for a co-ordinated system like this to be constructed."

In the Atteridgeville rape case, he said, the absence of the suspect's criminal record from the bail proceedings was "a classic example of an absolutely necessary resource which is

missing from the justice system"

The "shambles" in the criminal justice system was eroding public confidence in the constitution and would result in an increase in vigilantism. Unless the justice system responds efficiently to crime, "lynch mobs will become the order of the day", he said.

"We need a holistic approach to criminal justice. I would call for a co-ordinated department that deals with correctional services, safety and security, justice and welfare."

Smit agreed that the answer to the lack of co-ordination between the departments was a single ministry of justice.

He also called for the immediate establishment of a "justice academy" at which policemen, justice officials and correctional services officials would receive training "according to the same philosophy"

# Death penalty abolition on trial

## *'Respect crime victim's rights'*

ARG 10/8/98 (252)

A coalition of 51 countries, mostly Islamic, is challenging the United Nations Commission on Human Rights over its strong support for the abolition of the death penalty.

The ad hoc group - which includes Saudi Arabia, Iran, Malaysia, Egypt, Pakistan, Morocco, Algeria and Bangladesh - says the commission has misconstrued capital punishment as a human rights issue. "The rights of the crime victim must be weighed against the rights of the community to live in peace and security," says Faris Ammarin of Jordan

Speaking on behalf of the group - which also includes non-Islamic countries such as Singapore, Vietnam, Japan, Jamaica and the Philippines - Mr Ammarin says it is "inappropriate" for an international forum to make a decision on the politically sensitive issue of capital punishment or even to propose any action

"The question of whether to retain or abolish the death penalty should be carefully studied by each member state," he says

The 51 countries have publicly dissociated themselves from a resolution adopted by the commission in Geneva early this year when it called on "all states that have not yet abolished the death penalty to consider suspending executions, with a view to completely abolishing the death penalty"

This is the first time any UN political body has supported the idea of a worldwide moratorium on executions

Karen Tan of Singapore, representing a relatively crime-free country advocating the death penalty, says the commission's resolution does not adequately

## STORY

Fifty-one countries have banded together to oppose the UN drive to end executions, reports

THALIF DEEN from New York

reflect the views of all countries on the subject. The resolution is "unbalanced and departs from international norms on the death penalty", she says

"The right to life of convicted persons has to be balanced against the rights of victims," says Ms Tan

"And it was highly inappropriate for some states to impose their value system on others. They must respect the views of states that wished to retain capital punishment in their legal systems"

Acting on behalf of the coalition, Jordan issued a joint statement to the Economic and Social Council (Ecosoc) last week, expressing collective displeasure at the resolution

"There is no international consensus that capital punishment should be abolished," read the statement, adding that even the International Covenant on Civil and Political Rights recognises the right to capital punishment

According to article 6, paragraph 2, of the covenant, "sentence of death may be imposed only for the most serious crimes"

Meanwhile, Amnesty International, one of the world's major human rights organisations, has continued its global campaign

against capital punishment, arguing that the death penalty is no solution to crime

By the end of 1997, 63 countries had abolished the death penalty for all offences and 16 for all but exceptional offences, such as wartime crimes

Amnesty's 1998 report says at least 25 countries which retained the death penalty in law are considered abolitionist in practice, in that they have not executed anyone for the past 10 years or more, or had made an international commitment not to carry out executions

Despite continued progress towards the abolition of the death penalty, there are alarming calls in different parts of the world for capital punishment to be reintroduced, says Amnesty.

"Such calls were linked largely to widespread public concerns about rising crime rates, although no evidence emerged indicating that the death penalty would solve this problem"

Amnesty notes "In some countries, officials said they wanted to abolish the death penalty, but could not do so because of public opposition"

As part of its continuing campaign against the death penalty as a violation of fundamental human rights, Amnesty has called on politicians to foster rational debate by publicising the facts about the nature of capital punishment and invalidity of the deterrence

During 1996, at least 4 272 prisoners were executed in 39 countries and 7 107 people were sentenced to death in 76 countries, according to Amnesty International - Sapa-IPS

# Calls to overhaul 'shambolic'

## Top legal experts want three departments scrapped

(252) A&S

### ARGUS CORRESPONDENT

Johannesburg - The ministries of justice, safety and security and correctional services should be scrapped and replaced by a single department to save the "shambolic" justice system, say top legal experts.

They believe this would prevent lapses such as the latest one, which led to the release of a suspected rapist into the custody of his parents when he claimed to be 16

It later emerged the man, who had allegedly raped a 16-year-old girl in Atteridgeville, Pretoria, is in fact 26 and out on parole after serving a two-year sentence for rape

"This is another example of how the whole justice system is in a shambolic state," said Vinod Jaichand, national director of Lawyers for Human Rights

Justice Minister Dullah Omar said he was "dismayed" at the handling of the case and called for an investigation by the Attorney-Gener-

al and the Magistrate's Commission

But critics say Mr Omar's own department should bear the blame, because it has failed to put in place structures to ensure magistrates can make informed decisions in bail applications

"The Department of Justice is absolutely hopeless. The gap between the police and Correctional Services is the Department of Justice," said Ben Smit of Unisa's department of criminology

The single greatest problem

leading to the release of convicted criminals on bail was the lack of an integrated database to give prosecutors and courts access to the police criminal records centre, Professor Smit said

New legislation introduced in Parliament this year aims to make it tougher for repeat offenders to get bail, by compelling suspects to inform the court about previous convictions

But critics say it should not be left up to the accused to divulge this information. It should be available to

magistrates in bail applications as a matter of course.

Mr Omar has announced that a pilot project linking computers at the Mitchell's Plain Magistrate's Court with the criminal records centre will be extended to other areas

But it was far too late, said Dr Jaichand. "It is appalling that it took so long for a co-ordinated system like this to be constructed"

In the Atteridgeville rape case, he said, the absence of the suspect's criminal record from bail proceedings was

# for single entity

10/8/98

"a classic example of an absolutely necessary resource which is missing from the justice system"

The "shambles" in the criminal justice system was eroding public confidence in the constitution and would result in a rise in vigilantism.

Unless the justice system responded efficiently to crime, "lynch mobs will become the order of the day", he said

"We need a holistic approach to criminal justice. I would call for a co-ordinated department that deals with

correctional services, safety and security, justice and welfare"

Professor Smit agreed that the answer to the lack of co-ordination was a single ministry of justice replacing the three separate departments, with deputy-ministers responsible for each component

He also called for the immediate establishment of a "justice academy" at which policemen, justice officials and correctional services officials would receive training "according to the same philosophy"

# Must Not Split

# Fresh battle looming for Natal judges

David Greybe

CAPE TOWN — The conflict over a new deputy judge president for KwaZulu-Natal is likely to re-erupt, with the nomination of three white judges opposed to one black candidate.

The Judicial Service Commission will today release the nominations list for various vacancies in the judiciary, including the Natal deputy judge president's position

Sources close to the commission said yesterday four judges were nominated to the commission's so-called sifting committee, including first-round candidates Judge Willem Booysen and Judge Vuka Tshabalala, who was opposed by a majority of the Natal bench in the first round

A source said outgoing Deputy Judge President John Broome had nominated three of the four — “who all just happen to be white” — from the Natal bench. Besides former Afrikaner Broederbond executive member Booysen, Broome is understood to have nominated judges Brian Galgut and Jan Hugo. Hugo is best known as the presiding judge in the 1996 murder trial of former defence minister Magnus Malan and nine others

Tshabalala, a judge of the Ciskei High Court, was nominated by the National Association of Democratic Lawyers and Ciskei Judge President Bobby Pickard

The commission failed at its last meeting in April to choose a new deputy judge president for KwaZulu-Natal after 14 of the province's 19 sitting judges, including Galgut and Hugo, petitioned the commission not to

BD 11/8/98 (257)

appoint “junior” judge Tshabalala. They said he would not be able to command the respect of the other judges in the Natal High Court, and if Booysen was not chosen there were other “far more senior and better qualified” judges on the Natal bench. Sixteen Natal judges nominated Booysen the first time round.

One member of the commission attributed the impasse in the commission at the time to the issue of “competence versus affirmative action” in the highest echelons of SA's judiciary. Another expressed fears that it would result in delays in appointments aimed at transforming the judiciary

Presidential spokesman Parks Mankahlana said at the time the judges' petition was an attempt “to preserve whatever remains of white domination” in the judiciary.

The source said yesterday Broome's nomination of three white judges was in violation of the constitutional obligation to promote diversity and representivity in SA society. “Clearly there are some people in the judiciary who are not interested in real change, and are only paying lip service to transforming SA society”

The fact that Tshabalala's superior, Pickard, had nominated him was proof that the issue was not one of competence but of race. Tshabalala was a member of the Natal Bar for 29 years before he was appointed a judge of the Ciskei High Court

It was also “highly unusual” for one person — in this case the outgoing incumbent — to nominate three candi-

Continued on Page 2

## Judges (257)

Continued from Page 1

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dates — this was “obviously” meant to ensure Tshabalala did not win, the source said

Natal Judge President Allan Howard refused to comment yesterday. With Howard due to retire in fewer than three years, the next deputy judge president could lead the bench in KwaZulu-Natal — first as deputy and then as judge president — for the next seven years.

The commission will meet on October 12-13 to interview candidates for the positions of two judges president, the Natal deputy judge president and eight vacancies in provincial divisions of the high court.

The commission's sifting committee, chaired by Advocate Wim Booysse, met on Saturday to finalise the nominations list, for release today

At least 13 members of the commission must vote in favour of a candidate for an appointment to be confirmed. According to the constitution, judges are appointed by the president “on the advice of the commission”



# TWO CONTENDERS for Cape Judge President

**JUSTICE John Hlophle, if appointed, would be South Africa's first black Judge President and its youngest. Justice Edwin King, who in 1963 exposed the brutality of the pass laws, is the most experienced member of the Bench, Justice Writer RONALD MORRIS reports.**

**T**WO Cape judges are the only contenders to succeed the Judge President of the Cape, Justice Gerald Friedman, when he retires next month.

They are Justice Edwin King, who is the serving Deputy Judge President and has been nominated by Jeremy Gauntlett, SC, in his personal capacity, and Justice John Hlophle, who has been nominated by an Umataa attorney.

Judge Friedman turns 70 on September 13 and retires the same day, in line with the Judges Remuneration and Conditions of Employment Act.

The Judicial Services Commission is to sit in Pretoria between October 12 and 14 to interview Judges King and Hlophle. The commission is also to interview candidates to replace Judge Andre van Niekerk, who retired from the Cape Bench on July 31 because of ill health.

Minister of Justice Dullah Omar has the power to ask Judge Friedman to stay on until a successor is appointed. However, Judge Friedman said yesterday he had not been asked to do so.

Legal observers says it is interesting that the contenders for the Judge President's post are the two judges who were involved in the Patricia de Lille judgment.

They found that her suspension from Parliament was unconstitutional.

De Lille, a Pan-Africanist Congress MP, was suspended from Parliament for 15 days last year after she alleged in the National Assembly that 12 prominent African National Congress members had been apartheid-era spies.

The judges found that Parliament was subject to judicial scrutiny and subordinate to the Constitution.

Judge King was born in London in 1929 and came to South Africa as a child. He attended Western Province Preparatory School and St Andrews in Grahamstown.

He graduated from the University of Cape Town in 1954 with an LLB degree and joined the Cape Bar in 1956. He took silk in 1977.

In 1987, after holding several appointments as an acting judge, Judge King was appointed to the Cape Bench.

In 1996, he recused himself from hearing an application by the Truth and Reconciliation Commission after a TRC member criticised an earlier judgment in which he allowed two retired policemen access to commission documents implicating them in human rights violations.

He has an impressive human rights record. In 1963, as an advocate at the Snyman commission of inquiry into riots in Paarl, he became the first to expose the brutality of the pass law system.

He was also active in community organisations, including the non-profit low-priced feeding scheme, Kupugani, for which he personally drove a van into the townships.

"He has stood up to be counted many times and is a popular man and strongly independent," a source said.

"He does not kowtow to anyone."

Another lawyer said Judge King had been regarded as one of the more enlightened judges during the apartheid era. He had been an "inspiring" leader of the Cape Bar.

Judge Hlophle, 39, became South Africa's first black judge and possibly its youngest when he was appointed in December 1994.

He had not practised as an attorney or advocate, but came to

the Bench from an academic background. Judge Hlophle obtained his B Juris at Fort Hare University in 1981 and his LLB from the University of Natal two years later.

He gained his LLM at Cambridge University in 1984 and his doctorate from the same university in 1988.

He was vice-dean of the Law Faculty at Transkei University and acting dean for two terms.

Between 1991 and 1994 he was chief editor of the *Transkei Law Journal*. He was a member of the Industrial Court in Transkei in 1990 and was admitted as an advocate in 1993.

He was also a mediator and arbitrator with the Independent Mediation Service of South Africa.

Observers, all of whom insisted on anonymity, found it surprising that the two men were standing against each other.

Should Judge King be appointed this would be in accordance with the convention of the most senior judge, who is also the Deputy Judge President, becoming Judge President.

However, Judge King's tenure would be short because he is to retire next year. "He would do a caretaker job until then," an observer said.

Another said that, should Judge Hlophle be appointed, he would be the country's first black Judge President and its youngest. This would accelerate the transformation not only of the Cape Bench but also of the judicial service as a whole.

When it sits in Pretoria in October, the Judicial Services Commission is also to interview candidates for the Judge President of the Transvaal Provincial Division, the Deputy Judge President of Natal and vacancies elsewhere in the country.



CT 11/8/198 (252)

**YOUTH:** Justice John Hlophle, former vice-dean of Transkei University's Law Faculty, was appointed to the Bench in December 1994, becoming possibly its youngest member. His appointment as Judge President of the Cape would speed up transformation of the Cape Bench and the judicial service as a whole, observers say.



**EXPERIENCE:** Justice Edwin King, the incumbent Deputy Judge President of the Cape, is due to retire next year, so if he is appointed his tenure as Judge President would be short and as a "caretaker", an observer says.

# Amnesty applicant relives massacre

(2/17/98) Feb 12/8/98

VANDERBIJLPARK — The growing spiral of violence in the Vaal Triangle that led to the Biopatong massacre in June 1992 was graphically described at a truth commission amnesty hearing in Vanderbijlpark yesterday.

Vincent Khanyile, 36, is one of 15 former Inkatha Freedom Party (IFP) members applying for amnesty for the massacre of 46 people, many of them women and children, on the night of June 17 1992.

About 300 residents of the Kwa-Madala hostel, which houses workers of the nearby Iscor steelworks at Vanderbijlpark, are believed to have taken part in the attack.

Khanyile told the amnesty committee he witnessed attacks on his fellow Zulu-speaking hostel dwellers on the weekend before the massacre. Asked how he had felt about the attacks he replied: "I was filled with revenge."

He said the self-defence units of the African National Congress (ANC) were responsible for attacks in which two Zulu men, and a woman who was accused of having an IFP lover, were also killed.

He said he held the local community responsible because they supported the self-defence units.

Khanyile described how he and a friend called Mbattha were cornered in a shebeen in the area a week before the massacre.

He said Mbattha fell shortly before they were able to make their escape and he watched his wounded friend being stabbed with gardening tools and then dragged away. He said he never saw Mbattha again and later heard that he had been killed.

He said another man from the hostel was burnt to death over a lengthy period on the Sunday of that weekend.

The continual attacks by ANC supporters on anyone with any Zulu or IFP connections led to the decision to plan a counter attack on the nearby Boipatong township, he said.

At a meeting held to discuss the spate of attacks on IFP supporters or Zulu speakers, a number of people complained about being harassed by ANC youths.

Khanyile said a hostel leader called Choncho told the meeting "Don't worry, revenge is around the corner." Khumalo said it was never spelt out how the attack should be carried out, but he was in no doubt that the aim would be to kill people in Boipatong.

"There was going to be nothing else but killing," Khanyile said when he was asked what was on his mind when he and about 300 other KwaMadala hostel dwellers set out on the night of June 17.

He said self-defence unit members shot at the group when it approached MBoipatong, and they returned the fire. The unit's members then fled and their attackers began rampaging through the streets and houses.

Khanyile said he stabbed one person and threw stones at windows, but did not enter any houses. When he left Boipatong that night he returned to the hostel and went to sleep. He did not know if the person he stabbed had died.

Khanyile was later arrested and sentenced to 18 years' imprisonment for his part in the massacre.

When the hearing reopened at the Iscor Club in Vanderbijlpark yesterday, tensions ran high as former foes sat face to face. The situation later simmered down and the proceedings when ahead quietly.

The hearing continues today.

# 'Spiral of violence' led to massacre

(252) CT 12/8/98  
VANDERBIJLPARK The growing spiral of violence in the Vaal Triangle that led to the Boipatong massacre in June 1992 was described in graphic detail at a Truth and Reconciliation Commission (TRC) amnesty hearing yesterday.

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Asked how he had felt about the attacks he replied "I was filled with revenge"

He said the ANC's self-defence units (SDU) were responsible for attacks in which two Zulu men, and a woman accused of having an IFP lover, were also killed

Khanyile said he held the local community responsible for the attacks because they supported the SDUs

Khanyile described how he and a friend called Mbatha were cornered in a shebeen in the area a week before the massacre

He said Mbatha fell before they were able to make their escape and he watched his friend being

stabbed and then dragged away. Khanyile never saw him again

Another man from the hostel was burnt to death on the Sunday of that weekend

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At a meeting held to discuss the spate of attacks, a number of people complained about being harassed by ANC youths

A hostel leader called Choncho told people at the meeting "Don't worry, revenge is around the corner"

It has since emerged that the man was Dama-ra Qconqco, who was named as the person who had led the Boipa-

tong attack and was later killed in taxi violence

Khanyile said that it was never spelt out how the attack should be carried out, but he was in no doubt that the aim would be to kill people in Boipatong

He said SDU members shot at the group when it approached Boipatong and they returned fire. The SDU members then fled and the attackers split into two groups and began rampaging through the streets and houses

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The hearing continues today  
— Sapa



# Scuffles at TRC hearings

Sowetan 12/8/98

(252)

By Willie Bokala

THE Boipatong massacre amnesty application hearings got off to an ugly start yesterday when KwaMadala Hostel applicants clashed with relatives of victims inside the Iscor Hall.

The fracas occurred just before the Truth and Reconciliation Commission amnesty committee could hear testimony from KwaMadala Hostel inmates and the Inkatha Freedom Party supporters who massacred 45 people, including children and women, in Boipatong on June 17 1992. The hearings were delayed for several minutes as police and TRC officials calmed the situation.

The fracas was triggered when applicants objected to being photographed by one of the relatives of the victims. Police managed to restrain and

separate the warring parties. No one was injured.

Amnesty applicant Vincent Khanyile said the inmates were given traditional herbs (*ntelezi*), sprinkled with muti and then spent time gyrating and singing war songs inside the hostel stadium before going out to launch the attack on residents.

He said they were armed with traditional weapons while others were armed with AK-47 rifles.

Khanyile said some of his colleagues came out of the township with looted items like television sets after the attack.

After arriving at the hostel soldiers in Casspirs asked if all of them were inside the premises.

"The soldiers said they had seen a group of suspicious people lying on the grass at the back of the hostel and that we should be careful because they

were going to search for those people," he said.

Khanyile said they met a group of "comrades" when they entered Boipatong township. "The comrades started shooting at us and we returned fire. They retreated and scattered and we broke into two groups and pursued them. However, we also scattered with some of us going into houses while others covered the streets," he said.

"I saw a man running away and I stabbed him in the back with a spear. I saw him fall onto the ground and I continued pursuing the others. A man following me finished off the fallen man."

Khanyile said he was sorry for what he did. Since he was released on bail from prison he had worked tirelessly to bring peace between residents of Boipatong and hostel inmates.

FOUR 'HAD MADE FULL DISCLOSURE'

# Amy's flatmate 'not happy' as killers freed

CT 29/7/98 (252)

**THE MOOD** had been militant on the day Amy Biehl was killed especially after the four amnesty applicants had been to a teachers' union meeting, the TRC said in its findings.

**A**MY Biehl's parents may have forgiven her killers, but for the American Fulbright scholar's South African flatmate and close friend, Melame Jacobs, it's not that simple.

"I'm not happy about it," Jacobs said of the news that Vusumzi Samuel Ntamo, Easy Mzikhona Nofemela, Ntobeko Ambrose Peni and Mongezi Christopher Manqina had been granted amnesty by the Truth and Reconciliation Commission for the grisly killing of Biehl in NY1, Guguletu, on August 25, 1993.

Biehl, who had been ferrying friends home when her car was attacked, was stoned and stabbed to death by a mob.

According to the four amnesty applicants' evidence, they took part in the murder. Manqina and Nofemela admitted tripping Biehl and stabbing her. Peni and Ntamo admitted stoning her.

A TRC amnesty committee comprising the five longest-serving committee members — judges Hassen Mall, Andrew Wilson and Bernard Ngoepe, advocate Chris de Jager and Sisi Khampepe — decided unanimously that the four had made a full disclosure of the events and had met the requirements of Section 20(1) of the Promotion of National Unity and Reconciliation Act.

In its decision, the committee noted that, on that day, there had been "many incidents of general lawlessness" and delivery vehicles and white motorists had been attacked by "bands of toyi-toying youths".

The committee said that earlier in the day the applicants, who had been members of the Pan Africanist Congress-aligned Pan African Students Organisation, had attend-



**SPIRIT LIVES ON:** Amy Biehl's killers have been granted amnesty

ed a meeting at Langa High School in support of a SA Democratic Teachers' Union strike, the struggle of the PAC's armed wing Apla and of the launch of the Congress of SA Students' "Operation Barcelona" to stop deliveries into the townships.

The mood during and after the meeting had been "militant", and "they marched through the township toyi-toying and shouting 'One settler, one bullet', determined to put into effect what they had been urged to do".

"This is how they got involved in the activities which led to the killing of Amy Biehl," the decision read.

Although the PAC's representation to the TRC had said the killing was "misguided" and not ordered by the PAC or Apla, the committee believed it had been in pursuit of the same cause and the PAC supported the amnesty applications.

The amnesty committee accepted the applicants' evidence that their actions were in support of the struggle against the state, and "it must be accepted that their crime

was related to a political objective" — a finding supported in an addendum to the decision by De Jager, who said that "although no order was issued, the murder was associated with a political objective".

Jacobs said last night that the decision of the amnesty committee was "not unexpected".

"I'm not a saint, but everybody is getting amnesty," she said "I'm not happy with it".

Jacobs said she had thought "over and over" about the matter, and was relieved that it had finally come to an end.

"I just hope they don't go out and do it again," she said.

Biehl's parents, Peter and Linda Biehl, said in a statement yesterday that it was essential for families and communities to support individuals granted amnesty on their release, and they hoped the four would receive the support necessary to live productive lives in a non-violent atmosphere.

"In fact, we hope the spirits of Amy and of those like her will be a force in their new lives," the Biehls said. "It is this vision of forgiveness and reconciliation that we have honoured."

"We must never forget people who lost their lives in the struggle. We must honour them in discovering new approaches — non-violent partnerships — to create the South Africa which Nelson Mandela, Amy and those who perished dream of — a new, multiracial democratic nation," they said.

The attitude of the Biehls was a source of great comfort to the PAC, the organisation's secretary-general Michael Muendane said yesterday.

Commenting on the amnesty decision, Muendane said the PAC regretted the incident.

"Our hearts go out to her lovely parents, Linda and Peter Biehl, and all her loved ones back in the United States" — Staff Writer, Sapa

# PW did order blast, insists Prime Evil

*(257) ARG 30/7/98*  
*SADF 'sent me congratulations'*

## ARGUS CORRESPONDENT

Pretoria - P W Botha had given the order to blow up Cosatu House, former Vlakplaas commander Eugene de Kock reiterated to the Truth Commission amnesty committee - in direct contradiction of other applicants' evidence.

De Kock, testifying yesterday in support of his application for amnesty for the bombing of Cosatu House in 1987 and Khotso House in 1988, said he had specifically asked his superior, Brigadier Willem Schoon, who had given the order to blow up the headquarters of the federation of unions

"I asked how high (the order had come from), he said the president, and I asked if it was the state president. He said 'yes'," said De Kock, who is serving a 212-year jail sentence for six murders and various other offences

His involvement in the Cosatu and Khotso house bombings did not form part of his trial

He maintained he was correct as to which action had been approved by P W Botha, in the face of cross-examination from Louis Visser, representing former law and order minister Adriaan Vlok and former police commissioner Johann van der Merwe

Both Mr Vlok and General Van der Merwe, as well as Brigadier Schoon, told the amnesty committee last week that Mr Botha had given the order for Khotso House to be rendered unusable, but had known nothing about the bombing of Cosatu House

De Kock said he had specifically asked who had given the orders because it was the first time he and his Vlakplaas unit had been asked to conduct operations of that nature within South Africa's borders.

He had not asked who they had come from when he was given orders to blow up Khotso House, because he assumed it was a continuation of the Cosatu House operation and that the orders had come from Mr Botha

He said that two days after Khotso House had been blown up, Vlakplaas had received a telegram from the SA Defence Force's special forces, congratulating it on the operation

He said the consequences if the Vlakplaas operatives had been caught during either bombing would have been embarrassing as they would have been seen to be involved in police vigilantism or state terrorism

"Within the police it was regarded as an honour to be included in Vlakplaas operations - there were almost fist-fights to be at the head of the queue. Now, there are almost fist fights to be at the end of the queue"

*TE2*

# Charges loom as Basson stays silent

JOHN YELD  
ON THE TRUTH COMMISSION

Wouter Basson, head of the apartheid government's chemical and biological warfare programme, today again refused to answer questions at a Truth Commission hearing, claiming he did not have adequate legal representation.

The commission did not accept his argument, and is now considering whether to bring an urgent application in the Cape High Court, asking for him to be found in

contempt of Mr Justice John Hlope's order on Monday that he appear and answer all lawful questions.

It is also considering whether to bring criminal charges against Dr Basson in terms of its own founding act.

Dr Basson has also been ordered to appear tomorrow at 8.30am, when, he said, his Pretoria advocate, who had full knowledge of all his dealings with the commission, would be available.

Dumisa Ntsebeza, chairman of the TRC amnesty panel which is hearing Dr Basson,

said the panel had been inclined not to delay proceedings again until tomorrow.

He also believed that in terms of the commission's founding act, the panel could enjoy the same rights as a court and could have ordered Dr Basson arrested immediately for contempt.

He had not, in all his experience, encountered a process, in which rights had been abused as they had been by Dr Basson in regard to the commission's attempts to get

ARG 30/7/98 to page 8

## Charges loom as Basson stays mum

From page 1

him to testify about the CBW programme.

"We have painfully viewed our options," said Mr Ntsebeza. "All of us have been tempted and we've had to resist to summarily deal with this witness in a way that would demonstrate that this process and the Truth Commission are not to be treated idly."

He accused Dr Basson of being "very disrespectful" and "very unhelpful". However, the panel had decided to be as fair as possible in the circumstances. "Our personal anger should not cloud this issue," he said.

Earlier, Dr Basson's Cape Town attorney, John van Niekerk, withdrew when the panel refused to delay proceedings further so that Dr Basson could obtain the legal representatives he said knew about his case.

Mr Van Niekerk said one of the Cape Bar's most senior advocates, G-D van Schalkwyk SC, had given Dr Basson an opinion to the effect that because he would not be properly represented, he would be entitled to refuse to go into the witness box to answer questions by the panel.

# Basson warned to testify or face charges

Wynham Hartley

BU 30/7/98

(252)

CAPE TOWN — The former head of apartheid SA's chemical weapons programme, Wouter Basson, faces a showdown with the truth commission today after successfully using a legal wrangle to avoid giving evidence to the commission yesterday.

Basson, who in an attempt to avoid giving testimony on the top secret Operation Coast which he controlled approached the high court, continued to try and avoid telling the commission what he knew by arriving at the hearing without briefed legal counsel.

He successfully argued that between the rejection of his application to the Cape High Court on Monday and yesterday's hearing he had not had enough time to get space in his lawyers' programmes for the hearing.

Through Cape attorney John van Niekerk, Basson argued that the Promotion of National Unity and Reconciliation Act provided that those giving evidence to the commission should have legal representation. Dumsa Ntsebeza, chairing the commission panel, said that the commissioners had reluctantly agreed to granting the postponement requested by Basson. He warned that when the hearing reconvenes this morning Basson would be required to testify and answer questions regardless of whether or not he had legal representation.

Should Basson again argue against giving testimony because he had no legal representation, faced being guilty of contempt of the commission in the face of Ntsebeza's warning. A two-year sentence could be given for anyone found guilty of contempt.

## PW Botha gave Cosatu, Khotso House orders, De Kock says

Stephané Bothma

PRETORIA — Former state president PW Botha had not only given orders for the destruction of Cosatu House in 1987 but also for the bombing of the SA Council of Churches' headquarters, Khotso House, the following year, former Vlakplaas commander Col Eugene de Kock told the truth commission's amnesty committee yesterday.

De Kock, responsible for the operational side of the two bombings, testified that he clearly recalled asking where the orders for the bombing of Cosatu House had originated from "because it was the first time that orders were given for such actions within SA borders. We were talking of large-scale domestic terrorism (by the security forces)."

De Kock's testimony contradicted that of former law and order minister Adriaan Vlok and SA Police commissioner Gen Johan van der Merwe, who told the commission they had decided Cosatu House should be bombed, while Botha only ordered that Khotso House be "rendered unfit for use."

De Kock said: "I am completely convinced that the order (for Cosatu House) came from the state president."

He had asked his commanding officer, Brig Willem Schoon, who had ordered the operation. Vlok, Van der Merwe, De Kock and 33 other policemen are seeking amnesty for the two bombings.

De Kock admitted under cross-examination that the years he had spent as a policeman in the notorious Koeriet unit in Angola had given him the "dubious advantage" of being an expert in killing.

He told the committee that on the nights the two bombing operations were carried out, his men were armed to handle any situation. Some carried AK-47 assault rifles and others Uzi submachine guns. "I myself was armed with a grenadelauncher."

Although orders were given that nobody should be killed or injured in the blasts, De Kock believed this was "very unlikely. If you carry 80kg of explosives, anything can happen," he said.

There was absolutely no doubt in the minds of the men serving under his command that they were waging a war. They would all have committed unlawful acts to win this war, he said.

"We would not have asked questions," he said.

He admitted that all the senior officers in the police and the politicians who knew of the Vlakplaas unit and its true purpose, never questioned its members or queried the unit's existence.

Asked about an earlier statement by former National Party (NP) cabinet minister Leon Westers that NP politicians "did not want to know," De Kock replied: "If Westers said that, he and Vlok are the only two honest NP politicians in the country."



Wouter Basson, former head of SAs chemical weapons programme, faces a showdown with the truth commission today.

Picture: ERIC MILLER/AFRIKA

Mandela's evidence 'not necessary'

PRETORIA — President Nelson Mandela would no longer testify before the truth commission following former police commissioner Gen Johan van der Merwe's retraction of allegations made at his amnesty hearing, presidential spokesman Parks Mankabana said yesterday.

In his retraction, Van der Merwe told the commission's amnesty committee that he never meant to suggest that Mandela interfered with the Goldstone commission's investigation into covert police activities in the early 1990s, Mankabana said.

"The president is already on public record as saying he did not intervene in any such manner," Mankabana said.

"Indeed, it is clear from the facts and from the general's own testimony that the relevant investigations were not halted, but on the contrary, proceeded with the unit under the attorney-general, which took over the terminated (Goldstone) commission investigations."

"As all of this is on record it is not essential for the president to make any representations or give evidence," he said.

Mandela, former president FW de Klerk, Judge Richard Goldstone, former judge minister Kobie Coetsee and Transvaal attorney-general Jan D'Oliviera were invited on Friday to make representations to the commission following allegations about them in the amnesty hearings of Van der Merwe and former law and order minister Adriaan Vlok.

Van der Merwe initially testified that he told Mandela about crimes committed by the police in the early 1990s and asked him to intervene in the Goldstone commission's investigations into the activities. — Sapa.

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# Court staffing backlog 'under control'

BY SIMON ZWANE AND KHANYISILE NKOSI

(212) Show 20/7/98

The wheels of justice are turning so slowly in Gauteng that if you fall prey to criminals today, you will have to wait until March next year before you see justice done. And this is not entirely due to the shortage of judicial officers

Gerrie Roberts, deputy attorney-general in charge of the criminal court roll in the Johannesburg High Court, said this week that "if a matter has to be put on the roll today, the next available trial date is March 8 next year".

The eight-month wait may still be a long one, but it is an improvement on last year, when the backlog stretched to more than a year.

Magistrates in Gauteng have blamed the backlog in cases on a myriad factors, including poor police investigations and the inability of the suspects to arrange legal representation on time.

"Although the shortage of magistrates could have an impact on the postponement of cases, other reasons could be that investigations were not done thoroughly by the investigating officer, the witness did not appear in court, or the attorney was not available to represent a client," a Johannesburg magistrate said.

Although there were 16 vacancies in the Johannesburg Magistrate's Court, three in Randburg and nine in Pretoria, local magistrates described the situation as "under control"

"There have been vacancies since March this year but the Justice Department has confirmed the names of people who will soon be filling those vacancies," a Pretoria magistrate said.

The department said there were 1 000 vacancies throughout the country but about 90% of them were secretarial positions.

The department's director-general, Jasper Noeth, said they had

begun redeploying excess staff from the Eastern Cape, which was reported to have a surplus staff of more than 400.

Noeth said 221 staff members still had to be transferred but the department had to be sensitive to the hardships people might experience as a result of redeployment

"We are dealing with human beings and some of them are married. You can't just transfer them overnight. We are bound by the Labour Relations Act to be fair to people," he said.

The deployment of court officials followed an audit report which revealed that the Eastern Cape was overstaffed while other provinces were battling to cope

According to the department there were 529 vacant posts in the Free State, 588 in Gauteng, 495 in KwaZulu Natal, 207 in Mpumalanga, 315 in Northern Cape, 258 in Northern Province, 212 in North West and 517 in Western Cape.

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20/7/98

## De Kock tells of 'hazardous' missions

(252)

The "cloak and dagger" operations in which police blew up Cosatu House and Khotso House were described in detail by former Vlakplaas commander Eugene de Kock when he appeared before the Truth and Reconciliation Commission's amnesty committee in Pretoria yesterday.

De Kock was testifying in support of his application for amnesty for the attacks on the Johannesburg offices of the Congress of SA Trade Unions in March 1987 and the headquarters of the SA Council of Churches in August 1988.

He described the missions to destroy the buildings as being extremely hazardous and said they had required careful planning.

De Kock said carrying high-powered explosives in built-up areas put many innocent people's lives at risk. He also knew that if the missions failed and the bombers were apprehended, it would have caused great embarrassment to the government.

"It would then be revealed that the security forces had turned to state-sanctioned terrorism," he said. - Sapa

► Biehls set  
an example

# Truth Commission gives Basson an ultimatum

(252) Sowetan 30/7/98

By Ido Lekota

THE patience of the Truth and Reconciliation Commission towards Dr Wouter Basson has worn thin and he has been ordered to give evidence before the commission today with or without a legal representative

Basson, the former head researcher of apartheid's chemical warfare programme, was also accused of adopting a "cavalier attitude towards the commission" after arriving late for the sitting in Cape Town

Commissioner Dr Fazel Randera also accused Basson of attempting to sabotage the hearing

"It appears to me we are involved in a bad game of chess it seems there's an attempt to sabotage the hearing," Randera said

The sentiments followed Basson's request for a postponement of the hearings where he is to be quizzed by the TRC about his role as the head of the former government's chemical and biological warfare research project

According to evidence led during earlier hearings on the project, Basson had, among others, approved the manufacturing of untraceable substances aimed at killing the former government's political opponents

Yesterday Basson appeared before the commission but only to make an application for a postponement, arguing that he had no legal representative

He was represented by Mr John van Nickerk who told the commission that his brief was only to apply for a postponement

Granting the postponement, Ntsebeza said the decision was "obviously against the will of the panel of commissioners presiding over the proceedings but would be in the interest of justice and the upholding of Dr Basson's constitutional right to legal representation"

Ntsebeza then ordered Basson to go and find lawyers of his choice to represent him today

"We will reluctantly have to proceed tomorrow whether Dr Basson

has legal representation or not."

Yesterday's ruling follows a series of legal technicalities raised by Basson as he tried to avoid appearing before the TRC

In June he made an application not to appear before the commission, arguing that the evidence he was to give might incriminate him in a pending criminal case which involves the manufacturing of ecstasy and plans to murder

On Monday the Cape Town High Court overruled Basson's application and ordered him to appear before the commission yesterday. He was, however, granted leave to appeal against the order

Commissioners yesterday expressed their displeasure about what they saw as an attempt by Basson to avoid giving evidence before the TRC

This was after he had indicated that his legal representatives could only be available on Friday - the day when the TRC is supposed to officially stop its investigations into human rights violations

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(64)

# Peace does not rest on TRC - Tutu

(252)

By Ido Lekota

**T**RUTH and Reconciliation Commission chairman Archbishop Desmond Tutu has shot down claims that the TRC has failed to bring reconciliation in the country and has instead soured race relations.

Tutu said those making such claims were trying to "obscure the fact that it is not the TRC that is going to bring reconciliation but the people themselves"

Speaking to *Sowetan* yesterday - only two days before the commission officially stops hearings on human rights violations - Tutu said "reconciliation is a national project that all sectors of the society must be involved in"

He said some people quoted statistics from researches about the souring of race relations but ignored specific

cases that showed magnanimity

"When you take specific cases like that of Amy Biehl - in whose name the Amy Biehl Foundation was formed to promote reconciliation as a result of the work of the TRC - you see a magnanimity that her parents had displayed in forgiving her killers"

The TRC chairman said the success of the commission should also be judged on the fact that during a recent Market Research Africa survey, "60 percent of the African people felt that it has brought people of different races together"

He also rejected the recent claim by Freedom Front leader General Constand Viljoen that the TRC had failed because it dwelled on digging up the past

"What does he say of the Guguletu mothers whose sons were killed by the police and then dragged around like animals - when they say they do

not want anything to happen to the policeman who confessed to the deeds?"

"Reconciliation is not about being lovey-dovey but a painful process that all South Africans must be prepared to bear"

It was the fact that the government they supported "wanted to poison our women and they wanted to poison Mandela" that people like Viljoen were unhappy with the TRC's activities, Tutu said

Those who believed in the TRC wanted it to reveal the past "not so that such a past must chain us but so we can then see how low we could sink and can then say we do not want to go back there again", he said

● A full interview with Tutu on the Truth and Reconciliation Commission and its role in the process of reconciliation and towards nation-building will appear in *Sowetan* tomorrow.

SOWETAN 20/10/98

# General's retraction frees Mandela

## Mandela

PRETORIA President Nelson Mandela would no longer testify before the Truth and Reconciliation Commission after former police commissioner after former amnesty hearing, presidential spokesperson Parks Mankahana said yesterday.

In his retraction Van der Merwe told the amnesty committee he had never meant to suggest that Mandela had interfered with the Goldstone Commission's investigation into covert police activities in the early 1990s, Mankahana said.

"The President is already on public record as saying he did not intervene in any such manner."

"Indeed, it is clear from the facts and from the general's own testimony that the relevant investigations were not halted, but on the contrary, proceeded with the unit under the attorney-general, which took over the terminated (Goldstone) commission investigations."

"As all of this is on record it is not essential for the President to make any representations or give evidence," Mankahana said.

Mandela, former state president F W de Klerk, justice minister Kobene Coetsee and Transvaal Attorney-General Ian D'Oliviera were all invited to make representations to the Truth and Reconciliation Commission on Friday following allegations made about them in the amnesty hearings of Van der Merwe and former law and order minister Adriaan Vlok.

Van der Merwe had initially testified that he told Mandela about crimes committed by the police in the early 1990s and had asked him to intervene in the Goldstone Commission's investigations into these activities. — Sapa

# 'A VERY BAD GAME OF CHESS' Basson granted a postponement

THE TRC gained little from the presence of Wouter Basson who again evaded questions on the former government's biological and chemical warfare programmes. Special Assignments Team **ROGER FRIEDMAN** and **BENNY GOOL** report.

YOU can lead a horse to water but you can't make it drink. Apartheid-era chemical and biological warfare mastermind Wouter Basson duly appeared before the Truth and Reconciliation Commission yesterday, as ordered by the Cape High Court earlier this week.

He claimed to be keen to assist the commission, but requested — and was granted — a postponement on the grounds that his usual legal representatives were unavailable. He was unsure whether they would be available today or tomorrow.

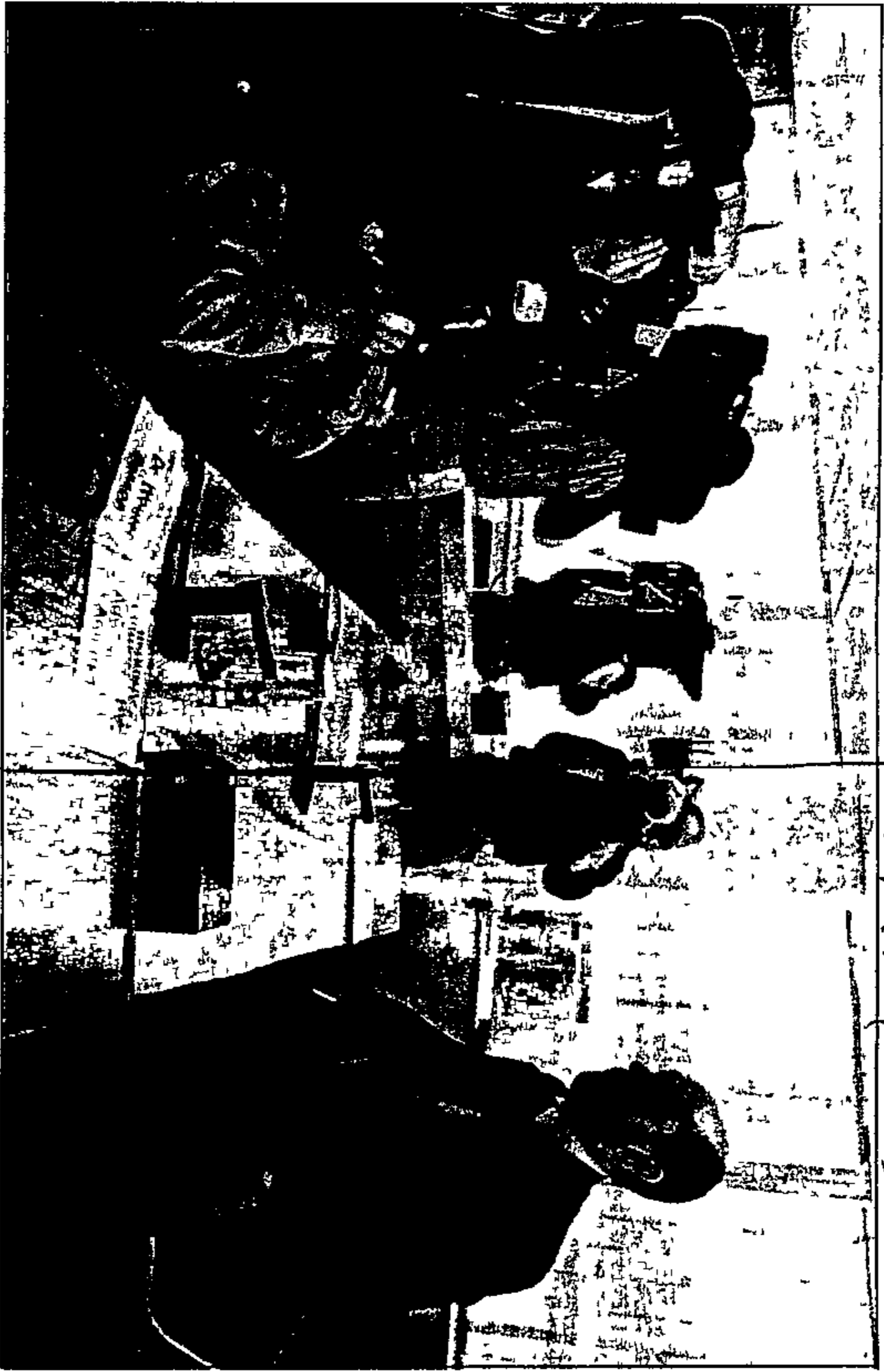
The commission's human rights violations committee, under whose auspices the special chemical and biological warfare programme hearing is being held, concludes its 27-month business tomorrow.

Commissioner Dumisa Ntsebeza warned Basson yesterday that he would be required to answer questions today, whether he had legal representation or not. But both Ntsebeza and Basson know that Basson cannot be forced to answer questions. The reality is that there is little the commission can do should Basson fail to participate materially in his own cross-examination.

The commission may ask the attorney-general's office to prosecute him for failing to respond to lawful questions, in which case the maximum sentence under the Promotion of National Unity and Reconciliation Act is two years' imprisonment or a fine of R20 000.

Other than that, the commission may draw a negative inference from Basson's attitude and include a negative finding on his role in propping up the apartheid system in its final report to the president.

Basson may feel he has more pressing problems than the commission, such as his pending prosecution in



**WILLING TO APOLOGISE** After arriving at the Truth and Reconciliation Commission hearings yesterday, Wouter Basson was accused of adopting a cavalier attitude. His lawyer said he was willing to apologise for being late, if that was what was required.

Gauteng on charges including attempted murder, fraud and the manufacture and possession of drugs.

Yesterday's proceedings, which were adjourned for the day just before the scheduled lunch-break, got off to a slow start when Basson arrived more than 15 minutes after the 9am starting-time. According to his lawyer for the day, John van Niekerk, Basson was working until after 6pm on Tuesday and took the 6:30am flight from Johannesburg to Cape Town yesterday in an effort to get to the commission's offices on time. After about an hour's argument on

the validity of his excuse for being late, Van Niekerk asked for a postponement, saying he was not adequately briefed to defend Basson's interests.

Van Niekerk said that if the commission did not grant the postponement, he would be forced to withdraw from the matter leaving his client with no legal representation.

Ntsebeza asked Basson to take the stand three times to hear his attitude — "from the horse's mouth, as it were" — but on each occasion Van Niekerk engaged Ntsebeza in technical argument instead.

Lawyer for the commission, Hanif Vally, accused Basson of trying to "frustrate" and "sabotage" the commission's investigation into the chemical and biological warfare programme.

Finally, Basson agreed to answer questions relating to his application for the postponement only.

He said he believed his right to legal representation was enshrined in the Constitution and the act governing the commission, and he would only be able to answer today whether he would answer any questions in the absence of adequate legal representation.

He also demanded "certain assurances" that his answers would not prejudice him in the pending criminal proceedings by being made public.

Basson said he was not attempting to frustrate the commission, but was "standing lengthy litigation in the face" of Commissioner Fazel Randera said it seemed to him "we are engaged in a very bad chess game".

Basson said he was merely trying to protect his rights, and was not convinced that he was in a position to contribute to any great extent to the commission's investigations.

# De Kock tells of explosions

PRETORIA The "cloak and dagger" operations in which police blew up Cosatu House and Khoiso House were described in detail by former Vlakplaas commander Eugene de Kock when he appeared before the Truth and Reconciliation Commission's amnesty committee here yesterday.

De Kock was testifying in support of his application for amnesty for the attacks on the Johannesburg offices of Cosatu in March 1987 and the headquarters of the SA Council of Churches in August 1988.

He described the missions to destroy Cosatu House and Khoiso House as being extremely hazardous, saying they required careful planning.

De Kock said carrying high-powered explosives in built-up areas put many innocent people's lives at risk. He also knew that if the missions failed and the bombers were apprehended, it would have caused great embarrassment to the government.

"It would then be revealed that the security forces had turned to state-sanctioned terrorism," he said.

He told how he prepared for the Cosatu House operation after being told to carry it out by Brigadier William Schoon, who told him the order had come from the highest authority in the government. He said he assumed this to be then president F W Botha.

De Kock said he arranged the buying of torches, short stabbing knives, a length of rope and bolt cutters for the mission. He also arranged firearms, including AK-47 rifles, which were tested and fitted with silencers.

Cosatu House was then observed from the rooftop of a nearby building and a video recording of the inside was made with a camera concealed in a briefcase.

He said the explosive charges were prepared with the SAP's explosives unit. Explosives of Russian origin were used to create the impression that they had been stored in the building and had been detonated. He estimated about 50kg were needed to wreck buildings.

On the day of the blast, the bars to the building's basement were cut and the explosives experts climbed down a rope to set the charges. De Kock said the operation took about four minutes and after leaving, the team watched the explosion from a highway east of Johannesburg.

Regarding the Khoiso House blast, he said he was asked to carry out the bombing by former police general Gert Erasmus, who he presumed had received the order from the top level of government. Again he assumed it came from Botha.

The planning for the attack took a similar form, but he said the operation was almost torpedoed when a uniformed policeman looked into the basement from the street above. De Kock said he believed the policeman might have seen something untoward so he decided to expedite the operation.

The explosives which had been carried in backpacks were quickly placed at the entrance to the lifts in the basement and the detonators set.

The team left the scene and waited near Hillbrow to watch the explosion.

The hearing continues today. — Sapa

# Basson forces yet another delay in giving testimony

Wyndham Hartley (252)

CAPE TOWN — Former head of apartheid SA's chemical weapons programme, Wouter Basson, faced down the truth commission for the second day running yesterday and forced a further delay in his giving evidence to a special hearing

Criminal charges for contempt of the commission and of a high court order hang over Basson's head as a result of his stonewalling and blatant refusal to answer any questions

The mastermind of the chemical and biological weapons programme, which designed toxins for the elimination of anti-apartheid activists, again arrived at the hearing without legal counsel and successfully used this as an excuse for not answering questions

He was ordered by the panel's chairman, Dumisa Ntsebeza, to appear at 8 30am today to give evidence, which would go late into the night if necessary. Basson told the commission that his counsel would be in a position to represent him today.

Ntsebeza said in granting the postponement that Basson was abusing his constitutional rights. The commission was reserving its right to bring criminal charges against Basson.

The hearing has to be concluded today as according to law the holding of hearings by the truth commission (with the exception of amnesty hearings) ends at midnight.

Ntsebeza and his panel explored the possibility of having Basson summarily jailed for failing to answer questions to the commission. Ntsebeza said that if it was up to him he would have acted in this way, but stressed that the commission had to ensure that it was absolutely fair in its actions.

Basson initially attempted to use the high court to avoid giving evidence to the commission, but he was ordered to present himself at the hearings and answer all lawful questions.

Reuter reports that in granting the delay Ntsebeza said: "We are running against time. We are also operating in a constitutional democracy that accords people rights and freedoms."

"In living memory, I have not encountered a process in which rights have been abused as they have been by the witness in this case.

"Your conduct, Dr Basson, has been very disrespectful of this process. Were I sitting (anywhere) other than in this tribunal, I would never have hesitated to deal summarily with conduct that is intended to be disrespectful."

BO 317 198

# Truth commission is told ANC offered De Kock job

Stephané Bothma

PRETORIA — The African National Congress's (ANC's) intelligence section offered former Vlakplaas commander Col Eugene de Kock a job before the 1994 elections but the policeman refused, claiming it would amount to treason, the truth commission's amnesty committee heard yesterday

De Kock, currently applying for amnesty for the 1987 bombing of Cosatu House and the destruction of the SA Council of Churches' headquarters, Khotso House, the following year, refused to reveal the identity of the people who offered him the job

"I told them that if after the elections positions were advertised, I might reconsider my position," De Kock testified

"I could not walk over (to the opposition), but I knew that SA would have a black government soon and, therefore, I joined the Inkatha Freedom Party (IFP)," he told the committee, chaired by Judge Andrew Wilson

ANC spokesman Ronne Mamoepa said the organisation would respond to De Kock's allegations once they had been verified

De Kock used his opportunity on the witness stand to plead for the askaris (former ANC and Pan Africanist Congress (PAC) members who worked with the SA Police) who were employed at Vlakplaas

After completing his detailed testimony on how the two blasts were planned and carried out, De Kock asked for permission to address the committee. In the short address, De Kock apologised to the SA Council of Churches and to Cosatu, not only for himself but also for those policemen who had served under him in the notorious C10 Vlakplaas unit. De Kock said he took full responsibility for the acts committed by those who served under him for

the anguish, paranoia, hurt and injury caused by their actions. "I would also like to apologise on behalf of those who were my superiors, but I cannot do that," he said

Throughout De Kock strongly maintained that the orders for both blasts came from former State President PW Botha. Asked if he was attempting to implicate Botha out of bitterness towards politicians, De Kock said his only motivation was loyalty towards his men to show they had acted on government orders

De Kock completed his testimony on the two bombings yesterday, but will still appear before the committee for about 100 other applications

Sapa reports that Justice Minister Dullah Omar said yesterday the commission had done well in channelling and dealing with the anger, frustrations and traumas of victims of human rights violations

In a statement issued to mark the end of the term of office of the commission's human rights violations committee, he said the commission had brought great credit to SA

"The way in which victims were provided for, comforted and dealt with will provide a permanent lesson, and will reshape the criminal justice system by making it more victim sensitive," Omar said

He said the commission had been internationally hailed as being unique and monumental, in that it contributed to world thinking on the question of how human rights violations could be dealt with

The work of the violations committee and that of the reparation and rehabilitation committee ends on Friday, while the amnesty committee will continue its work.

The commission has to submit its final report to President Nelson Mandela before October this year — Sapa

MD 31/7/98

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# AWB mainly to blame for killings <sup>(292)</sup> commission

BO 31/7/98

CAPE TOWN — The Afrikaner Weerstandsbeweging (AWB) had to bear the major responsibility for the deaths in the Mmabatho-Mafikeng area of then Bophuthatswana just prior to the 1994 general election, the Tebbutt commission of inquiry into the events said yesterday.

In a report tabled in Parliament, it apportioned blame or negligence in varying degrees to the former SA government, the Transitional Executive Council, former president Lucas Mangope and his government, Gen Constand Viljoen and Dr Ferdi Hartzenberg of the erstwhile Afrikaner Volksfront, and the then SA Defence Force and SA Police.

The report, signed by Judge John Tebbutt and commissioner T K Gura, followed hearings held last year into 49 of the 92 violent deaths which occurred in Bophuthatswana during March 1994.

It focused particularly on those that took place on March 10 and 11.

The major responsibility for the deaths in the Mmabatho-Mafikeng area should fall on the AWB as "the evidence was overwhelming" that they entered the area uninvited and that they were not welcome there.

AWB leader Eugene Terre-Blanche had told the commission he and his movement had come at Mangope's invitation. However, Mangope denied this.

The evidence was also overwhelming that AWB members had entered the area with the avowed intention of killing black people, and that they had carried this out.

"The chilling and horrendous prayer of the Afrikaner Weerstandsbeweging dominee that 'it will be expected of us today to shoot dead kaffirs', is testimony to this," the commission said.

Turning to Mangope, the commission found that although collective cabinet accountability existed in Bophuthatswana, it was clear from the evidence that the strong man in that body was Mangope.

It was also clear that during 1993 and 1994 he had lost touch with the realities of the political scene in SA and with the opinions of his people. Mangope's acceptance that the AWB would not join the Volksfront in coming to his territory revealed a "naive failure to recognise reality" — Sapa



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BRENTON GEACH

Till we meet again: Wouter Basson at the Truth and Reconciliation Commission hearing in Cape Town today. He was granted a postponement until tomorrow.

# Basson wins battle to stall TRC

**JOHN YELD**  
ON THE TRUTH COMMISSION

Legal wrangling has led to the "reluctant" postponement of the Truth Commission's hearing of Wouter Basson's evidence on the former government's chemical and biological warfare programme until tomorrow.

During an exchange with Truth Commission officials at the hearing today, Dr Basson was accused of being "disingenuous", of having "a cavalier and lackadaisical approach" to his dealings with the commission and of "plotting to sabotage" the hearing.

The main issue being argued about was that Dr Basson's Pretoria lawyers, who

represented him previously in his dealings with the TRC, were not available today

Cape Town lawyer John van Niekerk appeared for Dr Basson and told the panel his sole mandate was to apply for a postponement until tomorrow or some other date.

Shortly before 1pm, chairman Dumisa Ntsebeza "reluctantly" agreed to a postponement to 9am tomorrow

Dr Basson's appearance followed a ruling by Mr Justice John Hlophe in the Cape High Court on Monday that Dr Basson was to appear today and to answer any lawful questions put to him by the commission.

Judge Hlophe rejected an application by Dr Basson for an order that he should not be required to answer questions about the CBW programme which also have a bearing

on his criminal case, which is due to start next month

Instead, he granted a counter-application by the commission, and ordered Dr Basson to appear today. Soon after noon, Dr Basson took the witness stand to answer questions about the application for postponement on the understanding that he would not answer any questions relating to the programme

He denied attempting to delay the commission's investigation. In terms of its founding act, the commission must complete all such investigations by Friday

Dr Basson said "I have no problem at all with co-operating with the committee, and I have said this often before, on condition that certain of my constitutional rights are afforded"

ART 29/7/98

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# Justice raises outstrip rest of public sector

Jonny Steinberg

REAL remuneration increases for criminal justice personnel increased by 13% a year over the past three years, while remuneration in the public service as a whole increased by only 3% a year during the same period, a financial and fiscal commission discussion document has shown.

While the average salary package for a policeman was R82 000, the average package for a public servant was R70 600. Spending on the criminal justice system had grown more than twice as fast as public expenditure as a whole during the last 13 years. The share of the national budget allocated to safety and security, correctional services and justice rose from 4.4% in 1986/87 to 10% in 1998/99.

In real terms, spending on the criminal

justice system has doubled over the last 13 years," the report said. "Public spending on criminal justice has been at the expense of other forms of public spending."

The bulk of increased expenditure on criminal justice went towards salary increases and staff expansion. While total staff in the three criminal justice departments was 87 000 in 1986/87, by 1996/97 the criminal justice system employed 186 000 people.

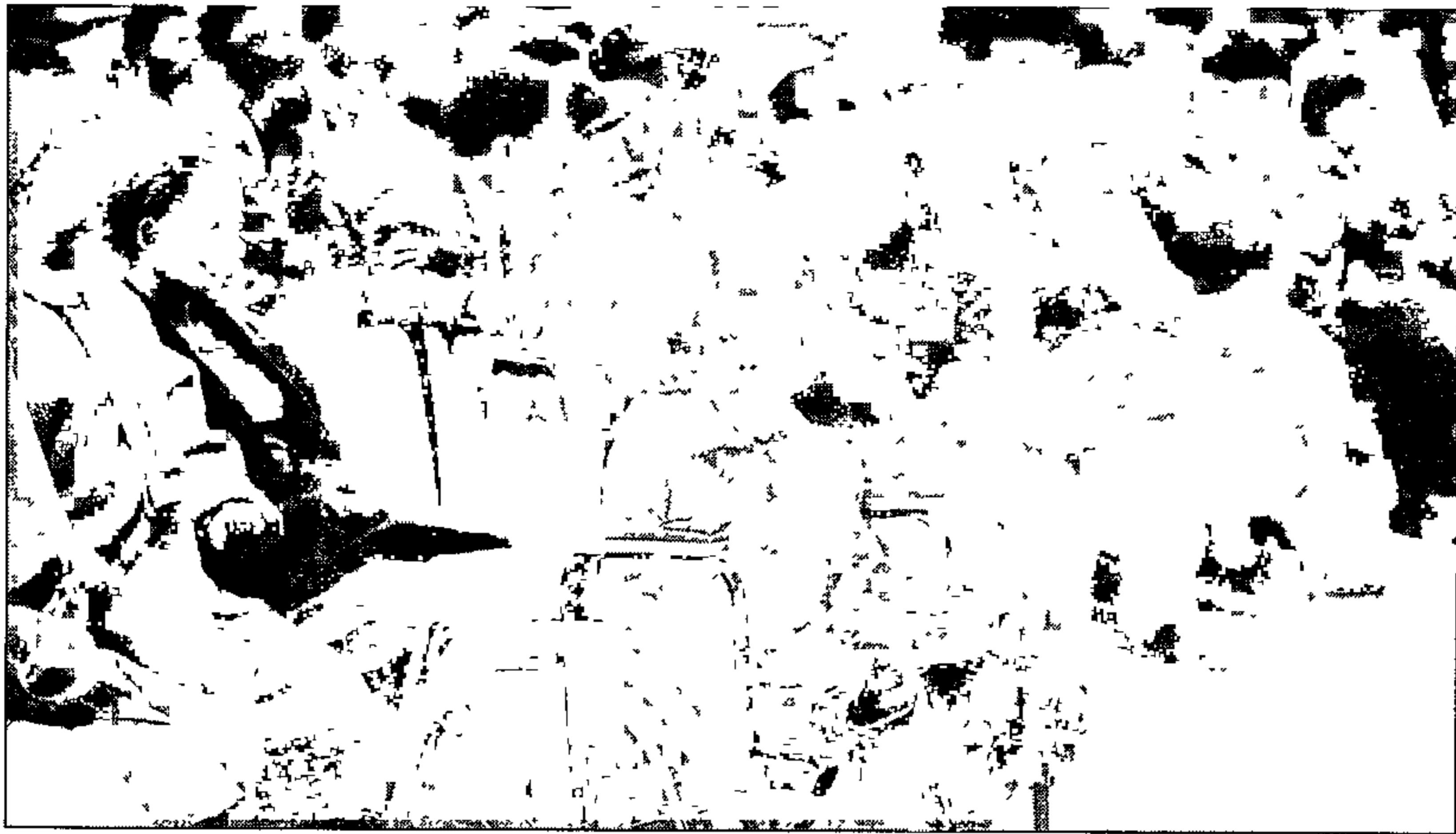
There is an apparent disjuncture between government's policy preference for social investment to prevent crime and its resorting of the criminal justice system at the expense of other government functions," the report said.

Numerous studies from other countries suggest that social investment — directed at groups of people at risk of being offenders

— is more cost-effective than spending on criminal justice." However, the report cautioned that there was as yet no evidence that the same was true of SA.

The report claimed that there was little evidence that government had a consistent medium-term strategy for growth in the criminal justice system. It said that much of the growth occurred in the early 1990s, suggesting "either a recognition by the then government of the potential for disorder during the course of the transition, or a pay-off to the police for its grudging acceptance of the negotiation process."

Despite increased staff numbers, the escalation of crime meant workloads in the criminal justice system were heavier now than they were 12 years ago. There was 10% fewer personnel to deal with each murder now than there was in 1986.



The TRC has granted amnesty to more than 70 perpetrators of human rights violations but no reparations have yet been made to victims such as Mita Molete (above), who was injured in the Boipatong massacre in 1992. PIC LEN KUMALO

# TRC not yet at end of the road

*Sowetan 31/7/98*  
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By Claire Keeton  
 Feature Writer

**T**HE contradictions that have marked the extraordinary process of the Truth and Reconciliation Commission are reflected in its final operations relating to victim findings, reparations and report-writing

The victim findings process, affecting more than 20 000 people, is almost complete but the commission has been forced to compromise on detailed investigations because of limited resources and time

Many victims qualifying for "urgent interim reparations" have completed the appropriate forms, yet not one victim has received payment

The TRC's five-volume report will be an invaluable record of South Africa's repressive past and the liberation struggle. At the same time it will inevitably be incomplete, with content and analysis restricted to a minimum

What is clear is that the commissioners have been working day and night to meet their deadlines before the Human Rights Violations (HRV) and Reparations and Rehabilitation (R and R) committees close down their operations today

The commissioners have made findings about whether a person is a victim of gross human rights violations or not for over 90 percent of the 20 000 plus submissions they received since they started work in April 1996

The outstanding victim findings are mostly from KwaZulu-Natal, which was overwhelmed by thousands of last-minute submissions. This region accounted for two-thirds of the statements on human rights violations

## Final national checks

"We are now doing final national checks to make sure we are applying the same criteria (to all applicants)," said commissioner Mary Burton

"We attempt to be as generous as we can while being loyal to the need to corroborate"

She said it was time-consuming and stressful "going over and over statements" But one of the TRC's worst tasks has been informing people that they do not qualify as victims

HRV committee deputy chairwoman, commissioner Yasmin Sooka, said "People are anxious to know and it is hard to tell them their case doesn't fit any category. How do you tell someone the violation against them isn't gross enough?"

The negative findings are based on four main areas - the violations were outside the specified time period, they

were not sufficiently "severe", the circumstances did not have a political motive or the person was an active combatant at the time

Insufficient information is another reason for negative findings

People who do not qualify as victims have the right to appeal within 21 days of being notified, if they can provide information to support a review of their case

Parties implicated in gross human rights violations are another category with the right to respond to the TRC "I'm involved in going through draft chapters (of the report), identifying people and organisations mentioned in a way that is detrimental to them," said commissioner Richard Lyster

"We are sending them Section 30 notices saying how they are implicated. They have three weeks to respond, failing which the information will go in unchallenged" Over 200 notices have already been sent out

The report-writing and checking is one of the TRC's main priorities before mid-August and the commissioners are working flat out on it. By next week they hope to have the draft that must be submitted to the President's office by October

"It is an enormous task which the research department has undertaken," said commissioner Fazel Randera "Commissioners spend all their time reading reports and making relevant comments from our own experience"

There will be chapters with regional profiles and separate chapters for topics - such as the role of the homeland governments as perpetrators of human rights violations

Lyster said "This is crunch time. There is a huge amount of material. It's staggering. Everything must be channelled into the report. It's like thousands of people coming out of a soccer stadium through a narrow exit"

"Volume Five" of the report is the key chapter for victims - it will list the name of all victims with a brief summary of the violation they suffered

The "findings report-writers" are responsible for this task which is checked by commissioners. Even chairman Archbishop Desmond Tutu and deputy chairman Dr Alex Boraine were given batches to read

"This is one of the hardest jobs. The writers have tight deadlines and have to write up dozens of cases a day that distil the stories into only two lines," Burton said. Complicating this, new victims are being named in the amnesty hearings every week and will continue to be named until they finish their work next June

R and R committee chairwoman,

Commissioner Hlengiwe Mkhize said "Almost every day new people are referred to us. The numbers have escalated"

Meanwhile, she is concentrating on reparations for victims. It is a slow, difficult process of accessing victims reparations

Mkhize said the TRC has employed people to facilitate this, sending them out to a "cluster" of victims in one geographical area to help them fill in the forms

"This has improved the return rate greatly. If they take a pack of 10 forms into an area, we have almost 100 percent success, compared to a return of around 30 percent through the mail"

The TRC has received around 2 000 completed forms, of which around 400 have been sent to the President's office to be awarded urgent interim reparations of at least R2 000 each

These limited reparations are only the beginning of rehabilitation for communities that need improved access to services

## Improve people's spirits

"We have to find ways of making material conditions better. It is hard to improve people's spirits when they are living in grinding poverty," said Burton

Mkhize said the TRC is in weekly negotiations with the Minister of Justice about creation of a desk in the ministry or the Deputy President's office to deal with outstanding functions

"This is one of our major tasks. Communities clearly do not want to be passive victims in receiving reparations," said Mkhize

The TRC process has been painful for many victims, who have seen over 70 perpetrators granted amnesty while reparations are not forthcoming

"Ours was the first region to hold the historic HRV hearings," said commissioner Bongani Finca from the Eastern Cape "Now our term is coming to an end without a single victim having any form of reparations, while the amnesty process has given immediate relief for those qualifying for amnesty"

"I have such mixed feelings about what we have been able to achieve concretely for victims"

Despite this real concern, the TRC has brought some relief to victims and communities. For all its compromises the commission has made an inestimable contribution to rewriting South Africa's history and has shown that truth is only one component of reconciliation

"Reconciliation does not come about by waving a wand. It is the responsibility of every person," said Randera

# Healing our wounds

**W**HEN speaking about reconciliation in South Africa, Truth and Reconciliation Commission (TRC) chairman Archbishop Desmond Tutu uses words that invoke feelings of closeness to God like "magnanimity" and "humility"

Speaking to *Sowetan* this week, he said it was due to the display of such "God-like" qualities by those who participated in the TRC hearings – either as victims, survivors or as relatives of survivors of human rights violations – that he believed reconciliation was possible in this country

It is also perhaps due to these qualities that he does not give much weight to surveys indicating that some South Africans believe the TRC has failed bring about reconciliation, but has instead soured race relations

To drive his point home, Tutu cited the case of the slain American exchange student Amy Biehl, who was killed by youths in Guguletu before the 1994 election

## Painful exercise

After Biehl's killers were granted amnesty last week, her parents said they hoped that the community would work towards ensuring that the youths led a good-quality life

"When you take account of surveys which say the commission has worsened race relations, you take statistics which are generalisations. But when you talk of a specific incident like the case of Amy Biehl, then you see such magnanimity"

Tutu also referred to the magnanimity of the relatives of those who died at the hands of apartheid government agents, like the mothers of Guguletu youths who were killed by the police

They told the TRC "they wanted nothing done to the policemen who killed them as long as they told the truth", he said

South Africans of all races, Tutu said, must understand that reconciliation was a painful exercise "Reconciliation is not about being lovey-dovey," he said

The TRC was formed in 1995 under the Promotion of National Unity and Reconciliation Act and has carried out various investigations into human rights violations

Cases ranged from examining the death of well-known anti-apartheid leaders like black consciousness leader Steve Bantu Biko at the hands of apartheid government agents to the death of activists like Stompie Seipei at the hands of members of the liberation movement

This led to prominent members of the liberation movement like Winnie Madikizela-Mandela and leaders of the previous order like former State President PW Botha being sum-

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As the TRC officially ends its investigations into human rights violations today, chairman Archbishop Desmond Tutu assesses its work with **Ido Lekota**.

*Sowetan 31/7/98*  
moned before the commission

As expected the commission drew flak, especially from opposition parties, with claimed that it was biased towards the African National Congress. The right wing accused the commission of trying to humiliate Afrikaners

Tutu dismissed such claims and cited the commission's grilling of Madikizela-Mandela over the death of Seipei. "We spent nine days with one person," he said. "Can you imagine what they would have said if it was not Winnie but one of them?"

"And take the case of PW Botha. We treated him with kid gloves. We said we were prepared to give him the questions beforehand because we did not want to trap him. But because of his arrogance, he refused"

Tutu believes the right wing's behaviour towards the TRC was to be expected

"They had hoped we would not bring to the open the evil deeds of the government they had supported," he said. "The reality is that because apartheid was an evil system, it had to use evil means against its opponents"

This can be seen in the way the previous government treated political opponents, according to Tutu

"In the case of the late Oscar Mpetsha (the veteran trade unionist), they took a sick, diabetic 80-year-old man and chained him to his hospital bed under police guard"

## Maintaining reconciliation

The TRC also dealt with amnesty applications by people who committed human rights violations. It still has to deal with at least 1 000 amnesty applications

Among these are the 37 applications of ANC leaders, including Deputy President Thabo Mbeki. From the previous government there are the applications from former law and order minister Adriaan Vlok and former police commissioner Johan van der Merwe

In terms of the amended TRC Act, the commission officially ceases its investigations into human rights violations today. Only the amnesty and reparation functions will continue

This closure is in preparation for the TRC report which must be handed to President Nelson Mandela by October. The amnesty committee will be given an opportunity to provide



TRC chairman Archbishop Desmond Tutu . . . "the baton of reconciliation must be taken over by all South Africans."

input before the final report is published next April

For Tutu, the reconciliation project will go on beyond these deadlines. He believes there is a role for structures like the Human Rights Commission and non-governmental organisations to continue building reconciliation

"The fact that we are a democracy today does not mean that it will always be like that," he warned. "Power corrupts and, once in power, it is easy to slip into totalitarianism – because totalitarianism, unlike democracy, gets things done quickly"

Tutu also believes that all South Africans must pick up the baton of reconciliation. "I hope South Africa will realise that what the commission did was to contribute to the process of reconciliation. As South Africans we must make it our business to take up what is a national project"

"It is all about a new patriotism which says I am South African first before I am Xhosa, Zulu, English or Afrikaans," he said. "It is about growing tall, not at the expense of others, but with them"

# De Kock tells how the ANC tried to woo him

*Sowetan 31/7/98*  
By Willie Bokala

THE intelligence unit of the African National Congress tried to recruit former Vlakplaas commander Eugene de Kock to join them after 1990 but he refused, and instead joined the Inkatha Freedom Party.

This startling evidence was heard yesterday during De Kock's testimony before the amnesty committee of the Truth and Reconciliation Commission in Pretoria.

De Kock also made a passionate plea yesterday for peace, forgiveness and reconciliation in the country.

De Kock said he wanted to apologise to all those he hurt, the families of those he killed and to the members of Vlakplaas whom he led into the fire.

"I apologise to the Congress of South African Trade Unions and the South African Council of Churches for what I caused them. I also apologise on behalf of my men. I take full responsibility for this and other things including the Motherwell bomb.

"I don't want to talk about black askaris and white askaris. I know people differ because some don't have the strength while others are strong. But these men were not different. Let there be no hate, no malice and no pointing of fingers," he said.

He said when his two sons discovered what he had been doing he told them that in life they either had to be eagles or chickens.

## Fight to the bitter end

"As an eagle you soar high and rise above these things and see them from above and deal with them appropriately. As a chicken you are on the ground and dwarfed by things and your perspective is never clear," De Kock said.

He revealed that when Vlakplaas operations were stopped in 1990 after the ANC and other organisations were unbanned, his unit was demoralised.

"People were confused. We had previously been told that the war would never end, that we should fight to the bitter end and that there would be no negotiations, no surrender. We were told we would fight the ANC for another hundred years.

"Members of the unit even thought we should fight on. When Operation Vula was revealed, we even thought we were going to be killed and that there would be no peace," he said.

De Kock said at the end of his career he was approached by the ANC intelligence unit to join them.

"But I could not because I thought it would be against my conviction. It would be a sellout. That is why I joined the Inkatha Freedom Party," he said.

He said Archbishop Desmond Tutu, who was head of the Anglican Church at the time, reacted emotionally and was in tears when a newly built community house in Cape Town was bombed by De Kock's men in 1998.

De Kock said security police intercepted a telephone call between Tutu and another man where the incident was being reported to the Archbishop.

PILOT ADMITS HE REMOVED VITAL TAPE

# Helderberg inquiry may be opened again

CF 314/98

**MINISTER** of Transport, Mac Maharaj, has promised to reopen the inquiry into the Helderberg crash if evidence at the TRC hearings justifies it. **TROYE LUND** reports.

**W**HILE a top forensic scientist digs up new evidence to strengthen theories that the 1987 Helderberg air disaster was caused by rocket fuel in the cargo hold, Transport Minister Mac Maharaj has promised to re-open the inquiry into the crash if the TRC probe warrants it.

"I will do so if the hearings produce sufficient evidence that a reopened inquiry would lead to a different conclusion from the one reached by Judge Cecil Margo," Maharaj said.

This follows evidence given by former SAA and Armscor employees during in-camera TRC hearings last month.

Yesterday, forensic scientist David Klatzow revealed a recording made of his recent conversation with an SAA reservations officer, who recalled what he overheard other top SAA officials saying the night that the plane plunged into the sea, killing all 159 people on board.

"It was those damn chemicals fire extinguishers on board that plane could never put out that kind of fire," he overheard them say.

This official does not want to be named, but is prepared to testify if

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a new inquiry is opened. In the meantime, relatives of those killed in the crash a decade ago have also decided to start new legal action against SAA. They believe there is new evidence proving the airline was involved in sanction-busting activities that caused the crash.

Jenny Smith, who is co-ordinating the lobby of relatives, said: "I just want someone to say sorry, we made a mistake. Now is the time to make it right. The former government knowingly killed people."

If the court rules in the lobby's favour, SAA may face a litany of charges, including action over the R3 billion that Lloyds of London paid out in insurance for the plane.

Klatzow emerged from the hearings saying that in his view there was sufficient evidence presented to the TRC to warrant a new investigation. The evidence, he says, shows Margo's report to be a cover-up.

"The inquiry has to be reopened. It would be a travesty not to," said Klatzow yesterday, after dismissing recent press reports that claim his theory is invalid. He believes the plane was carrying ammonia perchloride, a component used to make rocket fuel.

Klatzow, who has been investigating the crash ever since Boeing asked him to in 1987, believes that the two fires on board that night might have been a result of the highly flammable contraband substance. The first broke out an hour after take off from Taipei.

"Dinner is mentioned at the time that the cockpit voice recorder malfunctioned. This would be about an hour after take-off," said Klatzow.

The reconstructed cockpit voice recorder, which would have confirmed Klatzow's theory that the pilot was ordered to break flying rules and not land at the nearest airport, was not used as evidence in the Margo hearings.

"In fact Margo went out of his way to see that that particular conversation did not get played," said Klatzow.

A second fire started as the plane neared Mauritius and ended when it plummeted into the sea.

Although a recording of the entire flight was made by the ZUR radio base at Jan Smuts Airport, the tape disappeared directly after the crash.

SAA pilot Jimmy Deal is also on record as saying that he removed the vital ZUR tape that night and handed it to his superiors.

A separate investigation by the Flight Engineers' Association came to the same conclusions as Klatzow.



**NEW EVIDENCE:** Jenny Smith is co-ordinating legal action on behalf of families of those who died in the Helderberg crash

PICTURE KARIN RETJEF

ALONG AND WINDING ROAD

# From pilloried to post apartheid for the TRC

(962) CT 31/7/98

**THE LAST WITNESS** to appear before the Truth and Reconciliation Commission's human rights violations committee refused to answer any questions yesterday, even to give his age. He has another opportunity today. Special Assignments Team **ROGER FRIEDMAN** and **BENNY GOOL** report.

**W**HAT began in the East London City Hall more than two years ago with the dignified appearance of Noble Mohapi, widow of Mapetla Mohapi who died in police custody in 1976, and ends today with the re-scheduled cross-examination of the seemingly recalcitrant "Doctor Death", Wouter Basson.

Midnight tonight is the cut-off point for inquiries by the TRC's human rights violations committee, which, since East London in April 1996, has convened approximately 90 public hearings, 95 in-camera hearings, and 35 special hearings.

The amnesty committee will continue to hear applications until next March, at the earliest. Communications director John Allen said yesterday that there were more than 1 000 amnesty applications still to be heard publicly.

The amnesty committee had already processed 67% of the 7 060 applications received, but the overwhelming majority of these had been decided in chambers. Extra staff had been deployed to assist the amnesty committee to complete its work.

From tomorrow, the commission will busy itself completing the report which must be submitted to President Nelson Mandela in October. It will conclude the administrative processes involved in identifying and notifying victims (who qualify for reparations) and those people found to be perpetrators (who are to be given the right to respond before being named in the final report).

After the report has been submitted the commission will be suspended. It will be briefly reconstituted next year to finalise the amnesty committee's report and, if necessary, amend the commission's final report.

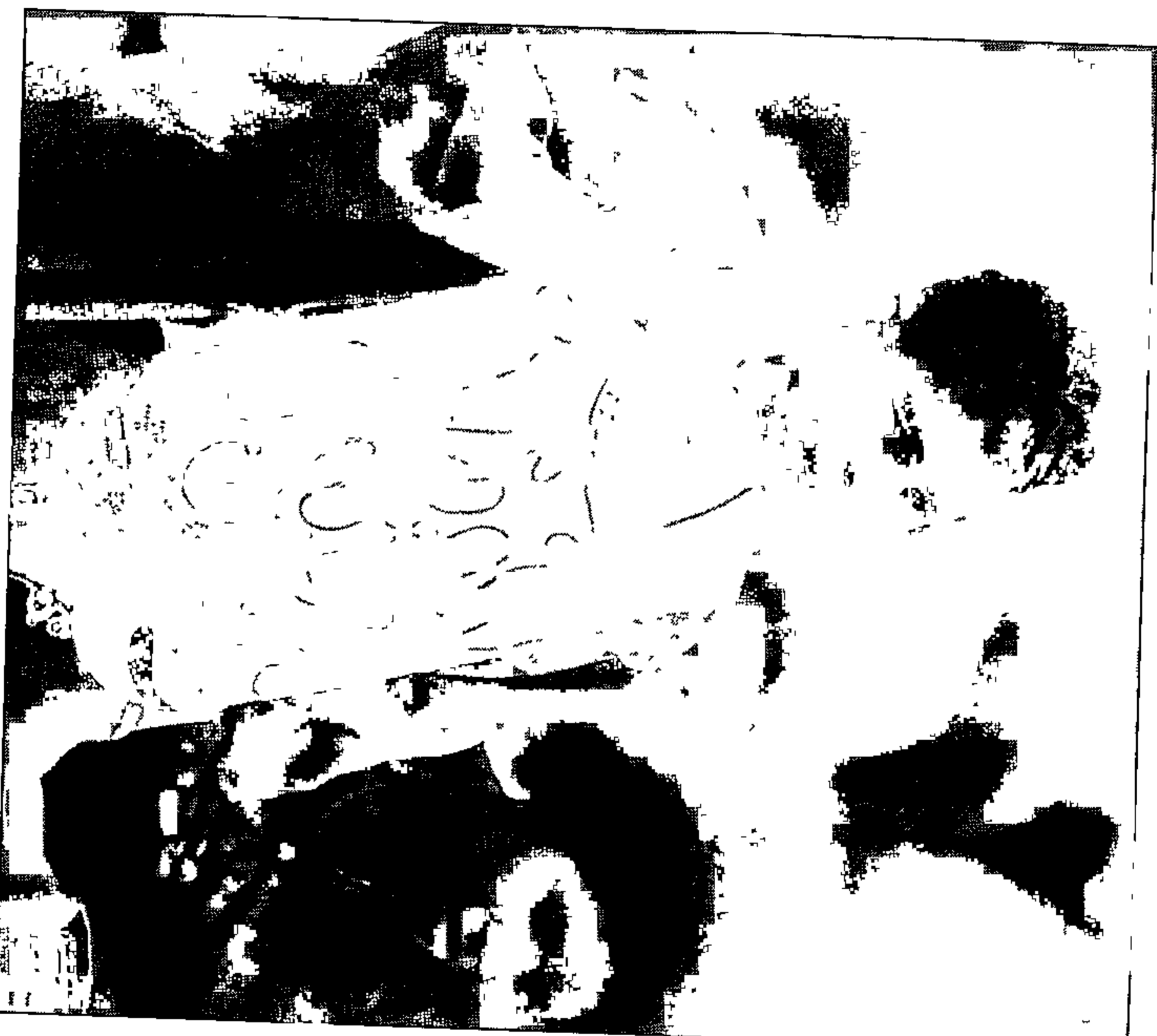
Minister of Justice Dullah Omar last night congratulated the commission for its "outstanding work".

Of the way the human rights violations committee conducted itself, he said "The way in which victims were provided for, comforted and dealt with will provide a permanent lesson and will reshape the criminal justice system by making it more victim sensitive."

Inside South Africa, the commission had excelled in "channeling and dealing with the anger, frustrations and traumas of the victims of human rights violations", internationally, the commission had been "hailed as unique and monumental in that it contributed to world thinking on the question of dealing with human rights violations of the past", said Omar.

"Insofar as the Department of Justice and the Office of the President are concerned, emphasis will shift to ensuring that those who qualify for reparations receive urgent relief, and ensuring that measures are taken to restore the dignity of the victims and provide final reparation," he said.

Which leaves today's matter the outstanding evidence of Wouter Basson, project leader of the apartheid government's evil chemical and biological warfare programme, the last witness to appear before the human rights violations committee.



**NOBLE MOHAPI:** "After Mapetla died I was full of hate. But I told myself even if I was full of hate life must continue. As a family we agreed we would go to the TRC and speak out about the hard times we went through."

On Monday, the Cape High Court ordered Basson to appear on Wednesday. Basson had not wanted to answer questions he feared could prejudice his upcoming trial on drug, attempted murder and multi-million rand fraud charges. However, in spite of the judgment, on Wednesday and again



**WOUTER BASSON:** "I repeat what I have said previously. In the light of legal advice put to me, I cannot comment on questions without competent legal representation. I have nothing further to say."

yesterday, Basson refused to submit to cross-examination in the absence of "adequate" but allegedly unobtainable legal representation.

Yesterday, he refused to answer simple questions such as how old he was, what his qualifications were, when he joined the South

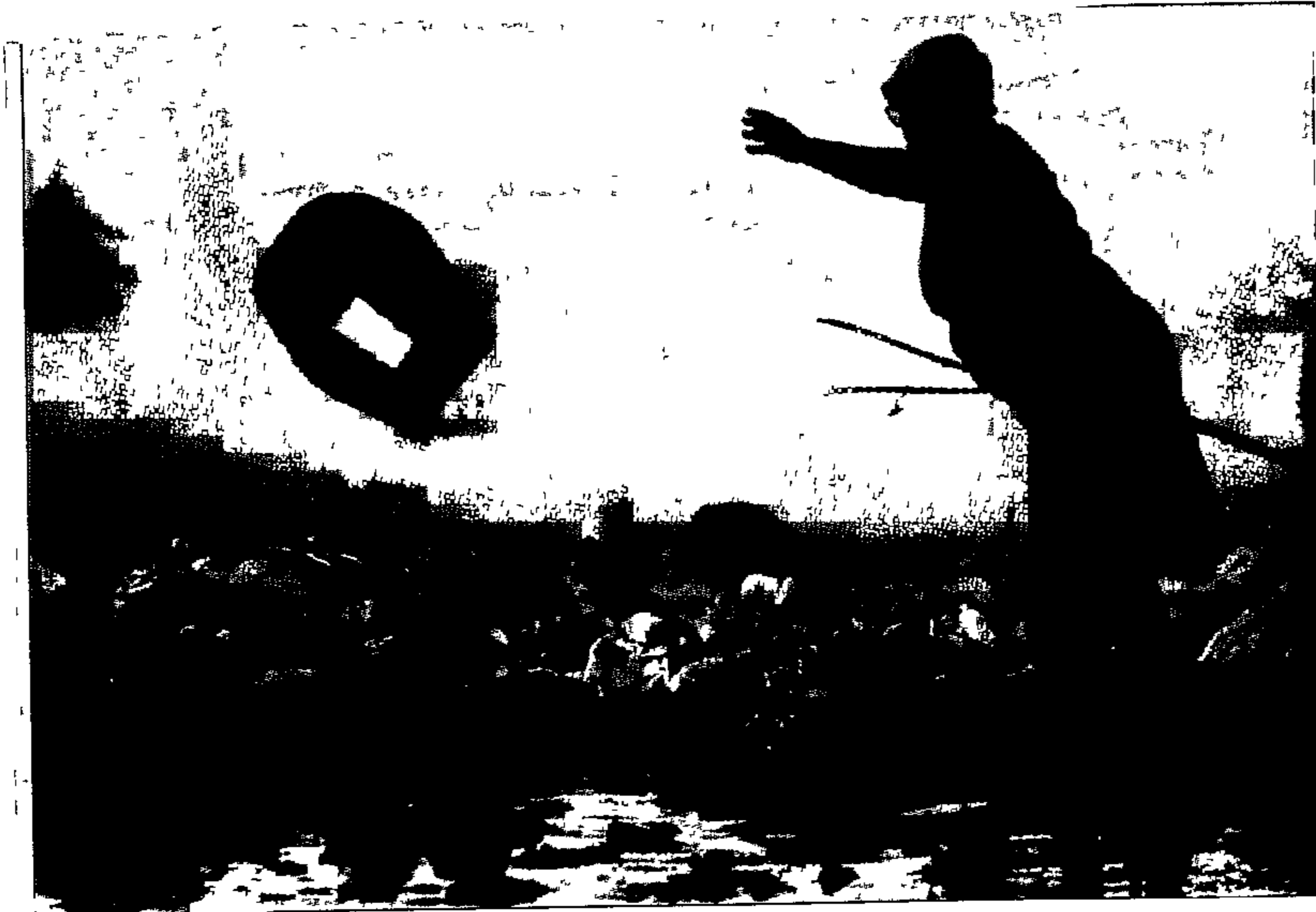
African Defence Force and his rank when he retired.

He was ordered to return this morning, after being warned that the commission was reserving its right to institute criminal charges against him and possible other charges relating to contempt of the High Court judgment.

He would be questioned until midnight if necessary, when the committee's processes reached their lawful conclusion.

Commissioner Dumisa Ntsebeza told Basson he was obstructive, disrespectful, and abusing his right to legal representation. Basson stated back at him.

It was a far cry from the spirit in the East London City Hall on April 15, 1996, when the untimely death in police detention of black consciousness leader Mapetla Mohapi was recalled by his proud widow. The Truth and Reconciliation Commission has travelled a long road



Where to now? A key challenge is for poor people to mobilise themselves and create a pressure group.  
PHOTOGRAPH: JOÃO SILVA

# Action plan for human rights

(252) M+G 31/7 - 6/8/98

## Ferial Haffajee

**T**he serene and quietly spoken Russell Ally is an unlikely thorn-in-the-side. But as the local emissary for Mary Robinson, the United Nations Commissioner for Human Rights, that's what his job description demands.

Ally will be the architect of a National Action Plan, a set of commitments the government will make in December to outline how it plans to breathe life into the Bill of Rights. Very little has been done in the past four years to monitor human rights, although the Constitution provides that government must report annually to the human rights commission on its progress. Such a report has not yet been done.

While most will agree that in the main, the country is doing all right as far as civil and political rights go, it falls way behind in guaranteeing

### socio-economic rights

This set of commitments provides rights to housing, healthcare, food, water, social security, education and a healthy environment. South Africa is one of a few countries which have made these rights justiciable

The government's only been taken to court once in the "kidney case" where dying patient Thagraj Soobromoney made a last-ditch attempt to get the state to fund his treatment. He subsequently died after losing his court battle.

Ally's plan may be a more effective way of ensuring the government begins to deliver on the Bill of Rights. "You've got to think of the National Action Plan as the Reconstruction and Development Programme of human rights," says Ally. "It's another area to start contesting government policy. And you're doing that in a way that is not party political."

Government departments will

have to report to Ally's project and set targets for achieving different rights by allocating sufficient resources.

"If, for example, you say that access to water is a right, we want to know what budget has been allocated to it?" In December, the action plan will be lodged with Robinson's office in Geneva. It's going to be hard work for Ally and his team to ensure it doesn't gather dust there.

Such national pledges can be the stuff of United Nations diplomacy — fluffy and feel good with little armoury to make states live up to their grand promises.

Kenneth Creamer of the Congress of South African Trade Unions says. "This mechanism must be contested to see to it that the information which is gathered is accurate and critically assessed. It must not simply become a regurgitation of data from government departments."



## AWB pair granted amnesty for killing on election day

(252) Star 31/8/98  
The Truth and Reconciliation Commission's amnesty committee has granted amnesty to two Afrikaner Weerstandsbeweging supporters who murdered a motorist and attempted to murder his brother on election day in 1994 with the aim of disrupting the election.

Viyana Kenneth Papiyana and Godfrey Madoda Papiyana were travelling between Westonaria and Randfontein on April 27 when James Wheeler and Cornelius Rudolph Pyper pulled alongside their vehicle.

Wheeler cocked a shotgun and passed it to Pyper, who fired a shot at Viyana Papiyana, killing him. His brother was injured in the attack. Wheeler and Pyper are serving 15-year jail sentences for the attack.

The amnesty committee said the applicants had testified that their actions were committed with the aim of furthering "a political objective associated with the conflicts of the past".

The applicants contended that statements made by the AWB leadership through the media, and group discussions in which they had participated at AWB meetings, had led them to believe they should prepare for war and should actively

resist the transition to democratic rule.

The applicants said that, at the time they committed the offence, they believed other members of the AWB would also commit acts of violence that day in order "to cause chaos and so disrupt the elections".

"They only learnt after the event that their actions, save for the bombings on the East Rand, turned out to be an isolated incident," the committee said. "They say they decided to shoot a black man as they were of the opinion that the vast majority of black people were supporters of the ANC."

The committee said it was of the view that the offences were associated with a political objective committed in the course of the conflicts of the past.

However, Wheeler was refused amnesty for the offence of unlawfully being in possession of a rifle and ammunition.

The committee declared that Godfrey Madoda Papiyana and the parents of the deceased, Nelson Zenam Papiyana and Glenrose Zoleka Papiyana, were victims as defined by law and referred them to the TRC's committee on reparation and rehabilitation - Sapa

# De Kock apologises for bomb blasts

Apartheid-era assassin says sorry, on behalf of himself and his men, for the pain and paranoia they caused

SAPA

*(2/7/98)* *Star 31/7/98*  
**F**ormer Vlakplaas commander Eugene de Kock yesterday completed his testimony to the Truth and Reconciliation Commission's amnesty committee with an apology to the organisations whose buildings he blew up in the 1980s.

De Kock, who has applied for amnesty for the blasts, apologised to the SA Council of Churches and the Congress of SA Trade Unions for wrecking their headquarters in Johannesburg in 1987 and 1988.

He told the committee hearing in Pretoria that he was sorry about the pain and suffering he had caused by arranging the bomb blasts that shattered the buildings.

At the end of his detailed testimony about how he planned and carried out the blasts, De Kock asked for time to address the committee.

"I wish to apologise to Cosatu and the SACC on behalf of myself and my men for the hurt, disruption, paranoia and other psychological effects of the blasts," he said.

He accepted full responsibility for "everyone at my level and downwards, but not upwards"

De Kock, who is serving lengthy prison sentences for murder and other offences, called on South Africans to turn away from hatred and revenge and to avoid "finger-pointing". He added that, "in time, things will sort themselves out".

De Kock also paid tribute to the men who had served under him and especially to the

## Will not take responsibility for those above him

askaris (turned ANC cadres) who he said should not be victimised for their part in the conflict.

"Like I told my sons when they just began to comprehend, you can choose to be an eagle or a chicken. Eagles can soar, but if you want to be a chicken you will look for the rest of your life on the ground and dig in the dirt," he said.

"I can't honour the Vlakplaas people and say they were eagles, but they are damn good men," De Kock said.

Earlier, De Kock insisted

that the orders to wreck Cosatu House and Khotso House had come from former state president P W Botha. He repeated his claims made on Wednesday that he had been assured by Brigadier Willem Schoon that the orders had come from the highest authority.

He said he trusted the word of Schoon more than that of a church minister and was left in no doubt that the order came from Botha himself.

When asked whether he was not trying to implicate Botha out of personal bitterness towards the former president, De Kock said his only motivation to testify against Botha was out of loyalty to his men and to show that they had carried out government orders.

"We were led to believe that we would fight to the bitter end and there would be only one winner. Even if there were to be negotiations, we were told that it would be on the basis where we talk but continue fighting. Like patting a dog on the head with one hand and throwing a stone at it with the other," De Kock said.

He is expected to appear at a further hearing early next year where he will apply for amnesty for more than 100 incidents.

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**TRUTH COMMISSION**

**A QUESTION OF PRESIDENTIAL RESPONSIBILITY**

mm 31/7/98

Vlok's testimony has caused more blurs than light

The applications for amnesty from former Law & Order Minister Adriaan Vlok and former Police Commissioner Johan van der Merwe have generated a swirling dust storm that threatens to obscure, rather than reveal, the "truth" about the past

Apart from the general tendency of those seeking amnesty to shift responsibility away from themselves, their testimony, and the reaction to it, has compounded the Truth and Reconciliation Commission (TRC)'s task of establishing ultimate political responsibility for the police bombings of Khotso House in 1988 and Cosatu House the year before

Thus Vlok, in admitting that he ordered the bombing of Khotso House — then headquarters of SA Council of Churches — avers that former President PW Botha took him aside after a meeting of the State Security Council and told him to make the building "unusable" Botha, however, denies in his written response to questions from the TRC — submitted before he was subpoenaed to testify — that he authorised Vlok to blow up the building

The truth about whether Botha sanctioned the attack may revolve around testimony that he congratulated Vlok and the police unit involved after the explosion But Botha's refusal to heed the TRC subpoena means that he cannot be questioned about that evidence

Former President FW de Klerk is a central figure in the quest to establish the truth about the Khotso House and Cosatu House bombings, even though the explosions occurred during Botha's presidency As a member of Botha's Cabinet and, more important, of the State Security Council — where counter insurgency measures against the ANC-led rebellion were discussed — De Klerk may have known of, and consented to the bombings, if only by not raising his voice in opposition

But a statement from De Klerk's office, released after Vlok and Van der Merwe

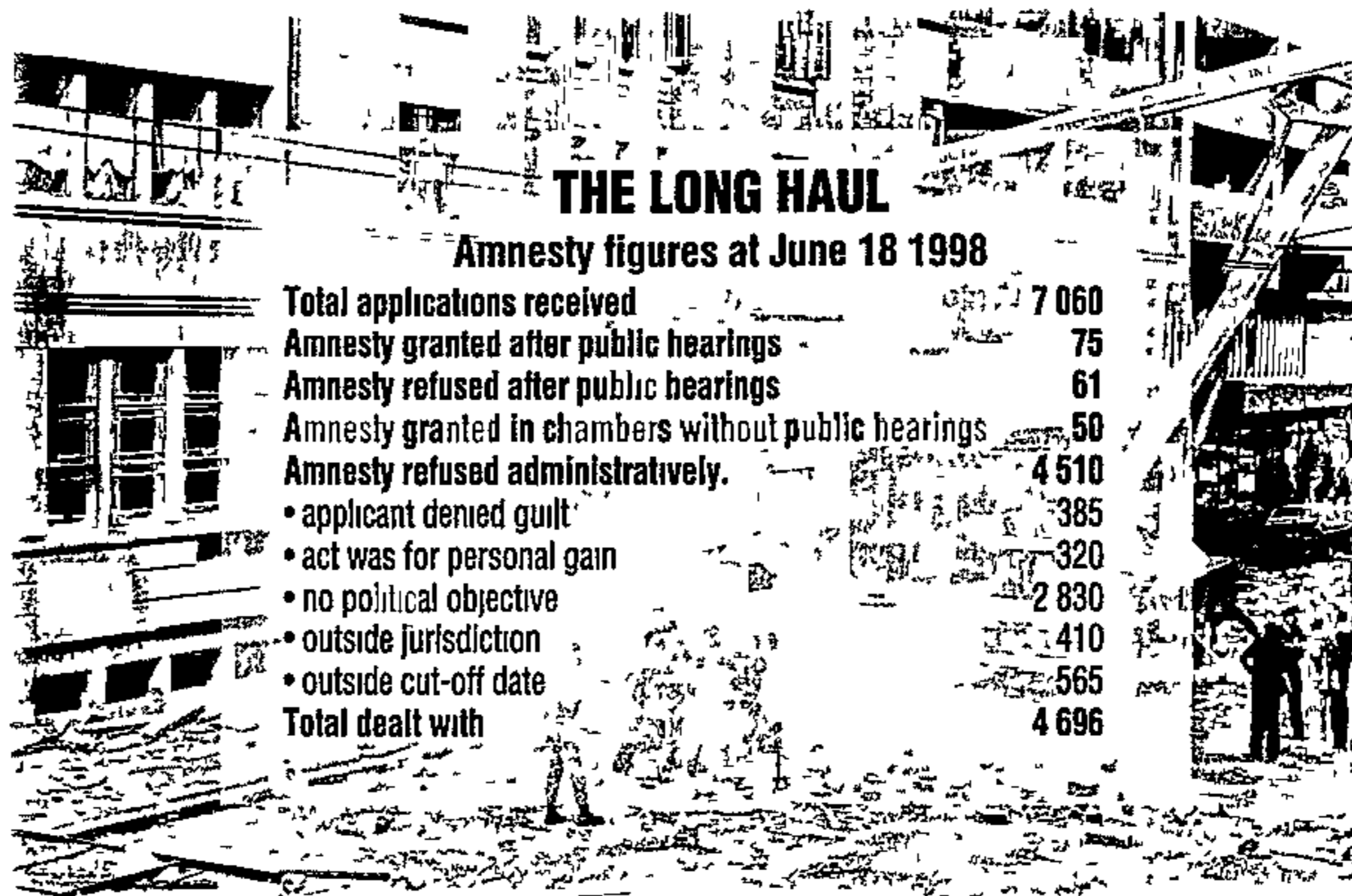
had appeared before the amnesty committee, emphasises that Vlok himself acknowledged that the discussion with Botha about making Khotso House unusable occurred after a State Security Council meeting, not during it

While De Klerk denies knowledge of security force involvement in murder, assassination and torture until it was disclosed by the Goldstone Commission and the TRC, he does not deny knowing of

He may have further harmed his credibility by revising a statement involving President Nelson Mandela Having first given the impression to journalists that Mandela intervened after representations from him to halt investigations by Goldstone into the bombings, Van der Merwe later denied that it had been his intention to do so

In an unusual political line-up, Mandela has, through his spokesman Parks Mankahlana, joined Botha and De Klerk in rectifying unjustified deductions from the evidence of Vlok and Van der Merwe Mankahlana even insists that Mandela has no recollection of a discussion with Van der Merwe involving investigations into the bombings

A tough task awaits the TRC when it endeavours to establish whether culpability for the bombings should extend be-



police involvement in bombings of Khotso House and Cosatu House

As De Klerk's office puts it "It is therefore untrue and grossly unfair to allege that Mr De Klerk lied to the TRC about (them) "

Van der Merwe's testimony has, on the face of it, damaged his credibility by thrice revising the date at which he reportedly told De Klerk that the police were involved in the bombings the date oscillates between 1990 and 1994, depending on the state of Van der Merwe's memory and the day of his testimony

yond Vlok

The amnesty applications of Vlok and Van der Merwe have attracted publicity because of their high status in the former regime and because they implicate De Klerk and Botha But they constitute a minute fraction of the more than 7 000 applications, of which well over 2 000 still have to be decided on (see graph) before the TRC can complete its work of sifting reality from the voluminous and, in many respects, self-serving testimony before it

Patrick Laurence

**"FW de Klerk is central in the quest to establish the truth about the Khotso House and Cosatu House bombings"**

# Meet Bulelani Ngcuka, a man of many talents

**B**ULELANI THANDABANTU NGCUKA has had a varied career as activist, lawyer, constitutional negotiator and as one of the presiding officers of Parliament

He was born on May 2, 1954 in Middledrift and schooled in the Transkei

Ngcuka completed a B Proc degree at the University of Fort Hare in 1977 and started work as a complaints officer in the Mdantsane Magistrate's court outside East London, working his way up the ranks to prosecutor. He did his articles with Durban-based Griffiths Mkenge — later assassinated by the apartheid state — and admitted as an attorney in 1980. Mkenge recruited him to work for the ANC. Ngcuka started his own legal practice in Cape Town and practised criminal law extensively.

Ngcuka was jailed for three years in 1982, for refusing to give evidence against his comrades in the trial of Patrick Magubele and others. He says he thought he was politically astute, but received his political education in prison from comrades who had Stud 8 certificates.

While in prison, he obtained his Lib through Unisa, and was released in August 1985. He went to Switzerland to join his wife Phumzile Mlambo-Ngcuka, who is now Deputy Minister of Trade and Industry. Ngcuka worked in the International Labour Organisation and was awarded an MA in International Relations in Geneva.

In 1987 Ngcuka settled in Cape Town and was active in the United Democratic Front, later becoming its chairperson. He was arrested and detained several times.

He was a member of the ANC delegation to the CODESA negotiations, and was also a member of the organisation's delegation at the Multi Party negotiations at Kempton Park.

Ngcuka was a key player in drafting new rules for the National Assembly, the Senate and the Constitutional Assembly. Later he became chief whip of the ANC in the Senate and participated in the formulation of the provisions in the Constitution relating to the National Council of Provinces (NCOP) which replaced the Senate.

In February 1997 he was elected permanent deputy chairperson of the NCOP, and was largely responsible for implementing the provisions of the Constitution relating to the NCOP and — together with chairperson Patrick Lekota — vigorously asserted its independence.

He has a son, Luyolo, 11, but says there's never been an occasion where he had only one child in his home. "I've always had a few kids staying with me — nieces, nephews and extended family".

(252)

*BULELANI NGCUKA, the man nominated to be the new National Director of Public Prosecutions, is charmingly modest and laughs long and loud. ANDRÉ KOOPMAN of the Parliamentary Bureau spoke to him about his new position.*

The  
Wednesday  
Interview



**RENAISSANCE MAN:** Activist, lawyer, negotiator, husband and father, National Director of Public Prosecutions Bulelani Ngcuka is excited about the future

# Super AG promises fairness and unity

**INTERVIEWED** in his wood-panelled office at the National Council of Provinces (NCOP) where he has had a stellar term as deputy speaker, Ngcuka says he hates injustice.

"Brother, I detest it. Even as a young boy herding cattle and goats, I prized fairness."

People who know him well often remark on this, saying he is sure to bring this quality to his new position.

But getting him to further describe his good qualities is like pulling teeth.

Those who have worked closely with him comment on his amazing energy.

Asked about this, he lets out a gruff "Some people accuse me of working very hard. I will probably plead guilty to that."

When asked how a peasant boy got to become a lawyer, deputy chairperson of the NCOP and National Director of Public Prosecutions, Ngcuka denied his keen intelligence.

"As a kid, I was not bright at all. I was an ordinary student, but a worker. I wouldn't say I was a bright spark. Of all those who started in Sub A, only two of us made it to university, with a bit of hard work. My parents, who believed strongly in the value of education,

motivated me."

Ngcuka says his desire to be a lawyer came early and was sparked by attorney Louis Mtshize, a famous name in the Eastern Cape.

"I was very impressed with this man who defended people, and always wanted to be Mtshize. I wanted to represent people and be a lawyer to fight battles in court. I hate injustice and hate people who treat other people badly. I just can't stand it," he says with fervour.

Asked about his new job as "Super Attorney General", Ngcuka said "I want to move away from that terminology. I will be the National Director of Public Prosecutions. I am quite excited about this job and by the confidence that the President has placed in me. But I am concerned by the heavy responsibility bestowed on me."

Commenting on this responsibility, he said "Firstly, to be in this position is to be in charge of the entire prosecution service in the country. One will have responsibility for setting prosecution policy. At the present moment, there are 11 AGs, all completely independent. There is no co-ordination and no central co-ordinating office."

"Whilst we are a unitary country, we have a federal prosecu-

tion structure. With the new structure, there will be one prosecuting authority. There will be provincial AGs, but we will all work as one team instead.

"My main objective is to improve the effectiveness and efficiency of the prosecution service. I would like to play a role in legitimising prosecutors. Prosecutors are lawyers for the people. They represent the victims of crime but they are seen, particularly in the community that I come from, as representing the past oppressive system. My role will be to legitimise the system."

"Prosecutors play a key role in the criminal justice system. My immediate task will be to promote relations between the community and prosecutors. By and large, someone knows who is engaged in criminal activities, but unless we get co-operation from people, we won't resolve our crime problem."

On possible differences with present AGs, many of whom are political appointees of the former apartheid government, he said "I am coming into this position with an open mind and I would like to work with all the AGs. There is just no way this office can be successful unless we all work together. If there have been problems in

past, I hope to resolve them through my office. I have worked well with people who have detained me and jailed me."

Ngcuka said he will primarily be involved in setting policy, but would not be drawn on the matter.

"It will not be my policy but our policy. It is a matter we want to develop in consultation with all the stakeholders, and we will be making announcements in due course. I want to create an effective criminal justice system within a human rights culture — that is the broad objective."

"I will not be initiating prosecutions as such. At this national office, we will only act when policy directives are not followed. We won't be interfering with the daily functioning of the AGs."

Opposition parties have denounced Ngcuka's appointment, saying as a committed ANC politician he was essentially a political appointee. He candidly admits it.

"Of course I am a political appointee. In a number of countries, AGs sit on the Cabinet because they need to have the confidence of the government to effectively carry out their work."

"It is the government of the day that has the responsibility for

combating and preventing crime. The position is between the executive and the judiciary. Whilst you are expected to carry out your legal functions, you also have a political role to play."

"It would have been understandable if the objections say that I will only prosecute people who do not belong to my party. My office will not initiate prosecutions — we will only intervene as a last resort. There must be objective reasons to interfere in a prosecution."

"Today, you must provide reasons for actions. We are living with a Constitution where we know every decision will be reviewed. One would be a fool to pursue a political agenda in that fashion."

The most difficult part about his new job would be leaving Cape Town.

"I am in love with Cape Town, and don't look forward to leaving this city."

For the moment, he will live in Cape Town and work in Pretoria.

How does he intend making a success of being responsible for the entire prosecution system in the country?

"I will work hard at it", Ngcuka says.

"But I must add that I will always strive to be fair."

# Praised for role in NCOP

**FOR** his key role in creating the National Council of Provinces Bulelam Ngcuka has earned multi-party support. For the part he played, with NCOP chairperson Patrick Lekota, in asserting the council's independence he has received accolades even from his adversaries.

Former NP justice minister Kobie Coetsee said he had worked closely with Ngcuka when he was ANC chief whip in the Senate and was not surprised by his appointment. "If there is a man capable of the objectivity and dedication this office requires, then those qualities are to be found in Bulelam."

Questioned about his praise for Ngcuka and about the consistent good opinion he draws, Coetsee chuckled and said "This is not by arrangement. I haven't spoken to him for two years. But you have made my day with this news. His capacity for team work and inspiring people is a strong feature of this man's make-up," Coetsee said.

"We worked very well as a team." James Selfe, DP representative on the NCOP's safety and security committee, said "There are three dimensions to his ability."

"First is his ability as a lawyer. Most people who know him in that capacity will know his incisive and clear legal mind. Second is his



**'MADE MY DAY':** Kobie Coetsee



**'INCISIVE':** James Selfe

skill as a politician which has been demonstrated by his meteoric rise in the ANC. Third is his skill both as a presiding officer and behind the scenes facilitator. This was particularly noticeable during the constitutional negotiations where he played a significant role."

Christna Murray, professor of constitutional and human rights law at UCT, who worked closely with Ngcuka during the Constitution-making process and also at the NCOP described Ngcuka's work as "extraordinary". There had been a sketchy idea in the Constitution of what the NCOP would entail, she said, "but he fleshed it out."

"The most complicated task was to change people's political behaviour — away from narrow party political interests to broader provincial interests. He worked with incredible energy to do that."

"I would be unreservedly enthusiastic about his appointment as national director of prosecutions if it did not leave such a gap behind when he leaves the NCOP," Murray said.

Nico Steytler, director of the community law centre at UWC, also commented on Ngcuka's tireless energy.

"He was the key person in making the NCOP come to life."

## SA to submit human rights action plan for UN perusal

(252)  
Dustin Chick

90/11/7/98  
SA WOULD mark the 50th anniversary of the adoption of the International Declaration on Human Rights in December by formally submitting a national action plan on human rights to the United Nations (UN) in Geneva, the SA Human Rights Commission announced yesterday.

The submission would be made on the same day as the celebration of International Human Rights Day.

The action plan would involve an audit of human rights in SA as well as the identification of areas that needed protection, improvement and advancement, project manager Russel Ally said.

He said the plan would be used as a tool with which to gauge government's commitment to promoting and protecting human rights.

The final copy of the plan would be deposited at the office of the UN Commission on Human Rights in Geneva after its approval by the cabinet.

Ally said SA needed the plan to "address and overcome the legacy of the past".

Other aspects of the plan would include a constitutional framework for the sustained protection of these rights, and nationally set goals, standards and achievable time frames.

Meanwhile, the commission said it would go ahead with a high court action to challenge a tribal chief in the North West province who forced a widow to stay indoors because she refused to observe a traditional custom. She was a Christian and the custom clashed with her religious beliefs.

The commission said it would challenge the constitutionality of such an order, which amounted to forcing the woman into "house arrest".

# Truth body criticised for sloppy accounts

(252)  
STAFF REPORTER

ARG 2/7/98

The Truth and Reconciliation Commission has been severely criticised by the Western Cape auditor-general for giving staff unauthorised pay rises and allowing some to use official credit cards for private purchases.

A statement giving details of the year-end audit was issued by provincial auditor Willie Brits after the release of the 1996/97 audit report. It showed there were still inadequate checking and control measures in the TRC accounting system - inadequacies pointed out in the 1995/96 audit report which had not been properly addressed, he said.

Some of his concerns were:

- Inadequate control over assets as the registers did not contain enough information to verify the existence of items

- Private purchases were made by commissioners and committee members on the TRC's Diners Club cards

- Problems in the administration and control of the payroll and other staff activities

- No proper documentation to keep track of accounts

- Inadequate records were being kept of how much income the commission received

In a statement, TRC chief executive and chief accounting officer Biki Minyuku said the commission was committed to improving its accounting efficiency.

"We have been particularly concerned at the use, by some commissioners and committee members, of credit cards for private expenditure.

"However, all those involved have now relinquished their cards and the money has been repaid in all but one case, where we still have to recover a little over R2 000," said Dr Minyuku.

In terms of the 1996 salary increases, the TRC had been told that the Department of Justice was to table the correct salary structures, he said.

"The auditor-general has reported no misappropriation of funds and no actual unauthorised expenditure."

# Truth audit given bill of health

BD 2/7/98 (252)

**Stephen Laufer**

THE auditor-general has given the truth commission's accounting for the 1996/1997 financial year a qualified bill of health, criticising a number of formal failings.

However, Western Cape provincial auditor Wilhe Brits, who examined the commission's books on behalf of the national auditor-general, said that there was no indication of criminal or misappropriation activities.

The truth commission's need to get on with the job in early 1996 led it to make purchases and pay salaries in a manner which did not always conform to the letter of state expenditure regulations, Brits said.

The commission had, however,

subsequently asked the department of state expenditure to accept that its practice of obtaining quotes before buying cars, furniture, computers and other equipment was acceptable. Brits said he supported the department's approval of the expenditure.

Following major problems at the Independent Broadcasting Authority which ultimately led to the resignation of most commissioners, the truth commission appears to have taken the audit report's criticism of the private use of credit cards particularly seriously. Although Brits said that the amounts involved were "not material", CE Biki Minyuku said that all cards issued to commissioners and committee members had been withdrawn.

Minyuku said card holders were told the cards were to be used only for bona fide commission matters and for urgent spending relating to the commission's work.

A procedure had been established for the finance director to draw the attention of the deputy chairman towards any apparent private spending.

Two commissioners had used their cards for private expenses on five occasions in the 1996/1997 fiscal year. The amounts involved had ranged from R95 to R5 386 and had been refunded.

Among other formal irregularities criticised in the audit report was the failure of the commission to report timeously to donors on the use of their funds. This could result in the loss of donations.



# TRC staff's credit cards withdrawn

Ston 2/7/98  
(2/7/98)

Auditor-general's report reveals poor  
financial control and other discrepancies

By ROBERT BRAND

**T**he Truth and Reconciliation Commission has withdrawn credit cards issued to some of its members because they had used them for private purchases.

This emerged after the auditor-general released a report yesterday in which he criticised the TRC for slack financial controls and possible unauthorised expenditure during the 1997/98 financial year.

The report, issued by Western Cape provincial auditor Willie Brits, said salary increases granted to staff members with effect from July 1 1996 had not been properly approved by Parliament. It also criticised the TRC for bypassing the State Tender Board.

Responding to the report, TRC chief executive officer Dr Biki Minyuku said the commission had already taken steps to satisfy the auditor-general's queries.

"The auditor-general has reported no misappropriation of funds and no actual unauthorised expenditure. However, he has expressed concern at what he finds are inadequate internal checking and control measures," Minyuku said.

"We have been particularly concerned at the use by some commissioners and committee members of commission credit cards for private expenditure. However, all those involved have now relinquished their cards and the money has been repaid in all but one case."

The auditor-general reported that private purchases

were made on Diners Club cards issued to three members of the 17-member commission and three members of the TRC's three subcommittees.

Although the amounts involved were "not material", the auditor-general recommended that a policy be put in place to regulate the use of official credit cards and to reclaim the money spent on private purchases.

Minyuku said credit cards were issued to commissioners and committee members for use in "bona fide commission matters and for urgent spending relating to the commission's work".

Minyuku said that in the year covered by the report, two commissioners had used their cards for private expenses on five occasions. The amounts involved ranged from R95 to R5 386, and these have been refunded, he said.

Since the start of the current financial year, one commissioner and two committee members had used their cards for private spending ranging from R42,99c to R5 767. One committee member had also used his card for emergency medical expenses.

All these amounts had been repaid, except in the case of one committee member who still owed "a little over R2 000".

Minyuku did not identify the commissioners involved but said they had all relinquished their cards.

Responding to the criticism of salary increases, Minyuku said incorrect salary structures had been tabled and the mistake would be rectified.

# TRC's sloppy financial controls slammed

LYNDA LOXTON

PARLIAMENTARY CORRESPONDENT

Cape Town — The office of the auditor-general criticised the Truth and Reconciliation Commission (TRC) yesterday for sloppy financial management and allowing staff to use official credit cards for personal purchases

In a qualified report tabled in parliament, the office said "internal checking and control

measures of the commission still did not function satisfactorily in some respects" in 1996-97

The TRC accounting officer had delivered the annual financial statements two months late and unsigned. When a signed set of accounts was eventually received, they could not be reconciled with the first batch, further delaying the audit.

Biki Minyuku, the TRC chief accounting officer and chief

executive, said the report contained no accusations of misappropriation of funds or unauthorised expenditure.

He said the qualifications related to possible unauthorised expenditure as a result of incorrect salary structures tabled in parliament, among other reasons.

Those who used commission credit cards for personal use had returned the cards and "almost all the money had been repaid".

CT (DR) 2/7/98 (252)

# Credit cards 'used for private buys'

CT 2/7/98  
2/6 (252)

**ROBERT BRAND**

**JOHANNESBURG:** The TRC has withdrawn credit cards issued to some of its members because they used them for private purchases and payments.

This emerged after the auditor-general released a report yesterday in which he criticised the TRC for slack financial controls and possible unauthorised expenditure during the financial year 1997/98.

The report, issued by Western Cape provincial auditor Willie Brits, said salary increases granted to staff members with effect from July 1, 1996 had not been properly approved by Parliament. It also criticised the commission for bypassing the State Tender Board.

Responding to the report, TRC chief executive officer Biki Minyuku said the commission had already taken steps to satisfy the auditor-general's queries.

"The auditor-general has reported no misappropriation of funds and no actual unauthorised expenditure. However, he has expressed concern at what he finds are inadequate internal checking and control measures," he said.

"We have been particularly concerned at the use by some commissioners and committee members of commis-

sion credit cards for private expenditure. However, all those involved have now relinquished their cards and the money has been repaid in all but one case in which "a little over R2 000" is owed, he said.

Although the amounts involved were "not material", the auditor-general recommended that the TRC should implement a policy to regulate the use of official credit cards and to reclaim the money spent on private purchases.

Minyuku said in the year covered by the report, two commissioners had used their cards for private expenses on five occasions. The amounts involved ranged from R95 to R5 386, and these had been

refunded, he said.

Since the start of the current financial year, another commissioner and two committee members had used their credit cards for private spending ranging from R42,99c to R5 767. In addition, one committee member had used his card for emergency medical expenses, Minyuku said.

Responding to the criticism of salary increases, Minyuku said the Department of Justice had tabled incorrect salary structures in Parliament and the mistake would be rectified.



# Machel slams Mozambique's 'estrangement' from plane

FOREIGN SERVICE

(252)

Maputo - Graca Machel has criticised the Mozambican government for its passive attitude to investigations into the 1986 air crash which killed her husband, Samora, and 34 others.

In her first lengthy interview with Mozambican reporters after her appearance before the Truth and Reconciliation Commission last month

Mrs Machel said she felt "deeply hurt" at the Mozambican government's "apparent estrangement" from the investigations into the death of her husband, Mozambique's first president. She said it was not enough for the Maputo authorities simply to "collaborate" with the TRC.

In her view, it was the Mozambican government that should take the initiative and invite others, such as the South African and Malawian

authorities, to collaborate, rather than the other way round.

Her husband and most of the other crash victims were Mozambican citizens who had been on a mission for their country when the plane crashed in South Africa, she said.

Mrs Machel said she had no doubt at all her husband had been murdered, and confirmed that the TRC investigations centred on the planting of a pirate radio beacon that had

lured the presidential aircraft away from its correct flight path.

She said the inquiry so far showed that a technologically advanced VOR, modelled on similar navigational aids in use in other countries, "was manufactured in South Africa, and was used to divert the plane away from its route."

But she also thought it likely that there had been Malawian and Mozambican collaboration in the

apartheid conspiracy against her husband. She recalled that the late Malawian dictator, Kamuzu Banda, "nursed a fury against Mr Machel, because the Mozambican president had denounced the use of Malawian soil by Renamo for attacks against Mozambique."

She recalled that in 1986, after major Renamo incursions from Malawi, Mr Machel had threatened to place missiles along the Mozambican

border with Malawi. "This led Banda virtually to sign my husband's death warrant", she said.

As for Mozambican conspirators, two generals were possibly implicated, she said.

However she did not name the two generals.

Mrs Machel quoted a Mozambican saying "If the sorcerer comes into the house, it's because somebody opened the door."

ARL 3/16/98

Crash probe

# TRC to probe San war atrocities

Cheryl Uys

(257) M+G 3-9/7/98

The man who commanded 31 Battalion in the late 1970s, Colonel Piet Hall, has been invited to appear before the Truth and Reconciliation Commission to answer questions about alleged atrocities perpetrated against Khoisan soldiers who served in the battalion in southern Angola.

The !Xun community, now living in a tent camp constructed by the military at Schmidtsdrif, in the Northern Cape, has laid a claim with the commission against former South African Defence Force (SADF) soldiers who were allegedly acting under Hall's orders.

A dossier in the possession of the commission includes a claim that several San soldiers were killed and left in shallow graves in Angola, and documents the uprooting of the community from Angola to Namibia and, finally, South Africa.

"This week Colonel Hall was issued with an invitation to appear at the truth commission offices on July 15. We are preparing a detailed set of questions which the South

African National Defence Force has to answer," says truth commission investigator Zenille Khoisan.

"Among these [questions] are why the wives have not been officially notified of the deaths and reasons for the killings of their loved ones. We would like to know from Colonel Hall if he gave orders for these killings and if not, who did. We would also like to know what reports, if any, he sent through to his superiors in respect of these deaths.

We have recently interviewed a witness who has provided us with further insight into the policies of the SADF... and information regarding the destruction of key documentation which is critical to the history of the San.

"The fact is that these alleged atrocities were committed in the late Seventies, and the graves referred to by the complainants are said to be located in southern Angola. Unfortunately, the truth commission is nearing the end of its mandate and may not be able to conduct the examinations requested by

**Late leader:  
Agostinho Victorino**

the families.

"This issue is, however, an important window matter which will be dealt with in the context of the final investigative report and recommendations will be made in respect of the San."

Caught up in a war that wasn't their own, the !Xun were recruited by the SADF in the Angolan war as trackers and settled at Omega base in the Caprivi Strip. They were accommodated as refugees and used as prime instruments to wage war against liberation movements in Angola and later Namibia. After Namibian independence, they were left on the wrong side of history.

The community's late leader, Agostinho Victorino (39), demanded to know the reasons behind the killing of certain San soldiers which had not been explained to the community and their families. Before his death a month ago in a car accident in Namibia, Victorino presented a lucid account to the commission's Khoisan, documenting missions which the San soldiers were forced to undertake in Angola, Zambia and the Caprivi strip. Victorino's unexpected death perpetuates the symbolic metaphor of a community in transition: transported from Namibia to South Africa, his body now lies in a temporary grave at Schmidtsdrif in a 1m-deep earth pit with a corrugated roof covered lightly with sand and colourful plastic wreathes. The next time his body is moved will hopefully be the last journey he has to make, as the !Xun continue their quest for a permanent and dignified settlement

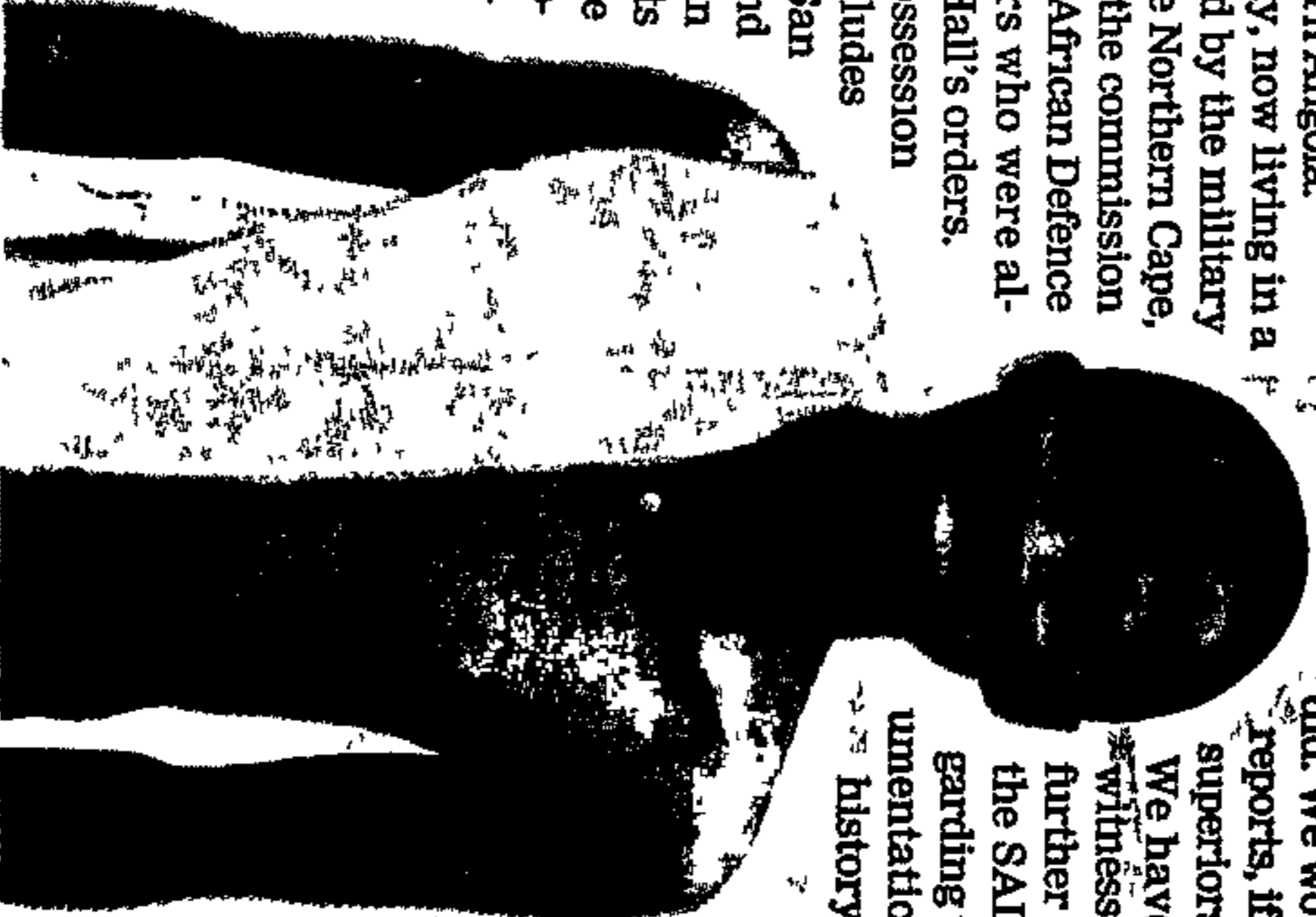
which they can call home.

In the wake of his death the San community is demanding to know what the truth commission is doing about their claims. Khoisan confirmed this week that "the San issue has not been swept under the carpet by the investigation unit. I refuse to accept that the abuses visited against the San are any less horrendous and devastating than any of the other cases investigated by our unit."

Khoisan said when he visited the Schmidtsdrif base recently, "We paid a courtesy call on Staff Sergeant Mario Mahongo, minister and representative of the community, when the officer commanding stormed in and abruptly ordered us off the base. We refused to leave. The stand-off was averted only after negotiation with his superiors at Northern Cape Command.

"It was quite surprising — in fact, distressing — to see how the military had taken to unilaterally deciding to remove from civilians their constitutionally guaranteed right to speak freely and in confidence to the truth commission."

Khoisan believes that the uprooting of the San and the way they were used by the military in a war that was not their own will affect them for the rest of their lives, and therefore must be fully accounted for. "Thus must go beyond the TRC and the South African government," he says. "All governments in the region must account for abuses visited upon this ancient people who have been caught up in a virtual vice-grip of history."



D

# Killing of suspects: HRC seeks probe

CT 3/7/98

JOHANNESBURG: The Human Rights Commission (HRC) has called on the police to open murder charges against farmers in the North West who allegedly killed three robbery suspects this week.

The call was made after police said they had opened an inquest docket into the deaths of the three men, but were not investigating murder, as it was not certain who fired the shots that killed them.

The bodies of the suspects were found in a veld after an attempted robbery of a couple on Boskuil farm in the Makwassies district on Wednesday.

The commission said the police were creating "a dangerous precedent that

in some cases you can use maximum force and get away with it"

The three were allegedly part of a gang of eight that attempted to rob farmer Willem Kuhn, 69, and his wife Elizabeth, 65

They were allegedly trying to lock Kuhn in a toilet when his wife activated an alarm that alerted 100 farmers and commando members to the attempted robbery

Farmers immediately launched a hunt and caught five suspects

Meanwhile, a family member said yesterday the men who attacked Kuhn and his wife were on a "murder mission"

"There is no doubt that they came to kill," the woman said "We believe they were hired by a farmworker who sought revenge after a disagreement with his employer"

Kuhn was discharged from hospital on Wednesday after being treated for a head wound His wife was not hurt.

The Kuhns were allegedly grabbed by the men when they left their home at about 6.30am

Before the attackers forced the couple into the house, they hit Mr Kuhn over the head with a flower pot, said the family member

"Inside they put a gun to his

head, saying: "Today, you are going to die" The gang, most of them youths, tried to lock Mr Kuhn in the bathroom, but he resisted."

After allegedly assaulting him and firing several shots, of which one

micked Mr Kuhn's forehead, the attackers demanded money and ordered them to open their safe

"While they were busy with the safe, Mrs Kuhn pressed an alarm button hidden in a cupboard," the family member said

North-West police spokeswoman Linda Grimbeek could not confirm the attackers had been hired by a dissatisfied worker

"All we know is that seven of the men are from Johannesburg. We have not determined where the eighth man came from"

She said senior police officers were on the farm yesterday morning to investigate the deaths.

The five suspects will appear in the Wolmaranstad Magistrate's Court today on charges of attempted murder and armed robbery

*Once inside the house, they put a gun to his head, and said: 'Today you are going to die.'*

'IT'S ALL ABOUT EMPOWERMENT'

# R400m grant 'likely'

CT 3/7/98

**ALTHOUGH** surprised at the slow rate of change, Swiss politicians are enthusiastic about renewing a R400 million grant to South Africa. **CHRIS BATEMAN** reports.

**SURPRISE** first, then sympathy with the slow pace of change in South Africa were the overwhelming responses of a group of Swiss politicians and development workers, who wound up a week long tour of the country with a visit to Khayelitsha yesterday

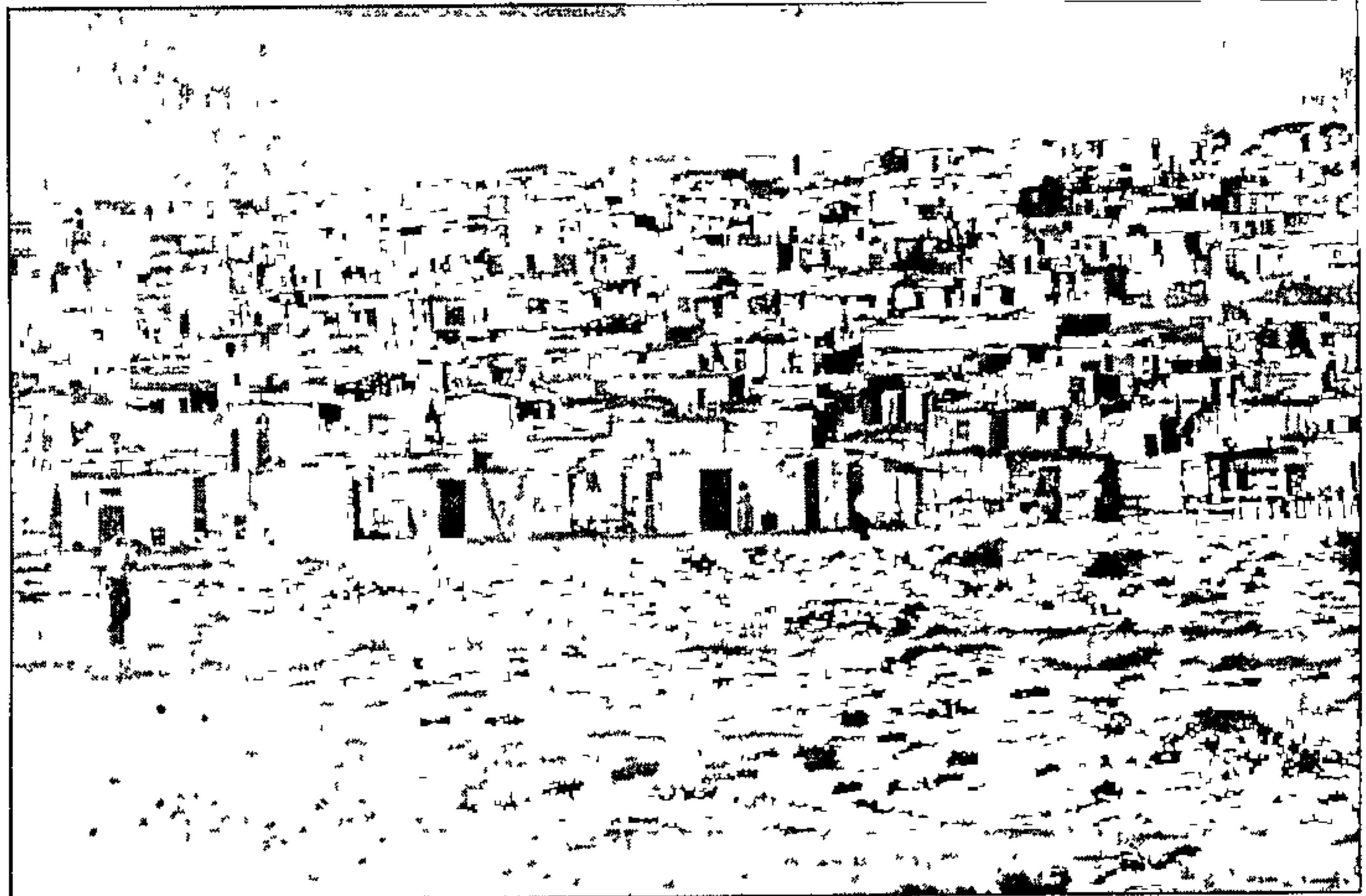
"The transition process didn't go as fast as I had hoped, but then I look at your country's formal debts and realise that this new nation is paying over twice the price that the old government was paying," Remo Gysin, of the Swiss Social Democrats said

He and two colleagues from the Green Party and the Liberal Christian Democrats are convinced that South Africa deserves a repeat of the R400 million granted to the fledgling democracy in 1994

Their task will be complicated by unemployment at home — an issue taken very seriously by Swiss voters, politicians and the media

At five percent, it seems tame compared to our 40% estimate — yet that is the reality they'll need to overcome in voting anything approaching another R400m for a country at the other end of the globe

"When I see South Africa writing off Namibia's debt, I reckon that's something worthy of recognition by the European Community," Gysin adds



**CASE FOR EMPOWERMENT:** The sprawling township of Khayelitsha, where Swiss politicians and development workers toured this week.

FILE PICTURE

The Swiss largesse — finely monitored after major controversies involving squandering by local NGOs in the years leading up to democracy — has been carefully targeted into pivotal empowerment projects across the country, and will reach the end of its five-year span in 1999

This includes up to 80% of the funds being ploughed into water and sanitation projects in Eastern Cape shanty towns and the rest going to human rights work (the salaries of two FRC lawyers and farmworkers' education projects)

and Aids education projects

Locally, the funds have worked best in raising the level of awareness of their rights among farm workers, while in KwaZulu-Natal and Gauteng, Aids and drama workshops on major social issues and agricultural assistance have paid handsome dividends

"It's all about empowerment," said Jeanine Kosch-Vernier of the Swiss Catholic Lenten Fund, one of three Swiss church NGOs operating in South Africa

Kosch-Vernier said Swiss investors were wary of the new

South African labour legislation, "yet they have to be convinced that working conditions are crucial to success"

Gysin said he believed that with two of their group being on the Swiss foreign affairs committee, voting a large proportion of what was funded in 1994 was a distinct possibility

If the vote is carried, the funds should be available by 1999. One thing seems certain: The exchange rate will ensure that even if a lesser amount is voted, it will equal the R400m voted in 1994.

# TRC to investigate Basson's radio chat

ARG 4/5/98 (252)

PIETER MALAN

Chemical warfare boss Wouter Basson's off-the-cuff interview with an Afrikaans talk radio station has thrown doubts over the reasons for his refusal to testify before the Truth and Reconciliation Commission, commission sources said this week.

Truth commission investigators have asked for a recording of the interview. Saturday Argus reported last week that Dr Basson, dubbed Dr Death for his role in the chemical and biological weapons programme, telephoned Punt Geselsradio during a discussion about disclosures before the commission.

He said, among other things, that "several countries" had asked South Africa for help during the Gulf War to protect their troops from chemical substances.

Truth commission investigators said Dr Basson's involvement in the talk show cast doubt on his reasons for his refusal to testify. Dr Basson's lawyers had argued that their client could not answer questions as they would prejudice his upcoming trial on charges related to the chemical and biological programme.

"It does seem strange that the same man who wanted to remain silent, phoned a radio station to tell his story to the whole country," a commission source said.

Although Dr Basson is expected to launch an application to have his subpoena to appear before the commission set aside, sources said they had not received notice that such an application had been filed.

Commission sources said that, apart from the Gulf War claims, there was nothing new in Dr Basson's interview. Its significance lay in the fact that he had spoken out in public, they said.

Dr Basson's lawyer, Adolf Malan, was not available for comment.

■ Police say they are investigating a break-in at Punt radio offices.

Staffers punt for Punt, page 7



# Court officials are robbing the state blind, says report

**JACKIE CAMERON**

Documents in the Saturday Argus's possession reveal shocking details of how court officials - entrusted with meeting out justice to criminals - have plundered the coffers of the Justice Department for their own gain.

According to the papers, department chequebooks were left lying

around - and used by court clerks to write cheques for amounts of up to R4.3-million, allegedly to buy flats, or as "little" as R2 000 so that their private cars could be repaired.

Only two weeks ago an unauthorised cheque for R800 000 was stopped - an indication that even though warning bells were sounded earlier this year, nothing has

been done about the plundering. A confidential report speculates that the department's head office in Pretoria may even be held accountable.

But the department's director-general, Jasper Noeth, allegedly put a stop to an internal investigation at head office "until further notice" last month. Almost every court in the coun-

try has been identified as having serious financial leaks.

Random examples give an idea of the problem: more than R1.6-million was allegedly gambled away by a Randburg court clerk who deposited Government cheques into her own account, at least R340 000 was stolen by a senior court official in Simon's Town, and more than R200 000 in maintenance

money was stolen from the Kempton Park magistrate's offices.

The documents say that Government chequebooks were left lying around on desks, and the theft of cheques was often reported too late. Almost 8 000 Government cheques have been stolen from the Justice Department in two years.

**See in Sunday Argus tomorrow**

(2172) ARG 4/17/98

# Thieves busy in halls of justice

Star 4/7/98

## Court staff use official chequebooks to help themselves to millions

(252)

Documents in the possession of the *Saturday Star* reveal shocking details of how our court officials - entrusted with meting out justice - have plundered the coffers of the Justice Department for their own gain.

The details of how departmental chequebooks were allegedly left lying around - and used by clerks to write for themselves cheques for amounts of up to R4,3-million to buy flats, or as "little" as R2 000 so that their private cars could be repaired

Two weeks ago an unauthorised Justice Department cheque for R800 000 was stopped - an indication that even though warning bells were sounded earlier this year about the plundering, little has been done

And, to indicate just how deep corruption has gone within the citadels of justice, a confidential report speculates that even the head office in Pretoria may be held accountable for misappropriations

But the department's director-general, Jasper Noeth, last month allegedly put a stop to an internal investigation at head office "until further notice"

Almost every court in the country has been identified as having serious financial leaks. maintenance money, forfeited bail money and other money dispensed on behalf of

state departments from Justice department coffers is being siphoned off by unsupervised staff

Random examples give an idea of the problem more than R1,6-million was allegedly gambled away by a Randburg court clerk who deposited government cheques into her own account, more than R200 000 in maintenance money was stolen from the Kempton Park magistrate's offices and at least R340 000 was stolen by a senior court official in Simon's Town

The documents leaked to the *Saturday Star* say that government chequebooks were left lying around on desks, and the theft of cheques is often reported too late for anyone to put a stop to the flow of taxpayers' money to thieves' bank accounts

Almost 8 000 government cheques have been stolen from the Justice Department in two years

"Investigators have urged the immediate institution of misconduct proceedings against negligent officials, but disciplinary steps are not being taken against the culprits," one well-placed source said

This is happening despite instructions from both President Mandela and Justice Minister Dullah Omar to tighten controls and to curb widespread government spending and corruption, theft and fraud within the civil service.



jackie

Thieves in halls of justice (252)  
Star 4/7/98

From page 1

Noeth and his deputies called an urgent meeting with the *Saturday Star* late yesterday at which he denied that his department had serious problems. He spent the best part of the day discussing answers, with his deputies and Omar, to the questions put to his department.

"I think we're doing an excellent job, with the money and people we've got. We're not entirely satisfied - we could do better but we have had to rationalise the department from 11 departments," Noeth said, placing the blame for the problems within the department largely at the doors of other government departments

He urged the *Saturday Star* not

to divulge problems within his department "because the country's going through a difficult stage and Minister Omar has done a lot"

Noeth denied that steps were not being taken to clamp down on errant employees, and said four court officials at Ekangala, where government cheques totalling millions of rands have allegedly disappeared, would face a disciplinary hearing

He had put a stop on the pension of the magistrate assigned responsibility for that office, he said

Apart from stolen cheques and cash, cars, cellphones, televisions and court-recording equipment have been stolen from justice department offices - including the head office in Pretoria.

To Page 2

# Accused wait months or even years to get their day in court

Star 4/7/98

(252)

Backlogs, corruption and inefficiency in the legal system serve to make a mockery of justice in crime-ridden Soweto, writes **NIC TURNER**

Wednesday July 1, 11 30am, Court Five, Protea, Soweto. The magistrate is reviewing the case history of a 35-year-old alleged rapist who shakes uncontrollably in the dock Unable to pay bail of R3 000, he faces another delay in proceedings which will keep him in jail for more than a year before he is tried

Down the hall, Doctor Mashwasa and Simon Ntso are conducting their own defence against allegations of rape made by Gertrude Keshapala (26), who sits alone on a bench near the back of the court.

The magistrate is dozing, the interpreter is hung-over, and although the case is about to be concluded, the prosecutor manages to confuse the two defendants

The rape is alleged to have taken place at a busy train station, but the police have not produced any witnesses, and the most vital piece of evidence in a rape case - the J88 form filled in by the district surgeon after the alleged rape - shows no indication of assault.

The two accused are acquitted on technicalities and their accuser sobs as she recalls her harrowing experience Although the court officials were helpful and polite, the entire experience was bewildering and

traumatic, she said

Ntshang Magole, director of People Opposing Woman Abuse (Powa), said that taking a rape case to court is always traumatic for women, but even more so when delays, corruption and ignorance play a part.

Adrian Lamprecht, control prosecutor at the Protea courts, said most cases heard within their jurisdiction involve rape "At present we have over 400 rape cases involving children between the ages of 2 and 16," he said

Despite South Africa having one of the world's highest levels of reported rape (with a 22% increase in reported cases since 1994), convictions do not follow the same trend

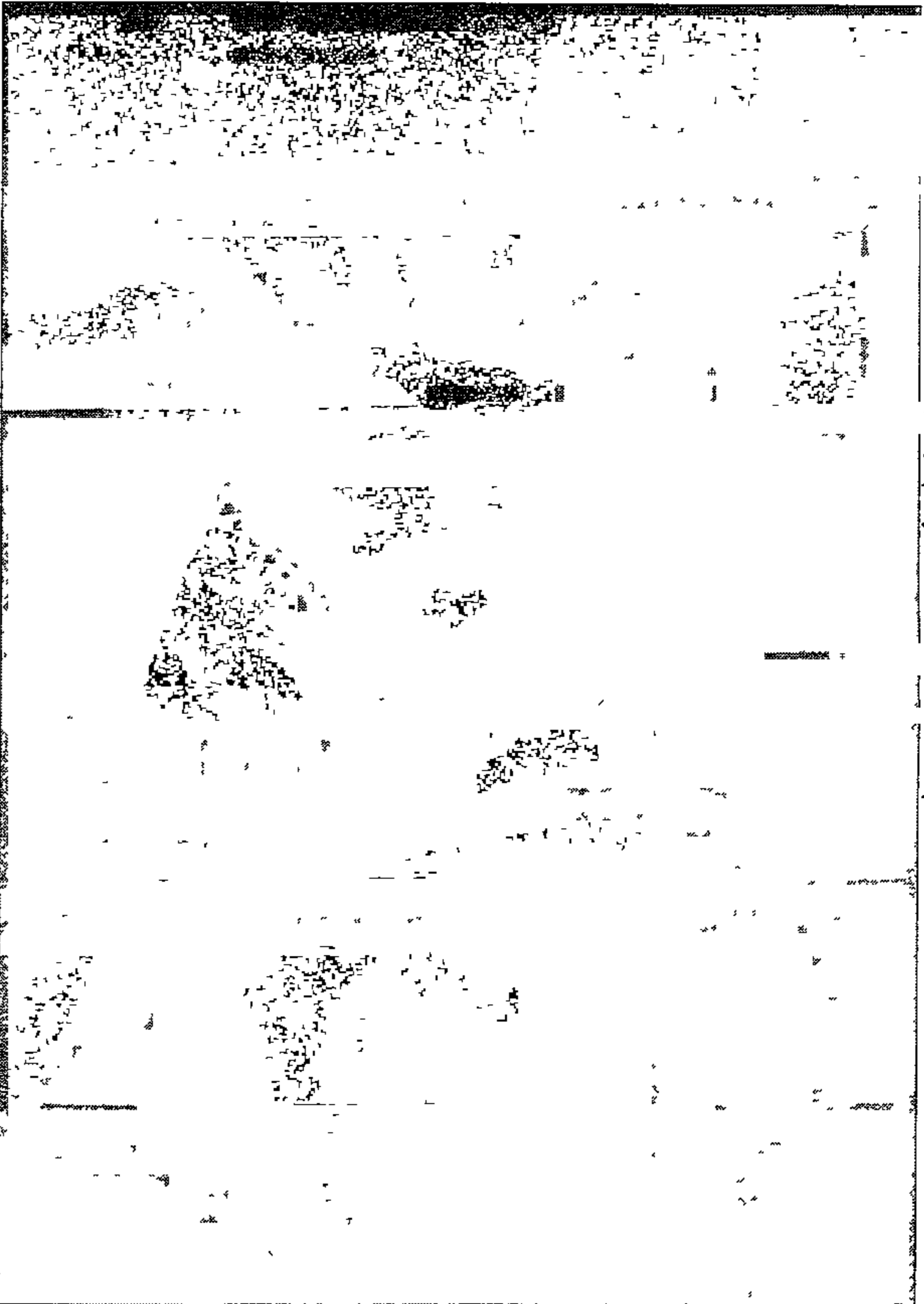
## Break down

"In any given year, on average, there will be 50 000 rape cases brought before the courts, but of these only 4 000 will result in conviction," Magole said

In some cases, women shy away from the trauma of the court proceedings, in others, the alleged rapists are acquitted

"Many survivors break down during proceedings and are regarded as unreliable witnesses, or their credibility is damaged Often there is an acquittal on technical grounds," Magole explained

Then there is corruption "It's so easy to buy a docket and have the case thrown out, then the victim must start all over again," she said



**DOWN IN THE DUMPS.** These men, behind bars in Soweto, have no idea how long they will have to wait for their cases to be heard - and as they wait, they slowly lose faith in the justice system  
Photograph NIC TURNER

In a recent case, where Powa counselled the rape survivor through her ordeal, the docket was "lost" three

times The victim persisted and the rapist was sentenced to 10 years

The long delays and backlogs in the system make the process more difficult for women who have been raped "A rape survivor usually goes

through a lot of soul-searching before she goes to court The longer it takes, the more traumatic it is With each delay, her case is weaker, evidence gets lost, and people are able to organise a lot in terms of corruption," said Magole

Despite moves by the Justice Department to raise awareness of sex crimes, and the landmark decision made in March this year that women are no longer to be regarded as potential liars in rape cases, attitudes in many courts remain stacked against women

"There are individual court personnel who try to be considerate, but the system is as unfriendly to victims as before The courts are full of men who just do not understand what it takes for a woman to break the silence," said Magole.

But the wheels of justice turn just as slowly for the alleged perpetrators, many of whom await trial in custody "If you came to my court today with a case where everything was ready to go to trial, the first available date is in three months," said Lamprecht

Court proceedings are regularly drowned out by shouting from the holding cells, where alleged rapists, muggers, burglars and hijackers wait for their cases to be heard

Johnson Hamby (24) is one of the many inmates in a filthy cell where a broken tap sprays water over the floor He has been in custody for more than 30 months and has yet to

have his day in court

He and his fellow prisoners have little respect for the legal system They do not trust the public defenders and legal and lawyers assigned to their cases, and claims of corruption and ineptitude echo through the corridors.

There is ample evidence of this in Court Seven, a man accused of rape is sent back to the cells for three months because his lawyer is not present Three schoolgirls who are witness in the case are sent home, yet again

## Violated

The magistrate says his hands are tied "Legal and lawyers are not getting paid enough and they are slipping away from cases, or just withdrawing This man has been in court four times already, but if we go ahead with the trial, he will win on appeal because his basic rights will have been violated"

Mashumi Mzardume, public defender and head of the Soweto Law Office, offered an explanation for the problems "First and foremost, the police simply aren't doing their jobs Secondly, there is serious corruption among the police, the prosecutors and the interpreters Thirdly, in my opinion, the standard of prosecutors has dropped - many of them have no idea what they are doing," he said

Meanwhile, accusers and defendants spend months waiting for their right to be heard and judged.

# Robbed blind in the halls of justice

Star 4/7/98

(252)

Crime is endemic and it seems that our own purveyors of justice are not immune. We report here on a sorry litany of misappropriation and fraud within the Department of Justice.

In the little town of Ekangala, about 45 minutes' drive east of Johannesburg, there was a magistrate who allegedly worked for 15 minutes every day for a year on judicial matters.

While he twiddled his thumbs for the rest of the day, his clerks were very busy writing out cheques for themselves, for amounts ranging from about R2000 to get a private car repaired, to R4,3-million allegedly used to buy a block of flats in East London.

The staff at this district court were so busy attending to personal matters that they allegedly left dockets lying around, misplaced warrants of arrest, and lost track of the number of convictions and the identities of prisoners who ended up in jail.

This magistrate, who had the audacity to claim for overtime pay on judicial work, resigned in April after it was recommended that he face a disciplinary inquiry.

His staff are still at the office, and they are still allegedly stealing cheques and depositing them into their own accounts. More than 40 cheques went missing from this office last month.

There are dozens more magistrates and clerks like this around the country, several sources told the *Saturday Star* this week. Despite instructions from President Nelson Mandela and Minister of Justice Dullah Omar to tighten controls and curb government spending and corruption, theft and fraud within the Department of Justice have taken off on all cylinders.

## Shocking

In a shocking indication of just how far crime has gone within the citadels of justice, a confidential report from the auditor-general's office warns that inaccurate and unreliable accounting information "might indicate misappropriation of funds" at head office in Pretoria.

The report says officials are not adhering to regulations contained in the justice code. Discrepancies between bank and cash balances, and unauthorised changes in journals, hint at financial skulduggery.

A backlog in the capturing and processing of transactions, going back to October last year, reveals ineffective control over the deposit account and lessens the chance of detecting the misappropriation of funds.

Thousands of rands have been lost through officials not following up on dishonoured cheques timeously, and unauthorised changes have been made in journals.

Almost every court in the country has been identified as having serious financial leaks, maintenance money, bail forfeited to the state and other money dispensed on behalf of state departments from Justice Department coffers is being siphoned off by unsupervised clerks.

More than R1,6-million was allegedly gambled away by a Randburg court clerk who deposited government cheques into her own account, more than R200 000 in maintenance money was stolen from the Kempton Park magistrate's office and at least R340 000 was stolen by a senior court official in Simon's Town.

Government chequebooks are left lying around on desks, and the theft of cheques is often reported too late for anyone to put a

## What those millions could have bought

It takes about 1 700 taxpayers, earning an average annual salary of R90 000, to put R45-million into state coffers. Allegedly squandered by the Justice Department, the money could have paid for:

- About 1 500 low-cost houses (worth about R30 000 each)
- 2 000 teachers for a year
- 5 000 constables for a year
- 450 very smart motor cars
- Housing and feeding for 1 600 prisoners
- 19,6 million litres of petrol

(Tony Twine, of Econometrix, provided this ballpark estimate of what R45-million could buy)

stop to the flow of taxpayers' money into thieves' bank accounts.

Regulations aimed at keeping a tight check on finances are being blatantly ignored - and officials are getting away with it so much so as a stern look from their bosses.

Other confidential reports, leaked to the *Saturday Star*, reveal that almost 8 000 government cheques have been stolen from the Justice Department in two years.

The theft of at least R23-million has been linked to these cheques. One report says "only a few cases were investigated" and "the investigations that were carried out revealed that internal checking has not been performed regularly or systematically".

Another document says "theft, fraud and other financial irregularities" have become the norm and are increasing daily.

"Investigating officials have recommended the immediate institution of misconduct proceedings against negligent officials, but disciplinary steps are not being taken against the culprits," one well-placed source said.

Little is apparently being done by those at the top. Several senior Department of Justice employees told the *Saturday Star* this week that the department's director-general, Jasper Noeth, last month put a stop to an internal audit at head office "until further notice".

Items which were up for investigation included:

- The unexplained "disappearance" of millions of rands earmarked for paying the salaries of new court officials
- A deputy director-general, whose name is known to the *Saturday Star*, has allegedly submitted false subsistence and travel expense claims
- Another deputy director-general has received the same salary as the director-general for several years

While many senior officials are honest, some have sent a clear signal down the judicial ranks that taking advantage of all opportunities to score a quick extra buck out of the Government is acceptable.

Earlier this year it was revealed that the most senior managers were claiming astonishing amounts of money for overtime work. One top-ranking official claimed an overtime payment of more than R78 000 in one month. This is almost double the annual salary of an entry-level prosecutor. A director in the personnel section claimed more than R195 000 in overtime payments for nine months.

In this department, the average staff member allegedly claimed an average of 89 hours in overtime each month, while Regional Court and specialist prosecutors at the Pretoria Magistrate's Court each claimed an average of 38 hours.

Public Protector Selby Baqwa stepped in to investigate after angry prosecutors embarked on a wildcat go-slow after their overtime payments were stopped "because funds had dried up".

It is not just blatant crime that is sapping Justice Department coffers, sheer incompetence and a failure to implement government policy have led to millions in taxpayers' money being wasted each year.

Many magistrates and prosecutors at courts outside the major centres have little more than a few hours of work to get through each day, while courts in the cities are clogged and prisoners have been sitting for up to five years in jail waiting for their trials to begin.

Plans to start rationalising this division of the civil service began last year with an investigation into the rationalisation of the Eastern Cape, where it was found that 478 Justice Department posts in that province were unnecessary. Recommendations were made to abolish these posts and transfer staff, many of whom have at most two hours of work to perform each day, to centres that needed extra personnel.

These recommendations have been ignored - at a cost of R45-million a year to the taxpayer, in this province alone.

Investigations into the redistribution of

resources in other areas have not yet begun and, according to sources, "this same situation exists in most of the other provinces".

One source said "The minister approached the Cabinet for funds to create about 2 000 new posts in the department to cope with the workload."

"If the department was rationalised timeously, many of these posts could have been created and filled by officials found to be redundant within the department."

Many newly created posts have been filled at busy courts by people employed from outside the Justice Department, and sources have warned that if these redundant staff are not redeployed, wide-scale retrenchments can be expected.

"The delay in the implementation of rationalisation recommendations is totally unacceptable and one of the main causes of excessive expenditure," this source added.

Training recommendations have also allegedly been ignored, the Department of Justice has been urged for four years to beef up on-the-job skills training "or expect poor service delivery and the wastage of money to continue".

## Part of criminal game

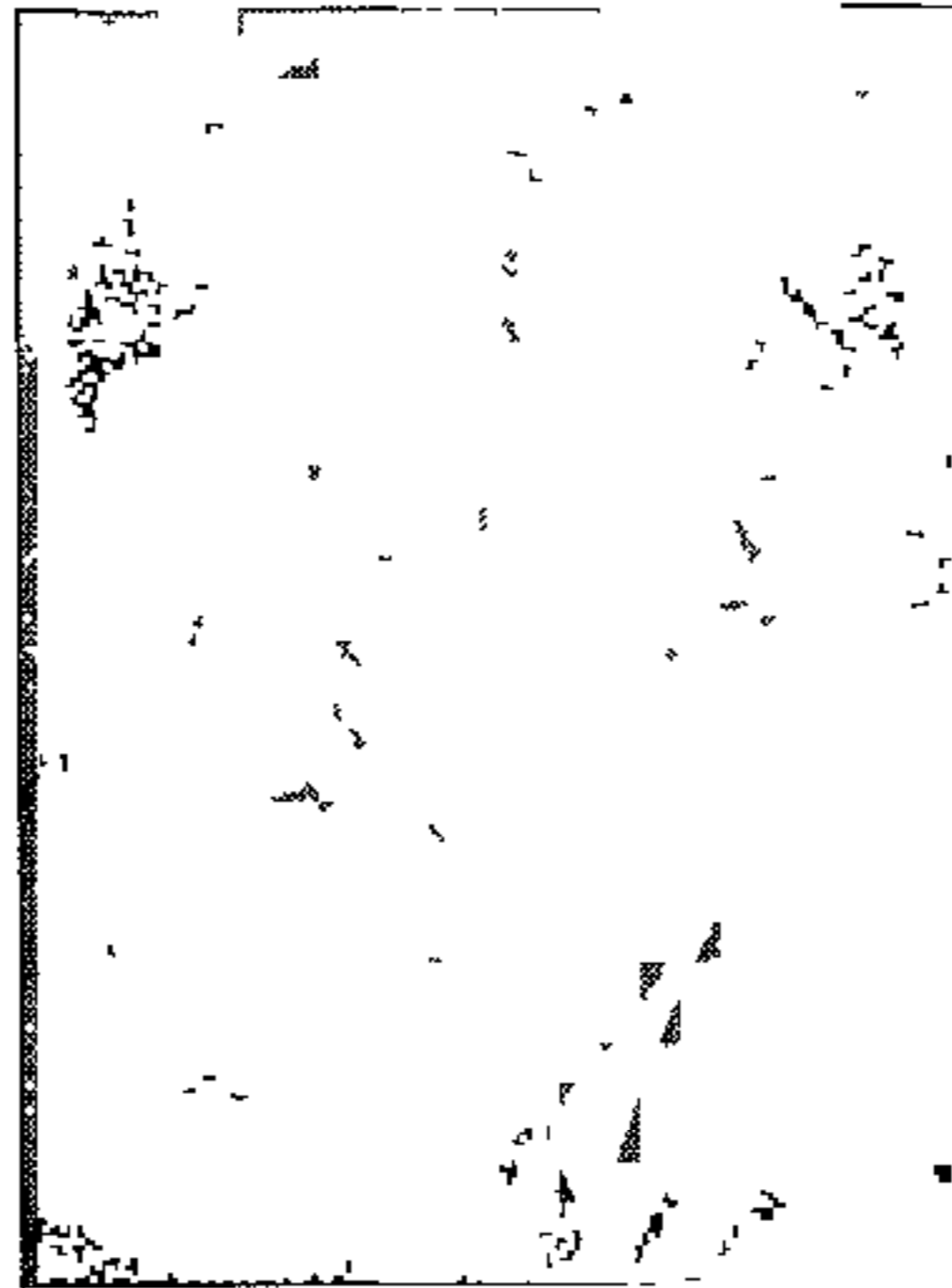
One senior official sums up the dark cloud hanging over our judicial system: "The Department of Justice, which has to deal with criminals, has become part of the criminal game and is allegedly no longer able to render a sufficient auxiliary service to an already fading judiciary."

"The general work performance in the department, as well as sound service delivery, are deteriorating daily, which is a recipe for the total collapse of the administration of justice and ultimate anarchy."

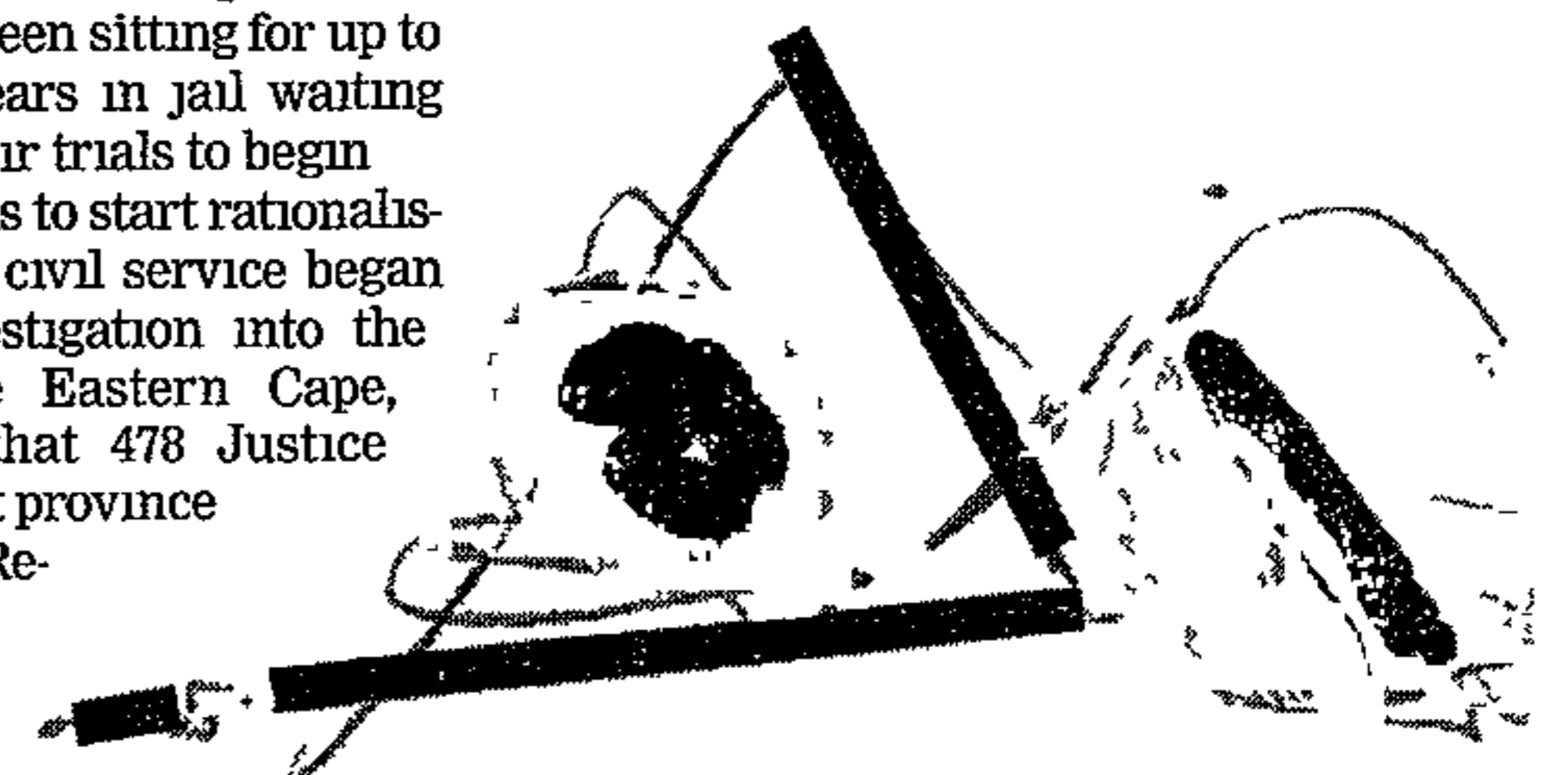
Back in Ekangala, the police are making little headway in their investigations into opportunistic theft from the courts as well as the assistance these officials have been giving to organised-crime syndicates.

Court officials have become so lax about crime here that someone "left a bag of dagga", for personal use, among the evidence stored for court trial purposes.

The consequences of crime, it seems, are no longer a deterrent for our own purveyors of justice.



CRUSADER Dullah Omar's exhortations seem to have fallen on deaf ears





# INSIDE

Instead of creating new laws and independent bodies, South Africa's existing criminal justice system needs to be bolstered to enable it to successfully deal with fraudsters and corrupt officials. Without this, few will be penalised and fewer still deterred, writes Lala Camerer



# CRIMINALS

Lala Camerer

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

# Taming the monster of greed

Corruption is undoubtedly a huge problem in South Africa if reports in the media of public servants acting with seeming impunity to enrich themselves are anything to go by

This raises important questions as to whether the State has both the political will and legislative machinery to address the problem

Since 1994 a number of initiatives, both legislative and administrative, have been undertaken to control corruption. How successful these legislative mechanisms have been is questionable

An efficient justice system with comprehensive legislation and enforcement capacity is one of the primary agents for controlling corruption. In terms of South African legislation, the Corruption Act (94 of 1992) makes bribing or accepting a bribe a criminal offence

Corruption and bribery are essentially the same although corruption is generally understood to be far broader than only bribery, involving also theft, fraud and negligence

There have been very few successful convictions in terms of this law which suggests lack of capacity for enforcement. Crimes of bribery and corruption by their nature are difficult, if not impossible, to prove and subsequently prosecute.

In addition the commercial branch of the SAPS is currently ill-equipped to effectively investigate such insidious crimes

The criminal justice system itself is not immune from corruption which further undermines its cred-

ibility as an efficient vehicle to control corruption

The National Crime Prevention Strategy identified combating corruption as a key priority area, but there appears to have been no real movement to seriously tackle the issue other than committee meetings of government departments

A number of other institutions control corruption. These include

■ The Office for Serious Economic

and public money, and to institute concluding with recommendations to prosecute

■ The special investigating units and tribunals established in 1996 to investigate and prosecute corruption.

There appears to be a plethora of bodies which control corruption, but how effective are they in controlling corruption and what are their limitations?

OSEO, widely regarded as one of the principal weapons in the fight against corruption, is poorly equipped and continually plagued by a lack of skilled personnel.

Its capacity to take on new cases is severely limited and without powers to prosecute, success depends on the vagaries of the criminal justice system

Currently a shortage of resources is also inhibiting the establishment of nine regional offices of the Public Protector.

In terms of the Commissions Act which only allows commissions the right to investigate and make recommendations - few of which are ever acted upon - frustrations about the effectiveness of such bodies in controlling corruption have grown

Recognising these frustrations, and in the Government's most ambitious step yet, legislation was passed in 1996 (Act 74) to establish special investigating units and tribunals with the following mandate:

"To investigate serious maladministration, corruption, fraud and other matters emanating therefrom in connection with the administration of state institutions, state assets

and public money, and to institute civil proceedings arising from such investigations"

The unit appears to have been incredibly successful with reports of up to R10-billion of taxpayers' money "saved" by both recovery through investigation and through avoiding significant losses

According to Mr Justice Willem Heath these amounts are merely "the ears of the hippo"

The mere existence of the unit is believed to serve as an important deterrent against corruption particularly among top officials, for in terms of the provisions of Section 2(2) of Act 74 of 1996 a political head or employee can be personally held liable for any loss suffered as a result of a lack of administrative or financial control.

Reasons for the unit's success include its wide-ranging powers which allow for both investigation and prosecution. The unit is also able to set up task units anywhere in the country; access just about any information required, and can travel anywhere in the world to gather evidence. The right to institute civil proceedings means state assets have been recovered more easily than would otherwise have been the case

The establishment of such a unit has not, however, gone uncontested. Bodies such as OSEO and the Public Protector, which have similar powers and duties, feel the units encroach on their jurisdiction, leading to further fragmentation of efforts to combat corruption

Rather than create new mechanisms, it has been convincingly ar-

gued that existing bodies should be properly staffed and utilised.

The unit is staffed by 59 people divided into multidisciplinary teams of advocates, attorneys, accountants and other experts. This approach is recognised internationally as the most effective way to unravel the complicated webs which crimes of corruption weave.

Currently 92 000 cases valued at an estimated R6-billion are being dealt with. Cases range from theft of government cheques to corruption related to housing subsidy schemes and pensions.

Funded by a donation from the Department of Justice, the unit's request of an operating budget of R34-million was met with only R15-million, severely hampering its capacity which Heath would like to see increased to a staff of 109

In his annual report to Parliament, Heath announced that a number of amendments have been proposed to the current legislation

These include that the budget be determined by a direct vote from Parliament. Also, amendments have been suggested to address delays to the unit's work as full investigations can only begin after receiving a presidential proclamation. Such proclamations may take up to six months to obtain, allowing suspects to disappear or destroy evidence.

Corruption usually involves significant economic benefits for perpetrators and sanctions against it are not effective without measures to deprive offenders of such benefits. Corruption often goes hand-in-hand with other criminal practices,

for example money-laundering, drug trafficking and organised crime

Since 1994, in line with international initiatives, South Africa has attempted to tackle the entire supportive network on which corruption thrives. Thus in addition to the Special Investigating Unit and Tribunals Act, Cabinet has approved a number of laws designed to increase the capacity of law enforcers

for example money-laundering, drug trafficking and organised crime

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for example money-laundering, drug trafficking and organised crime

fer of the proceeds of crime.

The Money Laundering Control Bill is currently under consideration by the Ministry of Finance.

Recognising that it is often individuals in public sector institutions who offer the necessary protection may "blow the whistle" on corrupt public officials, so-called "whistle-blower" legislation is proposed in the Open Democracy Bill currently before Parliament

The main thrusts of this legislation is to protect complainants from victimisation or reprisal following their disclosures, and thus encourage public servants to refrain from turning a blind eye to misconduct.

Should this bill become law, it is hoped that it, together with codes of ethics that encourage the reporting of malpractice, will deter misconduct by encouraging organisations in the public, private and voluntary sectors to adopt more transparent and accountable cultures

By establishing the special investigating unit the Government showed its determination to stamp out corruption. The unit's sustainability is, however, questionable.

More importantly, rather than creating new laws and independent bodies, South Africa's existing criminal justice system needs to be strongly bolstered to enable it to successfully deal with fraudsters and corrupt officials

Without this, few will be penalised and fewer still deterred

Lala Camerer is a senior researcher in the safety and governance programme at the Institute for Security Studies

## 65

**No real movement other than committee meetings**

99

Offences (OSEO) established in 1991 (Act 117) to investigate serious economic offences using multi-disciplinary investigative teams with far-reaching powers

■ Chapter 9 institutions such as the Office of the Public Protector (Public Protector Act (no 23 of 1994), and the auditor-general's office which are independent institutions to monitor the financial and public administration of government and provide control over the executive

■ Commissions of inquiry where since 1994 at least nine independent commissions have investigated var-

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**There are significant economic benefits for perpetrators**

99

counter these threats. These include:

■ Proceeds of Crime Act (Act 76 of 1996) which provides for the prohibition of money-laundering

■ Extradition Amendment Act (Act 77 of 1996) which provides for the designation of states to which extradition may be effected in the absence of formal agreements

■ International Co-operation in Criminal Matters Act (Act 75 of 1996) which provides for the mutual provision of evidence, the mutual execution of penal sentences and the mutual confiscation and trans-

# Basson

# defies

# TRC call

ARG 7/7/98 (252)

## *Fury at 'contempt'*

ASHLEY SMITH  
ON THE TRUTH COMMISSION

Apartheid germ warfare chief Wouter Basson was today accused of treating the Truth Commission with "the utmost contempt" as he failed to appear to testify before it.

Dr Basson had been subpoenaed to appear with his friend and colleague Phillip Mijburgh, a kingpin in the top-secret chemical and biological warfare programme who supplied the army with huge quantities of Ecstasy and Mandrax.

But just before the start of today's hearing the TRC was told Dr Basson would not be attending and his counsel, Jaap Cilliers, would explain his position later today.

If Mr Cilliers's explanation fails to satisfy the commissioners, Dr Basson could face prosecution under Section 29 of the Truth Commission Act - the law under which P W Botha is being prosecuted for defying an order to appear.

Dr Basson has apparently applied to the Cape High Court for an interdict to prevent his having to testify before the TRC pending his prosecution on several criminal charges.

Commission chief investigator Dumisa Ntsebeza said his impression was that Dr Basson was treating the commission "with the utmost contempt".

Breaking his silence for the first time about the covert operations headed by Dr Basson, Dr Mijburgh spoke affectionately about his colleague.

He said they had been friends since their student days and shared an interest in squash and road running.

Questioned, he agreed he had had the power to put the drugs he manufactured on world markets, but denied having ever been involved in drug-dealing.

He said he did not know what had happened to the huge quantities of Ecstasy and Mandrax that his company had manufactured for the army.

Truth Commission attorney Hanif Vally estimated that the quantities manufactured at Dr Mijburgh's company, Delta G Scientific, would have been worth "huge money".

"We're talking about between R600-million and R1-billion," Mr Vally said.

Dr Mijburgh said he had orders to manufacture the substances as "incapacitating agents" to combat unrest.





**RELIVING THE TERROR:** Mita Molete and her mother Matseleng Molete at the TRC hearings in Sebokeng yesterday. Matseleng wipes a tear from her eye as she relives their night of terror. **PICTURE: THE STAR**

# 'Khoza told us to burn the loot'

(252) CT 7/7/98

**RAPULE TABANE and SAPA**

SENIOR Inkatha Freedom Party Gauteng leader Themba Khoza instructed hostel dwellers the day after the Boipatong massacre to burn their blood-stained clothes and the items they looted because police were going to raid the hostel, the TRC heard yesterday.

Former hostel dweller Victor Mthembu, one of 16 men seeking amnesty for the 1992 massacre on June 17 that year, also revealed that policemen in a Casspir parked outside the entrance to Boipatong had stood and watched as the attacking party of 300 men passed them on their way into the township.

Mthembu said, however, that police were not directly involved in the attack which left 45 people dead and 18 seriously injured and derailed negotiations between then National Party government and the ANC.

The massacre led to the ANC's pulling out of the Codesa negotiations at the World Trade Centre in Kempton Park. The ANC and other organisations believed the attack and similar violence around the country was being orchestrated by a National Party government-sponsored Third Force which wanted to weaken anti-apartheid organisations' hand at the talks.

Mthembu, who with his co-applicants is serving a lengthy sentence for his part in the killings, said township residents had provoked the attack.

"Today I am sitting behind bars

for my actions. But I would not have done it if Boipatong residents had not attacked our hostel, Kwa-Madala."

Mthembu said on the night of the June 17 all hostel residents were called to a meeting where they were told by co-applicant Bhekí Mkhize that they had to attack the township residents.

Women were barred from the meeting and muti was sprinkled on the men's weapons to protect them against harm before they left for the township.

He said he took part in the attack because he had seen many IFP supporters being killed by the township residents.

"Comrades did not allow us in the townships. Every time I boarded a taxi to the township, I

knew I was risking my life."

Mthembu said Khoza came to the hostel the day after the attack and told them police had surrounded the hostel. He said Khoza told them to destroy everything they had taken in the attack, such as blankets, TVs and appliances.

Mthembu said the items were burnt to ashes in the middle of the hostel while the police waited outside. He said hostel dwellers later gathered at a nearby stadium where they were addressed by Khoza who, in the presence of former police commissioner Johann van der Merwe, urged them to cooperate with police.

His testimony was postponed until tomorrow because victim's lawyers still needed time to consult with the families.



## Crippled girl hears confessions of men who maimed her

**RAPULE TABANE**

SEBOKENG. Mita Molete was only three years old when her family was attacked by a group of men at Sivo Park, Boipatong, in 1992.

Although she is now nine years

old, her growth has been stunted and she still looks three years old.

She was stabbed in the head and body by the men who also attacked her sleeping parents. Mita was saved by her mother, Matseleng Molete, whose hands were injured

as she ward off the men's blows.

Wheelchair-bound Mita came to the TRC hearings at Sebokeng College of Education to hear the confessions of the men who took part in the attack that killed her father, Pule Lekabe, and left her

disabled.

Lekabe was stabbed, dragged outside by the men, who then shot him dead. Mita, who attends J C Merkins school for the disabled, was close to tears as she watched her mother sob uncontrollably

during the hearing.

Her mother said "My baby and I were attacked by white people. A white person stabbed me in the face and hit my child on the head. Where are those white people today?"

# R6,9-m stolen from Justice Department

*Seven officials fired*

ARGUS CORRESPONDENT

Pretoria.— The Department of Justice has admitted to "certain weaknesses" in its administration, including the theft of cheques amounting to R6,9-million in the past financial year.

Deputy Minister of Justice Manto Tshabalala Msimang said yesterday the department was not attempting to whitewash or gloss over its problems.

But she rejected a Johannesburg newspaper report on the issue saying it contained factual inaccuracies and had been sensationalised.

Dr Tshabalala Msimang said at a press conference at the department's Pretoria head office that certain weaknesses that had the potential to undermine the justice system had been identified, and that special action had been taken to eliminate fraud and theft.

These measures had contributed to a significant reduction in dishonest practices.

"In spite of the measures we take,

there are certain individuals who are still able to engage in dishonesty. The department acknowledges the seriousness of the problems, she said.

She added that Justice Minister Dullah Omar had given instructions that serious attention be given to eliminating fraud and corruption in the department.

People suspected of dishonest behaviour had been dealt with severely and charges had been laid in appropriate cases. Disciplinary and criminal actions would be instituted against employees alleged to have been involved in crime.

Justice director-general Jasper Noeth said yesterday seven officials who were allegedly involved in theft and fraud at the department over the past year had been discharged and 12 had been suspended.

He added that several criminal trials would follow.

Dr Tshabalala Msimang gave the assurance that all possible means to eradicate corruption in the department would be used.

(252)  
ARG 8/7/98

# Wouter Basson holds the only key to germ war disks Court fight stalls vital

APR 8/7 06 (242)

Wouter Basson holds the only key to computer data detailing South Africa's chemical and biological warfare capabilities, the Truth Commission was told today.

This was testimony by former SA Defence Force surgeon-general Niel Knobel to the Truth Commission's hearing on the apartheid-era chemical and biological warfare programme code-named Project Coast

General Knobel told the commission that in 1993 the top-secret information was stored on 13 disks by a "private" company of which Dr Basson's friend, Phillip Myburgh, was managing director

Dr Basson, who headed the programme, was still the only person who understood the information

Ben Steyn had helped Dr Basson in overseeing the storing of the highly

classified information, but to this day nobody had accessed the disks to check if all the information relating to the project had been stored, General Knobel said

The disks were in safekeeping at National Defence Force headquarters in Pretoria and the present Government was aware of their existence.

The original documents had been destroyed, according to Dr Basson

The Truth Commission will have to wait until next week to hear whether it can compel chemical and germ warfare programme chief Wouter Basson to testify.

Dr Basson has applied to the Cape High Court for an order preventing his having to give evidence pending his prosecution on several criminal charges

Yesterday, commission chief

investigator Dumisa Ntsebeza accepted that no action could be taken against Dr Basson until the court had ruled on his application

Dr Basson failed to appear before the commission when its hearing into the old defence force's chemical and biological warfare programme resumed yesterday.

Dr Basson's counsel, Jaap Cilliers, informed Mr Ntsebeza that his client

had applied for the interdict and had been in contact with the commission's attorneys

He said he hoped the court would hear the application by next week

Dr Basson, who was the project manager of the top-secret programme code-named Project Coast, is facing at least 10 charges relating to its activities. He may also be charged with fraud involving R50-million

testimony

# Chemical warfare witness in a haze over crucial

CAPE TOWN — A key player in SA's apartheid-era chemical warfare programme said yesterday he had no clear memory of several crucial events, orders or the people who gave them.

"I can't remember," was a phrase that frequently slipped past Philip Myburg's lips as he gave evidence to the truth commission, investigating crimes committed during more than 40 years of apartheid rule.

Myburg was MD of Delta G Scientific, a company secretly set up by the army to research and manufacture chemical warfare agents in the mid-1980s.

He was later a director of at least 10 other firms with military contracts.

Among the array of poisons and chemicals produced by Delta G were a ton of the drug mandrax and a ton of the recreational drug ecstasy, said by the army to have potential to incapacitate rampaging mobs.

Myburg agreed that the drugs had been produced at the request of Wouter Basson, the head of the chemical and biological warfare programme, but said he had no clear recollection of what happened to them afterwards.

He was so concerned at the possible legal risks for himself for manufacturing and possessing ecstasy that he asked for, and got, written indemnity from prosecution, although that did not extend to what happened to the drug after manufacture.

Myburg denied ever having put mandrax or ecstasy into capsules for oral consumption, although a trail uncovered by the truth commission's investigators suggested at least some of the ecstasy was in fact encapsulated.

Other witnesses have testified over the past month that neither mandrax nor ecstasy was a useful tool in crowd control, and some at least was turned into tablets.

Myburg said he felt no moral dilemma, then or now, over the part he played in the chemical warfare programme, but that if any of the drugs had found their way onto the streets he would accept some moral responsibility.

"What we were doing at Delta G made possible more humane warfare in terms of inca-

participants I never thought we were doing anything underhand or immoral," he said.

During the public hearings on the chemical warfare programme, commissioners have been told of work done to make black people sterile, the manufacture of poisoned chocolates, cigarettes and soft drinks, and special instruments to inject untraceable substances into people who were the enemies of apartheid.

Basson, facing trial on charges ranging from conspiracy to murder to the manufacture and possession of illegal drugs and fraud, is unlikely to have to give evidence to the truth commission after extended legal wrangling.

His lawyers lodged an appeal in court yesterday against a truth commission order that

he give evidence, on the grounds that it would jeopardise his right to a fair trial in the criminal case set for next month.

The truth commission will oppose the appeal, but it must conclude all its investigations by July 31 and therefore has little time to do anything.

The commission also said earlier yesterday it would consider prosecuting Basson for his refusal, a tactic it has already used against former president PW Botha.

Basson, like Botha, could face a two-year jail sentence and a hefty fine.

However, the commission will have to await the ruling of the Cape High Court before deciding on further action — Reuter, Sapa-AFP

events

## Amnesty pleas of paid killers thrown out (252)

TWO members of the Inkatha Freedom Party (IFP) were refused amnesty by the truth commission's amnesty committee yesterday.

Arthur Kheswa and Mdu John Msibi were refused amnesty for their role in the killing of seven African National Congress (ANC) supporters in two separate incidents in Piet Retief, KwaZulu-Natal, in 1993.

Both men said they had received payment for carrying out the killings.

Several other ANC supporters were wounded in the attack.

In a separate development, the truth commission's amnesty hearings into the Boipatong massacre in 1992 were postponed to tomorrow to enable lawyers to consult survivors and families of the victims.

The hearings, in which 16 IFP members are applying for amnesty for their part in the murder of 46 people, began in Sebokeng this week but has been subjected to numerous delays.

According to lawyers representing victims of the massacre, more and more people who suffered loss or injury in the attack had arrived at the hearings and asked for legal representation.

One of the lawyers, Daniel Berger, now representing 20 families, asked the amnesty committee to adjourn the hearings until tomorrow to give him time to consult the victims.

This was granted. The hearings will resume tomorrow — Sapa

## Justice department says corruption not rampant

Dustin Chick

(252)

608/7/98

ABOUT R6,9m in 3 000 government cheques or warrant vouchers was stolen from the justice department in 46 separate incidents last year, justice director-general Jasper Noeth said yesterday.

Noeth said this was not excessive because 120 000 cheques were at risk everyday while in circulation.

The cheques are distributed to the 600 department offices nationwide, with each office being supplied with two cheque books of 100 cheques each.

"The impression that theft or fraud in the department are rampant is false in the extreme," he said.

Noeth said of the 46 stolen cheques and vouchers, only 16 were cashed as the department had acted quickly to stop payment on most of the vouchers.

The department had approached the banks concerned for help in the cases involving the cashed cheques and vouchers.

Most of the R6,9m was stolen in Ekangala, east of Johannesburg, where R4,3m was used to pay for a block of flats by a department official. The block was later attached by the Heath investigative unit, which is in the process of recovering the money.

Another R807 000 had been recovered, leaving a shortfall of about R1,49m, Noeth said.

He said weekend reports that crime in the department was out of control were incorrect. The department acted immediately whenever there was any suspicion of crime. Although the department had admitted corruption existed, it emphatically denied that it stood by while it happened.

Deputy Justice Minister Manto Tshabalala-Msimang said the department had recognised, and was attending to, administrative weaknesses which could undermine the justice system.

# Bid to ensure Basson avoids TRC scrutiny

8/7/98 (252)

TRC will have to wait before it can take further action

**SAPA**  
Cape Town

Lawyers for Dr Wouter Basson, a key witness in the Truth and Reconciliation Commission's inquiry into the apartheid era's chemical and biological warfare programme, said yesterday they had applied to the High Court to avoid having their client testify

Basson has refused to testify before the TRC hearings into the programme, which targeted blacks and which he ran for the National Party government

Basson (47) is asking the court to overturn a decision to force him to testify before the commission, on the grounds that it would jeopardise his

right to a fair trial in a criminal case set for next month.

Basson is to go on trial on 10 charges, including conspiracy to murder, producing the illegal drugs Mandrax and Ecstasy, and fraud totalling about R50-million

The TRC earlier yesterday said it would consider prosecuting Basson for his refusal, a tactic it has already used against former state president PW Botha

Basson, like Botha, could face a two-year jail sentence and a hefty fine

However, the commission will now have to await the ruling of the Cape High Court before deciding on further action

Basson was not present when the hearing resumed

yesterday after a three-week break, despite an earlier TRC ruling that he must testify

"My impression very prima facie is that we are treated with the utmost contempt," TRC investigative head Dumisa Ntsebeza said yesterday

The hearings, which began last month, shocked South Africans with revelations that scientists at the Pretoria-based project, established in 1983, tried to produce a vaccine to cause sterility in black people and "racist" bacteria that would kill only blacks

Witnesses have made clear from the beginning of the hearing that Basson masterminded the 1980s research programme designed to help the apartheid government strengthen its rule over the black population

# Justice Department blames losses on 'weakness'

Star 8/7/98

(252)

The Justice Department yesterday acknowledged administration weaknesses exposed by the Saturday Star, saying about 3 500 cheques worth R6,9-million were stolen or lost in the past financial year.

"The department recognises that there are certain weaknesses within its administration which have the potential to undermine the justice system," Deputy Minister Manto Tshabalala Msimang told a news conference in Pretoria.

"Certain individuals are still able to engage in dishonesty"

However, the department stressed that steps had been implemented to eliminate fraud and theft, and claimed there had been a significant reduction in dishonest practices.

Chief director of financial administration Pat Nkambule

said 3 536 cheques were stolen or lost in 46 incidents in the 1997/98 financial year - in some cases entire chequebooks

Most of these cheques, however, were effectively stopped before they could be deposited into accounts, he said

In one case, a cheque of R4,3-million stolen from the Ekan-gala magistrate's office was used to buy a block of flats in the Eastern Cape

The head of the office resigned, three officials were suspended and charged with misconduct, and the property was attached, Nkambule said

"In several other cases we were able to stop some smaller cheques, and we could recover R807 000," he said.

Other incidents listed in a document issued at the media conference included a loss of R1 6-million at the Randburg Magistrates' Court, R200 000 in maintenance and bail money stolen from the Kempton Park Magistrates' Court and R340 000 stolen from the Simon's Town Magis-

trates' Court by a senior court official

Director-general Jasper Noeth said seven officials were discharged and 12 suspended

over the past year, and a number of criminal trials were already under way

"The figures may be higher, but some corrupt officials who are caught resign before they can be discharged," he said

Msimang said all possible means would be used to eradicate corruption in the department.

To this end, a number of special actions had been taken, including training and new guidelines for the safekeeping of documents and written instructions.

"The co-operation of the banks has been secured, and the Special Investigation Unit headed by Judge Heath has been approached for assistance in recovering stolen assets where necessary," Msimang added - Sapa

66  
**We were  
able to  
stop some  
smaller  
cheques**  
99



# Court hit by exodus of experienced magistrates

(252)

BY FIKILE-MTSIKELELO

MOYA

*Nov 27/98*  
The Johannesburg Magistrates' Court has been hit by a spate of resignations in the past few months, leaving it short of 20 magistrates.

This week, eight senior magistrates left. One magistrate has been transferred but the rest have left government employ altogether.

Justice Department spokesman Heinrich Augustyn said the resignations did not mean there was a crisis in the courts, and the department was appointing or promoting candidates to the posts.

However, one magistrate said some of the vacancies had been open for up to six months.

Another magistrate, who did not want to be named, said the spate of resignations was causing "juniorisation of the courts" because inexperienced people were being appointed to fill the posts.

Making appointments was a drawn-out procedure that required the Magistrates' Commission to nominate aspirant magistrates.

# Front company's chief is 'deliberately vague'

(252) CT 8/7/98

**ROGER FRIEDMAN**  
and **BENNY GOOL**

PHILIP MIJBURGH, the head of a front company which manufactured large quantities of Mandrax and Ecstasy for the former South African Defence Force, was accused yesterday of being "deliberately vague" in his responses to questions posed by the Truth and Reconciliation Commission (TRC).

The accusation was levelled by commission lawyer Hanif Vally, after Mijburgh spent much of the day saying he could not remember specific issues relating to the activities of Delta G Scientific, the company set up by the military in the mid-1980s to research and manufacture chemical warfare agents.

Mijburgh was the managing director of Delta G Scientific, and a director of at least 10 other firms with links to the military. He was appearing as a witness at the TRC's reconvened hearing into the chemical and biological warfare programme of the apartheid regime.

Witnesses told the TRC last month of research projects aimed at making black people infertile, of the production of drugs, poisons and pathogens, and the manufacture of James Bond-like gadgets to inject untraceable products into the enemies of apartheid.

The head of the programme, Wouter Basson, was arrested last year in connection with the manufacture and possession of Mandrax and Ecstasy, and is yet to stand trial.

Mijburgh said yesterday his conscience was clear. "What we were doing at Delta G made possible more humane warfare in terms of incapacitants. I never thought we were doing anything underhand or immoral."

He had been told that the drugs manufactured by his company were wanted by the military for testing as incapacitants, to incapacitate anti-apartheid rioters.

Mijburgh agreed that the active ingredient in Mandrax — methaqualone — was at some stage extracted from Mandrax tablets at Delta G Scientific, but said he could not remember when



**DOCTOR DUNNO:** Philip Mijburgh could not remember much

this was done, by whom, or how many tablets were involved. Neither could he say why the company bothered to extract the methaqualone when it could manufacture the ingredient itself.

He denied any knowledge of the destination for the drugs, saying they would have been manufactured on Basson's instructions, and that Basson would have been responsible for collecting them.

Mijburgh said he did not know whether any of the drugs were put into capsules, though he conceded that a firm of which he was a director, Medchem Pharmaceuticals, did produce capsules "for the

state". He was also a director of Medchem Technologies, which in 1990 placed an order for 1 000kg of Ecstasy with Delta G Scientific.

According to a sworn statement by the managing director of Medchem Pharmaceuticals, Steven Beukes, this company manufactured one million capsules on Mijburgh's instructions, but did not know their contents.

Asked by commissioner Wendy Orr why he had studied medicine, Mijburgh said it was because he did not know what else to study. After his medical studies, he also did a commerce degree, because commerce was more interesting.

Asked by commissioner Yasmin Sooka whether he felt any responsibility for drugs which probably ended up on the streets, he responded "If that happened, I would be responsible. I hope it didn't."

He was unaware of anyone connected to any of these companies or the SADF making money from the manufacture of Mandrax and Ecstasy, he was unsure why Medchem Technologies changed its name to Delta Images Information Systems on the same day in 1991 as a new company called Medchem Technologies was registered, and he could not recall when Delta G Scientific began manufacturing Mandrax.

"Your vagueness, I put it to you, is intentional," said Vally.

## Basson: TRC may go to court

THE Truth and Reconciliation Commission (TRC) threatened to take the mastermind behind the apartheid government's sinister chemical and biological warfare programme to court after he failed to turn up at a hearing yesterday.

Wouter Basson, 47, was not present when the hearing resumed after a three-week break, despite an earlier TRC ruling that he testify.

Basson's lawyers notified the TRC last month of their intention to seek a High Court order to overturn the ruling, but the truth panel had not received court papers by yesterday.

His lawyers have contested the

truth body's right to question him, saying his right to a fair trial in a criminal case set for next month could be jeopardised.

Basson is to go on trial on 10 charges, including conspiracy to murder, producing the drugs Mandrax and Ecstasy, and fraud totalling R50 million.

TRC investigation head Dumisa Ntsebeza said yesterday: "My impression prima facie is that we are treated with the utmost contempt."

"If there was any endeavour to treat us with respect, Mr Basson's legal representative would be here. They are not here — it's a matter of great concern" — Sapa-AFP

# Basson knows all about secret info

*He's 'unlikely to tell the truth'*

(2/7/98) APR 9/7/98

**ASHLEY SMITH**  
STAFF REPORTER

**Only Wouter Basson can tell South Africa whether the apartheid regime's top-secret chemical and biological warfare research was sold or is for sale.**

This emerged yesterday at the end of the Truth and Reconciliation Commission's hearings into the old defence force's unconventional warfare programme, Project Coast

Former SADF surgeon-general Niel Knobel testified that Dr Basson lied about destroying papers relating to the project's research

He conceded that Dr Basson could have lied about other things and, with hindsight, it was impossible to dispute that the project's research could well have found its way on to the black market.

It was Dr Basson who demanded and got secret finance to buy and refine illegal and addictive drugs for

use by the apartheid state against blacks. In 1989, he flew to the former Yugoslavia with \$4,5-million to buy half a ton of Mandrax, according to General Knobel

General Knobel could not dispute that Dr Basson might have used his foreign contacts to sell the programme's formulas

He said the National Intelligence Agency was still investigating a web of transactions

Dr Basson headed the project for more than a decade and today faces murder and other charges relating to the possession and distribution of illegal drugs and fraud totalling over R50-million

His application to the Cape High Court for an interdict preventing his having to testify before the commission is to be heard next week

Yesterday, commission chief investigator Dumisa Ntsebeza made a plea to Dr Basson to reconsider his decision not to testify

Earlier, the commission heard that all the technical details of the programme were purportedly stored on 13 computer disks

The disks were in safekeeping at Defence Force headquarters in Pretoria and only three people, including Deputy President Thabo Mbeki, had access to them

But no one had checked what the disks contained. Dr Basson was the only person who had sworn that the disks did contain all the technical details and that the original papers had been destroyed

But, last year, the papers Dr Basson said had been destroyed were found in large trunks

Commissioner Wendy Orr remarked "We do not know what is on the disks, what may have been left off and if the information may have been made available to other people. The only person who can answer that question is Basson, and he is not likely to tell the truth"

## Amnesty for robbery but not for killing driver

(252) BD 9/7/98  
THE truth commission's amnesty committee yesterday turned down a rightwinger's application for amnesty for killing a taxi driver in 1989 but granted him amnesty for two other offences.

Cornelius Johannes Lottering, a member of the Orde van die Dood (Order of Death) — an underground right wing movement set up with the intention of killing National Party and African National Congress leaders — was seeking amnesty for the murder of Potoko Makgalemla in Johannesburg in August 1989. Lottering committed armed robbery the same year and escaped from custody the following year. He received amnesty for these offences.

The committee said in Cape Town that Lottering testified before it in Pretoria early this year, saying he had been ordered by his commander to kill a person as an act of initiation into Orde van die Dood.

He told the committee he chose Makgalemla because he was ferrying white passengers in his taxi.

The committee heard that Lottering and an accomplice lured Makgalemla away from a taxi rank near Daleside, south of Johannesburg. He was stabbed and then shot dead.

Lottering admitted during his hearing that he did not know the deceased's political affiliation.

Rejecting Lottering's bid for amnesty, the committee said: "The murder of the deceased was committed to satisfy the internal initiation requirements of the Orde van die Dood. It cannot be said that the murder was committed in furtherance of a political objective, or that the murder was directed against the state, or a political organisation, or any member of the security forces" — Sapa.

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# Basson avoids testifying as truth hearing nears

End

CAPE TOWN — The truth commission's hearings into apartheid's secret biochemical warfare project concluded yesterday without questioning the man who knows most about it, director Wouter Basson. Basson took a high court action earlier this week seeking to overturn a commission subpoena, claiming his testimony would prejudice his defence in a criminal trial next month.

By the time Basson's criminal case gets under way, the commission would have finished its investigation into one of the darkest chapters of apartheid rule. The most senior scientist it questioned in three sessions of hearings since early June, Gen. Niel Knobel, said yesterday

that he hoped such research would never resume. Scientists at the Pretoria-based project, established in the early 1980s, tried to produce a vaccine to cause sterility in black people and "racist" bacteria that would kill only blacks.

"I'm horrified that such actions happened and I think that everything should be done to prevent them happening again," said Knobel, who supervised the dismantling of the programme from 1993. Knobel, who retired last year, said he had never been aware of the illegal activities, which he said was run in tandem with the military's main programme which was aimed at giving SA a defensive chemical and biological warfare capacity.

He said Basson masterminded the murky parallel programme, which manufactured and distributed tons of illegal drugs for use as tranquilisers against blacks. Knobel said Basson alone had overall knowledge of the research and alone controlled the front companies used to cover the source of the drugs.

Classified documents on SA's biochemical warfare programme which should have been destroyed were kept secretly by Basson, Knobel said.

He told the commission that the programme's entire data had been transferred onto 13 CD ROM computer disks by Basson in 1993. The disks were handed over to the defence ministry and placed in

SA 9/17/98 (252)

a safe, to which only Deputy President Thabo Mbeki and a top military officer had the keys.

Knobel said that the CD ROMs were loaded with "an enormous amount of technical information" acquired by military scientists between 1981 and 1993 during work on the secret programme.

However, this was thrown into doubt last year when, following Basson's arrest, two trunks containing sensitive documents relating to the programme were recovered from the house of a friend.

The commission heard that no one had checked that the disks contained what they were supposed to.

Knobel said he had not checked the

computer disks, and in any case had not the technical expertise to do so, but had accepted Basson's word that all the information had been transferred and the documentation shredded.

Commissioners also heard how senior people involved in the ultra-secret programme had set up a string of companies in the dying days of apartheid that had then been granted lucrative contracts associated with the research.

Meanwhile, Justice Minister Dullah Omar said on Monday in Ottawa authorities would, if asked, help collect information about poison warfare tests from three former defence force members living in Canada — Sapa-AFP, Reuter

# SA an 'attractive' business destination

Simon Barber

WASHINGTON — The US state department rates SA as an "attractive" destination for US business, with "significant growth potential", in its latest annual survey of the country's investment climate, but says delays in privatisation may slow the pace of capital inflows this year.

Among the few new problem areas cited is the draft competition bill, which is seen as giving the minister too much discretion to block mergers and acquisitions approved by the Competition Board. Also potentially troubling are "reported" plans to bar companies in SA from complying with "extraterritorial" laws such as the US Helms-Burton act, which seeks to penalise firms that invest in Cuba.

The survey notes that US firms "do experience some problems" in SA with

intellectual property protection, even though SA laws and practices are "generally in conformity" with those of industrialised nations.

However, efforts to crack down on software piracy "have borne fruit". Just less than half the software installed in SA is now said to be illegally copied, comparable to European levels.

Although SA's highly developed capital markets are seen as a plus for direct investors, the report warns that insider trading is "poorly" regulated and seldom investigated.

SA labour costs are low relative to western industrialised countries but productivity is also lower, the report notes.

The labour-management relationship is coyly described as being amid a "challenging" process of change.

"Reaching common ground on a set of policies to foster job creation re-

mains one of the most pressing challenges," it says.

SA has investment agreements with Canada and most European countries, but not the US.

"Formal negotiations have proved unproductive", although a bilateral tax treaty is now in effect.

While crime is a serious problem the statistics may be "misleading" because incidents are being reported and recorded more efficiently than in the apartheid era.

The United States was the largest single source of foreign direct investment last year, with SBC Communications contributing \$725m of its stake in Telkom, and Goodyear and Dow Chemical investing \$121m and \$48m respectively.

However, flows "are expected to taper off in 1998, given delays in privatisation efforts".

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# Chinese protesters demand death penalty

Nomavenda Mathiane

More than 1 000 Chinese gathered at the Union Buildings in Pretoria yesterday in a "shut-up shop" protest against the killing of a 20-month-old boy in a robbery and to demand the restoration of the death penalty.

Danny Zhong was shot dead in his father's shop in the Johannesburg city centre on June 26.

The protesters, which formed a motorcade of more than 150 cars, called for the return of the noose.

Danny's mother, Hua Zhong, handed a large photograph of her son and a letter addressed to President Nelson Mandela to commissioner Riaan En-

gelbrecht of the public order policing unit. The letter calls for "harsh punishment" for the "savages who are murdering the innocent".

Her husband Tom, on crutches after being injured in the shoot-out, said he had been overwhelmed by the support from the Chinese community.

Also at the demonstration were the parents of Dr Steven Pon, who was shot dead in a car hijack incident in Johannesburg.

Among the non-Chinese demonstrators were Anglican women missionaries based in Pretoria and Bob Ngoaneng of the Soweto and Kliptown Youth Association. Ngoaneng said he would be seeking an audience with

Mandela to talk about crime, destroying Kliptown.

Addressing the crowd, chairman of Gauteng Chinese Association, Cecil Leong, said the gathering was not a Chinese-only rally, as crime affected every sector of the SA community.

Chinese people were no longer prepared to sit by when their people were being killed.

Sapa reports that Mandela met Danny's parents at his Houghton residence in the afternoon "To lose a beloved, a baby, is a tragedy. It is a disaster difficult for the mother and father to bear," he said.

Picture: Page 3

## Key Market Movements — 7/7 to 8/7

Durban  
Cape Town

INNT



# 'Deadly data may still be available'

(252)  
Cape Town - Classified documents on South Africa's biochemical warfare programme which should have been destroyed were kept secretly by its director, a key witness told the Truth and Reconciliation Commission yesterday.

Nobody knew to what use, if any, ultra-sensitive documents containing details of the former government's deadly biological and chemical warfare programme had been put, said General Niel Knobel

A TRC prosecutor said Dr. Wouter Basson's failure to destroy the documents meant that the highly sensitive information "might well be in circulation".

Basson, described by the TRC as the man who knows most about the apartheid government's sinister programme - designed in part for use against the black population - has refused to testify before the commission

The 47-year-old scientist, who was arrested last year in a police drug-trafficking swoop, claimed that to do so would jeopardise his defence in a criminal trial set for next

month.

He faces charges of conspiracy to murder, charges relating to the possession and distribution of illegal drugs, and fraud totalling about R100-million

The production of Mandrax and Ecstasy for use in quelling black anti-apartheid protests was a key element of Basson's programme, according to evi-

## **Basson placed all the information on disks, TRC hearing told**

dence heard last month by the TRC

Knobel told yesterday's hearing that the programme's entire data had been transferred onto 13 CD ROM computer disks by Basson in 1993. The disks were handed over to the Defence Ministry and placed in a safe, to which only Deputy President Thabo Mbeki and a top military offi-

der have the keys

"Since (the disks) were given to the state, they were not made available to anyone" said Knobel, a former surgeon-general of the SA Defence Force

Knobel said the CD ROMs were loaded with "an enormous amount of technical information", acquired by military scientists between 1981 and 1993 during work on the secret programme, dubbed "Project Coast"

The disks contained "material that the country had to protect", added Knobel.

"Dr Basson did put all the information on the disks," and said all the documentation had been destroyed, according to Knobel

However, this was thrown into doubt last year when, after Basson's arrest, two trunks containing sensitive documents relating to the programme were recovered from the house of a friend

"For the trunks, we do not know what happened," said Knobel, referring to the information they contained. - Sapa-AFP

Stav 9/7/98

# NCOP earns thumbs-up for good progress

## *EU gives R35-m boost*

CLIVE SAWYER (252)  
POLITICAL CORRESPONDENT

ARL 9/7/98

The National Council of Provinces has been a remarkable success in spite of continuing serious problems in organisation and communication with the provinces, a study commissioned by the European Union (EU) has found.

The EU is to contribute R35-million to a three-year programme starting in November to improve provinces' work in the NCOP.

The NCOP, which replaced the Senate, started work in February last year. A detailed study, led by constitutional expert Christina Murray, was tabled yesterday at the start of a two-day workshop in Parliament aimed at improving the organisation and research capacity of the NCOP.

Challenges facing the NCOP ranged from its lack of precedent elsewhere in the world to the fact its role was little known or understood by the public, provincial legislatures, the National Assembly or even its own members.

Although urgent action was needed on several issues, the NCOP had made good progress. "Given its newness, what impresses us is not how poorly the NCOP has been doing, but how well," said the study report.

Problems identified by the report included a lack of clarity on the role of permanent delegates, and complaints by some provincial committees that

these delegates failed to brief them properly.

There were also problems with programming meetings of the plenary in Cape Town and meetings of legislators in their provinces.

The time-frame in which the NCOP operated gave little time to provinces to hold hearings on bills that had been introduced in the NCOP. "At present, public participation on NCOP matters is haphazard," said the report.

Communication between Cape Town and the provinces was not satisfactory. "The flow of information from the NCOP to provinces is confused," the report said.

Provincial legislatures did not give enough priority to their input into the national legislative process.

The EU-supported programme will involve projects including improved participation in the NCOP by provincial legislatures, improved organisation and management of the NCOP, and improved participation by stakeholders, including the public and local government.

In a separate step, the provinces are to co-operate in setting up a research forum for the NCOP.

This will involve help from the universities of Cape Town, Western Cape and Stellenbosch.

Organisations such as the Human Sciences Research Council, National Democratic Institute, and Legislative Training Programme also will help.



# Dirty Wars's hidden

# arms

## TRC team quiz Kluever on secret projects

**CAROL CAMPBELL**  
SPECIAL WRITER

Top-level Truth Commission officials met the auditor-general in Pretoria yesterday to dig for information about the maze of covert projects set up and funded by the apartheid government.

Just how much money was involved and what the covert projects were are the questions the TRC investigators are seeking answers for.

A source close to the old government said

at least R6-billion was allocated to the special defence budget every year. "This money was for tanks, ammunition and all sorts of projects. Exactly how much was spent on these front companies was a state secret known to only a handful of people."

"You must remember we, just like many other governments, did not want the world to know how much we were spending on defence or what it was being used for. It's a question the auditor-general should be able to answer now."

Today Wally van Heerden, a spokesman

for the auditor-general, said the amount involved was "millions, not billions".

"It's substantial," was all he would say.

"It is the total amount spent on secret projects from 1985 to 1994."

"By next Friday we will give a report to the TRC and make an official statement about our part of the investigation."

The TRC's research director, Charles Villa-Vicencio, said the auditor-general, Henri Kluever, and his staff were "fully cooperative" and were doing their best to help the commission's investigators find out

exactly how South Africa's apartheid leaders spent millions of rands of taxpayers' money.

Professor Villa-Vicencio said from Pretoria, "I cannot comment in detail at this stage but the auditor-general's office will, in due course, be giving us a report to help us with our investigation."

"This interview was part of a routine inquiry into the covert projects set up by the former government." Dramatic evidence emerged in TRC hearings over the past month that as many as 300 mysterious front

## projects

companies were set up by the old government to make apartheid machinery work efficiently.

The hearings, dealing with the apartheid-era chemical and biological weapons programme, became a catalogue of sinister testimony highlighting just how far politicians and their puppet scientists were prepared to go to destroy black society in South Africa.

Just how far their tentacles spread as worrying TRC workers, who fear many unofficial elements could still quietly be at work in society.

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(252)

# First Boipatong amnesty applicant gives testimony

BD 10/17/98 (257)

**SEBOKENG** — African National Congress (ANC) Women's League president, Winnie Madikezela-Mandela, made a surprise appearance at the truth commission's amnesty hearing in Sebokeng yesterday to hear testimony from someone who took part in the Boipatong massacre.

Between 200 and 300 residents of the nearby KwaMadala hostel attacked Boipatong in June 1992 and killed 46 people.

Sixteen Inkatha Freedom Party (IFP) members, who were convicted for the murders in 1994, have applied for amnesty for their part in the attack.

Madikezela-Mandela took a seat in the front row of the Sebokeng College of Education hall. She listened as the first of the applicants, Victor Mthembu, 29, told of his part in the raid on the settlement.

Madikezela-Mandela left during the lunch interval and was unwilling to speak to the media, apart from saying she did not wish to comment on the hearing at this stage. When asked by a reporter why she had attended the hearing, she snapped: "You're a black person, you should know."

The amnesty committee heard for the first time this week an account of how people were attacked during the massacre. Mthembu told the hearing he was armed with a spear and a knobkerrie on the night of the massacre.

However, he appeared to become confused when relating his own participation in the murders. At first he said he only struck a man with the knobkerrie but later conceded that he stabbed a man. He said the man fell on his face but was unable to say whether the man had died.

Under cross examination from Daniel Berger, who is appearing for the victims and their families, Mthembu said he could

not remember how many people he stabbed.

Earlier he described seeing policemen in Casspirs near the entrance to Boipatong on the night of the massacre, and said they did nothing when the armed impi passed by.

He then described how he and the other assailants ran through the streets of the settlement in search of members of the ANC's self defence units.

He also admitted storming into two houses during the attack. In the first house he found two young girls who he said looked like twins. When asked if he attacked them, Mthembu said they were innocent victims and he protected them by hiding them under a bed. In the second house he came across a young man who he struck with the knobkerrie. The young man fled.

Mthembu also appeared to have difficulty explaining the IFP hierarchy in the Transvaal at the time, even though he claimed to be a deputy chairman of the local IFP youth brigade. He claimed he did not know that renowned IFP strongman Themba Khoza was the Transvaal leader of the party at the time.

Mthembu also denied knowing any of the senior IFP officials in the area at the time. Berger suggested Mthembu was deliberately misleading the committee or was afraid to name other people for fear of reprisal. Mthembu denied this.

He also had difficulty with Berger's use of the word "hit squads". He denied there were hit squads at the KwaMadala hostel but in his written amnesty application he said a hit squad of men from Msungu in KwaZulu-Natal lived at the hostel.

He tried to explain the discrepancy by saying "hit squad" had been a typing error and should have read "self protection unit". The hearing continues today. — Sapa.

# Truth commission missed four deadlines

Farouk Chothia

BD 10/17/98 (252)

**DURBAN** — In response to a series of complaints lodged by the Inkatha Freedom Party (IFP), it emerged yesterday that the truth commission had missed four deadlines it had agreed to with the public prosecutor's office.

In a letter to commission national legal officer Haniff Vally, the public prosecutor's office said it was concerned that the truth commission had been unable to meet the deadlines.

The prosecutor's letter, dated May 29, noted that deadlines for the commission's submission to the public prosecutor's office had been extended from the end of January, to the end of February, and then to the end of May. A source said the deadline was then extended to the end of last month, but even this deadline was missed.

The IFP had first lodged a complaint with the public prosecutor last year, claiming that the commission was biased against it and was not investigating the politically-related murders of its leaders, nor was the body investigating alleged African National Congress (ANC) hit squads and the way the ruling party dealt with its black opponents when waging the liberation struggle.

Vally said there were various reasons for not making an earlier submission. This included the fact that the IFP had lodged three sets of complaints on different dates.

This meant that matters required further attention, and that the commission wanted to give an "integrated" response. The commission was also short-staffed.

Vally said the commission was investigating the deaths of IFP leaders. But the commission had found instances where the IFP listed 14 or 15-year-old boys as office-bearers who were killed. In other instances, families denied that those killed were IFP leaders.



# R10m legal aid for IFP

(2/2)

(1/1)

MTG 10-16/7/98

*The taxpayer footed the bill for the 177 IFP participants in the Shell House inquest, writes Mungo Sogot*

**T**he Legal Aid Board paid almost R10-million for the Inkatha Freedom Party's legal representation at the Shell House inquest last year — as much as the board's annual allowance to university legal aid clinics

The IFP confirmed this week that the 177 applicants who received legal aid in the inquest belonged to the party and were represented by seven legal teams, each with at least an advocate and an attorney.

The board cannot fund political parties. It said it paid applicants in their private capacities.

The inquest, in the Johannesburg High Court, probed the deaths of 17 people killed in an IFP march on Shell House in March 1994.

The African National Congress did not receive any financial assistance from the board for its legal team. A representative of the ANC's legal team confirmed the ANC had footed legal bills for all members.

ANC participants in the probe — 13 allegedly involved in the shooting and 30 additional witnesses — were represented by one team of four advocates and two attorneys.

The board said this week it paid the 177 applicants an average of R56 000. Senior legal aid official Peter Brits said the pay-outs ranged from R27 390 to R84 906 a head, stress-

ing the board could not pay for the party or for senior officials who were too wealthy to qualify for the taxpayer's assistance.

The IFP's chief whip, Koos van der Merwe, said one of the advocates from the seven teams also represented the party and senior officials who would not have qualified for legal aid.

The taxpayer's bill for the inquest also included the police bill for two advocates and an attorney, who cannot be funded by the board.

The inquest found that no one could be held criminally liable for the deaths. Judge Robert Nugent rejected most of the evidence presented to the inquest, saying it was unreliable.

The Legal Aid Board, which has an annual budget of R300-million, is due to be revamped by a team of lawyers and interested parties awaiting the go-ahead from Minister of Justice Dullah Omar to transform the legal aid system.

The team has already clashed with the existing board, calling on the chair, Judge Chris Plewman, to resign. Plewman's term of office expires in September.

One of the changes being proposed is to set up new legal aid clinics countrywide which will be staffed by law graduates, who will be obliged to do a one-year internship.

Tony Richardson, the co-ordinator of the legal aid transformation team, says that the 21 university legal aid clinics in South Africa — which are co-funded by the Legal Aid Board — will probably be expanded as part of the new legal aid system.

Richardson said the Shell House pay-out equalled the amount the board paid these clinics, which struggle to secure other funding.

# How Samora Machel signed

*There was motive for the then South African government to kill Mozambique's Samora Machel, and there is plenty of evidence to back up these claims, writes Debora Patta*

**R**obert Kirby's article on the Samora Machel crash (June 19 to 25) is devoid of any context. He writes as if South Africa in 1986 was a perfectly normal society, with a judicial system above reproach and a defence force that would never stoop to dirty tricks. Those at the receiving end of apartheid's evil deeds need no convincing as to what this country's former rulers were capable of.

South Africa was perfectly capable of killing Mozambican president Samora Machel, and in fact had tried on several occasions to assassinate him. Furthermore, the South African Defence Force (SADF) was equipped with sophisticated beacon equipment that was part of its covert operations used during the Angolan war.

One has to ask why South Africa always hauled out Judge Cecil Margo whenever it needed to conduct a sensitive aviation inquiry. At the time of the crash, the SADF was under suspicion. The mere fact that Judge Margo was an honorary colonel with ties to the old South African Air Force was reason enough for him to excuse himself from the inquiry into the Machel crash. But during the apartheid days it was customary for the accused to investigate themselves.

Kirby dazzles and bamboozles readers with complicated, technical jargon. But he has only regurgitated the findings of a 12-year-old commission of inquiry that — at best — chose to ignore critical evidence.

What did the South Africans have to gain by killing Machel? Kirby argues that "with Samora Machel's death South Africa was much diminished. We lost a neighbour of imagination, purpose and optimism. With the Nkomati Accord signed, a new chapter of co-operation had been opened. There was nothing to gain, even for the apartheid regime."

In terms of the Nkomati Accord, the African National Congress was

unceremoniously booted out of Mozambique and South Africa agreed to stop all military and logistical support for the rebel Mozambican group Renamo.

But history tells a different story. Machel had entered into a pact with the devil and signed what many would argue was his own death warrant.

The accord was a charade. South Africa had no intention of living up to it. Even as leaders of the two countries were shaking hands, supplies were being flown to Renamo. Pretoria was beefing up its Casa Banana base in Gorongosa. And when Casa Banana was captured by Frelimo a year after the accord, documents left behind showed that Machel had been cheated.

Supplies continued to be flown into the base, an airstrip had been built there and one of its most frequent visitors was South Africa's deputy foreign minister Louis Nel.

South Africa also initiated Renamo operations out of bases in Malawi, which had become a focal point for destabilisation. Mozambican protests to Malawi culminated in a visit to Blantyre on September 11 1986 by Machel, Zambia's Kenneth Kaunda and Zimbabwe's Robert Mugabe.

In his book *Machel of Mozambique* Ian Christie writes "When Machel set out on that trip he was angry. He detested [Malawi president Hastings] Banda and had on several occasions described him in my presence as a fascist."

During a two-hour meeting, a furious Machel presented Banda with a dossier containing evidence of active support for Renamo by Malawi and South Africa. The documentation included a photocopy of a Malawian passport issued to Renamo leader Afonso Dhlakama.

On his return to Maputo, Machel let off steam at a media conference where he told journalists "We will

place missiles along the border with Malawi if support to the bandits is not ended. And we will close the border to traffic between Malawi and South Africa going through Mozambique." That was a serious threat: an average of 70 trucks a day were passing through Mozambique's Tete province on the international route to the ports of South Africa.

Shortly after the meeting, Renamo launched a three-pronged conventional military invasion of Mozambique from Malawi. The invading military columns were led by white soldiers believed to be members of the South African Special Forces (reccies).

And that's when Machel drove another nail into his coffin. During a visit to the province of Tete, which borders Malawi, he said "The Malawian authorities have made their country a base for mercenaries of various nationalities, but principally South African soldiers. I think president Banda is not responsible. I think ministers, soldiers, members of the police and the Malawian security have been bought by the South Africans and other countries. I don't want to name now, although there is evidence of this."

**M**achel was planning to fire several of his generals for profiting from the war with Renamo, but never lived to carry this out.

On October 6 1986, General Magnus Malan threatened Machel personally, following an alleged landmine explosion near the area where Machel's plane would crash 13 days later.

"If president Machel chooses landmines, South Africa will react accordingly. If he allows a Moscow-inspired revolutionary war against South Africa, he must also be prepared to take responsibility. If he chooses terrorism and revolution, he will clash head on with South

Africa," warned the general.

The stage had been set for an attempt on Machel's life, but as his widow Graça Machel has said "We never expected South Africa to attack the presidential plane."

And so it was on October 19, on a dark, still night in Mbuzini, a Tupolev 134 crashed into hilly terrain, killing Machel and 34 others. Only nine people survived the accident.

One of the first people on the scene of the crash site was a local resident who, fearing for his safety, will only give his name as Mike. Because he knew the area well and was able to negotiate the difficult mountainous terrain, he was taken to the scene of the crash by local police.

To his surprise, he found security police already on the scene. "The injured were crying and moaning, the plane wreckage was scattered all over. I was the only one who was a civilian."

Nobody seemed particularly concerned about providing much-needed medical assistance, he says. Instead, police combed through wreckage, demanding that survivors tell them where Samora Machel was. "I don't know what they told them, but they went back to the wreckage and came back with a briefcase and they put it on top of one of the car's boots and started searching it. I knew if they found me I would be in big trouble because what they were doing was unlawful. They were not supposed to search the briefcase."

The next day Mike was forced to go into hiding because SADF soldiers repeatedly visited his home looking for him.

A crash survivor, Machel's chief bodyguard Fernando Manuel João, echoes Mike's words. He had walked a considerable distance in search of help, and at midnight had managed to contact the Komatipoort police through the radio of a local religious mission.

When he returned to the crash site, he found that "the South Africans were not at all concerned with the lives of the wounded. They were just messing around with the other things there." João was furious with the South Africans for "refusing to take the wounded to hospital."

The then foreign affairs minister, Pik Botha, later admitted documents had been removed from the wreckage, providing details of a planned Mozambican strike against Malawi. Botha says "Yes, technically that would have been a violation of diplomatic practice, certainly. But this was done probably to find out what was being discussed, but with respect this has nothing to do with the crash or the causes of the crash."

**C**olonel Des Lynch was seconded from the South African Air Force to assist with the probe into the crash. For the record, he says he's convinced the crash was caused by pilot error. But he has strong words about the way police and the Department of Foreign Affairs conducted themselves.

"From the first moment that the news was broken by the minister of foreign affairs on the SABC at 7am



Men in black: Then defence minister Manus Malan and then state president PW Botha

*“ If president Machel chooses landmines, South Africa will react accordingly. If he allows a Moscow-inspired revolutionary war against South Africa, he must also be prepared to take responsibility. If he chooses terrorism and revolution, he will clash head on with South Africa ”*

# his own death warrant

(252)

M+C 10-16/7/98



Very foreign affairs: Pik Botha leaves court after giving evidence to the Machel crash inquiry. PHOTOGRAPH: TREVOR SAMSON

**“** *The South Africans were not at all concerned with the lives of the wounded. They were just messing around with the other things there* **”**

that led to confusion. Even the minister who called impromptu press conferences, who leaked information to the press, made allegations about drunken behaviour and unserviceable equipment, things he knew very little about, only confused matters.”

To this day there are many people who believe the Russian crew on board the Tupolev 134 were drunk, although there was not a shred of evidence to support this. “Those allegations made an impact. For a long time [they] contaminated the investigation,” he says.

Another bone of contention was the critical cockpit voice recording, known as the black box. On the day of the crash, civil aviation investigator Piet de Klerk handed the black box over to police for safekeeping. It would be nearly six weeks before he saw that crucial piece of evidence again. The black box was passed on to General Lothar Neethling, who headed the police forensic laboratory — and is shown, in original police footage of the accident, tramping through the wreckage.

In the days and weeks that followed the accident there was much political posturing between South Africa and the Soviet Union, until it was eventually agreed that accident investigators would fly to the Soviet Union to listen to the black box in the presence of their Russian counterparts.

But, says Lynch, literally days before they were due to fly to Moscow, police forensics were still refusing to part with the precious evidence. “We’d now got to the stage where we had to sue the police to give us the boxes back. Not until lawyers’ letters were served on the police did they release the boxes.”

“De Klerk described how he put [the boxes] in black plastic bags and sealed them and they were muddy and dirty and whatever — and the

day that we arrived here they were spotless. There are little holes and things that are plugged with wax, and the wax was gone. We did not know whether they’d been opened or X-rayed and the more questions we put to the police the more obtuse they became. So we left here just hoping they would work and everything we got from the boxes was excellent.”

**S**o we have a motive and a contaminated investigation. But let’s go one step further and look for a suspect, a modus operandi and a smoking gun. For that we travel to Italy to meet Umberto Fusaroli Casadei.

If you saw Casadei walking down the street, you would hardly give him a second glance. He looks like every other kindly old Italian man you find in the villages of Italy, who adores his grandchildren and passes the days hanging out at the local espresso bars or cheering for his favourite soccer team. But behind this apparent ordinariness is a remarkable story. He has rubbed shoulders with some of Africa’s greatest leaders and survived more than one assassination attempt.

Casadei was just 16 years old when he was forced to watch his father and two uncles being publicly executed by Franco Mussolini’s fascists during World War II in northern Italy. This scarred him for life, and he vowed then to fight oppression in every corner of the globe.

It was this that led him to Samora Machel, whom he fought with against the Portuguese colonialists. After independence he became one of Machel’s most trusted lieutenants, operating in the dangerous world of counter-espionage. Casadei was a double agent, pretending to work for South African military intelligence (MI) while secretly passing crucial

information directly to Machel. He was paid R600 a month by South Africa for his false MI reports, money that ironically went straight into Mozambican government coffers.

One of his regular contacts was a female MI agent whom he has identified but asked that we call simply “Maureen.” It was during a routine meeting with Maureen that Casadei stumbled on the information that South African and Mozambican agents were plotting to kill Machel.

He described how “she asked me if the South Africans could trust the Mozambicans. Because they had asked the South Africans if they as-

sisted in killing Samora, what would the South Africans do to help those who’d assisted in the murder to take over power in Maputo?”

Now that he knew the identities of the Mozambican officials planning on betraying their leader, Casadei went straight to Machel and begged him to let him kill the two generals. “Samora now knew who was plotting against him, but he refused [to let] me kill them, he did not give me the permit to kill them. And so he gave them time to kill him. This was the big problem,” said Casadei, shaking his head regretfully.

It was not long after this that the crash occurred.

Devastated by the loss of one of his dearest friends, Casadei dedicated himself to investigating the cause of the crash. By 1994 he had collected enough information to go public with his story, speaking out in Mozambican radio interviews and newspaper articles. He linked top Mozambican and South African government officials to the conspiracy to kill Machel and provided critical technical information.

He paid a heavy price for his courage. Assassins opened fire on him on two occasions. The first time, convinced they’d killed him as he sat at the wheel of his Landrover, they taunted him by saying the bullets were a message from the Mozambican generals he’d named as accomplices in the president’s murder. But he survived, driving himself, badly wounded, to hospital.

Several months later another round of bullets was emptied into Casadei’s body and again miraculously he survived. But by now things had become too dangerous, and this time he was forced to flee Mozambique and return to the town of his birth in Northern Italy.

Casadei’s story is reinforced by a foreign intelligence document from

a neighbouring country in the possession of Radio 702. The document names the Malawian, Mozambican and South African agents who conspired in the plot to kill Machel. The Mozambicans named in the report are the very same ones who sent assassins to kill Casadei.

The document states that South Africa was charged with the responsibility of overseeing the technical aspects of the crash. Senior South African generals and a Cabinet minister are named in the report.

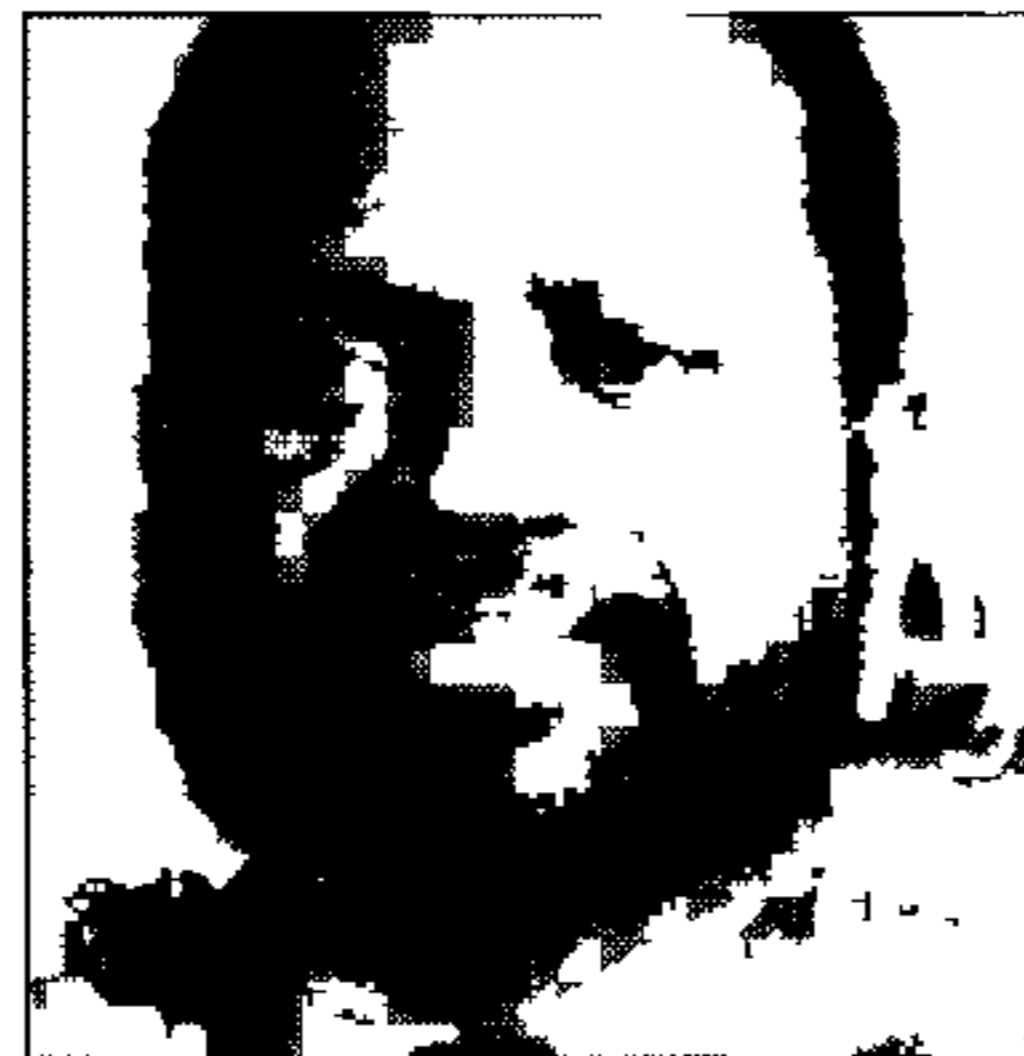
South African military intelligence was given the task of recruiting an airport official from Mozambique. According to the report, the airport official was paid a total of R1.5-million to assist the South Africans by switching off either the Maputo radar system or the beacon.

The report states that this person “travelled to Zimbabwe to close the deal with his foreign counterparts with the help of a Mozambican official who got him a medical certificate to justify his absence. Payments were made in two parts. After the deal the Malawians and the South Africans started to monitor the control tower and the communications in it.”

(Radio 702 is in possession of the dates those payments were made and the banking institutions where the money was deposited. However, this could not be double-checked because the banks concerned do not keep records going that far back.)

The airport official would later ensure that the Maputo beacon and radar system was/were switched off, making it easier to operate a decoy beacon transmitting a signal on the same wavelength as the Maputo beacon.

The report states that on the night of the accident a decoy beacon was used to divert the plane off course.



Samora Machel: ‘Signed his death warrant’

**“** *Samora now knew who was plotting against him, but he refused [to let] me kill them, he did not give me the permit to kill them. And so he gave them time to kill him* **”**

# How Machel signed his own death warrant

M+G 10-16/7/98

(2/5/98)

From PAGE 19

The weather was extremely cloudy in Mbuzi that night, which provided optimum conditions for a decoy beacon to work successfully. The document also claims South African special forces were in Mbuzi on the night of the accident.

But the Margo inquiry found there was no evidence of SADF soldiers anywhere in Mbuzi on the night of the crash. Judge Margo was satisfied that "the SADF platoon commander in charge of the area from September to November 1986 was emphatic in his evidence that no SADF personnel were at the site." What did Margo expect — that the SADF would readily admit it was in the area?

A former 32 Battalion member who was on duty along another part of the border on the night of the Machel crash stumbled on the presence of soldiers in Mbuzi while he was monitoring his frequency-hopping radio.

That night, he said, "I was a member of special forces which was actively busy with another operation and using a C21 military radio. We heard pieces of messages coming through from 1 Recce in the vicinity of the place where the plane went down of Samora Machel." No mention was made over the radio of the nature of the special forces operation, the soldier said. A blackout of information always meant it was a "black op" — a highly secret operation, details of which would only be known at a presidential and senior general level.

Another former national serviceman based at military headquarters in Pretoria has come forward to say on the night of the crash he was told he had to work late. His job was to provide refreshments for the military top brass, led by General Joubert. "He was there, [General] Kat Liebenberg arrived, Magnus Malan arrived. It was unusual because we had to work late and take refreshments up to them. These guys had an appetite, they were hungry," said the national serviceman, who has asked that his name be kept out of this report.

Also there that night was former electronic warfare head Lieutenant-Colonel Mossie Basson. He has confirmed the presence of Joubert, and says by some strange coincidence there was a secret operation under way that night. However, he says it had nothing to do with the Machel plane crash.

The South African Air Force has admitted it was tracking the Russian aircraft on its radar system that night, and saw the plane making a wrong turn. One has to wonder why it never bothered to communicate with an enemy plane heading for South African territory. Surely the obvious thing to have done was to point out that the Russian plane had made a wrong turn and warn the pilot he was about to encroach on South African airspace.

The Renamo and special forces link is given weight by another piece of evidence from former Renamo operative Paulo de Oliveira, who was based in Lisbon at the time. He was the man South African military officials in Phalaborwa would radio whenever they needed Renamo to claim responsibility for operations executed by South African special forces.

Several days before the crash, De Oliveira's South African military contact in Phalaborwa sent him an urgent message "Pay attention to the news and stay near the telephone and so on, because something big is going to happen." That was two or three days before the crash.

Several hours after the crash, De Oliveira received further orders telling him to remain on standby as "Renamo might have to claim responsibility for shooting down Machel's plane." By midday that instruction had been withdrawn and the accident was never spoken about again.

De Oliveira handed himself over to Frelimo in 1983, and he provided details of South Africa's ongoing support for Renamo long after the Nkomati Accord had been signed.

A senior military colonel now retired from the army has confirmed there were also members of the signal intelligence division (Sigint) in Mbuzi on the night of the crash. He describes a Landrover that he says was in the area over the period of the crash, under the command of Sigint. Inside the vehicle was sophisticated electronic equipment used to unscramble frequencies, monitor signals, and so forth. Residents in Mbuzi spoke of seeing a Landrover in Mbuzi at the time of the crash.

A former national serviceman in the air force working at Snake Valley 4AD says in the weeks preceding the Machel crash he saw a beacon being built. He describes a piece of equipment powered by a Kawasaki motor, mounted on a small trolley with a klerkmast attached to it. When he asked why it was being built, he was told "It's a secret operation that has nothing to do with you." It disappeared over the weekend of the crash.

Compare these descriptions of communications systems contained inside a Landrover and an electronic device mounted on a small trolley to the technical information provided in the Mozambican report attached to the Margo inquiry.

A British-based VOR (very high frequency omni-directional radio-range) manufacturer states that transmitting a false signal that mimics the Maputo beacon is "a simple task and an effective method of boosting the output of the required radials from a given power source. It could be readily accomplished with a vehicle-mounted unit using two standard motor-vehicle batteries in series as a 24V supply and a directional horizontally polarised antenna... The simplest and most ef-



**Marked man: Samora Machel and his wife Graça arrive in Harare for a Non-Aligned Nations summit meeting in 1986. PHOTOGRAPH: LOUISE GUBB/I-AFRICA**

fective way to produce accurate radials would be to switch off the Maputo DVOR during the period any mobile decoy VOR was activated."

Kirby dismisses this technical information contained in the Mozambican appendix to the Margo report and casts aspersions on the source of the information, stating it was "acquired from an unnamed British VOR manufacturer."

One wonders if Kirby actually bothered to read the full Margo report. It clearly states in a letter from Mr R Chippendale, an accident investigator from New Zealand, that the information is gathered from Bill Eastwood, the technical director of the reputable London-based Racal Avionics, and his associate, Ron Hazel. Both letters are signed by the two men and their full addresses are supplied. Racal Avionics was the manufacturer of the Maputo VOR and well acquainted with the product in question.

Both Casadei's allegations and the intelligence documents indicate the Maputo beacon was indeed switched off.

According to Casadei, ground-control staff were removed from their posts shortly before the plane was due to land, the radar was not working and it's possible that the Maputo beacon was also switched off. If the Maputo beacon and/or the radar was switched off and the crew deliberately confused during descent, said Casadei, optimum conditions would have been provided for a decoy beacon to be used to lure the plane off course.

The Russian Civil Aviation report backs up the theory of a decoy beacon. It provides a body of technical information arrogantly rejected by the Margo inquiry. It is also dismissed in a couple of sentences by Kirby, who seems to fall into the old "reds under the bed" trap that portrays Russian pilots as stupid and their inquiry as nothing more than communist propaganda.

The Margo inquiry blamed the Machel crash on pilot error. A key aspect of the Russian investigation is documented evidence that another

plane flying along the same route as the Tupolev intercepted the signal of a false beacon.

The report states "Pilots of the commercial aircraft Boeing 737-200 C9BAA of the LAM airline stated that the board navigation equipment on their aircraft picked up the Maputo beacon unusually early. The same signal of the false VOR was received by the board equipment on the Boeing 737 aircraft of the LAM airline."

This evidence is not conclusive, but it casts sufficient doubt on Margo's findings to call for a new inquiry. It also raises questions about the failure of the commission to adequately probe key issues like the presence of the military in Mbuzi.

Certainly there is no doubt that the crew of the Tupolev 134 made some serious errors, most notably when they ignored the ground warning signal shortly before impact. But by then it was too late. At that stage they believed they were landing at Maputo airport, even though it was pitch black. These pilots, who had thousands of miles of flying experience, were used to landing in darkness, as the electricity at the airport was frequently switched off by the South Africans.

Even if the crew had realised that they had made a wrong turn, I am convinced they had no chance of surviving. There is strong evidence to suggest the presence of highly trained special force members in the area. If the plane did not crash, the military would always have had a plan B and be prepared for every contingency. Perhaps they were waiting to shoot down the plane if the decoy-beacon plan failed.

But the plane crashed in South African territory and South Africa was then able to control the accident investigation.

Debra Patta is the news and special assignments editor of Radio 702 and Cape Talk. She has been investigating the Samora Machel crash for the past 10 months, and this report is a compilation of special reports broadcast on 702 and Cape Talk from October last year.

“ The same signal of the false VOR was received by the board equipment on the Boeing 737 aircraft of the LAM airline ”

# Details of Boipatong massacre recalled

(252) CT 10/7/98

**SEBOKENG:** Details of the massacre at Boipatong in which 46 people died emerged at the TRC amnesty hearing here yesterday

Victor Mthembu, 29, was the first of those involved to testify

Between 200 and 300 residents of the nearby KwaMadala hostel attacked Boipatong in June 1992. Sixteen IFP members, who were convicted of the murders in 1994, have applied for amnesty for their part in the attack.

Mthembu said he had been armed with a two-metre spear and a knobkerrie, but appeared to become confused when relating his own part in the murders

At first he said he only struck a man with the knobkerrie, but

later conceded that he had stabbed a middle-aged man. He was unable to say if the man died

Under intense cross examination from Daniel Berger, who is appearing for the victims and families of survivors, Mthembu said he could not remember how many people he had stabbed

Earlier he had told the hearing he had seen policemen in Casspirs near the entrance to Boipatong on the night of the massacre, but said they had simply allowed the armed impi to pass by.

He described how he and the

other assailants had rampaged through the streets of the settlement in search of members of the ANC's self defence units

He also admitted storming into two houses during the attack. In the first house he found two girls who he said looked like twins

When asked if he had attacked them, Mthembu replied that they were innocent victims and he in fact had protected them by hiding them under a bed

In the second house Mthembu came across a young man whom he struck with the knobkerrie. The man fled

He appeared to have difficulty explaining the IFP hierarchy in the Transvaal at the time, even though he claimed to be a deputy chairperson of the IFP Youth Brigade

He claimed he did not know that IFP strongman Themba Khoza was the Transvaal leader of the party at the time

Mthembu also denied knowing any of the senior IFP officials in the area at the time. Berger suggested Mthembu was deliberately misleading the committee or was afraid to name people for fear of reprisal. Mthembu denied this, saying he was not afraid of anyone

The hearing continues — Sapa



# TRC supplicants left stranded

They claim their submissions have been lost – and that it is now too late for anything to be done for them

By PETA KROST

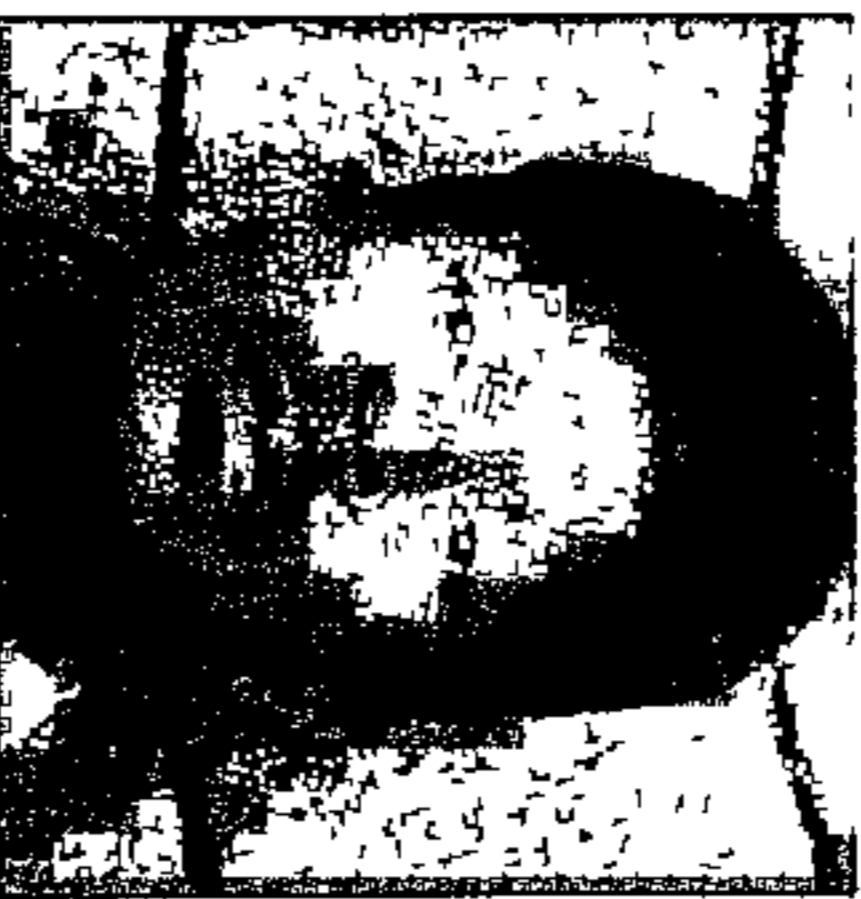
**O**upa Marletse is on the verge of committing suicide or committing a crime. He has lost all hope because the statement he says he submitted to the Truth and Reconciliation Commission has disappeared. After making numerous inquiries recently, he was told that his name was not in the computer – and it was too late to do anything about it.

Marletse (48) has walked around with four bullets lodged in his body for 14 years, since the day he became a victim of apartheid. He says he was shot by the police on the same day he was arrested, later to be found guilty of one of the many charges he claims were falsely made against him. He spent three years in prison as a result.

Since his release, his physical condition and his status as an ex-convict have prevented him from finding a job.

Marletse is one of thousands who saw the TRC as a vehicle to help him. "Even they let me down, so what is left for me to do?"

Marletse is not the only one who claims TRC submission statements have disappeared. In just a short investigation, the *Saturday Star* found two women from the Vaal Triangle who



**LET DOWN:** (left to right) Oupa Marletse, Sarah Bosigo and Susana Molepo say their TRC submissions have gone missing

Photograph COBUS BODENSIEM

are in a similar position

All three of them knew the names of the people who took their statements, and all three were turned away when they made inquiries at the TRC about their submissions. Their names were not located on the TRC's database. And Marletse claims that when he said he would go to the TRC offices to sort out the matter, he was threatened with arrest.

Sarah Bosigo (49), whose son Patrick "Papi" (21) was shot by security forces in Sebokeng in June 1993, was also turned away. Bosigo was told to find the man who took her statement

"I did not hire the man. He took my statement twice, the second time at my house in Zone 7."

Susana Molepo's oldest son Edwin, a well-known ANC activist, was one of three youngsters shot by police in Sebokeng in May 1992. Molepo's husband found their bodies at the police station the day after the shootings. She too handed in her statement at the Roman Catholic church in Sharpeville in August 1996. On inquiring recently, she discovered that her name was also unknown to the TRC.

When the *Saturday Star* made inquiries, we were told that these people did have recourse.

TRC commissioner Mary Burton said that if they now made statements to a lawyer or police officer, saying who had taken their initial statements and giving other details, then "we should be able to review their cases."

As most TRC offices have been downgraded, most staff have relocated to Cape Town. Burton suggested sending the statements to the Cape Town office within the month.

"With some 21 000 statements submitted, I suppose a few going missing is not surprising," she added.

Burton said she knew that statements had disappeared in some "far-off regions" but felt it was unlikely that it should happen in the Vaal Triangle.

Dudu Chile, one of the remaining staff members in the TRC's Johannesburg office, was sceptical about the people now coming forward saying their statements were missing: "People who neglected to come to the TRC in the two years designated for statement-taking are now coming forward as they have heard that some will get financial reparation."

Chile said people who had been appointed to take statements had left the TRC's employ, so it was difficult to process the information. "Desmond Tutu won't close his eyes to people whose statements have genuinely been mislaid."



# Hearing into massacre sheds little new info

By KEN DANIELS

(252)

Star 11/7/98

Hopes that the Truth and Reconciliation Commission's Bopatong amnesty hearing would reveal a full account of who planned and carried out the massacre at the Vaal Triangle township in June 1992 have not yet been met

The TRC's amnesty committee is hearing testimony in Sebokeng on the massacre, but little new information has emerged about the attack, which left 46 people dead and caused widespread outrage.

Some 16 Inkatha Freedom Party members, who were convicted for the murders in 1994, have applied for amnesty for their part in the attack, which involved between 200 and 300 residents of nearby KwaMadala hostel.

Yesterday the committee heard more testimony by the first of the applicants, Victor Mthandeni Mthembu (29), who continued to deny involvement of high-ranking IFP officials and the security forces in the killings.

Mthembu has been questioned at length by Daniel Berger, who is appearing for survivors and families

of victims, but has refused to answer or has given contradictory answers.

Asked who had ordered the attack, Mthembu replied it was Damara Gqongo, who has since died in a shooting related to taxi violence. He denied that the IFP leader of KwaMadala hostel, Vanana Zulu, was involved.

Mthembu has denied knowing any of the high-ranking IFP officials in the area at the time, including strongman Themba Khoza. He also claimed not to know of the existence of a group called the Amabutho (warriors), who made important decisions on behalf of the IFP.

Berger has suggested to Mthembu on several occasions that he was deliberately misleading the committee, or was afraid to name other people for fear of reprisal. Mthembu denied this.

Mthembu also refused to implicate the police or the former SA Defence Force, saying only that he had seen police outside Bopatong on the night. He also denied that white policemen had taken part.

The hearing continues on Monday  
—Sapa

# Justice Department plans to halt cheque fraud in courts

Star 11/7/98 (252)

The Department of Justice plans to reduce the number of cheques distributed to magistrates' offices in an effort to clamp down on theft and fraud that has cost taxpayers millions of rands in the past year.

It has also asked banks to step up measures to confirm that cheques have been authorised before they are deposited into private bank accounts.

Last week, the *Saturday Star* reported that some court officials entrusted with meting out justice have plundered this department's coffers for their own gain.

The department denied it had done little to eradicate corruption within its ranks. It also denied that the department's director-general, Jasper Noeth, had put a stop to an internal investigation into alleged irregularities at head office.

## Documents in hand

About R6,9-million was siphoned off the department's coffers in the 1997/1998 financial year with the help of more than 3 500 stolen cheques.

The *Saturday Star* has documents in its possession which detail how departmental chequebooks were allegedly left lying around at magistrates' offices, and cheques were made out for amounts of up to R4,3-million.

A confidential report, from the auditor-general's office, also warns that inaccurate and unreliable accounting information "might indicate misappropriation of funds" at head office in Pretoria.

Democratic Party spokesman Douglas Gibson has called for the sacking of officials responsible for the "messy administration" in the Justice Department and slammed Minister of Justice Dullah Omar for "not doing his job".

"With the high crime rate in South Africa, our justice system must be above suspicion," Gibson said.

And National Party spokesman Roelie

Groenewald said: "For the department to pass off the number of stolen cheques as a low percentage of the cheques that are in circulation daily is simply not the answer."

"It is equally disconcerting to hear the deputy minister (Manto Tshabalala-Msimang) say there are indeed weaknesses in the administration which have the potential of undermining the legal system."

"The department owes it to the public to be an example of inflexible honesty. It is, after all, the leader in the battle against crime," Groenewald said.

In a statement issued early this week, Department of Justice heads said they recognised "there are certain weaknesses within its administration which have the potential to undermine the justice system".

"These have been identified and the minister of justice has given strict instructions that improved and effective measures must be implemented to ensure that they are eradicated."

Despite efforts to improve security, "certain individuals are still able to engage in dishonesty", the statement said.

Department spokesman David Porogo said yesterday that the department would not be changing the way it handled its financial matters as a result of last week's report, "because we uncovered these issues ourselves".

"We are not awakening to this thing simply because you've raised them. We thank you for raising them, but we uncovered them ourselves. We have control measures in place."

Porogo said his department was not aware of problems uncovered by state

auditors and that "financial problems are not discussed with the auditor-general unless they are raised by him".

Porogo said plans to curb theft and fraud involving government cheques (called warrant vouchers) have been under way for some time and that "this has always been a worrying factor in view of the large number of warrant vouchers in circulation".

Plans to curb the theft of money from Department of Justice coffers include:

- Reducing the number of cheques in circulation,
- Outsourcing the function of issuing cheques for maintenance and bail;
- Changing the format of existing cheques to prevent forgery and duplication,
- Establishing a hotline to enable bank staff to confirm that a government cheque has been authorised.

## Official dismissed

Porogo said commercial banks could not currently verify whether government cheques were authorised because their system could tap only into accounts held with commercial banks.

"Future plans by the Government are under way to commercialise the paymaster-general accounts of national departments. This will address this problem."

Porogo said one official had been dismissed and five suspended this year in connection with misconduct.

"In many cases the misconduct does not warrant dismissal, and other penalties such as heavy fines are imposed and/or the department's losses are recovered from the errant officials."

Last year, eight Justice Department employees were dismissed and 12 suspended from duty in connection with "dishonesty".

A total of eight staff members were dismissed in 1995 and 1996, Porogo said.



jackie  
CAMERON

# Horror script: For a science fiction movie

By ASHLEY SMITH

**T**he script for a bad science-fiction horror movie played itself out before the Truth and Reconciliation Commission this week during hearings investigating the former SA Defence Force's chemical and biological warfare programme.

But, unlike the movies, which tend to have neat endings, there were many loose ends and unanswered questions after this week's hearings in Cape Town into the apartheid-era secret chemical and biological warfare programme.

What happened to the Mandrax and Ecstasy drugs a military "front company" manufactured in the early 90s?

Are the formulae for deadly biological and chemical warfare agents developed by the programme, codenamed Project Coast, being sold to the highest bidder on the black market?

Is Wouter Basson, who headed the programme, the only person who should shoulder the blame for the project, which included infertility pills for black women and the development of toxins designed to kill only blacks?

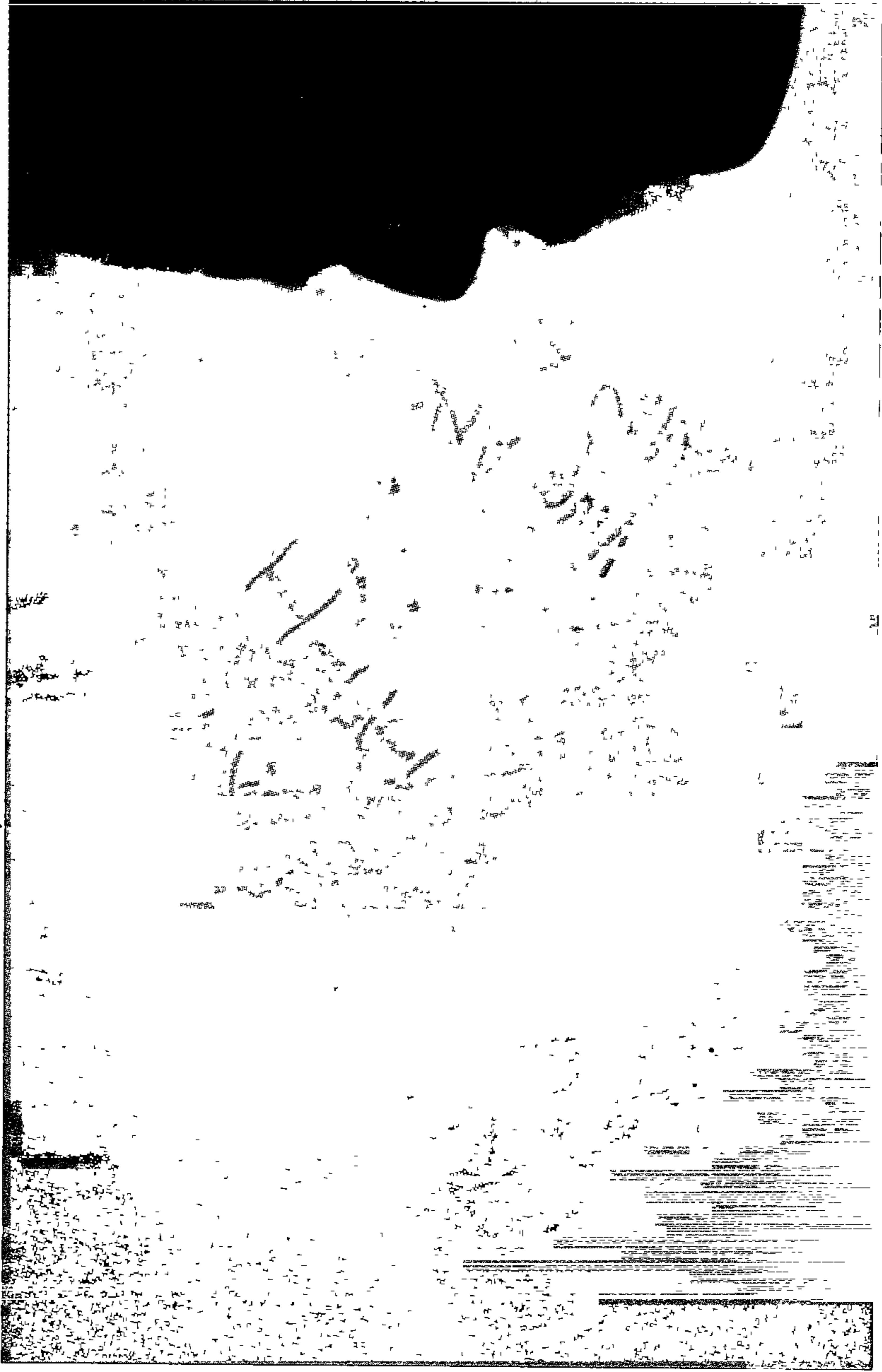
What were the roles of the 102 front companies, run by a clique of "army old boys"?

These questions could not be answered because Basson, the chief of the project, had applied for an interdict to prevent his having to testify before the TRC until his pending court case is over.

Basson is facing charges relating to his involvement in the programme including instigation to murder, a charge relating to the use of a "truth serum", and the manufacture of Ecstasy and Mandrax.

He might also be charged with fraud involving R50-million.

(2/12) Saw 11/7/98



## Flew to Yugoslavia

It was Basson who demanded and received secret finance to buy and refine illegal and addictive drugs for use by the apartheid state, supposedly to defuse riot situations.

In 1989 he flew to the former Yugoslavia with \$4,5-million (R28-million) to buy half a ton of Mandrax.

South Africa's National Intelligence Agency is still investigating the web of transactions, but has yet to unravel the network of front companies used to cover them up.

The testimony of Basson's close friend and colleague Philip Mjburg at the start of the hearings on Tuesday was described by TRC chief investigator Dumisa Nisebeza as "deliberately vague".

Dr Mjburg, who joined the SA Medical Services as an army doctor in 1982, testified that he knew and trusted Basson and that he had become the managing director of an army front company in 1985.

The company, Delta G Scientific, had received orders from the army to manufacture 1 000kg each of MDMA, the scientific name for the rave drug Ecstasy, and methaqualone, the active ingredient

in Mandrax. These drugs were being developed as "incapacitating agents" to be used against blacks in political unrest situations, he said.

Basson had taken possession of the drugs and he did not know what had happened to them, Mjburg testified.

Former defence force surgeon-general Niel Knobel testified that Basson had overseen the dumping of more than 2 tons of Ecstasy, Mandrax and cocaine into the sea off Cape Agulhas on January 27 1993.

Basson had done so despite having been retired from the military by former president F.W. de Klerk.

At the time, he was under investigation by a commission appointed by the Office for Serious Economic Offences.

Four samples (of the drugs) had been taken on the day they were allegedly dumped, Knobel told the commission. But on March 30 that year, a further

## TRC hears of trip to buy Mandrax – and of tons of drugs being dumped into sea



DEFIANT Drugs expert Wouter Basson has refused to give evidence at hearing

three samples had been sent by Basson to the office of the then director of counter-intelligence where the other

samples were being held for safe-keeping.

Commission attorney Ganief Valli put it to Knobel that it had been the second set of samples that had been tested by a forensic laboratory and that a certificate of destruction was then issued.

To this Knobel said it was possible Basson had deceived the army and not dumped the drugs.

About two years later, the army received information that Basson was allegedly supplying various contacts with more than 100 000 Mandrax tablets a year, Knobel said.

The commission also heard from Knobel that computer disks detailing South Africa's chemical and biological warfare capabilities had not been accessed by the present government because Basson was the only person who understood the complex information

He told the commission that in 1993 the top-secret information was stored on 13 disks by Data Images Information Systems, a front "private" company run by Mjburg.

Ben Steyn had assisted Basson in overseeing the storing of the highly classified information.

But until this day, nobody had accessed the disks to check whether all the information relating to the project had been stored, Knobel said.

### Impossible

The disks were in safekeeping at SA Defence Force headquarters in Pretoria and the present government was aware of their existence, he said.

Knobel admitted it was impossible to know whether the information on the disks included all the formulae relating to Project Coast or whether this information was now available for sale on the black market.

# Government tables democracy bill to protect constitutional rights

ARL 11/7/98

(252) ~~624~~

**ESTELLE RANDALL**  
POLITICAL CORRESPONDENT

The Open Democracy Bill, which gives ordinary citizens access to information to exercise or protect their constitutional rights, was tabled in Parliament this week.

The bill aims to promote transparency and accountability by all state bodies by providing the public with timely, accessible and accurate information and enabling citizens to examine and participate in Government decisions affecting them.

The Government has to pass the legislation before February 4 2000 to give effect to Section 32 of the Constitution. The section gives all citizens the right to access to information held by the state or another person, if the information is needed to exercise or protect constitutional rights.

The bill details specific provisions about

■ Public access to state infor-

mation

■ A citizen's access to information that private bodies have about them

It overrides confidentiality clauses applicable to Government officials if the information they divulge is disclosed to either a parliamentary committee or a provincial legislature, the Public Protector, the Human Rights Commission, the Auditor-General or the Attorney-General.

The National Council of Provinces will debate the bill at the end of August before it goes to the National Assembly.

This would enable its speedier passage through the parliamentary system, said Kallie Pauw, the head of legislation in Parliament.

Mohseen Valli, the chairman of the national council of province's select committee on safety and security, said the committee would discuss procedures for steering the bill through Parlia-

ment when they returned from the parliamentary recess.

Commentators believe the bill will increase public involvement in policy-making and help to ensure Government accountability and efficiency.

But a key objection to the draft bill published last year that the tabled bill has not addressed was that public access to all Government meetings and decision-making guidelines was not automatic.

An example of closed meetings are those of Parliament's joint standing committee on intelligence.

According to state law adviser Empie Krull, who was involved in drafting the bill, most of the amendments to the draft were technical. An exception was a new provision that exempts state enterprises from having to publish a manual detailing how they operate and the kind of information they keep.

# 'I can't remember whether I killed one or one hundred'

SECURITY forces - policemen and soldiers - just stood and watched as he and his accomplices shot, butchered and murdered the people of Boipatong, a 29-year-old convicted murderer and member of the Inkatha Freedom Party testified this week.

Victor Mthandeni Mthembu, serving a 22½-year prison term, was giving testimony in his application for amnesty at the Sebokeng College of Education this week.

Mthembu is one of 16 applicants who want amnesty for the Boipatong massacre on June 17, 1992, in which 45 people were killed by IFP members.

About 108 Boipatong residents survived the attack but some are now confined to wheelchairs. Among those killed were 11 children, some as young as six.

Mthembu said he was not sure how many people he had killed that night. "I cannot say whether I killed one or 100 people, I did not count them. It was a war situation," he said.

Mthembu who lived at the Kwamkhalo Hostel at the time, later contradicted himself by saying he did not kill but only weakened the victims so that his 300 accomplices - armed with firearms, spears and pangas - could finish them off.

He said he stabbed a man who tried to hide behind a car, only once in the back with a spear.

"I did not have to finish him because I knew I had company who would do their part," Mthembu said.

The packed Sebokeng College hall also heard that during the night of the massacre, the hostel dwellers had been looking for members of the

ANC's self protection unit responsible for torching and killing IFP members.

Mthembu said he had experienced "difficulties" at the first house he entered in Boipatong when he saw two young girls who seemed to be "twins".

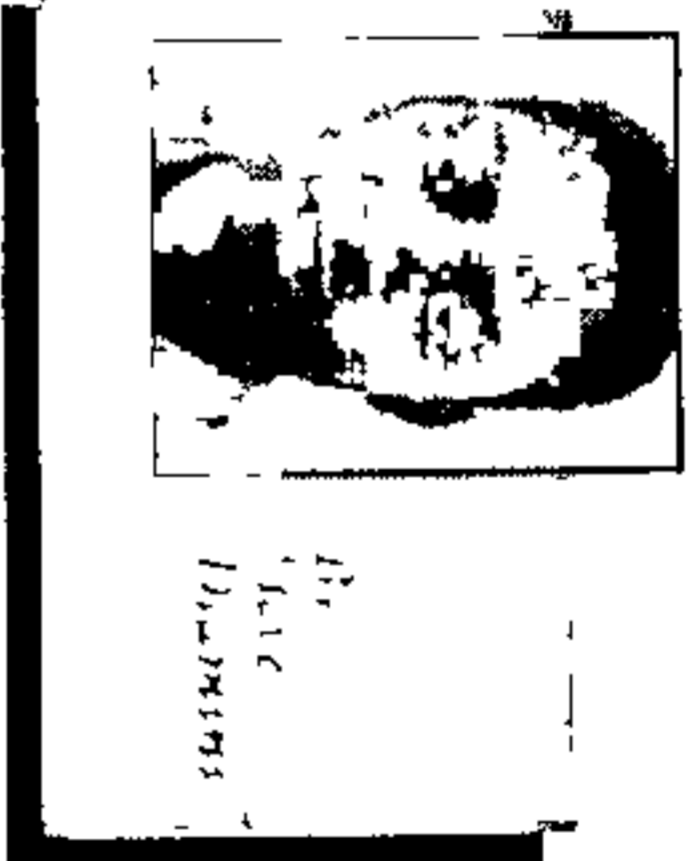
"As a parent, I felt sorry for them I hid them under a bed and made sure no one else entered the house."

But Daniel Berger, one of the legal representatives of the victims, said the children had hid themselves under the bed without Mthembu's help.

The argument between Berger and Mthembu continued on Friday as Berger tried to point out discrepancies in the applicant's testimony.

Another discrepancy in Mthembu's testimony was that on Thursday he said he did not know who the provincial leader of the IFP was, but on Friday admitted he knew it was Themba Khoza.

"The committee was also told of Damara Chonco and Themba Mabote, the people who had control over the ammunition at the hostel. Years passed before the survivors



and families of the victims knew who their attackers were, and the overwhelming feeling among them was the 16 should not be granted amnesty. Johannes Mbatsha, the husband of Paulinah, who is in a wheelchair because of the attack, said at times he found it difficult to help his wife because he was no longer a "healthy" man.

"I can't see the reason why this man (Mthembu) applied for amnesty because everyone can see that what he tells is not true. He is not an honest man. This man is dangerous, you can't trust him," Mbatsha said.

His wife Paulinah said: "I can hardly walk because of them. I'm permanently confined to a wheelchair."

Paulinah's sentiments were echoed by Matseleng Murrain Molete, who was stabbed with a spear just below the eye. Molete's three-year-old daughter, Mita, was struck with a panga in the head. Molete said she still could not believe her only daughter had survived the gruesome attack.

Describing the night's events, she said just after 10 pm they had heard windows shattering.

"My daughter was sleeping and her father was listening to the news. I was naked in the bath at the time," Molete said.

"I peeked through a window to see what was happening. I saw a group of men in white and red colours. Some of them were white people. I rushed to the bedroom where my daughter was because I feared they might kill her. I picked her up without saying a word and headed for a door."

She said it was then that she was



**MASS KILLING ...** Victor Mthandeni Mthembu wants amnesty

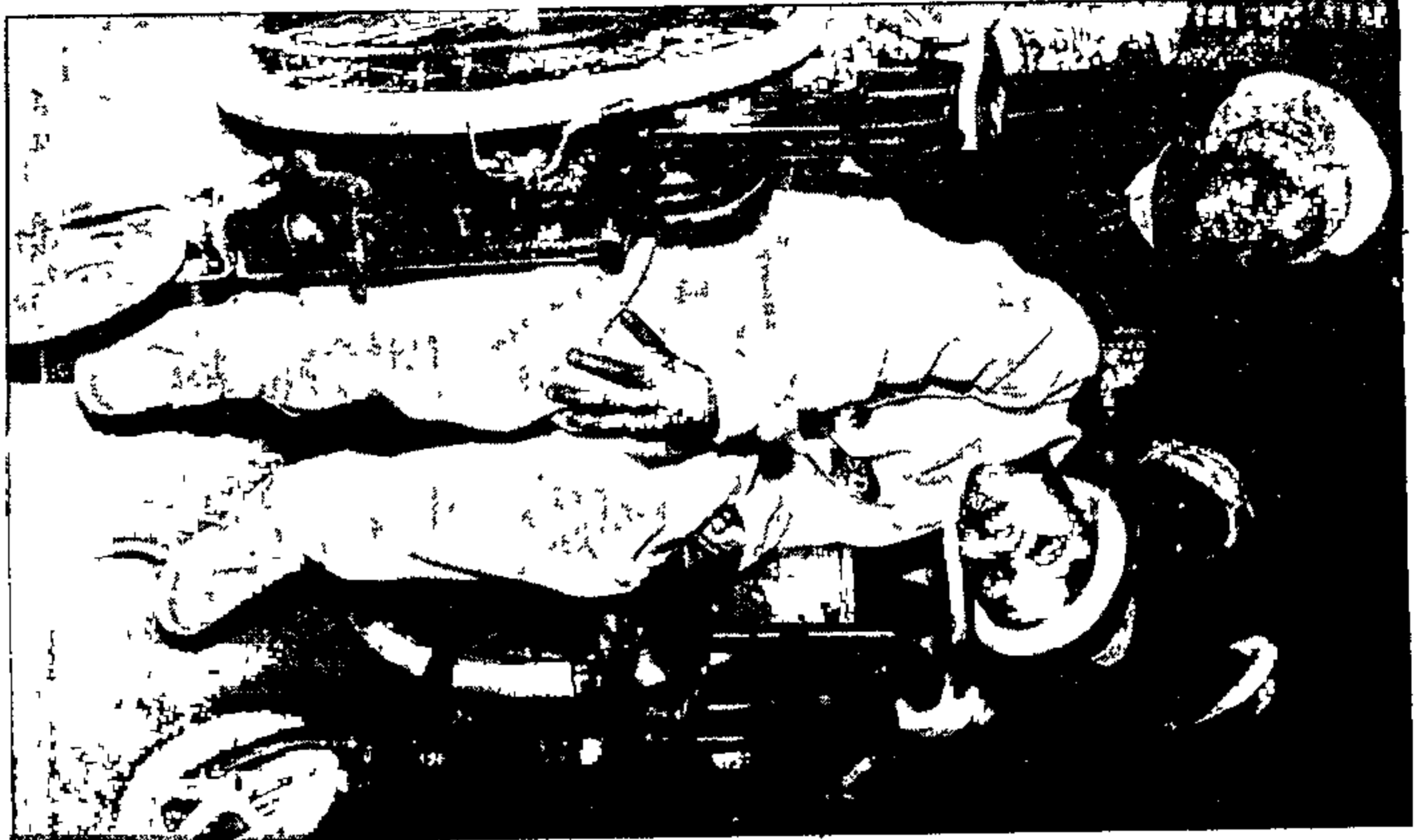
stabbed and her daughter was attacked with a panga.

"I fell down pretending I was dying. They left with my husband, whom they killed later that night. We ran out of the squatter camp to an open area where we asked for help."

She said she was rushed to the Sebokeng hospital in an ambulance with her daughter, whose brain was protruding from her head.

Mita, a grade four pupil at Themba Molete's middle school, is now confined to a wheelchair. Mita said she could not recall how the incident had happened as she was only three at the time. She is now nine. "All I can say is that they (the applicants) should not be given amnesty."

The other convicted applicants are Tebogo Magubane, Timothy Mazibuko, Jack Mbele and Sonny Mkwana.



**NIGHT OF HORROR** Mita Molete was a bubbly three-year-old when she was hacked in the head with a panga. She is now permanently confined to a wheelchair. Pics. TLADI KHUELE

# Appartheid's bio-war under wraps

## Basson's refusal to testify raises more questions about what happened to deadly cocktails

ASHLEY SMITH

**T**he script for a bad science-fiction horror movie was enacted before the Truth and Reconciliation Commission this week during the hearings into the SA Defence Force's chemical and biological warfare programme.

But, unlike the movies, which tend to have neat endings, there were many loose ends and unanswered questions after this week's hearings in Cape Town.

What happened to the Mandrax and Ecstasy that a military "front company" manufactured in the early 1990s?

Are the formulas for deadly biological and chemical warfare agents developed by the programme, code-named Project Coast, being sold to the highest bidder on the black market?

Is Wouter Basson, who headed the programme, the only person who should shoulder the blame for the project - which tried to develop infertility pills for black women, and toxins designed to kill only blacks?

What was the role of the 102 front companies run by a clique of "army old boys"?

These questions remained unanswered because Dr Basson, the chief of the project, had applied for an interdict to stop the truth commission from calling him to testify until a pending court case is over.

Dr Basson is facing criminal charges related to his involvement in the programme - including instigation to murder, a charge relating to the use of a "truth serum" and the manufacture of Ecstasy and Mandrax.

He may also be charged with fraud involving R50-million.

It was Dr Basson who demanded and got the secret finance to buy and refine illegal and addictive drugs for use by the apartheid state, supposedly to defuse riot situations. In 1989, he flew to the former Yugoslavia with \$4.5-million to buy half a ton of Mandrax.



BASSON secret finance



KNobel information on disks

South Africa's National Intelligence Agency is investigating the web of transactions, but has yet to unravel the network of front companies used to cover them up.

The testimony of Dr Basson's close friend and colleague, Phillip Myburgh, at the start of the hearings on Tuesday was described by the commission's chief investigator, Dumisa Ntsebeza, as "deliberately vague".

Dr Myburgh, who joined the SA



THE WRITINGS ON THE WALL: Wouter Basson's cryptic message scrawled on a wall of Cafe Moroka near Groote Kerk in the city. Picture OBEID ZILWA

Medical Services as an army doctor in 1972, testified he knew and trusted Dr Basson and that he had become the managing director of an army front company in 1985.

The company, Delta Scientific, had received orders from the army to manufacture 1 000kg each of MIDMA, the scientific name for the "rave drug" Ecstasy and methaqualone, the active ingredient in Mandrax.

These drugs were being developed

as "uncooperating agents" to be used against blacks in the political unrest situations, he said.

Dr Basson had taken possession of the drugs. But Dr Myburgh said he did not know what happened to them.

Former SADF surgeon-general Niel Knobel testified that Dr Basson had supervised the dumping of more than two tons of Ecstasy, Mandrax and cocaine into the sea off Cape Agulhas on January 27 1993.

Dr Basson had overseen the dumping despite the fact that he been retired from the military by former President F W de Klerk. At the time, he was under investigation by a commission appointed by the Office for Serious Economic Offences.

Four samples had been taken of the drugs on the day they were allegedly dumped, General Knobel told the commission.

But on March 30 that year, another three samples had been sent by Dr

Basson to the office of the then director of counter-intelligence where the other samples were being held for safe-keeping.

Gant Vally, a truth commission attorney, suggested to General Knobel that only the second set of samples was tested by a forensic laboratory before the certificate of destruction was issued.

General Knobel said it was possible Dr Basson had deceived the army and not dumped the drugs.

About two years later, the army received information that Dr Basson was allegedly supplying various contacts with more than 100 000 Mandrax tablets a year, General Knobel said.

Saypa-APP reports that the commission heard from General Knobel that computer disks detailing South Africa's chemical and biological warfare capabilities had not been accessed by the present government because the only person who understood the complex information was Dr Basson.

General Knobel told the commission that in 1993 the top-secret information was stored on 13 disks by Data Images Information Systems, a front "private" company run by Dr Myburgh.

Ben Steyn had assisted Dr Basson in overseeing the storing of the highly classified information, but so far no one had accessed the disks to check if all the information relating to the project had been stored, General Knobel said.

The disks were in safekeeping at SA National Defence Force headquarters in Pretoria and the present government was aware of their existence, he said.

General Knobel admitted that it was impossible to know whether the information on the disks included all the formulas relating to Project Coast or whether this information was now available for sale on the black market.

"I'm horrified that such actions happened and I think that everything should be done to prevent them happening again," said General Knobel.

But the eight days of the inquiry succeeded in exposing only "a tiny little part" of apartheid's secret programme, according to a South African expert who sat through the grim scientific testimony. "This is the tip of the iceberg. We do not know the depth of the ocean nor the depth of the iceberg," he said on condition of anonymity. "There is still an ugly question mark," he added.

That question mark remains because Basson refused to talk.

# New-style family courts delayed

## *Wanted: two magistrates* <sup>(252)</sup>

**ASHLEY SMITH**  
STAFF REPORTER

**The introduction of family courts - intended to alleviate the Cape High Court's crippling divorce caseload - is on hold until magistrates are appointed to run them.**

Regional head of justice Hishaam Mohamed said the two family courts, destined for Mitchell's Plan and the city centre, were awaiting a decision by Justice Minister Dullah Omar on the appointments.

Rules governing procedures in these courts also had to be finalised.

Mr Mohamed said it was

expected that Mr Omar would appoint one magistrate (presiding officer) for the Cape Town Family Court within the next few weeks.

But Mitchell's Plan would have to wait somewhat longer, because of budget constraints.

Mr Mohamed said a task team composed of community representatives, non-governmental organisations, the legal fraternity and the police had expressed reservations at the delay in operating the courts.

The family courts, when up and running, are designed to deal with domestic issues such as divorce, child abuse, restraining interdicts and maintenance. This

is intended to take the strain off the Cape High Court.

Such problems as accessibility to courts had been one of the key reasons for the development of family courts, Mr Mohamed said.

The family courts had been designed to alleviate "undefended" matters, which constituted about 80% of the cases brought before the Cape High Court.

"In these family courts, divorces will be done much quicker and more cheaply, as it won't be necessary to brief an advocate.

"These courts will also be easier to access for people in so-called disadvantaged communities," Mr Mohamed said.

## Bill will fight domestic violence

**CLIVE SAWYER**  
POLITICAL CORRESPONDENT

**New hope for victims of domestic violence could be offered by legislation tabled in Parliament this week.**

Justice Minister Dullah Omar has released the Domestic Violence Bill, which will replace the outmoded and inadequate 1993 Prevention of Family Violence Act.

Bitter experience of the loopholes in previous legislation through which offenders could

escape has led to the drafting of the new law.

The bill, scheduled to be approved by Parliament before the end of this year's session, recognises a wide range of aspects of domestic violence.

Among these is that many victims of domestic violence are unable to escape because of social and financial factors, and that victims come from all social, economic, ethnic, cultural and religious backgrounds.

In its preamble, the bill also recognises that "the home is

often the most violent place for women" and that domestic violence is an obstacle to gender equality.

The most important changes which the bill will bring are in the widening of the scope of legislation. Instead of the old definition of protecting only "parties to a marriage" the new bill will protect any victim in a domestic relationship, which is widely defined to include all family relationships and live-in relationships between people of the same or different sexes.



# Convict tells of mindless killings in Boipatong

Taryn Lamberti

(257)

PD 14/7/98

WHEN about 300 Inkatha Freedom Party (IFP) members attacked Boipatong residents near Vereeniging in June 1992, killing 46 people and injuring scores more, it did not matter who would be killed and how old they were, the truth commission heard yesterday.

Victor Mthembu, one of 16 men convicted of the murders and who are applying for amnesty from the commission, told the amnesty committee the aim of the attack was to kill African National Congress (ANC) supporters living in Boipatong. Asked by advocate Daniel Berger, who

represents some of the victims' families, why three-year-old Mfihlah Molete was stabbed repeatedly and hacked on the skull with a pangong, Mthembu said all the residents of Boipatong were targets regardless of their age. Asked if a nine-month old baby who was stabbed in the head and killed during the massacre had been a legitimate target and a member of the ANC, Mthembu said: "A snake gives birth to another snake."

IFP supporters in the audience reacted with shock to Mthembu's statements, Molete, who is now nine years old, watched the proceedings in silence from her wheelchair. She was paralysed from the waist down and lost the use of her left arm in the attack. Her father was killed and her mother seriously injured.

Mthembu claims he entered a Boipatong home on the evening of June 17 1992, but did not murder anybody. He said he had told two children to hide under a bed because he had children of his own and had taken pity on them. The amnesty committee heard that a 63-year-old woman was stabbed while asleep in her bed and a middle-aged woman was "so badly stabbed you couldn't count the stab wounds". Asked why people were stabbed while asleep in their beds, Mthembu said "they were sleeping, but they were sleeping in Boipatong".

The committee also heard that the attackers stole blankets, television sets, stoves, meat and food from the victim's homes. Mthembu said the blankets were stolen because it was winter and it was cold. Mthembu said he did not kill anyone during the attack and had only discovered that people died the next day at work.

He heard for the first time that children and elderly people were killed, during his criminal trial in the Pretoria High Court in 1994. Mthembu is currently serving a 20-year jail sentence for the murders.

Victor Mthembu, left, who is applying for amnesty from the truth commission for his role in the Boipatong massacre in June 1992, told the amnesty committee yesterday that children like Molete, right, who was three years old at the time, were legitimate targets because their parents had probably been members of the African National Congress.

Molete is wheelchair-bound as a result of being attacked with a panga during the massacre. Pictures: TREVOR SAMSON





# Death of six in Britain possibly linked to SA's germ warfare project

London - Police and the intelligence service MI5 have reopened files on six people who died in Britain in the 1980s and early 1990s, apparently of strokes or heart attacks, but who may have been murdered as part of a clandestine germ warfare programme operated

by the former apartheid government in South Africa. The revelations follow unprecedented co-operation between the South African and British intelligence services. The dead were known to be working in Britain against the apartheid regime, or had some

knowledge of Pretoria's secret operation, in the 1980s, to acquire and develop chemical and biological weapons. The first hint that their deaths - from "natural causes" - might have been suspicious came after evidence of assassination plots began to emerge

from the Truth and Reconciliation Commission hearings in Cape Town last month. White former senior South African officials and military leaders who participated in the chemical and biological weapons programme, code-named Project Coast, have told

of plots to develop special poisons to induce heart failure, cancer and sterility in the black population; and to produce special weapons, including screwdrivers tipped with deadly bacteria or chemicals, to kill without trace opponents of apartheid in Europe

and the US. At the time of the deaths of the six people now under investigation, there was no evidence of foul play. But every effort is now being made to see whether they could have been murdered. - The Times, London

(253)

Ataw 14/7/98

# 'A snake gives birth to another snake'

Star 14/7/98

(252)

## Amnesty seeker tells TRC why even a 9-month-old baby was killed in rampage through Boipatong

By RAPULE TABANE

An Inkatha Freedom Party supporter who took part in the 1992 Boipatong massacre has told the Truth and Reconciliation Commission's amnesty committee that he and others had killed both adults and their children because "a snake gives birth to another snake".

Victor Mthembu, who is serving a 20-year jail term, told an amnesty committee hearing yesterday that IFP supporters attacked Boipatong people indiscriminately.

"We did not discriminate who it was or how old they were. They were all ANC people, responsible for killing IFP members. We had no specific people that we targeted," he said, explaining why 9-month old Aaron Mathope was killed.

"But how can a 9-month-old be responsible for killing IFP members?" asked advocate Daniel Berger, who represents the victims.

When asked why people who were asleep were also attacked, Mthembu said they were legitimate targets.

He denied that, during the attack, the group had skipped a large section of Boipatong because it was populated by mainly Xhosa and Zulu-speak-

ing people and that Vanana Zulu, an IFP leader, stayed in the section.

Mthembu said the reason why the attackers looted the house they had broken into was that "as a Zulu it is a sign of victory that when you defeat people you confiscate their cattle. That is why we took two plate stoves, blankets and TVs. Personally, I took nothing."

Mthembu said he could not say which political objective had influenced the attack.

He could not remember a meeting addressed by IFP leader Themba Khoza and a certain Dlamini a week before the attack.

In his affidavit, Mthembu said Dlamini was sent by a senior IFP member in Durban to look after its members in the Vaal Triangle.

Mthembu said he was not pleading for forgiveness only because he was behind bars. "Even if I was free, I would still apologise."

Berger said the victims would not be prepared to forgive him unless he told the "whole truth", which included a suggestion that Mthembu sat down with other applicants to compile a list of the names of the other 200 or so men who were involved in the killing.

The hearing continues today

GOVERNMENT DRAGGING ITS HEELS

# Gays face Home Affairs' hurdle

IT'S ONLY A matter of time before gay and lesbian relationships are recognised in law, but the Home Affairs Department is being accused of making the process as costly and difficult as possible. **JUDITH SOAL** reports

TWO lesbian couples have turned to the Cape High Court after the Department of Home Affairs refused the foreign partners permission to stay legally in South Africa.

The urgent interdict against the department, the latest in a string of similar applications, was postponed on Friday to August 20. The applicants are furious that it had to reach the courts at all.

"The legal costs of these cases runs into hundreds of thousands of rands," said Zacke Achmat of the National Gay and Lesbian Coalition, which is supporting the court challenge.

"Yet under the Constitution we are guaranteed equal rights. It's not only our costs — which Home Affairs will have to pay if we win — but also theirs and the costs to the state.

"They are delaying the inevitable using taxpayers' money."

The government is expected to pass legislation within a year which recognises same-sex marriages.

When this happens foreign partners will be able to apply for South African citizenship in the same way as married heterosexual couples.

The coalition suggested to the department that the immigration laws known as the Aliens Control Act be amended to include same-sex relationships in the meantime, but this was rejected.

"In the beginning it seemed that they were acting humanely," said Achmat. "We had many discussions and they agreed to exempt 12 people from deportation last year. Then they rejected another 13 applicants in December."

"They say they are worried about it getting out of hand, but 25 people is hardly a flood."

Another case, in which six couples will challenge the Aliens Control Act as being unconstitutional, will be heard on



**HERE TO STAY:** John Symons brought his lover Brian Scott to South Africa after living together in London for eight years. During a visit to Johannesburg after the 1994 elections, Symons saw police protecting gay pride marchers. "We were so impressed by that and with the new Constitution, I thought things had really changed here. Now I'm not so sure."

PICTURES GARTH STEAD

December 6. The applicants in this case had to take to the courts to receive protection from deportation until the case is heard.

"We are being denied rights that heterosexual couples have," said William Daniels, the American partner of a South African citizen, whose exemption expires in October.

"All we want to do is live as a family. We have been together for eight years and came to this country when we heard that the Constitution promised

us equal rights, now we may have to leave again."

Jeanette de Grouchy, whose British partner has been refused a working visa, is confident that the battle will be won. "It's a clear-cut constitutional issue, but all the to-ing and fro-ing is difficult for everyone involved."

"My partner can't work and we don't know if she will be deported. Her self-esteem has taken a blow and I'm having to support us both financially, which is an added strain."

De Grouchy is a doctor, her partner a nurse. Both want to make a contribution to SA. "But if they don't grant her a permit soon we will have to leave," she said.

Home Affairs legal director Athle Tredoux said he could not comment on the issue because it may prejudice the court case.

"All I can say is that the marriage laws are being investigated," he said.

"There are many marriages that are not recognised, and we want to make it fair for everyone."



**BUSINESS BASED ON LOVE:** Brian Scott and John Symons have started a small business together since they moved here from the UK. "Now our successful business is under threat because we might have to leave if I can't get permission to stay," said Scott.

# Shake-up of legal aid welcomed

BD 15/7/98

(252)

Taryn Lamberti

POLITICAL parties reacted with approval yesterday to recommendations for a shake-up of the legal aid system following the release of a report detailing the proposed introduction of law clinics and compulsory community service for graduates

Ronnie Mamoepa, African National Congress spokesman welcomed the report prepared by the legal aid transformation team appointed by Justice Minister Dullah Omar in March to investigate improvements to the provision of legal aid services

He urged the public to take advantage of an invitation to make comments on the recommendations after the minister approved them

Omar is expected to approve the report this week

Mamoepa said it was a step to-

wards the broad transformation of the judicial system as a whole

Democratic Party (DP) spokesman on justice, Douglas Gibson, welcomed the opportunity for law graduates to qualify for the profession through alternative forms of service

Gibson said there were thousands of law graduates who had difficulty in finding articles and the proposed law clinics made "a great deal of sense"

He said adequate supervision of the students would be necessary to gain full benefit of proper legal training to equip students for practice

Gibson said the DP had previously criticised the provision of legal aid in SA "The constitution promises a defence to all and the problem is that the funds available to the justice department are limited," he said

The bulk of funds were being used to defend people charged with crimes

and little money was being used to transform the courts and improve salaries of prosecutors and magistrates, he said

"Other means have to be found to provide representation for accused people without detracting from the rest of the justice system"

United Democratic Movement spokesman Eitel Kruger said consideration had to be given to ways of financing legal aid, but said he was concerned the introduction of compulsory community service for graduates would further the "flight of skills" from the country

The danger with the introduction of community service for law graduates was that it could become an "across the board" approach with the water affairs department conscripting engineers and members of the public being forced to join the police

# Families fail to halt Boipatong amnesty hearings

Taryn Lamberti

(252)

THE families of victims of the 1992 Boipatong massacre failed yesterday in their attempt to stop the amnesty hearings of 15 applicants.

Advocate Daniel Berger, acting on the families' behalf, asked the truth commission's amnesty committee to reject the applications because they were defective.

The applicants are seeking amnesty for their role in the massacre which left 46 dead on June 17 1992, when about 300 Inkatha Freedom Party (IFP) hostel dwellers attacked the African National Congress (ANC) residents of Boipatong.

Berger argued that the applications submitted in May last year were incomplete because they had not been signed nor attested to by a commissioner of oaths. Completed applications were submitted in February, long after the cut-off date of September 30 last year.

Only one applicant, Victor Mthembu — whose original application complied with the Promotion of National Reconciliation and Unity Act — has given evidence in the past week.

Amnesty committee chairman Judge Sandile Ngobobo ruled that the applications could continue because "the truth sought by the victims' families was more likely to be forthcoming if the perpetrators were encouraged to give evidence. The act seeks to help survivors and dependants of those who were tortured, wounded, maimed or killed to discover what did in truth happen to their loved ones."

Sapa reports that the IFP distanced itself yesterday from Mthembu's "irresponsible" remarks to the commission.

"A snake gives birth to another snake" is how he rationalised the murder of a nine-month-old baby in the attack.

He also said his intention had been to attack the residents of Boipatong because they supported the ANC.

SD 15/7/98

# IFP applicants get TRC nod

SEBOKENG: The Truth and Reconciliation Commission's amnesty committee has agreed to allow 15 Inkatha Freedom Party members to proceed with their applications for amnesty for their part in the June 1992 Boipatong massacre

Lawyers appearing for the victims earlier yesterday asked the committee to reject the applications on the grounds that they had not been properly completed

Sixteen IFP members are applying for amnesty for the massacre of 46 residents of Boipatong. The first of the applicants, Victor Mthandeni Mthembu, has completed his testimony and the remaining applications will be heard on August 11

Amnesty committee chairperson Judge Sandile Ngobo ruled that the amnesty applications should go ahead to try and find out the truth about Boipatong

His ruling followed a request by Daniel Berger, appearing for victims and their families, that the applications be thrown out because they were incomplete and did not comply with the provisions of the Promotion of National Reconciliation and Unity Act, which governs the amnesty process — Sapa

CT 15/7/98



# Officer defies TRC call

(272)

APG 16/7/98

The former head of the SA Defence Force's 31 Battalion, Colonel Piet Hall, could face prosecution after his failure to respond to a Truth and Reconciliation Commission subpoena related to offences against Bushmen communities.

TRC spokesman Zenzile Khoisan said last night that the commission had handed Colonel Hall's case to the Western Cape attorney-general.

Colonel Hall was subpoenaed to appear in Cape Town in connection with his battalion's human rights abuses of the 'Xu and Khwe communities and the deaths of Paulino Dala, Augustino Kambinda, Kativa Kameia and C Kapisus in the Caprivi Strip in 1979.

"We gave him the required 14 days' notice and received a fax from his attorney addressed in the context of the hearing but he did not appear," Mr Khoisan said. — Sapa

# ANC MP first 'super A-G'

CLIVE SAWYER  
POLITICAL CORRESPONDENT

(252)  
ART 16/7/98  
The first "super Attorney-General", who will take national control of prosecutions policy, is tipped to be Bulelani Ngcuka, a Western Cape African National Congress MP and deputy chair of the National Council of Provinces.

It is understood that the establishment of the office of national director of public prosecutions, provided for in the Constitution and recently-approved legislation, has been recommended to the Cabinet, and that Mr Ngcuka is to be named to take up the post.

Mr Ngcuka's academic qualifications include a B Juris from Fort Hare University, a BA LL B from the University of South Africa and a Masters in international relations from Webster University, St Louis.

He began his legal career in Durban at the practice of murdered civil rights lawyer Griffiths Mxenge before starting his own practice in Pietermaritzburg in 1980.

In mid-1980 Mr Ngcuka was detained under the Terrorism Act and in 1981 was jailed for three years for refusing to testify in the "treason trial" of Maqubela Ngaba.

In 1990 he was elected Western Cape chairman of the United Democratic Front.

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# City man could be first super attorney-general

ET 16/7/98 (252)

GOVERNMENT officials are keeping tight-lipped about who will become the country's first super attorney-general before an official announcement by Deputy President Thabo Mbeki this afternoon.

Reliable sources confirmed the announcement would be made at the Union Buildings following a

meeting with the country's nine attorneys-general this morning.

It is understood the appointee is from Cape Town, but this could not be officially confirmed.

The post, in terms of legislation approved in Parliament recently, is that of national director of public prosecutions — Sapa

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# Blanket amnesty call by generals

(177) et 16/7/98

PRETORIA: Three former SA Defence Force chiefs yesterday called for general amnesty to be granted to soldiers and officials from all camps who were involved in the apartheid struggle.

This was the only way to deal even-handedly with human rights violations committed by former SADF members and liberation fighters, they said here through a spokesperson, retired general Dirk Marais.

Citing what they labelled the TRC's shortcomings, Magnus Malan, Constand Viljoen and Janie Geldenhuys called for legislation to allow for general amnesty.

They said they had urged the TRC earlier in the month to lend its support to this proposal in the interest of reconciliation.

"The TRC should at least recommend to the government that general amnesty be allowed in order to realise the original aims of the TRC."

A memorandum along similar lines was submitted to Justice Minister Dullah Omar last month.

Marais said it was by now commonly accepted that the TRC would not be able to deal with all human rights abuses committed between 1960 and 1994.

The generals said it would be impossible for either apartheid forces or liberation fighters to reveal each and every act committed by them over the 34-year period. This meant they could not possibly comply with the TRC's prerequisite of full disclosure in order to receive amnesty. Therefore, blanket amnesty would be a more viable option.

Marais said deputy TRC chairperson Alex Boraine last week reacted to the generals' call by saying the TRC would not make recommendations on policy issues.

— Sapa

# Heidelberg Tavern three get amnesty

Stephen Laufer

(2/17/98)  
90 17/7/98  
THREE Azanian People's Liberation Army operatives have been granted amnesty for their role in the December 1993 attack on the Heidelberg Tavern in Cape Town, described by the truth commission's amnesty committee yesterday as "particularly brutal".

The committee said the law left no alternative but to grant amnesty, much as it sympathised with victims of the attack and family members of those killed who had opposed freedom for Humphrey Luyanda Gqomfa, Vuyi-

sile Brian Madasi and Zola Prince Mabala. Four people were killed and five wounded in the pre-election shooting.

The committee said patrons of the tavern were not only whites and survivors and relatives had been "understandably deeply shocked" by what happened. But as much as one understood the desire to see the perpetrators punished, the committee was obliged to grant amnesty, it said. The perpetrators had clearly been politically motivated, had not acted for personal gain or out of personal malice, but were engaged in a struggle against the state.

## Vlok seeks amnesty for bombings

Linda Ensor

(252)  
FORMER law and order minister Adriaan Vlok is to appear with more than 30 senior police officers before the truth commission's amnesty committee in Pretoria next week to plead his case regarding a series of bombings in the 1980s, including those of Khotso House and Cosatu House.

Also under the spotlight will be the bombings of commercial cinemas that showed Cry Freedom, a film about murdered black consciousness leader Steve Biko.

Vlok, the first former cabinet min-

ister to seek amnesty, will appear with among others former Vlakplaas commander Eugene de Kock and former police commissioner Johan van der Merwe. Vlok has applied for amnesty in respect of all three sets of bombings. In the case of Khotso House, the headquarters of the SA Council of Churches, the bombing resulted in injuries and extensive damage to the property.

The committee will also sit in Ermelo to hear the amnesty applications of African National Congress members who attacked the Black Cats vigilante gang.

DD 17/7/98

# Open Democracy Bill cautiously welcomed

Bulelwa Boqwana

**BUSINESS** cautiously welcomed the release of the Open Democracy Bill earlier this week, but some organisations were concerned about its implications

The bill aims to secure the freedom of information provisions of the constitution, but allows government to refuse requests, for reasons of national security.

A spokesman for the SA Chamber of Business said that the organisation welcomed the move, as the proposed legislation would protect businesses as well as individuals.

However, many companies had not seen the bill, while banks and other institutions with large resources of customer information declined to comment.

One exception was Reader's Digest, which has a vast database of readers and individuals falling within its target market. Legal director Christiane du Val said her company was familiar with the proposed law and had followed all the changes in the build-up to its publication.

"The bill is in the interests of

(242) (9077)  
transparency, and I don't think it will have an adverse effect on businesses as they are protected," she said.

Centre for Policy Studies director Steven Friedman said the issue was "delicate" for private organisations and some might not be happy.

Dren Nupen, the director of the Electoral Institute of SA, said: "This is an extraordinary bill, but conflicts regarding its interpretation might arise. While the constitution provides limitations on disclosure, some of its aspects need clarity and discussion."

Transparency International SA's Mpho Nawa reiterated the institute's concern about clarity, saying the extent of protection provided to "whistle blowers" — providers of information whose jobs or lives might be endangered — was crucial.

The bill has been referred to the parliamentary committee on security and justice for further investigation.

Parliament will consider written representations on the proposed legislation received before August 10.

# New legal chief vows to fight off politicians

PD 17/7/98 (252)

Taryn Lamberti

SA's first national "super attorney-general", senior African National Congress (ANC) politician Bulelani Ngcuka, vowed shortly after his appointment yesterday not to tolerate the political interference he was expecting.

"I will tell them (politicians) to back off because I must protect the integrity of my office," Ngcuka, 44, said after his appointment as national director of public prosecutions was announced.

He said he was expecting interference from politicians.

Provincial attorneys-general who were vehemently against the creation of the office admitted defeat at a meeting held before the announcement of Ngcuka as their new boss, sources said. The attorneys-generals said they would stand behind Ngcuka and pledged their "unstinting" support.

Ngcuka, a former human rights lawyer and political prisoner, said he would take up the position with an open mind. "There was a lot of criticism, some was well-founded and some was not but this will not influence me.

"I'm not interested in the past. My relationship with the attorneys-general starts now," he said.

"I am feeling optimistic. The challenge is immense but I would not be here if I did not think I was equal to it."

Opposition parties criticised the appointment as a political one. The National Party said the appointment was "another example of the ANC's aggressive drive to politicise SA society and institutions". It followed "only a few weeks after the disastrous appointment" of Labour Minister Tito Mboweni as the governor-designate of the Reserve Bank.



SA's first super attorney-general, Bulelani Ngcuka.

Picture TREVOR SAMSON

Democratic Party justice spokesman Douglas Gibson said Ngcuka's high political profile should have disqualified him from the "politically sensitive position", and Freedom Front spokesman Rosier De Ville said the appointment led him to question the independence of the legal system.

Omar dismissed the accusations as unjustified. "We can't help it that the majority of people in SA belong to the ANC and most of them are very qualified. Bulelani enjoys the respect of all political parties and has never been afraid to act independently," he said.

Ngcuka said if the cabinet approved

his appointment he would resign as deputy chairman of the National Council of Provinces and from all other political positions.

Ngcuka started his career as a prosecutor before taking up articles with Griffiths Mxenge in Durban in 1978. He was elected to the senate in 1994 and became chief whip for the ANC. He later represented the senate on the Judicial Services Commission and participated in the drafting of the final constitution. He is married to Deputy Trade and Industry Minister Phumzile

Continued on Page 2

## Legal chief

Continued from Page 1

Mlambo-Ngcuka

The National Prosecuting Authority Act, which was passed by Parliament last month, gives effect to section 179 of the constitution which gives the justice minister "final responsibility" over the prosecuting authority. When the act comes into effect, attorneys-general will be known as directors of public prosecutors.

Omar said Ngcuka would play a central role in the administration of justice and would be responsible for drawing up national prosecution policy guidelines to ensure that citizens received equal treatment before the law.

The new act provided for an independent prosecuting authority, Omar said. "In other countries like the US, Britain and Australia, the head of the prosecution authority is part of the cabinet, so this appointment of ours is far more independent. We could have followed the route of the commonwealth but chose not to."



# From ANC 'guinea pig' to 'super A-G'

## Ngcuka wants public to see prosecutors who represent the people

By **JOVIAL RANTAO**  
Political Correspondent

**T**andebantu Bulelani Ngcuka, who was yesterday appointed as the national director of prosecutions or "super attorney-general", is slowly getting used to being the guinea pig of the ANC.

In 1993, when it became clear that the ANC would win the elections scheduled for 12 months later, Ngcuka (44), a prominent Western Cape political activist and advocate, was sent to Parliament to prepare for the arrival of the first ANC MPs in the National Assembly and the Senate.

He worked for months with the then chief whip of Parliament Alex van Breda, learning the rules of Parliament when the MPs did arrive, Ngcuka played a crucial part in helping

to induct his colleagues in the national legislative process.

When the MPs were settled, Ngcuka, who had also been involved in the constitution-making process, was asked again to help set up the National Council of Provinces, a new second house of Parliament through which the interest of SAs nine provinces would be represented.

With former Free State premier Trevor Lekota, Ngcuka worked to educate MPs and provincial government about the role of the NCOP. The inaugural run of the NCOP was beset with problems Ngcuka and Lekota had to visit provinces and adopt a hardline attitude towards ministers who showed scant respect for the NCOP.

### Image of prosecution services is to change

These problems were solved and Ngcuka was preparing for a smooth run when he was approached and asked to become SA's first "super A-G".

"I first hesitated when I was approached but relented when Deputy President Thabo Mbeki prevailed upon me," Ngcuka, who has practised as an advocate, said.

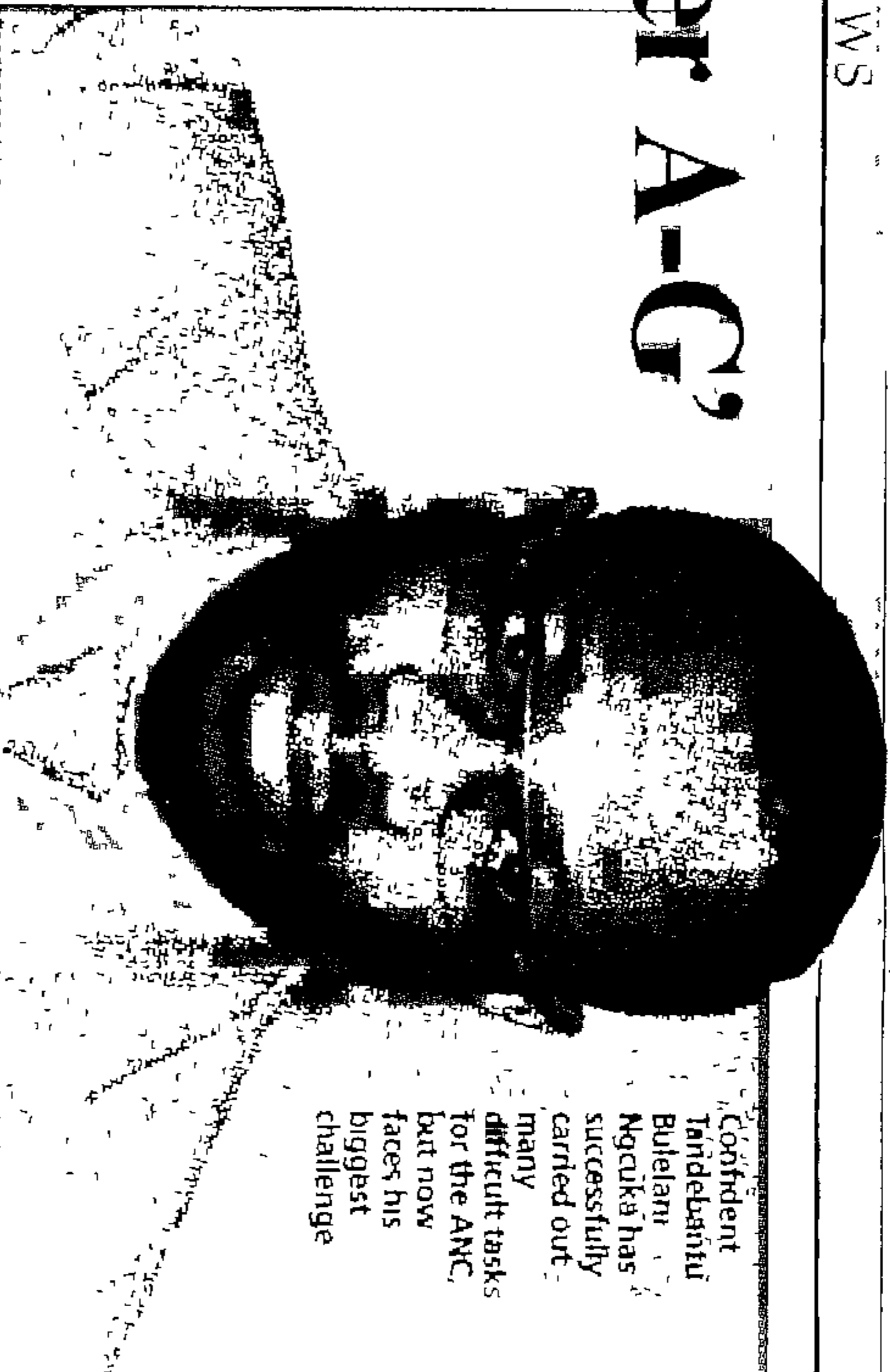
He said the appointment left him filled with a sense of trepidation as he did not know what the future held for him. "I'm venturing into the unknown. I have to establish an office and bring together no fewer than 11 different prosecuting authorities into one. "That's not going to be easy

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(A12)

I don't know the people I will be working with. I only know them by name and sight but I've never worked with them. I don't know how they're going to react," Ngcuka said.

The challenges, he said, would be same as setting up offices for the NCOP. He said the only difference between establishing the NCOP and starting an office of the national director of prosecutions was that ordinary South Africans were impatient to see in what way would the office change their lives and impact on the high levels of crime.

"We have to say to the people give us time. We're going to do our level best. We'll be wrong in trying to rush into things and do things wrongly and discredit the office and the justice system," Ngcuka said. He was quite aware that like



Confident Tando Bulelani Ngcuka has successfully carried out many difficult tasks for the ANC, but now faces his biggest challenge

Tito Mboweni, he would be described as a political appointment whose independence would be questioned. He was, however, not worried about predictable reactions of the opposition parties.

"I come from the ANC and I'm proud of that record but I'm now in a different office and anyone who knows me and my track record knows that I won't abuse my position to serve friends and my party. "I will be taking an oath of

office to ensure that I act impartially. It's possible for one to divorce himself from friends and politics.

"I will not use this position to advance the political interest of the ANC. I'm not foolish. I'm going to serve on a 10-year non-renewable term so my survival in my position will not depend on the favours from the ANC. I intend to be even-handed. I will not be working alone and that would also serve as a measure that would safeguard the inde-

pendence of the office," Ngcuka said.

The former chief whip of the ANC in the senate said one of the things he would like to change is the image the prosecution services have in SA.

"The prosecution is not regarded as the noble profession that it is. By and large, people think that prosecutors are an extension of the police. We need to change that image so it is realised prosecutors are lawyers who represent the people

"I want to ensure that the status of the prosecutors and their conditions of service are addressed. The prosecutors and myself represent all the victims of crime. We're here to ensure that there is justice."

He intends to legitimise the prosecution services through transformation and turning it into a highly effective service. He also has plans to introduce a new style of management and increase the flow of communication between the prosecutors and provincial directors of prosecutions (former attorneys general).

"I want us to act with firmness and create a system that people will be proud of."

Ngcuka's appointment was in accordance with the National Prosecuting Authority Act, which was passed by both houses of Parliament recently.

He will have the power to overrule provincial directors of prosecutions who from today would be required to report to him. During its path through Parliament, the National Prosecuting Authority was not supported by opposition parties who feared that the national director would be a political appointment and compromise the independence of the judiciary.

# Heidelberg Tavern killers granted amnesty

Star 17/7/98 (292)

Cape Town – The three men convicted of the 1993 attack on the Heidelberg Tavern in Observatory, Cape Town, had been granted amnesty, the Truth and Reconciliation Commission's amnesty committee said yesterday.

The Azanian People's Liberation Army (Apla) operatives – Humphrey Luyanda Gqomfa, Vuyisile Brian Madasi and Zola Prince Mabala – were also responsible for attacking an army base in Nyanga and the Lindeberg West police station.

They were convicted of murdering Bernadette Sharon Langford, Lindy-Anne Fourie, Nosolino Cequeira and Rolande Lucielle Palm at the tavern in December 1993. They were also found guilty of attempting to murder five other tavern patrons.

Families of the victims' as well as survivors of the attack opposed the amnesty.

The committee described the attack as "particularly brutal" and noted that not only whites patronised the tavern.

It said the victims' families and the survivors "were understandably deeply shocked and horrified by what happened on

the night in question".

"Much as one sympathises with them, and much as one understands their desire that the persons who killed their loved ones should be punished, we are obliged to have regard to the provisions of the act (governing the commission)."

The committee panel of Judge Hassen Mall, Judge Andrew Wilson and advocate Ntsiki Sandi found that the applicants had met the requirements for receiving amnesty.

"They were quite clearly acting on behalf of Apla, a publicly known political organisation and liberation movement, which was engaged in political struggle against the state at that time," the panel said.

"We are of the view that the applicants did not act for personal gain or out of personal malice, ill-will or spite against the deceased and the victims."

The panel said those injured in the attack, the victims' families, and tavern co-owner and manager Gary Atkinson were "victims" in terms of the TRC Act and had been referred to the committee on reparations and rehabilitation. – Sapa

# Nice guy, but can he do the job?

(252)

MTG 17-23/7/98

Howard Barrell and Mungo Sogot

**T**he relatively unknown African National Congress politician appointed as South Africa's top prosecutor has shrugged off fears that he will follow the dictates of his political masters when he takes up his new job in two weeks' time

Cape Town lawyer Bulelani Ngcuka, deputy chair of the National Council of Provinces (NCOP), says he will "demonstrate impartiality and independence" when he becomes the country's first national director of prosecutions on August 1

Senior members of the legal profession have criticised the appointment, raising fears that Ngcuka is insufficiently experienced and could be vulnerable to political influence

Opposition parties are dismayed at what they see as another political appointment to what should be a non-political post — following hot on the heels of the row over the appointment of former labour minister Tito Mboweni as Reserve Bank governor-designate. But a number of opposition representatives paid warm tribute to Ngcuka as an individual.

The post of national director of prosecutions was established by Parliament to try to restore health to the country's ailing criminal justice system and to co-ordinate the nine provincial prosecuting authorities

Douglas Gibson, Democratic Party justice representative, condemned the government's choice of "someone knee-deep in politics to a post which should be non-political". But he said Ngcuka had shown himself to be "a very able man" in Parliament

For the Inkatha Freedom Party, MP Koos van der Merwe said if the only issue was Ngcuka's merits as an individual, he could "hardly think of a better person for the job". But it was "wrong to appoint a politician to the post — just as it was in the case of Mboweni to the Reserve Bank"

The Freedom Front's chief whip in the NCOP, Rosier de Ville, also distinguished between Ngcuka's personal qualities and what he said was an ill-advised political appointment. National Party representative Roelie Groenewald said "I have the greatest respect for him, but I fear he will have a political agenda"

Ngcuka told the *Mail & Guardian* "I recognise these fears [of political partiality]. It is going to be incumbent on me when I assume this post

to demonstrate my impartiality and independence. It would be foolish of me to advance the ANC and to prejudice other parties. Certainly I have no intention of doing that."

He added that South Africans should not be alarmed that a politician has been chosen to be national director of prosecutions. In the United States, Britain and many other countries, attorneys general are also political appointments

Ngcuka developed sound "struggle" credentials as a lawyer-activist in the 1980s. He finished his articles at the Durban law firm of Griffiths Mxenge in 1981, the same year the attorney was assassinated by apartheid hit men

His political activities frequently disrupted his legal career. He spent eight months in solitary confinement in 1981 and was jailed for three years in 1982 for refusing to give evidence in a political trial. While in prison, he completed his LLB through Unisa. After a two-year stint in Switzerland, he returned to South Africa in 1987 and joined a firm called Yekiso & Associates

He set up his own firm in 1989, but became increasingly involved in politics after being appointed chair of the United Democratic Front in the Western Cape. He also helped set up the National Association of Democratic Lawyers, an alternative legal association to the established, white law societies

Ngcuka is relatively unknown in legal circles, having conducted a modest practice as an attorney who focused on criminal and human rights matters. Three senior lawyers contacted for comment on his appointment expressed their surprise at the choice, noting that

he has been out of practice for several years, is not steeped in the art of prosecution, and will have to prove his independence

The legislation which creates the post does not specify that the incumbent be independent, but says he should carry out his job without fear, favour or prejudice. The main prerequisites for the job are that the occupant must be a South African and have 10 years' practice experience

The General Council of the Bar (GCB) expressed strong reservations about the appointment. Its chair, Peter Hodes, SC, said the GCB had always opposed the legislation which created the post because of fears about the incumbent's political independence and possible lack of experience

"The appointment of Ngcuka underscores our objections to the Bill. It is clear he is a



Powerful prosecutor: Bulelani Ngcuka is the new super attorney general

party-political man who could be susceptible to political influence. There is also nothing to indicate that from his limited years as an attorney, he has the necessary experience for this very important position"

The director of the Centre for Applied Legal Studies, David Unterhalter, said "The nature of the position requires proven experience and a commitment to independence"

Ngcuka's appointment is unlikely to go down well with the attorneys general he will be controlling, who were briefed on the appointment on Thursday before a press conference. State prosecutors have privately expressed their reservations about the post, which gives the incumbent the power to intervene in individual prosecutions

The post is supposed to help the government impose its stamp on a prosecution service staffed mainly with NP appointees. The lack of prosecutions in KwaZulu-Natal in cases involving political violence, and the apparent apathy of some attorneys general in prosecuting old-order policemen and generals, are obvious examples of the state's failure to adapt to the new regime

Prosecutors say they fear the national director of prosecutions could quash cases against members of the ruling party

However, one advocate noted Ngcuka is unlikely to be involved directly in cases, and will probably devote most of his time to the administration of the prosecution service, which has suffered an exodus of experienced practitioners lured by lucrative private practice

Ngcuka's rapid promotion has been welcomed within the ANC. An ANC official who is often a critical voice in party affairs said Ngcuka has a reputation for independence of thought and integrity. "He has always been very much his own man, willing to take positions which are not popular, sometimes at a risk to himself"

Ngcuka's wife, Phumzile Mlambo-Ngcuka, is the deputy minister of trade and industry, and his brother, Vuyani, is mayor of Khayelitsha

The case for the new super AG, PAGE 24

# New prosecution chief plans to unify policy

(252)

ANDRE KOOPMAN  
PARLIAMENTARY BUREAU

DEPUTY chairperson of the National Council of Provinces Bulelani Ngcuka has been nominated national director of public prosecution, Justice Minister Dullah Omar said in Pretoria yesterday.

Ngcuka, who is President Nelson Mandela's choice after consultation with the Cabinet, said he was pleased by the confidence shown in him by the President and "excited" about the job.

He is to be responsible for determining national prosecution policy and to ensure consistency in prosecutions.

Ngcuka started out as a complaints officer in East London, and later became clerk of the court and then a prosecutor. He has practised

as an attorney since 1980.

He said his primary responsibility would be to deliver more effective and efficient investigations and prosecutions of crime.

He is described by friends and adversaries alike as an independent thinker and as a man with incredible energy.

He will head the entire prosecution system of the country and be responsible for intervening when policy directives were not followed by the 11 attorneys-general in the country — all of whom are white.

"At present, the A-Gs are all completely independent, with no central co-ordinating office, and each one pursuing his own policy."

Omar said Ngcuka would resign from all political positions once his appointment

was approved by the Cabinet.

Questioned about possible difficulties he may encounter Ngcuka, a former activist who was imprisoned for three years, would only say: "I have worked with people who sent me to prison and I have earned their respect. I have no doubt that with my new colleagues this will happen over time."

He said his main objective would be to legitimise the prosecution service, which is often still seen, particularly by the black community, as being representative of the former repressive system.

Ngcuka said he was keen to change conditions in the prosecution service so that it would be viewed as a career path and not just a stepping stone to the private sector. — Parliamentary Bureau



INDEPENDENT THINKER: Bulelani Ngcuka is excited about his new job PICTURE: GARTH STEAD

'VICTIMS QUALIFY FOR REPARATIONS'

# Amnesty for Heidelberg killers

OT 17/7/98

**THREE APLA CADRES** responsible for the attack on a city tavern satisfy the requirements for amnesty for their actions, report **WILLEM STEENKAMP** and **JUDY DAMON**.

**T**HE Truth and Reconciliation Commission yesterday granted amnesty to three Apla cadres for three attacks in 1993, including the Heidelberg Tavern massacre.

Four people, Rolande Palm, 22, of Observatory, Lindy-Anne Fourie, 23, of Somerset West, and Bernadette Langford, 22, of Mowbray, as well as Nosolino "Jose" Gerquitera, owner of Machado's Tavern next door, were killed in the Heidelberg attack. Six other people, two of whom were crippled for life, were wounded.

Four men armed with R4 assault rifles burst into the popular Observatory pub late in December 1993, and sprayed celebrating patrons with automatic fire.

A nail-encrusted grenade was also fired into the Heidelberg but it failed to explode because it had not travelled far enough to arm itself.

Three men, Humphrey Luyanda Gqumfa, Vuyisile Brian Madasi and Zola Prince Mabala, were eventually jailed for the attack. Madasi was sentenced to an effective 24 years, and Gqumfa and Mabala to an effective 27 years each.

Justice Johan Comradie said in convicting the three that they were "cowards who attacked the softest of soft targets", and in sentencing them a few days later, he said the attack was "one of the most serious cases of urban terror" and referred to "the wickedness of the puppet-masters" who had ordered it.

The trio and two others, Western Cape PAC stalwarts Theodor Mabusela and Michael Syolo, had earlier applied for indemnity for the massacre but were unsuccessful — the attack took place after the previous deadline for amnesty for politically-motivated acts.

The PAC denied involvement by Apla, but last year the three were among about 200 Apla combatants who applied for amnesty.

The Amnesty Committee panel said survivors and relatives of those who died had opposed the amnesty. However, the applicants satisfied the requirements for amnesty. They were "quite clearly" acting on behalf of a known political movement involved in a political struggle against the state, and also "did not act for personal gain or out of personal malice, ill-will or spite" towards the victims.

It noted also that those who were wounded, relatives of the dead and Heidelberg co-owner and manager Gary Atkinson qualified as "victims" and had been referred to the TRC's Committee on Reparations and Rehabilitation.

Broken bodies are only part of this human tragedy. It is the stories

of the shattered lives of survivors and families of the dead that make for the real heartbreak.

Michale January is reminded every day of the events which changed his life forever. Everyday tasks — getting out of bed, or buying bread — are a mission.

His mother, Clarissa, said the family lost almost everything after the shooting, except their faith.

The January family say they have forgiven the men who put their son in a wheelchair for the rest of his life.

"They asked for our forgiveness and we gave it. We cannot go through the rest of our lives hating these people. Nothing can bring back my young, carefree, beautiful child to the way he was."

# Horror of attack at Boipatong relived

(257) 27/4/98

SEBOKENG: The horror of the 1992 Boipatong massacre in which 46 people — including children and elderly people — were butchered, was recalled at the Truth and Reconciliation Commission's amnesty hearing here yesterday

Victor Mthandeni Mthembu, 29, is one of 16 Inkatha Freedom Party (IFP) members applying for amnesty for the attack on the township near Vanderbijlpark on June 16, 1992. The applicants were part of an impi of about 300 who launched the attack. Apart from the deaths, scores more were injured and dozens of houses were ransacked

Mthembu has claimed the raid was in retaliation for a spate of attacks on IFP members by African National Congress members who necklaced or burnt hostel residents. During cross-examination by Daniel Berger, for the victims and their families, Mthembu was told that many of the dead were children

He replied that the aim had been to attack residents of Boipatong, irrespective of their ages, because they supported the ANC. The audience, many of them survivors or relatives of victims, gasped with shock and anger after Mthembu replied to a question by Berger about how the killing of nine-month-old Aaron Mathope could be seen as an attack on the ANC.

"A snake gives birth to a snake," he said

Later Mthembu tried to explain that his use of the term about snakes was an idiomatic expression, but Berger said

Mthembu should not try to run away from his own words.

"It was your intention to kill anyone who was in Boipatong that night," he said.

Earlier, Mthembu testified that on the night of the attack he saved the lives of two children by hiding them under a bed so they would not be harmed. Berger suggested this had not happened, and that the children were in fact attacked.

Berger said the families of the victims he represented had stated that they would not consider forgiving him until he revealed all the details of the attack, including all the names of the people who had been in the raiding party.

One of the survivors of the massacre, Mita Moletl, who was three at the time, was injured on the night and is now confined to a wheelchair. She has been attending the hearings every day.

"She still wants to know why her skull was hacked with a panga," Berger said to Mthembu, who replied that he could not offer an explanation.

Many of the victims were repeatedly hacked and stabbed. Mthembu was asked why it had been necessary to inflict multiple stab wounds on people, some of whom were asleep at the time.

"They were not just sleeping, they were sleeping in Boipatong," he replied.

Mthembu was convicted of murder in 1994 and is serving a lengthy prison term.

The hearing continues tomorrow. — Sapa



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# Apla leaders who gave orders for church and pub attacks should

**JERMAINE CRAIG**

The Democratic Party intends to ask Western Cape Attorney-General Frank Kahn to prosecute the leaders of the Azanian People's Liberation Army (Apla) who gave the orders for the attacks on the Heidelberg Tavern and St James Church.

The party would make the request if the Apla leaders failed to complete Truth and Reconciliation Commission amnesty procedures, said DP spokeswoman Dene Smuts yesterday.

She said "The leaders of the armed conflicts of the past, across the political spectrum, are shame-

lessly avoiding accountability."

The DP's statement comes after Apla cadres Vuyisile Brian Madasi, Humphrey Luyanda Gqomfa and Zola Prince Mabala were granted amnesty this week for the Heidelberg Tavern attack in December 1993, in which four people died and five others were injured.

Earlier this year, the three Apla cadres who killed 11 people and wounded 50 in the St James Church massacre in 1993 were also granted amnesty.

However, Apla's former director of operations, Letlapa Mphahlele, who publicly admitted to ordering the attack on the Kenilworth

church, has withdrawn his application for amnesty and has not been charged.

According to truth commission spokesman Mdu Lembede, Mr Mphahlele has "refused to co-operate with the truth commission publicly or otherwise."

"There is not much we can do with him. He is entirely out of our hands. The matter is in the hands of the Attorney-General," said Mr Lembede.

Numerous attempts to contact Mr Kahn this week were unsuccessful.

The families of those killed in the Heidelberg Tavern attack and



**AMNESTY:** Vuyisile Brian Madasi

those injured also could not be contacted this week - they had strongly opposed amnesty for the

three men

In their submission to the truth commission, the Heidelberg perpetrators said the attack was carried out on the instructions of the Apla high command.

At a Pan Africanist Congress press conference yesterday, Mr Madasi said he was "pleased" that he had been released after spending five years of a 24-year sentence in prison and hoped that in the near future all Apla and Umkhonto weSizwe soldiers still in prison would be released.

The truth commission said that although the attack by the three men on the Heidelberg Tavern in Obser-

DP prosecuted, says DP

1 AUG 18/19/98

vatory was "particularly brutal", they had complied with the commission's provisions for securing amnesty.

"I want to say that I am not a criminal and that I never was a criminal. What I did was for the cause of liberation of the long-oppressed African people," said Mr Madasi, 27.

"I regret that deaths occurred, but thousands of our people were killed, murdered, butchered, ever since the colonialists came to our country. Who cries for them?"

The Guguletu resident said he now planned to get married and have children and hopefully become a businessman in the future.

Although he did not regret his role in the "mission", he said he was "sorry" for the families of the victims and those injured, saying he knew there would be people opposed to the amnesty.

"In this mission many people lost their lives. There is no person who has the right to take another person's life. Some people feel justice has not been done because we have received amnesty," Mr Madasi added.

He said as a former combatant he had played a big role in bringing about changes in the country and said the nation as a whole had also been responsible for the transition.

# Lay assessors may put justice at risk

Fears that the system will be open to threats and intimidation

Not even an international outcry and harsh sanctions stopped Nigerian military ruler Sani Abacha from executing playwright and anti-government activist Ken Saro-Wiwa almost three years ago.

Blindfolded and dangling from a rope, this man - who died a slow, painful death after hangmen attempted to execute him four times - protested to his last moments that he had been framed for the murders of four political rivals.

Saro-Wiwa was convicted and sentenced by a tribunal, which included Abacha sympathisers on the panel.

Although extreme, this travesty of justice at the hands of a biased decision-making body is a distinct possibility in South Africa - if the Magistrate's Courts Amendments Bill is passed in its present form by



KEN SARO-WIWA: Protested to the end

Parliament this year.

The bill, expected to be debated by the parliamentary portfolio committee on justice later this month, has raised the hackles of magistrates and has met with sharp criticism from the South African Institute of Race Relations (SAIRR).

This bill proposes that trials involving serious violent crimes, and crimes of a serious and prevalent nature, must be presided over by a magistrate and two lay assessors. In any dispute of fact, the decision or finding of the majority of the court's members will be the decision or finding of the court. In other words, the two assessors can overrule a magistrate.

Minister of Justice Dullah Omar introduced the lay assessor system

two years ago as a pilot project to ensure closer links between courts and local communities.

Under this project, it is optional for magistrates to include assessors on the Bench - except in Regional Court murder trials, in which assessors are compulsory unless the person in the dock opts not to have assessors present.

In May, Omar told the National Assembly: "In those areas where good co-operation exists between courts and local communities, the lay assessor system has proved to be an unqualified success.

"Training and developing an understanding of the justice process helps to ensure that the courts' independence is not undermined and that impartiality and a high standard of justice are maintained.

"The presence of lay assessors ensures not only community participation, but community respect for the justice process and courts."

Omar wants lay assessors to participate in decisions on bail, verdict and sentencing.

But the Judicial Officers' Association of South Africa, in a written submission to the portfolio committee, has warned there is a "greatly increased risk that innocent accused will be found guilty by two assessors, or guilty accused found not guilty".

In a Newcastle Magistrate's Court case, which hints that the dubious court treatment meted out to Saro-Wiwa could become a regular feature of the South African judicial system, two assessors overruled a magistrate on the evidence of a single state witness.

The magistrate believed that the evidence of the witness was unsatisfactory, but was legally compelled to convict the man on two murder charges.

On appeal, in February last year, the High Court found that the magistrate had been correct and overturned the conviction.

The SAIRR, in its submission to the committee, said the indepen-

dence of the judiciary would be undermined if compulsory lay assessors determined a person's guilt or innocence.

SAIRR parliamentary affairs manager Martin Schönteich says, in the institute's latest *Fast Facts* publication, that assessors should not be compulsory because "the effect could be to undermine rather than promote justice".

"Assessors, many of whom will live in the same community as the accused, will be at risk of being intimidated, opening the door for criminals - especially criminal gangs and syndicates - to intimidate assessors into acquitting guilty people.

"Conversely, there is a risk that populist pressure and a highly charged atmosphere against crime and criminals in a community will unduly place pressure on assessors to convict (accused) persons who are innocent."

One sceptical senior magistrate echoed this concern, and said: "The assessor system could be particularly problematic in politically motivated criminal matters, if the assessors are sympathetic to a political party in opposition to the one supported by the accused.

"Assessors can be more vulnerable to intimidation and bribery if they come from the same community as the accused. Magistrates are less open to this because they tend not to live in the same areas as those appearing before them."

But Judicial Officers' Association of South Africa president Joe Raulinga said: "As a matter of principle, we're not objecting to the system. We want to highlight certain concerns, and don't want the bill to go through in its present form.

"The lay assessor system gives better access to justice to disadvantaged communities. Assessors will be able to pass on their understanding of the justice system to their communities because they'll be directly involved in the trials.

"Assessors are no less vulnerable to bribery and intimidation than

magistrates. We will have to ensure that the assessors are without criminal records, for example, to undertake such responsibilities."

Schönteich also highlighted "practical difficulties" associated with the proposed system, including the risk of additional delays to trials if assessors failed to appear in court, and drawn-out selection procedures for assessors if the victim or crime suspect contests on the grounds that they come from different economic/ethnic backgrounds.

"Assessors also have to be paid. At the moment they are semi-permanent employees. They are paid about R100 a day. This would cost about R16-million a year.

"This may not sound like much, but remember that the prosecutors went on a go-slow over that amount of money this year.

"Compulsory lay assessors are



DULLAH OMAR: Says system could be a great success

unnecessary. Existing legislation permits the use of lay assessors if presiding officers consider this to be expedient for the administration of justice.

"Moreover, most magistrates have the theoretical knowledge, training and practical experience needed to reach a just decision on the basis of all the evidence presented in a trial."

Schönteich said his organisation shared the concerns of the Law Society of the Transvaal's northern region, which said in its submission to the committee: "In a country such as ours, where elements of tribalism, ethnicity and racism are still prevalent, there is no doubt that the use of lay assessors would promote bias, prejudice, and unfairness."



jackie CAMERON



# Apartheid generals call for blanket amnesty

(257)  
Three former SA Defence Force chiefs yesterday called for general amnesty to be granted to all soldiers and officials who were involved in the apartheid struggle

This was the only way to deal even-handedly with human rights violations by former SADF members and liberation fighters, they said in Pretoria through a spokesperson, retired General Dirk Marais. *SAPA 16/7/98*

"The TRC should at least recommend to the Government that general amnesty be allowed," Generals Magnus Malan, Constand Viljoen and Jannie Geldenhuys said.

A memorandum on similar lines was submitted to Justice Minister Dullah Omar last month.

The generals said it would be impossible for either apartheid forces or liberation fighters to reveal every act committed between 1960 and 1994.

This meant they could not comply with the Truth Commission's prerequisite of full disclosure to receive amnesty. Blanket amnesty would be a more viable option, they said.

The generals contended that the TRC had painted itself into a corner with regard to human rights violations outside South Africa during the apartheid years.

The TRC refused to probe abuses in former ANC camps in neighbouring states, saying legal limitations precluded it from guaranteeing indemnity from prosecution abroad.

"Yet the TRC is critical of former SADF members using the same argument for not seeking amnesty for human rights transgressions in past cross-border raids," the generals said.

This reinforced perceptions that the TRC was biased in favour of the ANC, they added.

"The TRC's only escape will be to either investigate the ANC punishment camps or to promote the idea of general amnesty," the generals said.

Marais stated that TRC deputy chairman Alex Boraine last week said the TRC would not make recommendations on policy issues - Sapa

# Blanket amnesty dismissed

BD 16/7/98  
Pule Molebeledi

THE truth commission yesterday dismissed as illegal suggestions by three former SA Defence Force (SADF) generals that blanket amnesty should be granted to soldiers and officials from all camps involved in the apartheid struggle.

Commission spokesman Vuyani Green said that according to the law amnesty applications could only be made on an individual basis.

"This rules out the granting of blanket amnesty or the assumption of collective responsibility by any group of people or by politicians for individual acts amounting to gross violation of human rights. This is because the applicants have refused to make full disclosure of human rights violations in respect of what he or she has applied for."

Applicants were required to testify in public and face the grueling questioning that followed, he said.

Granting amnesty meant perpetrators had to come forward and confess openly to what they did.

SA and the international com-

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munity would not have known about past atrocities had a blanket amnesty been granted.

Gens Constand Viljoen, Magnus Malan and Janne Geldenhuys, have called for a blanket amnesty as the only way to deal even-handedly with human rights violations by former SADF members. They urged the commission earlier this month to support this proposal in the interest of reconciliation.

The generals argued it was impossible for apartheid forces or liberation fighters to reveal each act they committed over the 34-year period covered by the commission, which meant they could not comply with the commission's prerequisite of full disclosure. Therefore, a blanket amnesty would be more viable.

They said the commission had painted itself into a corner by refusing to probe human rights abuses at African National Congress camps in neighbouring states, while the commission said legal limitations precluded it from guaranteeing indemnity from prosecution abroad for such violations.

# People's lawyer takes on the AGs

*A past master at crafting consensus, the new super attorney-general has a belly of iron, writes* CARMEL RICKARD  
(942) ST 19/7/98

**W**HILE Bulelani Ngcuka sat in court as a feisty young lawyer representing clients on political charges, he had plenty of opportunity to observe attorneys-general and their staff in action — their blatant identification with the security police, the alacrity with which every draconian power was seized and used, the repeated issuing of certificates refusing bail and personal antagonism towards the accused.

Now, 20 years later, Ngcuka has been named as the first national director of prosecutions, which gives him authority over all of South Africa's 11 attorneys-general.

He suggests, however, that his task is largely one of co-ordination. He is not there to "interfere" but rather to create conditions which will allow the attorneys-general to do their jobs even better.

But this is the soft initial approach of a past master at consensus-building. Those who lobbied for the inclusion of a "Super AG" in the new Constitution were more upfront about what they had in mind.

For example, they pointed to trials such as that in which General Magnus Malan was acquitted of murder, and asked whether all members of the obviously divided prosecuting team were genuinely committed to the new order. They urged that a new structure be put in place to supervise such cases and ensure they were vigorously prosecuted by a united, motivated team.

Poised to negotiate itself out of power, the former government passed legislation in 1992 to ensure that the attorneys-general obtained statutory independence for the first time. But it came too late and public perception was not persuaded. Instead, drafters of the Constitution opted to allow the attorney-



**SKILLED STRATEGIST:** Bulelani Ngcuka says his job as national director of prosecutions is to create conditions which will allow the attorneys-general to 'do their jobs even better'

Picture: ANDRZEJ SAWA

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Attorneys-general to continue in office, but under the supervision of a national director

What Ngcuka brings to the job is iron in the belly. Many of the attorneys-general with whom he must work are lawyers who have made their mark in the courts as formidable adversaries. Most are also on record as expressing grave doubts about the new system and the loss of independence it inevitably threatens.

A softer man than Ngcuka would stand no chance of making it work.

The flip side of his personality is that of a strategist who has finely honed the skill of crafting consensus: his work setting up the National Council of Provinces, helping draft the Constitution and, even before that, of preparing Parliament for the Government of National Unity has taught him how to reach a goal with as much broad

agreement as possible.

He has nine years' experience as a criminal lawyer — no mean achievement given how much time he spent in jail or detention, and the attempts to have him struck off the roll of attorneys for refusing to give evidence against his colleagues in a political trial.

The new law says he is entitled to take over particular prosecutions himself, but this is a right he is unlikely to exercise given that he has never run a really big trial on his own.

Under the new legislation, Ngcuka must frame prosecution policy — something previously lacking. More controversially, he may review decisions of provincial attorneys-general, now called directors, to prosecute or not. He may also intervene once a prosecution has started if policy directives were

not complied with.

This is not something completely new. Attorneys-general may already stop a trial if their case collapses, for example. But the national director may halt a trial on far wider grounds.

Ngcuka has the power to investigate any planned prosecution or to ask for a director's report on a prosecution. If he thinks it is in the interests of the administration of justice to do so, he may also decide that a case should be investigated and prosecuted in one province rather than another.

What impact would these powers have had in the Malan case if Ngcuka had already been in office? He could have asked the prosecution team for a report on how they planned to conduct the case. Rumours of team divisions might have reached him and he could have

investigated the cause and tried to resolve the problem. If it had proved intractable, he might even have moved the trial to another province. Malan might still have been acquitted, but the public would have regarded the outcome with far less suspicion.

That, Ngcuka claims, is one of his chief aims — to improve public confidence in the prosecutorial service. He acknowledges that the morale of prosecutors around the country is at an all-time low.

White male staff, in particular, feel they are unwanted and their jobs are on the line. Ngcuka says he wants to turn this around. One of his first tasks will be to visit the prosecutors and unveil his vision of their job as "the people's lawyers".

He also wants first-class training to ensure they are well-

equipped to take on their adversaries in court — and win.

He has many hurdles to clear: the public wants a higher conviction rate right away, but he must first set up his organisational structure before he can begin to deliver.

He has to resolve the conundrum created by the Con-

stitution which says he must be independent but adds, just two clauses later, that the Minister of Justice "must exercise final responsibility".

Ngcuka's strong position within the ANC has led to considerable concern in some quarters about possible abuse — that decisions on whether to

prosecute could be based on political considerations. He has already cut his formal ties with the party, now he must prove his critics wrong by the independence of his decisions.

But Ngcuka has another, possibly even greater, problem. He must find enough resources to do the job properly. The gov-

ernment has set up one commission and structure after another. But they have mostly been inadequately funded and, therefore, ineffective.

If the national directorate of prosecutions is to suffer the same fate, it would have been better not to have established it in the first place.

# Families oppose amnesty applications

Stephen Laufer

THE families of Ruth First and Jeanette and Katryn Schoon, whose murders in the mid-1980s provoked outrage, are to oppose amnesty applications by two former policemen who participated in the killings.

The applications by former security branch members Craig Williamson and Jerry Raven are to be heard by the truth commission's amnesty committee in mid-September. Raven is understood to have been a government bomb maker who prepared the explosive devices that killed First in Maputo and Schoon and her young daughter in Lubango, Angola. Williamson apparently had operational responsibility for the attacks.

First's daughter, Gillian Slovo, said at the weekend that the family opposed amnesty because they did not believe

Williamson and Raven had told the whole truth about the killing. Williamson had not exposed those who had given the orders for the murder beyond implicating his immediate superiors who were now dead, and Raven had denied knowing who was to receive the bomb.

Williamson had claimed the bomb which killed First had been meant to kill her husband, Joe Slovo, then a senior Umkhonto we Sizwe operative. But she believed he was being fuzzy on who it had been addressed to because it had indeed been designed to kill First.

However, First was an academic, and showing sufficient political cause for killing her to justify amnesty would be difficult. Slovo believed Williamson was being deliberately hazy on how the bomb had reached Maputo, despite having been in charge of the operation and probably having used military

couriers. This was possibly an effort to shield senior military officers.

The law governing amnesty requires that applicants make full disclosure of everything they know and that their actions were politically motivated and in proportion to the role and activities of the target.

Marius Schoon, the husband of Jeanette and father of Katryn, said he opposed amnesty because killing a young woman and her child who were politically committed but not active was "simply inexcusable." He had his suspicions about the real motive for sending the bomb, but would raise them only during the amnesty hearing.

Schoon said he had seen Williamson's amnesty application and believed "he will have difficulty convincing an impartial tribunal that there was sufficient political motivation for the act."

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# Super attorney-general aims to steer well clear of politics

The new 'super attorney-general' tells Taryn Lamberti that he grew up politicised but must now be neutral

THE new national director for public prosecution, Bulelani Ngcuka, makes no apologies for his political background

"As an African you grow up politicised," he says shrugging his shoulders, shortly after his appointment was announced

Ngcuka was imprisoned for the first time in 1977 while studying for his B Proc degree at Fort Hare University. He was detained for two weeks for violating the Riotous Assemblies Act because he attended a memorial service for the late Steve Biko

He later spent eight months in solitary confinement in 1981 and was sentenced to three years' jail for refusing to give evidence against his friends the following year. He was jailed again in 1988 during the state of emergency — for helping to organise a rally for Nelson Mandela's birthday — and in 1989 for his involvement with the United Democratic Front

Ngcuka was not surprised by the furore which erupted after Friday's announcement

He was well aware of the criticism which followed Labour Minister Tito Mboweni's appointment as the governor-designate of the Reserve Bank

"There's another one coming," says a relaxed Ngcuka, in a reference to the spate of criticism of Mboweni

Soon after the announcement, opposition parties attacked the appointment as a political one which was likely to harm the independence of the legal system

Ngcuka says he is expecting politicians to attempt to influence him and is adamant that he will tell them to "back off"

"I have to protect the integrity of my office. If the justice system loses its independence, all the years we spent in prison will be lost," he says

Eastern Cape premier Makhakesi Stofile called Ngcuka's political background an asset rather than a liability

"He comes from a transparent political background, unlike many in the legal fraternity — prosecutors, attorneys, magistrates and judges — past and present, who hid, and some of them continue to hide, their political preferences behind the veil of political neutrality, if there is such a thing.

"Bulelani's background will be his watchdog. This will force him to act even-handedly," he says

Ngcuka says one of his tasks will be to transform the prosecutors' "ailing profession" into some-

thing they can consider a career

Ngcuka began his legal career in the Mdantsane Magistrate's Court, working his way up to state prosecutor

He moved to Durban and took up articles with human rights lawyer Griffiths Mxenge. It was through Mxenge that he familiarised himself with the African National Congress (ANC).

In 1985 he left the country to join his wife Phumzile, now deputy trade and industry minister, in Switzerland. After completing a master's degree in international relations he worked for the Inter-

national Labour Organisation on a project devoted to training trade unionists in SA.

In 1987 he returned to SA and started up his own practice in Cape Town.

Ngcuka helped to establish the National Association of Democratic Lawyers and also became a member of the ANC's constitutional committee

He is optimistic about his vision of creating a single prosecuting authority

"There are 11 attorneys-general at the moment and each one is autonomous. There is no uniformity. People don't know what to expect. We need a consistent prosecution policy with one law for all," he says

There is evidence that gender issues are close to Ngcuka's heart



Public prosecutions director Bulelani Ngcuka

Picture TREVOR SAMSON

All 11 attorneys-general are currently white and male. "They are very nice, well-meaning men, but you can't tell me there are no women out there who qualify for the job," he says

All 11 attorneys-general were against the creation of the new post before the act was passed by

Parliament last month. Reasons given for their opposition included arguments that a "super structure" was a move away from bringing the power to the people, that it would take funds sorely needed elsewhere in the justice department, and that attorneys-general

needed to be independent.

Yet once the National Prosecuting Authority Act was passed by last month the attorneys-general pledged to support Ngcuka.

KwaZulu-Natal attorney-general Tim McNally believes Ngcuka will "conduct himself in accordance with his oath of office — without fear, favour or prejudice".

"I personally congratulated him sincerely and warmly and said I would give him my support and help," he said.

All the other attorneys-general offered their "unflinching" support

Ngcuka is determined to prove his critics wrong

The one thing he is not overjoyed about is the prospect of leaving Cape Town for Pretoria.

"Just think — I'll have to start supporting the Blue Bulls"



# Vlok, govt pay Gunn damages of R70 000

(252) CT 20/7/98

OWN CORRESPONDENT

PRETORIA. Former Law and Order Minister Adriaan Vlok and the Correctional Services Department have quietly paid damages of R70 000 to Shirley Gunn, the MK soldier who Vlok had accused of blowing up Khotso House in 1988.

Today, Vlok will be among 38 people applying for amnesty for their roles in blowing up Khotso House, Cosatu House, as well as bomb blasts at screenings of *Cry Freedom*, the movie about the life of Black Consciousness leader Steve Biko.

Police for R1 million in a 1996 court case, but the matter was settled out of court after she decided to cut her losses and get on with her life.

"I decided to accept the R70 000 — and legal costs — being offered by the police instead of continuing with the case, which would have dragged on for ages otherwise," she said.

Details of Vlok's out-of-court settlement with Gunn for her detention and well as that of her son Haroon, have not been made public until now.

Following Vlok's allegations, Gunn was hunted by police for several years before being detained in 1990. Her son, Haroon, who was still breastfeed-

ing at the time, went to prison with her. They were detained for 64 days.

It was a traumatic experience for mother and child. Haroon was forcibly removed and put in a place of safety for eight days.

"Pressure from the community and my mother, Audrey, and a ruling by the Supreme Court in Cape Town overruled the security police and my child was returned to me. We remained in solitary confinement for some time," she said.

Gunn said she would be attending Vlok's hearing.

"At no point did the police say they were sorry. The police were very

unrepentant, stubborn and unpleas- ant to deal with (during the court case). It was a shock to experience a supposedly transformed police service — to find the mindset hadn't changed," she said last week.

At the time of the bombing, police said that between 40kg and 60kg of explosives had been placed in a car in the basement of Khotso House, then the headquarters of the South African Council of Churches, in Johannesburg. They alleged that Gunn had been seen carrying explosives into the building.

The device exploded in the early hours of August 31, injuring several

people. Vlok is expected to testify this week that he was aware at the time the bombing had been part of a covert police operation.

It has been a significant case in that the top structures, including state president P W Botha, have been implicated.

Besides the amnesty application from Vlok, the amnesty committee, which will sit here at the Idasa Centre, will also hear applications this week from more than 30 police officers, including Vlakplaas commander Eugene de Kock and former police commissioner Johan van der Merwe, for their role in the bombings.

# Prosecutors give Ngcuka the nod

(252) ARG 20/7/98

GLYNIS UNDERHILL  
SPECIAL WRITER

**The appointment of Bulelani Ngcuka as the "super Attorney-General" has been welcomed in justice circles in the Western Cape.**

The legislation providing for the post by President Mandela was clouded in controversy. But the news that the appointment is Mr Ngcuka, a Western Cape ANC MP and deputy chair of the National Council of Provinces, has met with approval.

Attorney-generals in most provinces, including Cape Attorney-General Frank Kahn, originally expressed their opposition to the possibility of a political appointee cho-

sen to oversee the functions of the country's prosecuting authority.

But the regional head of justice in the Western Cape, Hishaam Mohamed, said the last-minute amendments to the legislation which had ensured that the person appointed was legally trained person and not a political appointment, had appeased concerns.

Opinions from local senior prosecutors on Mr Ngcuka's appointment as national director had all been favourable, he said.

"Bulelani is a leading attorney. All the time he has been in the legal profession, but he has some political linkage. Everybody wanted a legally trained person but also a balanced person who understands the new constitutional dispensation. Morale is good

in the justice department about this appointment," Mr Mohamed said.

Mr Kahn could not be reached for comment on the appointment.

The national director, in concurrence with the Minister of Justice, Dullah Omar, will determine a prosecuting policy that will be applied uniformly throughout the country. The policy will have to be followed by the nine provincial directors.

However, Democratic Party spokesman Douglas Gibson said the appointment of Mr Ngcuka had "alarmed" the DP.

"To place the national control of prosecutions in the hands of a committed ANC member will compromise the independence of the judicial process," he said.



# Time will test court's daunting mandate

**S**OONER or later, the Constitutional Court will have to do battle with powerful moral traditions whose values conflict with those enshrined in the constitution.

Such confrontations might see the court emerge as a powerful protagonist in the establishment of post-apartheid values. However, they might push the court to the margins of SA life, rendering it an impotent body whose judgments are little heeded.

Yet, which of these two scenarios will triumph is not a matter the court itself is in a position to author. Its fate rests largely in the hands of legislators and politicians, and the sophistication they bring to the politics surrounding the writing of statutes based on the court's judgments.

What sort of moral traditions are we talking of here? One such might be the legacy of community courts which premier Mathole Motshhega, with significant public backing, wishes to shore up in the townships of Gauteng.

Motshhega puts his finger on a serious deficiency in the delivery of justice to SA townships. Few would dispute that SA's judicial machinery makes few inroads into the life of the urban poor.

The acts of aggression and anger that the genteel discourse of the new SA calls "social fabric crimes" remain largely unpoliced and unadjudicated.

Motshhega would have neighbourhood structures sift through a myriad local incidents, delivering such cases as rape, murder and property theft to the magistrates' courts, and dealing with lesser offences themselves.

In Motshhega's scheme of things, such structures would be cleansed of the chilling kangaroo status they held when they were usurped by the youth in the 1980s.

Their more benign face, that of a ground-level embodiment of common community values, would be restored.

## The SA bill of rights is wide and ambitious. Could problems in its implementation lead in time to the marginalisation of the Constitutional Court? asks Jonny Steinberg

Whatever the value of this argument, it is difficult to see how community courts could be given approval if someone were to litigate against their practices. In its judgment in the case of *De Lange vs Smuts* and others, which adjudicated on whether the chairman of a creditors' meeting could imprison a recalcitrant witness, the Constitutional Court barred anyone but a magistrate from obtaining the power to incarcerate. If community courts are to have any teeth, they will surely have to punish offenders in one way or another. It is doubtful that the court would empower them to do so.

In their respective dissenting judgments, Judges Kate O'Regan and Yvonne Mokgoro argued that even where the chairman of a creditors' meeting was a magistrate, he or she should not be granted the power to imprison. Only bona fide court proceedings, with their checks and balances, should lead to incarceration.

Here we reach the crux of the problem. Community courts defer to a stock of collective wisdom embodied in the sure and trusted heads of community elders. The constitution insists that institutions empowered to punish defer to a strict code of procedural justice, whose norms emerge over time from an accumulation of written and demonstrable law.

In the end, we are probably left with two conceptions of justice which are in fundamental and in-terminable conflict.

Another case which comes to mind is government's drive to end the taxi wars.

Many in the taxi industry believe that the conflict comes down



President Nelson Mandela and Arthur Chaskalson, president of the Constitutional Court, at the opening of the court in 1995

to issues of ownership and history. The association which originated a particular route has sole right to operate on that route, so this stock of moral wisdom says. Everyone else is an intruder.

"My route is like my house," a prominent Soweto taxi owner recently insisted. "If you knock on my door and demand to move in, the law should protect me and keep you out."

Such moral reasoning clearly cannot be sanctioned by law in a constitutional democracy. It fuels a system of private gatekeeping

them. In the case of community courts, for instance, a robust and sophisticated political process may use the window period the court can grant to get to the grassroots and renegotiate the terms of reference of community structures. Legislators may gradually strike a compromise between the dictates of the law and the practices of a community.

In this instance, intelligence and finesse are brought to the art of politics and the court's judgment has a real and binding force in the fabric of society.

Alternatively, the politicians may fail to close the offending practice. What happens then? Perhaps community courts die a quiet death. More likely, they go underground and continue to fill the gap in the delivery of justice which fuelled their establishment in the first place.

Occasionally, a victim of community court proceedings lays charges against its officials and wins. However, in the long run, the law drafted on the basis of the court's judgment is, to all intents and purposes, impotent.

Why is this a matter which concerns the Constitutional Court in particular? Is it not simply a question of the enforcement of the rule of law, and thus a problem which concerns the criminal justice system as a whole?

The fact is that the Constitutional Court has a special burden because of certain decisions SA's leaders took at the dawn of the new order.

There is a school of thought which advises that, politically and morally, diverse societies leave

their constitutions as empty as to possible. Put the bare essentials of the new order in the constitution, so the argument goes. Put in the things you know you can enforce, the rudimentary stuff which protects a handful of fundamental political institutions, and leave everything else to the flexible and pragmatic art of politics.

Do not force the court to rule on deep-rooted practices it cannot change. For in doing so, you may well undermine its integrity.

SA nobly and ambitiously ignored this advice. Our constitution boasts a large and generous bill of rights which in theory reaches the tapestry of everyday life. The danger of this nobility is a constitution which bites off more than it can chew, a constitution which is forced to take on powerfully and deep-seated beliefs and practices which will not go away with the delivery of a judgment or the writing of a law.

There will, of course, be a host of potentially sticky scenarios which will never reach the courts for lack of litigation. There will be others where laws based on court judgments will prove impossible to police (Could a law binding customary marriages to community of property be one?)

There is a large twilight zone in between, a zone in which the power and influence of Constitutional Court decisions is up for grabs.

This zone is as much a political terrain as a legal one. Getting people to change the principles upon which they wield power and resolve conflicts is a job for politicians and senior bureaucrats, and not judges.

It is probably the most difficult and precarious task politicians are asked to perform, one which places a premium upon skill, intelligence and tact.

Whether they perform this task effectively could well determine whether the highest court in SA holds its grasp on its daunting mandate.

## Man who killed AWB three applies for amnesty

(2/17)  
Dustin Chick  
00 2/17/98

A FORMER Boputhatswana policeman who confessed to shooting dead three Afrikaner Weerstandsbeweging (AWB) members outside Mmabatho in March 1994 will appear before the truth commission's amnesty committee next month.

Bernstem Menyatsoe is now a member of the SA Police Service. His amnesty application is scheduled to be heard between August 3 and 7 in Mmabatho.

Testifying before the Tebbutt commission set up to investigate the deaths of dozens of people during the far right wing's invasion of Boputhatswana, Menyatsoe said he perceived the situation at the time to be "a state of war".

"I was enraged by the attempts on my life and indiscriminate shooting of defenceless and innocent members of the public," he said. He confessed to having fired the shots which killed Fame Uys, Alwyn Wolfaardt and Nick Fourie.

The three men were gunned down execution-style in full view of the public and media.

The AWB invaded the homeland on March 10 1994 after former Boputhatswana president Lucas Mangope sought support from the Afrikaner Volksfront to help preserve the homeland's "independence".



Welcome Ntumbo (53) was injured in the neck and spine during the Khotso House bomb explosion in 1988. PIC LEN KUMALO

# TRC hearing of former top cops today

*Sowetan 21/7/98 (252)*

By Willie Bokala

**T**HE Truth and Reconciliation Commission's amnesty hearing involving former law and order minister Mr Adriaan Vlok and more than 30 retired police officers was called off yesterday and rescheduled for today.

The amnesty applicants include former South African Police commissioner General Johan van der Merwe and Vlakplaas commander Eugene de Kock.

Vlok has applied for amnesty for the 1988 bombing of the South African Council of Churches' Johannesburg headquarters Khotso House, trade union federation headquarters Cosatu House, and several commercial cinemas around the country which showed the film "Cry Freedom".

Amnesty committee chairman Judge Andrew Wilson adjourned the hearing after granting an application by Vlok's lawyer, Advocate Louis Visser, who said he needed more time to consult properly with his client and to review documents he had received late.

## Botha's orders

"I, on behalf of the committee, apologise to members of the public and the media who obviously came here hoping to get information," Judge Wilson said.

Van der Merwe, who has sought amnesty for the Khotso House and cinema bombings, told another TRC amnesty committee in a previous appearance that he had understood that the order to blow Khotso House came from former state president Mr PW Botha.

Khotso House was bombed in the early

hours on August 31 injuring only one person, nightwatchman Mr Welcome Mtumbo (53).

Mtumbo fell to the building's basement through a hole created by the powerful blast and injured his back and neck.

"Although I can walk, my neck is permanently disabled and sore and I have never been able to work again," Mtumbo said.

"I received no compensation for my injuries and although I applied for pension three years ago I have received nothing. I am really struggling."

## Amnesty applicants

Vlakplaas mastermind De Kock has applied for amnesty for the bombings of both Khotso and Cosatu houses.

Other former SAP members seeking amnesty for the attack on Khotso House are Willem Schoon, Paul Erasmus, Larry Hanton, Jacob Kok, Adries van Heerden, Charles Zeehe, Izak Bosch, George Hammond, Hendrik van Niekerk Kotze, Nicholaas Vermeulen, Wybrand du Toit, Gerrit Erasmus, Johannes Meyer and Douw Willemsse.

Seeking pardon for Cosatu House are Pierre le Roux, Willie Nortje, Frank McCarter, Deon Greyling, Paul Hattingh, Marthinus Ras jnr, Adrian Baker and Wilhelm Bellingan.

Peter Mogoat, who was an askari at the time, has also applied for amnesty for the attack on Cosatu House.

Seeking amnesty with Van der Merwe for the attack on the movie houses are Johan le Roux, Cornelius Heyneke, Johannes Louw, Albertus Steyn, Petrus du Toit, Andries van Heerden, Abraham Kendall and Mathys Botha.

# Crocodiles threatens our people's rights

By Claire Keeton  
Feature Writer

**W**HAT do crocodiles have to do with South Africa's Constitution and Bill of Rights?

They make it dangerous to collect water from some KwaZulu-Natal rivers, directly undermining two rights protected by the Constitution.

Section 27 (1) (b) protects the villagers' "right to have access to sufficient food and water". Section 24 protects their "right to an environment that is not harmful to their health and well-being".

Jabu Ntuli explained this recently at the "Speak Out on Poverty" hearings held throughout the country. Seven of these sessions focused on specific socio-economic rights.

"We find that many women have lost their limbs because of crocodiles while they are trying to fend for their children," he said. "When trying to fetch water, you have to put a string on the bucket and throw it there to avoid an attack from the crocodile".

Ntuli was one of more than 10 000 South Africans from all provinces who participated in the poverty hearings from March to June this year.

The South African National NGO Coalition, the Human Rights Commission and the Commission on Gender Equality initiated the hearings to enable the poor - an estimated 53 percent of South Africans - to record their experiences and strategies for fighting poverty.

Now the organisers have released two substantial reports documenting testimony from the hearings and analysing the link between poverty and people's rights, *Poverty and Human Rights* and *The People's Voices*.

*Poverty and Human Rights* focuses on the legacy of violations under

apartheid and its current impact on the poor: their understanding of their rights, the Government's role in promoting them, the main obstacles to accessing rights and recommendations for overcoming these obstacles.

"Uniquely in the world, South Africa provides for socio-economic rights," HRC chairman Dr Barney Pityana said at the launch of the reports in Johannesburg last week.

South Africa recognises that civil rights on their own will not lead to an improvement in people's quality of life and therefore socio-economic rights have equal status as political and civil rights.

"The economic and social rights recognised in our Bill of Rights relate to labour relations, the environment, access to land, housing, healthcare, food and water, social security and education," Pityana said. "By recognising these rights, the eradication of poverty becomes not merely a policy choice for the state, but a legally binding responsibility for which it is accountable".

The *Poverty and Human Rights* report declares that Government has "primary responsibility" for ensuring people access to their socio-economic rights.

## Political accountability

The hearings emphasised the need for accountability, particularly of politicians and Government officials, and this is a key theme in the report.

During the hearings, a significant number of participants criticised public servants for their failure to assist people to gain access to resources such as land and housing.

"A large volume of submissions concerned the unresponsiveness of government officials at all levels to people's complaints and requests for information, advice and assistance."

the report says  
Many people indicated that local government should play a developmental role, instead of dismissing or even obstructing their efforts to access services.

"Local government should stand for us. They know our needs - basic needs for life. We didn't just vote for promises. Government should deliver," said Mzoli Sifiki of Pedi.

Clearly all levels of government must be more efficient and accessible to the public, particularly to disadvantaged communities, or they will lose support.

Many testified during the hearings that the lack of basic services or infrastructure in communities often contributed to the collapse of promising self-help projects. Many witnesses said that the Government needed to play a proactive role in improving these conditions.

The *Poverty and Human Rights* report highlights the need for "strong linkages between the policies and programmes of different Government departments" since rights are interrelated (for example, clean water and health).

The report also encourages the private sector to be active in promoting rights and protecting workers by providing extended social insurance, skills training and implementing affirmative action plans.

This sector could also contribute to building a network of community-based legal aid centres and advice offices by donating funds. Improved access to legal services, particularly in rural areas, was one way to achieve more equitable access to resources.

The poverty hearings suggested



**Human Rights Commission chairman Barney Pityana feels the Constitution makes the eradication of poverty a legally binding responsibility for which it is accountable**

PIC LEN KUMALO

that many people lacked awareness and understanding of their rights.

"No, I never saw them," said Mimi Mokoena when asked about the Bill of Rights and Constitution. "Maybe I don't know them".

The *Poverty and Human Rights* report recommends a campaign by Government and civil society to increase an awareness of rights among disadvantaged communities.

But a national commitment by all South Africans is the only way to succeed in eradicating poverty and building a rights-based society.

President Nelson Mandela highlighted this in his birthday speech this weekend: "I know that even as we celebrate, none of us will forget the purpose that brings us together to commit ourselves to the task of eradicating poverty and the burdens that afflict especially the most vulnerable sectors of our society - children, women the aged, the disabled and those without home or family".

# New court 'a boon to Africa'

THE sooner an international criminal court was established, the sooner the rule of law would become meaningful in Africa, Minister of Justice Dullah Omar said yesterday.

Opening the International Commission of Jurists (ICJ) in Bellville, he said South Africa welcomed the adoption last week of a United Nations-sponsored agreement on the creation of such a court

Africa had been affected by all four of the core crimes mentioned in the court's founding statute: Genocide, crimes against humanity, war crimes and aggression

"I am happy to say that the states of Africa voted overwhelmingly for the adoption of the statute," Omar said

An exciting aspect of Africa today was that there were loud voices calling for a holistic approach to transformation

A vision for African countries was emerging. It included the strengthening of democratic institutions; good governance, with accountability and trans-

parency; the protection and promotion of human rights; the liberation of women and the promotion of their participation at all levels; an independent and diverse media; an independent judiciary and the rule of law, and an active role for organisations of civil society.

Turning to inequities in South Africa, Omar said that although the government had introduced comprehensive reforms, the black majority still not have property or wealth.

There was a danger that the rights entrenched in the Constitution would remain

beyond the reach of the disadvantaged as they did not understand them and could not pay to invoke them

"If social and economic realities are not changed to empower the whole population, there is the distinct danger that our beautiful Constitution and Bill of Rights will serve only the rich and powerful." — Sapa

● See Page 13

*There was a danger that our Bill of Rights will serve only the rich*

21/7/98

# PAC taskforce granted amnesty for killing farmer

JOHN YELD  
ON THE TRUTH COMMISSION

(252)

ARLT 21/7 1999

Five members of a Pan Africanist Congress taskforce who killed a Free State farmer and robbed him of a car, guns and household goods in 1993 have been granted amnesty.

An African National Congress Youth League member who defected to the taskforce for the attack has also been given amnesty. All six are serving long jail sentences of between 12 and 25 years for murdering and/or robbing John Bernard Smith of Wesselsdal farm in the Van Stadensrus district on July 25 1993, and for the illegal possession of firearms.

They are Thabo Paulos Mjikelu, Simon Oliphant, Petrus Mohapi, Jacob Mabitsa, John Xhiba and John Wa-Nthomba.

The commission's amnesty committee found the men had believed in good faith they were advancing the PAC's struggle for the return of land to the African people when they committed the crimes.

The committee quoted evidence about the PAC's "Operation Great Storm" of the early 1990s, given by Abel Kotle, Bloemfontein regional commander of the PAC's armed wing, Apla.

"He said that one of the phases of Operation Great Storm was to step up attacks on farmers, because the PAC believed that the farming community had participated in the dispossession of the African people."

# PW ordered bombing - Vlok

Pretoria - P W Botha personally ordered the bombing of the SA Council of Churches Johannesburg headquarters, Khotso House, in August 1988, the Truth Commission's amnesty committee heard here today

Mr Botha's then law and order minister, Adriaan Vlok, was testifying in support of his application for amnesty for the Khotso House blast and others in Johannesburg in the 1980s - including blasts at cinemas showing the Steve Biko movie *Cry Freedom*.

In his amnesty application he claims Mr Botha called him aside after a State Security Council meeting in June 1988

Mr Botha had told him to do something about Khotso House because it was being

used as a safe house by African National Congress operatives



On orders:  
Adriaan Vlok

Mr Botha said Khotso House had become an "unholy place" and was not a house of peace and therefore had to be dealt with, Vlok told the panel

He was told to ensure that people were not killed in the process

Vlok is also applying for amnesty for the blowing up of the Congress of SA Trade Unions headquarters on May 7, 1988.

Among the applicants are former Vlakplaas commander Eugene de Kock and 30 other policemen

De Kock, who is serving life sentences for murder and other crimes, has implicated Mr Vlok in Vlakplaas "dirty tricks" - Sapa

ARU 21/7/98

# PW Botha himself gave order for Khotso House bombing, says Vlok

Stephané Botha

**PRETORIA** — Former president PW Botha had personally given an order that Khotso House, the SA Council of Churches (SACC) headquarters in Johannesburg, should be "made unfit for use", former law and order minister Adriaan Vlok said yesterday.

Applying for amnesty before the truth commission's amnesty committee in Pretoria yesterday, Vlok became the first National Party (NP) minister to accept full responsibility for all acts committed by police during his term of office in the late 1980s — including the "elimination" of state enemies.

He is asking for amnesty for the August 31 1988 bombing of Khotso House, the bombing of Cosatu House on May 7 that year and the bombing of two cinemas which showed Sir Richard Attenborough's film, "Cry Freedom".

Vlok admitted that the apartheid policy was wrong, but said compared with the "communism and Marxism threat" posed by the African National Congress and its allies at the time, it was the lesser of two evils.

He praised the policemen who fought the onslaught "with great success" and said SA should be grateful to them for preventing the country from being turned into a bloodbath.

"I applied for amnesty after deep soul searching, self-analysis and prayer. Some who move in my circles bitterly resent my move and say I am a traitor," Vlok said.

He said he was the political head of the police and the true expression "the buck stops here" was applicable to him.

"Therefore, I fully accept responsibility for all unlawful acts in which I was directly or indirectly involved."

Vlok said the knowledge that policemen committed gross human rights violations as a result of something he had said or done filled him with horror.

"Although I never meant to do so, I cannot escape the reality that my use of metaphorical and inflammatory language could have been wrongly interpreted by some. I offer my sincere regret and apology to all of those and hope they will be able to forgive me."

He criticised the fact that acts of those involved in the struggle were not being placed under the spotlight, quoting statistics that 240 people, some of them women and children, were killed by "terrorist" landmine mines and car bombs, that 406 people were necklaced and 395 were burnt to death by other methods. He said during 1984 to 1992, in 80 507 incidents of unrest, 9 286 were killed and 18 061 injured.

Vlok said the SACC used Khotso House as a funding and communications channel for trained terrorists and also as a safe house. Despite several failed attempts to negotiate with the SACC, Botha had called him to the side after a State Security Council meeting in June 1988.

"I have now tried everything in my power to change the mind of the SACC — nothing helps. We cannot act against the people. You must see to it that they cannot use that building of theirs anymore — deny them any further use thereof," Botha told Vlok. The committee heard that Botha also emphasised that nobody should be killed and that he had not given any instructions about how the building should be rendered unfit for use.

After the mission was successfully completed, Botha congratulated Vlok and the police, Vlok testified.

In the case of the Cosatu House bombing, Vlok said a strike was under way and government feared that it could have grave consequences for the economy. Orders were given that the situation should be resolved speedily.

Vlok said he and former police commissioner Gen Johan van der Merwe felt strongly that no lives should be endangered by the police actions — which in fact was the case.

Vlok said the cinema bombings followed after the Publications Appeal Board refused to overturn a decision not to ban the "blatant propagandist film Cry Freedom".

The hearing continues today.

**Vlok**

Continued from Page 1

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(252)

BD 22/7/1988

BD 22/7/1988

Continued on Page 2



# ANC 'robbed banks to fund armed struggle' (257)

BD 22/7/98

ERMELLO — The African National Congress (ANC) ordered its armed cadres to rob banks and cash-in-transit vehicles in the Ermelo region of Mpumalanga during the early 1990s to help fund the armed struggle, the truth commission heard yesterday.

A number of security guards were killed in the attacks, senior ANC Ermelo member Fanyana John Mdebele said while testifying for a second day before the commission's amnesty committee.

The ANC denied the allegations in a statement issued in Johannesburg yesterday. "No such instruction ... was ever issued by the command structures of MK (Umkhonto we Sizwe) or the constitutional structures of the ANC, either nationally or provincially," the party said.

Mdebele is one of 13 ANC members, including the province's economic affairs MEC, Jacob Mabena, who are applying for amnesty for their role in the murder of at least eight people between 1990 and 1992.

Another six people were seriously injured in the attacks.

Mdebele said the ANC had been forced "to resort to armed robberies to fund its local activities" because of repeated attacks on cadres by the notorious Black Cats vigilante gang.

The gang had been infiltrated by Inkatha Freedom Party (IFP) hit squads and police special branch agents. Some Black Cat members also received training from the army at secret bases in the Caprivi Strip in Namibia, he said. "We really had no choice but to turn to armed robberies and other similar operations to fund our structures," Mdebele said.

Mdebele said the Black Cat gang had been manipulated by the state to act as a buffer against the ANC's cross-border operations from Swaziland. He conceded that not all those killed by ANC cadres had been state agents or affiliated to political parties, but insisted that their deaths were part of military operations by MK.

He said the Goldstone commission had been either unable or unwilling to find links between the Black Cats and the security forces because Goldstone was an organ of the apartheid government.

A number of local policemen and former security branch members implicated in the testimony attended the hearing.

Mabena, who was Congress of SA Trade Unions secretary general in the Eastern Transvaal and ANC Secunda chairman at the time, allegedly issued orders for the killing of Black Cat members.

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# Vlok comes clean on bombs

Former cabinet member admits to planning blasts 'ordered by PW Botha'

By Robert Brand

Former law and order minister Adriaan Vlok yesterday became the first apartheid-era cabinet member to confess before a TRC amnesty hearing when he admitted planning the bombing of Khotso House — on direct orders from P W Botha.

Vlok is also the first person to implicate the former state president directly in an illegal act carried out on behalf of his government.

Vlok has applied to the Truth and Reconciliation Commission for amnesty for the 1988 Khotso House bombing and the 1987 Cosatu House bombing, and for the placing of bombs at cinemas screening the anti-apartheid film *Oy! Freedom*.

He described, in Afrikaans, how Botha took him aside after a State Security Council meeting at Tlynhuys in Cape Town and asked him to investigate possible ways of acting against the South African Council of Churches, which had its headquarters at Khotso House in central Johannesburg.

Botha suspected the SACC was aiding the ANC's armed liberation struggle, Vlok said.

"I did not find it strange that Botha spoke to me alone," Vlok said. "That was his management style. He always worked on a need-to-know basis."

Towards the end of June 1988, Vlok reported back to Botha.

"We were more convinced than ever that the SACC and its facilities, including Khotso House, were being misused by ANC insurgents and activists. This, in fact, threatened the security of the state, but endangered the lives of innocent South Africans."

"Mr Botha remarked that Khotso House was no longer a house of peace, but a house of iniquity," he told the TRC hear-

ing in Pretoria.

Vlok said the state had exhausted all legal means of acting against the SACC.

It could not ban the organisation because "it was a sensitive matter and a church organisation".

According to Vlok, Botha said, "I have tried everything to bring them into line, but nothing has helped. We cannot act against those people. You have to make the building unusable. Deprive them of further use of it. Whatever you do, make sure that nobody is killed."

Vlok then discussed the matter with security branch chief Johan van der Merwe.

"At the end of the discussion we decided that we should use explosives against the building."

The blast injured a security guard as well as several residents of nearby buildings.

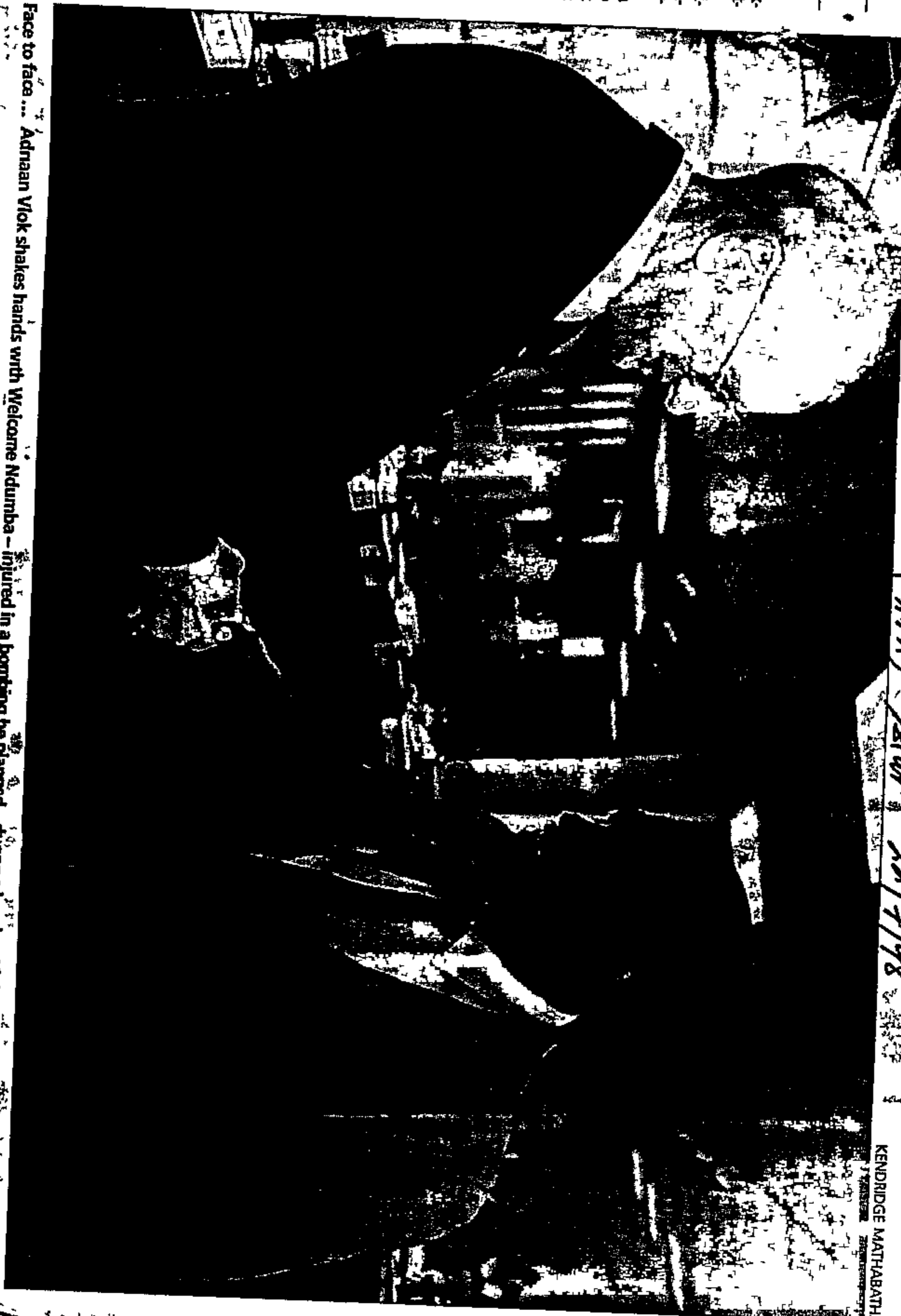
Botha could not be reached for comment last night. In a lengthy written submission to the TRC late last year, he denied ordering the bombing.

Earlier in the hearing, Vlok accepted "moral and political responsibility for all actions carried out by police during his tenure as law and order minister". "The buck stops here with me. I have to take political and moral responsibility for all actions, regular and irregular," he said.

But he told the commission he still believed the security forces were fighting a "just war" against communism.

Far from preventing the political transition to democracy, the police had played an important role in creating a climate of stability in which negotiations could take place, he said.

"It could so easily have been different, because they had the physical means to turn the country into a bloodbath of frightening proportions," Vlok said.



Face to face... Adriaan Vlok shakes hands with Welcome Ndumba — injured in a bombing he planned — during a break in Vlok's amnesty hearing yesterday

**I'm sorry, it wasn't your fault, guard injured in Khotso House attack is told**

By Robert Brand

Welcome Ndumba, the security guard who was the only person inside Khotso House when it was bombed by police in 1988, yesterday came face to face with Adriaan Vlok, the former law and order minister who planned the bombing.

The two shook hands and chatted briefly during a break in proceedings at Vlok's

amnesty hearing.

Ndumba survived the bombing — "miraculously", according to Methodist Church Bishop Peter Storey who was on the scene minutes after the blast — when he fell through the floor of the lobby.

Ndumba was in the front lobby when the bomb exploded in the basement below. He fell through the hole created by the explosion, and into

the basement.

After their conversation, Ndumba said Vlok had asked whether he still worked for the SA Council of Churches, which had its headquarters at Khotso House.

When Ndumba replied that the back injury he sustained in the bombing had forced him to give up his job, Vlok replied, "Well, I'm sorry it wasn't your fault."

Vlok then asked about his family, Ndumba said.

During the hearing Vlok also apologized to activist Shirley Gunn, whom he had falsely accused of being responsible for the bombing. Gunn was sued for "guilt by association" for six months, during which time she was separated from her baby.

Gunn sued Vlok and the South African Police when it first became known that he had

ordered the bombing. She recently won an out-of-court settlement of R70 000 plus costs.

Vlok yesterday admitted authorising an "incorrectly worded" media statement implying that the explosion was caused by explosives stored in the building by Gunn.

"To the extent that she has been disadvantaged by this, I would like to express my sincere regret," he said.

(257) Alan 22/7/98

KENDRIDGE MATHABATHE

# Vlok: I ordered Khotso House bombing

*Sowetan 22/7/98 (252)*

By Willie Bokala

FORMER law and order minister Adriaan Vlok said yesterday that he ordered the 1988 bombing of Khotso House because he could find no legal method to close it and the decision was taken with then state president PW Botha.

He also told the amnesty committee of the Truth and Reconciliation Commission in Pretoria that he colluded with former police commissioner Johan van der Merwe to damage Cosatu House, the head office of the Congress of South African Trade Unions, in Johannesburg.

Vlok also dropped a bombshell when he said "I accept responsibility for orders I gave and other acts I may have condoned. I take responsibility for atrocities committed by policemen during their task to fight the ANC-SACP (African National Congress-South African Communist Party) alliance.

"It was morally unacceptable for me and the then government to have done what we did to fellow countrymen. But we did it for the love of South Africa. We wanted a country free from foreign ideology."

## Scare the organisers

Vlok said he took responsibility for the bombing of cinemas showing the film *Cry Freedom*, saying the meeting in which it was decided to destroy them was held in his office.

Vlok said "The bombs were just meant to scare the organisers of the film to stop showing it."

He said he was also applying for amnesty for inciting members of the security forces "by way of the reckless use of words such as 'take out', 'eliminate' and others that could have been interpreted by men on the ground to mean 'kill'."

He said he believed he was bound by policies and principles of the National Party and was performing his duties to the best of his ability at the time.

Vlok said his information was that Khotso House was used as the headquarters of the enemies of the government, particularly the United Democratic Front.

He said it was used by activists and trained Umkhonto we Sizwe members to plan and launch acts of terror in the country.

## Aims and objectives

Cosatu House was used by trade unions to further the aims and objectives of the ANC and SACP and MK members were housed there, he said.

"I discussed it with General Van der Merwe and we decided to damage Cosatu House with explosives to such an extent that it could no longer be used. We decided to deny the terrorists a base to operate from," Vlok said.

● The South African Council of Churches said yesterday it was pleased that Vlok had finally confirmed that Botha personally ordered the attack in 1988 on its headquarters. Vlok said Botha ordered him to make Khotso House unusable.

Spokesman Mr Eddy Makue said in a statement Vlok's testimony confirmed the SACC's claim that the former government was behind the bombing. He was grateful that Vlok finally made the truth public.

'BOTH SPOKE TO ME ALONE'

# Vlok fingers PW in Khotso House blast

CT 22/7/98 (252)

**PRETORIA:** Former Law and Order minister Adriaan Vlok told the TRC the apartheid state had exhausted all legal means of acting against the SA Council of Churches **ROBERT BRAND** reports

FORMER State President P W Botha personally ordered the bombing of South African Council of Churches (SACC) headquarters Khotso House in 1988, Botha's former cabinet colleague Adriaan Vlok told the Truth and Reconciliation Commission (TRC) yesterday.

Vlok is the highest-ranking member of the apartheid government to confess to illegal actions before the TRC. He is also the first person to implicate Botha directly in an illegal act carried out on behalf of his government.

Vlok has applied for amnesty for the Khotso House bombing, the 1987 Cosatu House bombing and placing bombs at theatres screening the anti-apartheid film *Cry Freedom*.



He described in Afrikaans how Botha took him aside after a State Security Council meeting at Tuynhuis and asked him to investigate possible ways of acting against the South African Council of Churches, which had its headquarters at Khotso House.

Botha suspected the SACC of aiding the ANC's armed liberation struggle, Vlok said.

"I did not find it strange that Botha spoke to me alone," Vlok said. "That was his management style. He always worked on a need-to-know basis."

Towards the end of June 1988, Vlok reported back to Botha.

"We were more convinced than ever that the SACC and its facilities, including Khotso House, were being misused by ANC insurgents and activists. This not only threatened the security of the state, but endangered the lives of innocent South Africans."

"Mr Botha remarked that Khotso House was no longer a house of peace, but a house of iniquity."

Vlok said the state had exhausted all legal means of acting against the SACC. It could not ban the organisation, because "it was a sensitive matter and a church organisation."

Botha then told him to do something about Khotso House.

"His order to me and to the South African Police was clear. I specifically remember his words because it was an important matter."

According to Vlok, Botha said "I have tried everything to bring them into line, but nothing has helped. We cannot act against those people. You have to make the building unusable. Deprive them of further use of it. Whatever you do, make sure that nobody is killed."

Vlok then discussed the matter with then Security Branch chief (later police commissioner) Johann van

der Merwe, who suggested various courses of action, including arson.

"At the end of the discussion we decided that we should use explosives against the building."

Khotso House was bombed on August 31, 1988. It was extensively damaged, and the blast also damaged neighbouring buildings, including an old age home run by the Methodist Church.

A security guard was injured, as well as several residents of neighbouring buildings.

Botha could not be reached for comment last night. In a lengthy written submission to the TRC late last year, he had denied ordering the bombing.

Earlier in the hearing, Vlok accepted "moral and political" responsibility for all action carried out by the police during his tenure as Law and Order minister, including illegal actions.

"The buck stops here with me, I have to take political and moral responsibility for all actions, regular and irregular," he said.

But he told the commission he still believed the security forces had been fighting a "just war" against the forces of communism.

Far from preventing the political transition to democracy, the police had played an important role in creating a climate of stability in which negotiations could take place, he said.

It later appeared that certain individual members of the police had in fact made attempts to hinder the process, but hundreds of thousands of members had cooperated in the transition to a permanent settlement.

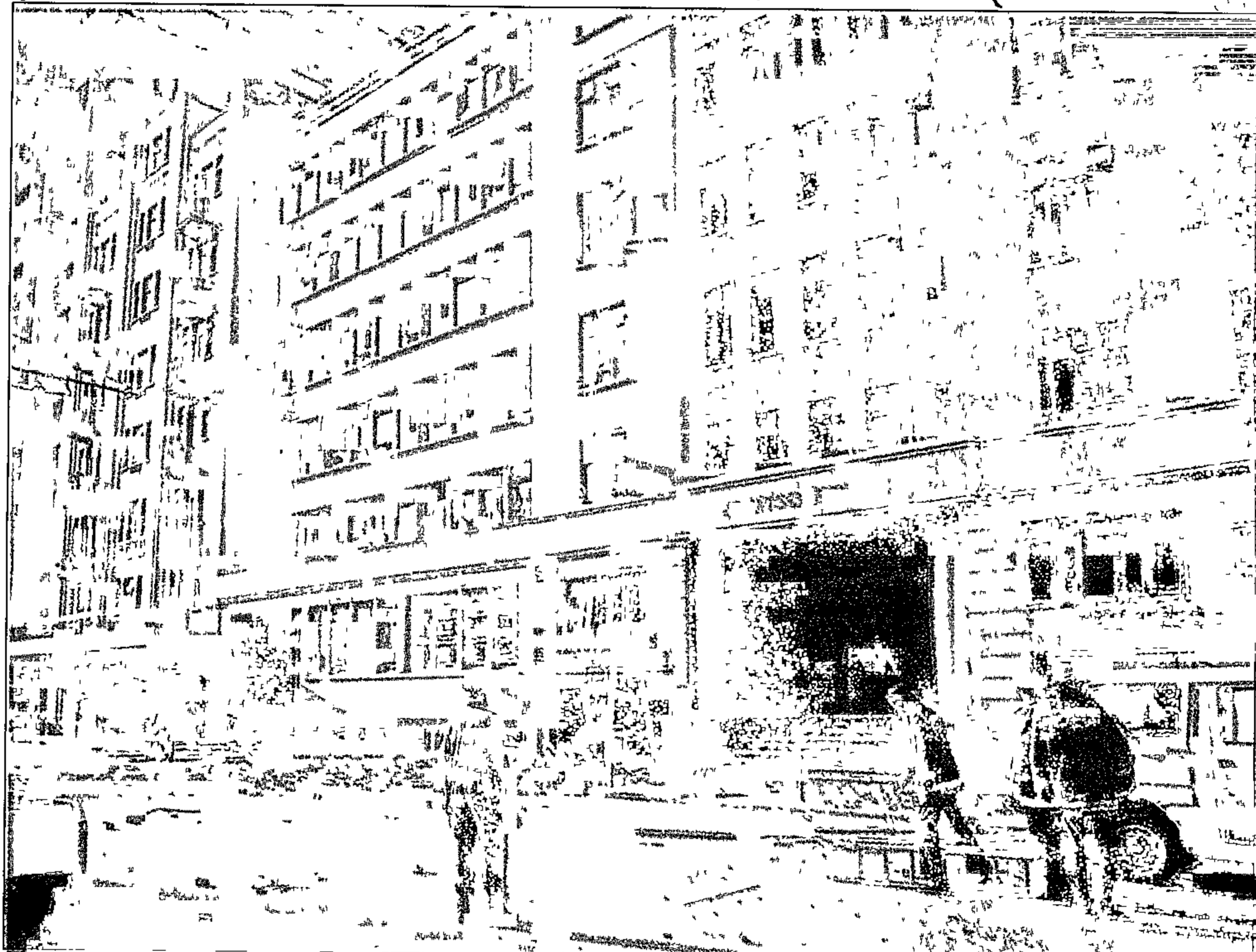
"It could so easily have been different, because they had the means to turn the country into a bloodbath of frightening proportions," Vlok said.

## Apology for the injured security guard

WELCOME NDUMBA, the security guard who was the only person inside Khotso House when it was bombed by police in 1988, yesterday came face to face with Adriaan Vlok, the former Law and Order minister who ordered the bombing.

The two shook hands and chatted briefly during a break in proceedings at Vlok's amnesty hearing before the TRC for the bombings of Khotso House, Cosatu House and theatres showing the anti-apartheid film *Cry Freedom* during the 1980s.

Ndumba survived the Khotso House bombing — "miraculously", according to Methodist Bishop Peter Storey who was at the scene minutes after the blast — when he fell through the floor of the lobby.



**A BLAST FROM THE PAST:** Former Law and Order minister Adriaan Vlok (below) describes to the Truth and Reconciliation Commission yesterday the events that led to the bombing of Khotso House (above)



ADRIAAN VLOK

PICTURE: PRETORIA NEWS

## ANC cadres 'robbed banks, cash vans to fund struggle'

(252) CT 22/7/98

ERMELO: The ANC ordered its cadres to rob banks and cash-in-transit vehicles here during the early 1990s to help fund the armed struggle, the TRC amnesty committee heard yesterday.

A number of security guards were killed in the attacks, senior ANC Ermelo member Fanyana John Mndebele said.

Mndebele is one of 13 ANC members, including the province's economic affairs MEC Jacob Mabena, to have applied for amnesty for the murders of at least eight people between 1990 and 1992. Six people were seriously injured in the attacks.

Mndebele said the ANC had resorted to robbery to fund its activities because of repeated attacks on cadres by the notorious Black Cats vigilante gang.

The gang had been infiltrated by Inkatha Freedom Party hit-squads and police special branch agents, he said. Some Black Cat members also received training from the SADF.

"We had no choice but to turn to armed robberies and similar operations to fund our structures," Mndebele said.

Sketching the political background to the conflict between ANC and Black Cats members in Ermelo in the late '80s and early '90s, Mndebele said the gang had

been manipulated by the state to act as a buffer against the ANC's cross-border operations from Swaziland.

Mndebele conceded that not all those killed by ANC cadres had been state agents or affiliated to political parties, but insisted their deaths had been part of military operations by uMkhonto weSizwe.

Mndebele said the Goldstone Commission had been either unable or unwilling to find concrete links between the Black Cats and state security forces.

A number of local policemen and former security branch members implicated in the testimony attended the hearing.

TRC spokesperson Mbulelo Sompetha said the committee would hear submissions from each of the 13 ANC applicants.

Mabena, who was the Cosatu secretary-general in the Eastern Transvaal and chairperson of the ANC in Secunda at the time, allegedly issued orders for the assassination of Black Cats members.

● The ANC yesterday denied it had ordered cadres to rob banks to fund its armed struggle. "The ANC had suspended armed struggle and related activities in 1990 following its meeting with leaders of the then National Party government in Cape Town," it said in a statement — Sapa

# Vlok faces new grilling on Khotso

## He agreed PW Botha never told him to 'blow up the

AKG 22/7/98

### POLITICAL STAFF

Former state president PW Botha will not make any public statements about the claims of former law and order minister Adriaan Vlok that he personally ordered the 1988 destruction of Khotso House.

This was the word today from his lawyer, Ernst Penzhorn, who is representing Mr Botha at the Truth Commission's amnesty hearing where Mr Vlok made his allegation.

Khotso House was the headquarters of the South African Council of Churches in his comprehensive written responses to the commission, Mr Botha denied giving any such order to Mr Vlok.

Mr Penzhorn said he had put "certain questions and statements" to Mr Vlok at the amnesty hearing yesterday and that he would be putting more today when Mr Vlok was cross-examined by lawyers representing several parties involved in, or affected, by the bombing of Khotso House.

"The bottom line is that he (Mr Vlok) agreed that Mr Botha had never told him to blow up the place," said Mr Penzhorn. "The information to Mr Botha from Mr Vlok was that terrorists were using the place as a safe house and Mr Botha said 'You now have to act and stop them'."

He (Mr Vlok) agreed that Mr Botha never told him to blow up the place "That was Mr Vlok's idea". Attempts to contact Mr Botha at his wilderness home, Die Anker, today were unsuccessful.

A security official who answered the phone said the former president was not available.

The reaction of anti-apartheid activists affected by Mr Vlok's tenure as law and order minister ranged from anger to acceptance.

The Rev Frank Chikane said Mr Vlok's disclosures at the TRC came as no surprise. "The point is, we come from a terrible history which cost a lot of lives," he said in Cape Town.

## House blast place' - lawyer

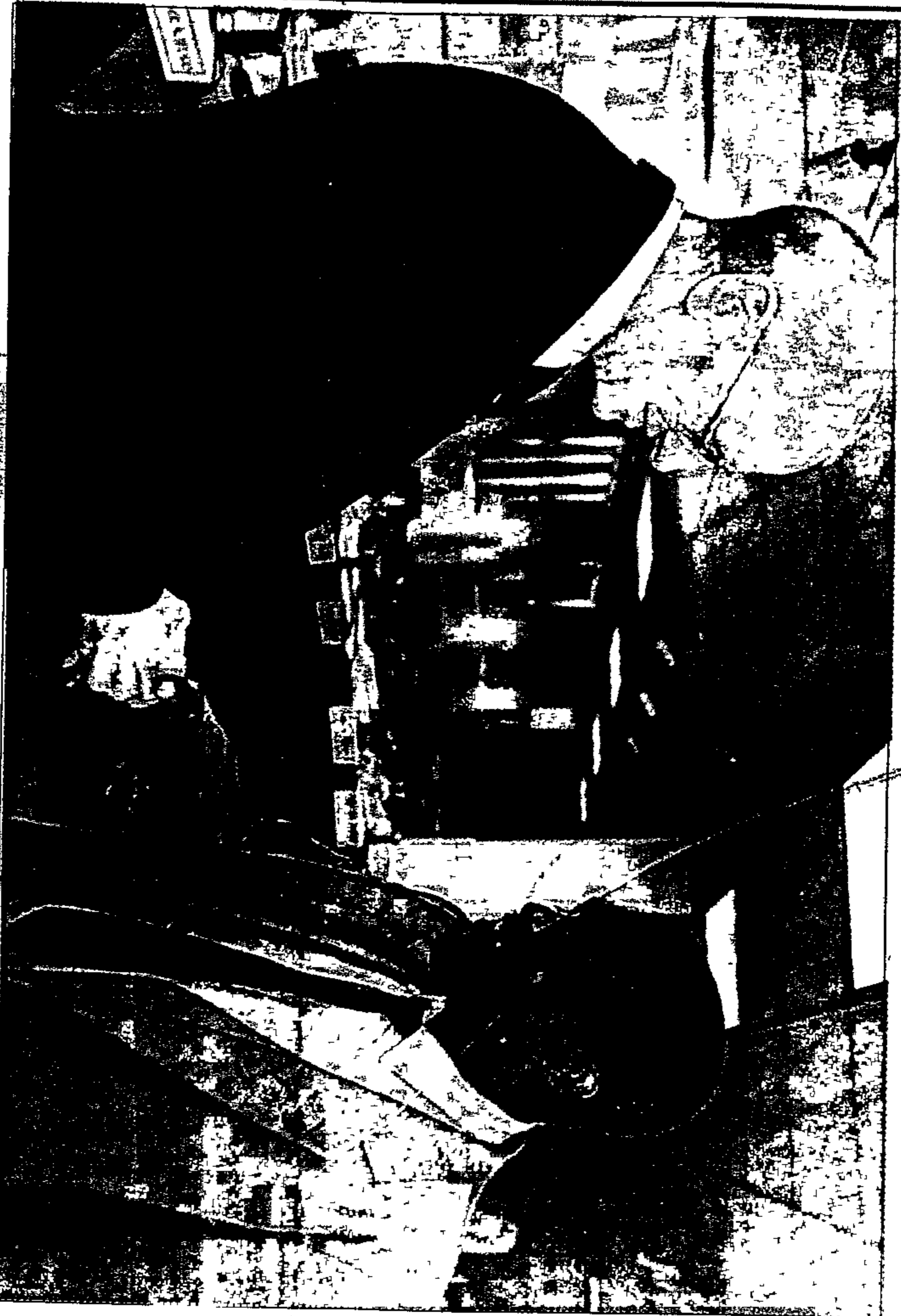
Mr Chikane was secretary-general of the Council of Churches in August 1988 when security police planted the bomb which blew up its Khotso House headquarters.

"I read that Mr Vlok said he believed he was serving his country and I must believe him. The defence of an evil system can reduce the humanity of ordinary people to the point where they do inhuman things."

"I appreciate the fact that he has taken responsibility. Other politicians have continually denied it and made the ordinary soldiers and policemen the scapegoats - to the point where I was beginning to take the side of those ordinary soldiers and politicians," said Mr Chikane.

The Kwazulu-Natal leader of Cosatu, Paulos Ngcobo, said the "whole truth" had not yet been heard.

## Moment of truth and reconciliation?



Face to face: Adriaan Vlok meets former Khotso House security guard Welcome Ndumba, who was injured in a police bombing in 1988 and had to quit his job 'I'm sorry; it wasn't your fault,' the former law and order minister told Mr Ndumba during a break in his amnesty hearing yesterday. Report, page 2

THE STAR

## Vlok told FW

### of 'illegal acts'

**ARL 22/1/98 (2/52)**  
Pretoria - Former law and order minister Adriaan Vlok told former president F W de Klerk and his cabinet before 1994 that he had taken part in illegal acts, but had not given any details, the Truth and Reconciliation Commission heard today.

Mr Vlok is applying for amnesty for the bombing of Cosatu House, Khotso House, and a series of blasts at cinemas where the film *Cry Freedom* was being shown in the 1980s.

The former minister, in charge of police during the latter years of apartheid, has taken "full political and moral responsibility" for the actions of the people who served under him.

During his testimony before the TRC's amnesty committee in Pretoria, Mr Vlok explained how he came to tell Mr De Klerk and former president P W Botha about the illegal acts he committed while he was a government minister.

Replying to a question by Roelof du Plessis, who is appearing for policemen involved in the bombings, Mr Vlok said he had discussed his position with both Mr Botha and Mr De Klerk before applying for amnesty.

He said he was bound to do this because of the oath of secrecy he took when first joining Mr Botha's cabinet.

Mr Vlok said Mr De Klerk had known about his intention to apply for amnesty for illegal acts, but had not asked for any details of the incidents - Sapa

# On the tortured road to

*Withdrawal first step in uniting 'two nations'* (2/72) ARLT 22/7/98

One wants to understand this country. One wants to live an informed life here to the benefit of all South Africans.

So one is listening. But it is difficult to make sense of our daily diet of contradictory codes. And how to interpret them into one's own small life?

But we have, for the first time in history, a leader who likes engaging in debates on important issues. Unfortunately, we are not used to debating things. Thus the important debate on reconciliation did not really get the attention it deserved.

Before looking at some of the neglected parts of Thabo Mbeki's speech in Parliament on the issue of "two nations", it is important to realise that reconciliation is not a magical moment, an instantaneous act, but that it consists of several identifiable phases.

We have been led to believe that if only we ask forgiveness, we will be forgiven. Sometimes the proper words have been spoken on every side, yet in people's hearts the hurt and isolation remain.

People are forgiven, but not reconciled.

In his article *The cycle of reconciliation*, Ron Kraybill, an American academic who worked at the Centre for Conflict Resolution at the University of Cape Town, says that the internal commitment to reconciliation is an intellectual event.

It deals with the will to reconcile, combined with the knowledge that it will entail risks and disappointments.

But let us look at the two nation speech by Mbeki. Its title deals with reconciliation and reconstruction. He talked about a well off white nation and a poor black nation and was sharply criticised for such a facile definition. But seen in the light of who is supposed to reconcile with whom, this differentiation is entirely appropriate. Reconciliation in this country is not between actual operators and victims, but between the beneficiaries (the whites) and the exploited (the blacks).

After he has identified the two nations, Mbeki asks how does one weld these two nations which coexist in South Africa?

"In conceptual terms we have to deal with two interrelated elements. The first of these is that we must accept that it will take time to create the material base for nation building and reconciliation. The second and related element is that we must therefore agree that it is the subjective

Reconciliation of the races in South Africa is a complex process – and the first step is withdrawal from each other, argues Contributing Editor Antjie Krog



factor accompanied by tangible progress in the creation of the new material base, which must take the lead in sustaining the hope and conviction among people that the project of reconciliation and nation building will succeed."

Although Mbeki goes on to mention the use of a 7,5% surcharge and solidarity tax and transferral of resources from West to East Germany after reunification, he proposes something much more unassuming for South Africa.

(It remains one of the most baffling elements of the majority of the country's population, that they always demand much less than the minority expects. The other amazing fact is that this same minority always reacts as if the ultimate sacrifice has been demanded, that the final trenches must be dug.)

After the modest request that everyone must accept that it is the Government's priority to create a material base that can eventually help to improve the lot of the country's poor, Mbeki says "we must therefore return to the question we posed earlier."

"That question is – are we all, as the various parties in this Parliament and our society at large, behaving in a manner which promotes the objective of reconciliation and nation building, without which the kind of South Africa visualised in our Constitution will most certainly not come into being?"

"Again, my answer to this question would be a very definite – No!"

Mbeki's reasons for the conclusion that we do not behave in a manner conducive to reconciliation are mainly the following: many corporations are not registered for tax purposes, people demand more money, complain about affirmative action, do not apply for amnesty, spread false rumours and resist transformation.

All of this pushes "us away from achieving this goal (of national unity and reconciliation) and is producing a rage among millions of people."

Ostensibly, it seems that this may

be true. There is a general rage – among blacks (according to Mbeki) and whites (according to Constand Viljoen) and it steadily seems as if people might tear at each other's throats.

But for some reason it is not these two nations that are at each other, not white and black, but Zulus killing each other in the KwaZulu Natal midlands or coloureds on the Cape Flats. (Whether the killing of farmers is about black and white is still being debated.)

When one speaks to whites, they complain that they have no more power. According to blacks, whites still actually control everything.

Where does the power in the country lie then? In both the nations the financial power with the white nation and the political power with the black nation.

Mbeki asks whether people in the country behave as if their main priority is reconciliation? Then he says "My own answer to this question would be a definite No!"

But it is exactly at this point that one has to consider the different phases of reconciliation. Currently, South Africans seem to be further apart than before. But the answer to Mbeki's question on whether we behave as if reconciliation is a priority – the answer is, Yes!

Because the first necessary stage of reconciliation is withdrawal.

The two nations are both affected, one by injury, one by guilt, and their first reaction is to withdraw from each other. People withdraw physically or mentally from each other after injury. We have heard in the Truth Commission how a mother says she doesn't want to even see a white person. We see people leaving the country or pulling back into their own family or group spaces and homelands.

This withdrawal from each other may last a second or centuries, says Kraybill. But withdrawal is regarded as a necessary and healthy psychological response to injury. To want to be among the people whom you trust, whom you know will not injure or accuse you – that is a natural response.

This kind of withdrawal is essential because the unthreatening space of one's own people makes it possible to start thinking about the next step towards reconciliation.

The academics say that before you can reconcile, you have to understand who you are and where you come from. The first casualty of painful conflict is identity. Self-esteem for individuals and confidence in its identity as a group.

So within this withdrawal and safe space, people start participating in this two-fold process of self-awareness and self-affirmation. Sometimes

the injury to a group is so vast that they themselves are not aware to what extent the injuries have taken place.

But as a group one must now affirm one's pride in being a member of that group. What makes us so remarkable? What do we have to offer?

The two nations treat this phase differently.

Mbeki's two speeches in East Asia about the African Renaissance and his utterly beautiful "I am an African" speech are prime examples of affirmation. In them, he painstakingly identifies reasons why Africans can be proud of themselves, citing examples of how the achievement of Africans have been ignored.

The redefining of what is African is not new on the continent, but what makes this important is that Mbeki is functioning within the first phases of reconciliation. Not by being kind to whites, but by redefining himself, his people, this country and the continent, he is working towards reconciliation.

The academics are unanimous that the reformulation of the identity must begin in caucus, within the safety of the closed circle of those who shared the injury or the guilt.

The white nation does the affirmation differently. And although this redefining seems to have elements of antagonism towards other groups, to reclaim old identity symbols like flags or anthems or accents, is an important gesture, say the academics. And this is the way the Afrikaner is working through the withdrawal phase. It is looking for a new definition in its current obsession with the Anglo Boer War, in redefining the speakers of Afrikaans.

In the weeks after Mbeki's speech a long polemic played itself out in Die Burger. Parents who have gloated about how much better off their emigrated children were, were attacked in a stream of letters by parents whose children have decided to stay. "Parents of *hensoppers*" they were called – *hensoppers* are those who have surrendered to the enemy.

Kraybill says that if this phase is neglected, or if a group is denied this space to redefine its identity, a group can become frozen in a permanent quest for identity that often expresses itself in rigid ethnicity and nationalism. People need uncritical and enthusiastic support in reclaiming their identity.

And indeed, as if out of a textbook, in his second speech, Mbeki goes out of his way to emphasise what he

perceives as good in and in the Afrikaner.

However, the encouraging black blame for apartheid, are not heard.

But to win... says Kraybill, one physical safety and for the basic human groups in question rate may in a sense... fine themselves.

Out of this... lectual decision – to relationship with...

Looking at... clear that there is take a risk with the hope is there... Concrete... relationship with... sign of trust.

Those of us... the conditions of... We are here for...

***'The high crime rate may destroy the opportunity the two nations need to redefine themselves'***

We have to accept say over how we remain here. Taxes... required from... priority to create a to pay taxes? Our dear God, not our...

Is he saying... tinue to make... want, that they selves from the privileged pockets babwe, as long as pared to pay big money? And be... pared to give up... dates? Is that it?

He is not... civil service over make groups of... teachers... etc – auxiliary... provinces, regions... ster police... and English in the out the financial small towns. He is model C school that as many children the sake of all of u... one day the... sorted out. He... can only stay here...

# ARGUS ISSUES

## Road to reconciliation

ARG 22/7/98

### ing 'two nations'

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The two nations treat this phase

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And indeed, as if out of a textbook, second speech, Mbeki goes out his way to emphasise what he

perceives as good in whites in general and in the Afrikaner in particular.

However, the voices of whites encouraging black people to put the blame for apartheid where it should be, are not heard.

But to withdraw at some levels, says Kraybill, one needs social and physical safety and complete respect for the basic human needs of the groups in question. So the high crime rate may in a sense destroy the opportunity the two nations need to redefine themselves

Out of this should follow the intellectual decision - to move into a relationship with the other group

Looking at Mbeki's speech it is clear that there is not yet the trust to take a risk with the other nation The hope is there But not the trust.

Concrete suggestions of what this relationship should be, would be a sign of trust.

Those of us here try to work out the conditions of our remaining here We are here for better or for worse

We want to be here, but we have to accept that we can no longer stay here, on our terms That people of our skin colour decided for 300 years on what terms black people could stay in this country This is now over

We have to accept that we have little say over how we as whites want to remain here Therefore I prick up my ears and try to hear what the new conditions for my existence are.

Taxes Does Mbeki mean all that is required from whites is to accept the priority to create a material base and to pay taxes? Our money, but please dear God, not our little souls?

Is he saying that whites can continue to make as much money as they want, that they can isolate themselves from the country in separate privileged pockets like whites in Zimbabwe, as long as they remain prepared to pay big chunks of tax money? And be subsequently prepared to give up jobs to black candidates? Is that it?

He is not telling everyone in the civil service over 50 years of age make groups of architects, lawyers, teachers, engineers, doctors, nurses, etc - auxiliary teams to be sent to provinces, regions and towns to bolster police resources, help with maths and English in the schools, help sort out the financial administrations of small towns He is not telling each model C school that they have to take as many children as possible and for the sake of all of us teach them until one day the education problems are sorted out He doesn't say that you can only stay here if our priorities are



Leading the debate Thabo Mbeki spoke of two nations - rich white and poor black

the same' and that is changing the lives of the poor

And for how long are we needed? Are we needed but not our children?

Risk is the foundation of any positive relationship Until there is restoration of risk, there can be no restoration of trust. The nature of the risk is of less importance than the fact that a risk is taken and that this is the first concrete step towards reconciliation

We have taken the risk to vote together for our first elections We have taken a risk with the rugby World Cup And we have not been disappointed But the risk of reconstruction is maybe too big We all have to trust that people will sacrifice according to what they have received in the past and that those who govern have the interest of the poor at heart

One of the more noticeable aspects of the reconciliation debate was that this kind of risk and trust was

nowhere to be found in any of the speeches

But according to Kraybill, negotiation may be an answer. And let's face it - we are nimble negotiators Risks should be accompanied by negotiations so that both parties understand exactly what is at stake That they know there is a real transparency to build trust.

If genuinely undertaken, negotiation frees both sides to return to normal relationships The injurer needs negotiation to move beyond the paralysing clutches of guilt, the injured needs negotiation to let go of blame And so we'll become one

Antjie Krog, the well-known South African poet and author, is a Contributing Editor of the Cape Argus She is among an array of academics, writers, political commentators and other experts who make regular contributions to our Issues pages



# Mandela 'stopped Goldstone probe'

Stephané Bothma

PRETORIA — President Nelson Mandela assisted the SA Police in the early 1990s by restraining the Goldstone commission from investigating unlawful acts committed by the police in the previous decade, former SA police commissioner Gen Johan van der Merwe claimed yesterday

Van der Merwe is applying for amnesty for the bombings by the police in 1988 of SA Council of Churches headquarters Khotso House, Cosatu House and two cinemas screening the controversial film "Cry Freedom". He also implied that former president FW de Klerk knew of police involvement in the bombings when he denied knowledge of gross human rights violations by the police

Van der Merwe told the truth commission's amnesty committee that when his approaches for assistance to De Klerk and to then justice minister Kobie Coetsee failed, he turned to

Mandela to get the police off the hook

Mandela held no official capacity of authority at the time but succeeded in halting Goldstone's investigations into the bombings

Presidential spokesman Parks Mankahlana said he could comment only once he got hold of Mandela, who is in South America and could not immediately be reached. A statement would probably be issued today

Van der Merwe said De Klerk knew of illegal covert actions by the police, including the bombings, while his National Party (NP) was still in power. He said he had informed De Klerk about their involvement in dirty tricks before the 1994 elections

Former law and order minister Adriaan Vlok, who applied for amnesty for the same acts, supported Van der Merwe's testimony that De Klerk knew in 1994, long before the NP made its submission to the truth commission in which it denied knowledge of gross human rights violations by police

BD 23/7/98

(252)  
"It is possible that De Klerk did not regard the bombings as gross human rights violations," Van der Merwe said.

He said he had complained to De Klerk in either 1991 or 1992 about the Goldstone investigation into police covert activities, explaining that the police were responsible for some of them. "I told De Klerk that it was unfair that the police were still being pursued while investigations against African National Congress activities had been halted."

This appeal, and one to Coetsee, proved fruitless. "I then went to Nelson Mandela for assistance. I explained to him that the police wished to play a role as far as the forthcoming elections were concerned and I told him that if the investigations against us continued, there would be no way I could motivate my people to maintain law and order if the elections went ahead."

Mandela agreed and the Goldstone investigations were stopped soon afterwards, the committee heard

# FW silent on truth claims by Vlok

Spar 23/7/98 (252)

By Robert Brand

Former president FW de Klerk has maintained a stony silence in the face of new claims before the Truth and Reconciliation Commission that he knew, while he was head of state, about illegal activities by policemen acting on orders from Cabinet level.

The allegations were made yesterday by former Law and Order Minister Adriaan Vlok and former police commissioner Johan van der Merwe.

Their claims appear to contradict two submissions made by De Klerk to the TRC on behalf of the National Party. In the submissions, he denied he had any knowledge of state-sanctioned illegal activities by the police.

He blamed documented atrocities by members of the police on "rogue elements"

acting without authorisation.

Yet Van der Merwe told the TRC's amnesty committee he had informed De Kerk as early as 1991 about police involvement in the bombing of Khotso House and Cosatu House, and made it clear that these actions had been carried out on the government's instructions.

He said he had also informed then Justice Minister Kobie Coetsee and ANC president Nelson Mandela about those two attacks in an effort to obtain indemnity for the policemen involved.

Vlok and Van der Merwe are applying for amnesty from the TRC for the Khotso House bombing in 1988 and the Cosatu House blast in 1989.

Vlok also wants amnesty for a series of blasts at cinemas where the film *Cry Freedom* was being shown in the 1980s. Khotso House was the

headquarters of the South African Council of Churches, while Cosatu House was home to the Congress of South African Trade Unions.

De Klerk's secretary, Noel Bosman, yesterday said the former president would not comment because he did not want to respond "piecemeal" to allegations.

Asked whether De Klerk had misled the TRC by denying knowledge of illegal activities by the police, Van der Merwe said "No, I don't think so, because these were not gross violations of human rights. His submissions (to the TRC) were concerned with gross violations of human rights."

The TRC has classified the Khotso House bombing as a gross violation of human rights because people were injured in the blast.

# FW was told of

# blasts - Vlok

252) Source from 23/7/98

FORMER PRESIDENT FW de Klerk knew of illegal covert actions by police, including the bombing of Cosatu House and Khotso House, while the National Party was still in power, the Truth and Reconciliation Commission heard in Pretoria yesterday.

Former law and order minister Mr Adriaan Vlok and former police commissioner General Johan van der Merwe told the TRC's amnesty committee that they informed De Klerk long before the 1994 elections about police involvement in illegal activities.

The TRC also heard that President Nelson Mandela, who had no official position of authority at the time, assisted the police by restraining the Goldstone Commission which was investigating covert police activities.

However presidential spokesman Mr Parks Mankahlana said last night that when Mandela met General van der Merwe, they had only discussed the general's continuation as commissioner of police.

"The President said he never interfered with the Goldstone Commission and has no recollection of the issue around the commission being discussed with General van der Merwe," Mankahlana said.

Vlok and Van der Merwe are applying for

amnesty for arranging the bombing of Cosatu House in May 1987 and Khotso House in August 1988, as well as a series of blasts at cinemas showing the film "City Freedom" in 1988.

Vlok and Van der Merwe's testimony contradicts De Klerk's submission to the TRC last year that he had no knowledge of any illegal police actions.

Van der Merwe told the committee he had complained to De Klerk in either 1991 or 1992 about the Goldstone Commission's investigations into police covert activities.

Van der Merwe said he explained to De Klerk that the police had, in fact, bombed Khotso House and Cosatu House, the Johannesburg headquarters of the SA Council of Churches and the Congress of SA Trade Unions respectively.

He said he told De Klerk it was unfair that the police were still being pursued while investigations into African National Congress activities had been halted.

De Klerk replied that he would do everything to change the legislation so that the policemen involved could be granted indemnity. At that stage an indemnity process whereby policemen could be exculpated was being considered. However, this was later overtaken by TRC's amnesty process.

Van der Merwe said he heard nothing more from De Klerk and the Goldstone Commission continued its investigations. Van der Merwe said he then went to Mandela for assistance.

"I explained to him that the police wished to play a role as far as the forthcoming (April 1994) elections were concerned. I told him (Mandela) that if the investigations against policemen continued, there would be no way I could motivate my people to maintain law and order if the elections went ahead," Van der Merwe said.

He said Mandela agreed with him and the investigations of police involvement in illegal activities stopped soon afterwards.

The Goldstone Commission's investigations were then referred to Transvaal attorney-general Dr Jan D'Olivera.

Earlier yesterday Vlok said he had informed De Klerk about the bombings long before the 1994 elections. He said he had taken full responsibility for the actions of the policemen who carried them out.

Vlok said he also told former president PW Botha about the illegal acts he committed while he was law and order minister. Botha had congratulated him at a meeting of the state security council.

The hearing continues today - Sapa

(22)

'GOVT ORDERED BOMBINGS'

# FW silent on claim he knew of blasts

3P/EISS TO JULY (JFI)

ET 23/7/98

**JOHANNESBURG:** Ex-police commissioner Johan van der Merwe said yesterday the government ordered the bombing of Khotso House and Cosatu House. **ROBERT BRAND** reports.

**F**ORMER president F W de Klerk has maintained a stony silence in the face of new evidence that he knew — while he was head of state — about illegal activities by policemen acting on orders issued at cabinet level.

The allegations were made before the Truth and Reconciliation Commission (TRC) yesterday by former law and order minister Adriaan Vlok and former police commissioner Johan van der Merwe

Their evidence appeared to contradict two submissions made by De Klerk to the TRC on behalf of the National Party, in which he denied knowing of any state-sanctioned illegal activities by the police.

But Van der Merwe told the TRC's amnesty committee he had informed De Klerk as early as 1991 about police involvement in the bombing of Khotso House and Cosatu House, and had made it clear these actions were carried out on the government's instructions

He had also informed then-justice minister Kobie Coetsee and ANC president Nelson Mandela about the two incidents to obtain indemnity for policemen involved.

Vlok said he had told De Klerk before 1994 that he would apply for indemnity under the Further Indemnity Act of 1992

Vlok and Van der Merwe are applying for amnesty for the Khotso House bombing in 1988 and the Cosatu House blast in 1987. Vlok also seeks amnesty for blasts at cinemas where *Cry Freedom* was shown.

Vlok has admitted ordering the



**SILENT:** F W de Klerk

Khotso House and Cosatu House blasts, and said that then-president P W Botha had personally ordered him to destroy Khotso House.

Van der Merwe confirmed Vlok's evidence on both incidents

De Klerk's secretary, Noel Bosman, said yesterday that De Klerk would not comment because he did not want to respond "piecemeal" to allegations

Vlok said he had discussed his position with Botha and De Klerk before applying for amnesty and before De Klerk's second submission to the TRC.

He had also told De Klerk and his cabinet about his involvement in illegal acts while the NP was still in government

He had told colleagues he would apply for indemnity under legislation then being negotiated between

the government and the ANC.

Van der Merwe said he had approached De Klerk in 1991 after the police had received orders to halt all investigations into members of the ANC, SACP and other liberation organisations. He had asked De Klerk also to call off investigations against policemen.

"I told De Klerk we were involved on the instructions of the government in Khotso House and Cosatu House, and he promised to see if he could negotiate legislation providing for indemnity if we were involved."

Asked whether De Klerk had misled the TRC by denying knowledge of illegal activities by the police, Van der Merwe said: "No, I don't think so, because these were not gross violations of human rights. His submissions (to the TRC) were concerned with gross violations of human rights."

The TRC has classified the Khotso House bombing as a gross violation of human rights because people were injured in the blast.

● Before he became president, Nelson Mandela intervened in the investigation by Justice Richard Goldstone into police terror activities to ensure South Africa's first democratic elections ran smoothly.

Van der Merwe said yesterday that he had spoken to Mandela about the negative effect Judge Goldstone's investigations were having on police morale. Mandela had spoken to Judge Goldstone, who had halted the investigations, which were causing a significant drop of morale which he felt could jeopardise the 1994 elections

Police investigations into ANC/SACP terror activities had been halted.

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# FW faces TRC grilling on blasts

JOHN YELD:  
ON THE TRUTH COMMISSION

The Truth Commission is to meet urgently today to discuss what action to take in response to yesterday's revelations claiming that while F W de Klerk was state president, he knew about illegal activities by the apartheid government's security forces.

In two separate submissions to the commission, in 1996 and 1997, Mr De Klerk repeatedly denied his government had sanctioned any illegal activities by its security forces or that he was personally aware of any such activities

One possibility is that Mr De Klerk may be recalled to testify before the commission

Another is that he could be subpoenaed by the amnesty committee, which is hearing applications by former law and order minister Adriaan Vlok and former police commissioner Johann van der Merwe

During yesterday's session of the amnesty hearing, General Van der Merwe said he had informed Mr De Klerk as early as 1991 about the police's involvement in the bombing of Khotso House and Cosatu House and made it clear that these actions had been carried out on the government's orders

Mr Vlok said he had told Mr De Klerk before 1994 that he intended to apply for

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indemnity, under the Further Indemnity Act of 1992, for illegal actions

Mr Vlok and General Van der Merwe are applying for amnesty for the Khotso House bombing in 1988 and the Cosatu House blast in 1987

Mr Vlok also seeks amnesty for a series of blasts at cinemas where Richard Attenborough's Steve Biko film, *Cry Freedom*, was being shown in the 1980s

Today, Truth Commission deputy chairman Alex Boraine said the commissioners, who were all in Cape Town helping to write the commission's final report, would meet

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## TRC set to grill De Klerk over blasts

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urgently to discuss the issue. Although he could not anticipate what they would decide, one option would be to recall Mr De Klerk

"And the easiest and quickest way would be for the amnesty committee to call him," said Dr Boraine

"It's possible for the amnesty committee itself to subpoena anyone, including Mr De Klerk - and, of course, that will be a decision made by that committee

"Certainly we (as a commission) can't ignore this and we will consider this at the earliest possible moment.

"Because if Mr Vlok and General Van der Merwe both claim Mr De Klerk did know, and Mr De Klerk persists in saying he didn't, then someone's lying somewhere, and I think it's part of our job to establish the truth," said Dr Boraine

At the National Party's second submission to the commission in April last year, Mr De Klerk categorically denied that his government had approved policies or strategies that involved torture, murder or assassination, or that he was aware of illegal security force action.

"I stand by what I say before you and God. I was not party to such policies," said Mr De Klerk

Afterwards, TRC chief Desmond Tutu said he had found Mr De Klerk's testimony "very deeply distressing"

Mr De Klerk was reported yesterday as saying he stood by his original submission to the commission

# De Klerk 'knew about bombings'

## Vlok, top cop spill beans on covert operations

Pretoria - Former president F W de Klerk knew of illegal covert actions by the police, including the bombing of Cosatu House and Khotso House, while the National Party was still in power, the Truth and Reconciliation Commission heard here.

Former law and order minister Adriaan Vlok and former police commissioner General Johan van der Merwe yesterday told the TRC's amnesty committee that they had informed Mr De Klerk long before the 1994 elections about police involvement in illegal activities.

The TRC also heard yesterday that Nelson Mandela, who had no official position of authority at the time, assisted the police by restraining the Goldstone Commission investigating covert police activities.

Mr Vlok and General Van der

Merwe are applying for amnesty for arranging the bombing of Cosatu House in May 1987 and Khotso House in August 1988, as well as a series of blasts at cinemas showing the film *Cry Freedom* in 1988.

Mr Vlok and General Van der Merwe's testimony contradicts Mr De Klerk's submission to the Truth Commission last year that he had no knowledge of any illegal police actions.

General Van der Merwe told the committee he had complained to Mr De Klerk in either 1991 or 1992 about the Goldstone Commission's investigations into police covert activities.

General Van der Merwe said he explained to Mr De Klerk that the police in fact bombed Khotso House and Cosatu House, Johannesburg head offices of the SA Council of Churches and the Congress of SA Trade Unions respectively.

He said he told Mr De Klerk it was



**Pensive:** Adriaan Vlok listens to evidence

unfair that the police were still being pursued while investigations against African National Congress activities had been halted.

He said Mr De Klerk replied that he would do everything to change the legislation so that the policemen

involved would be granted indemnity.

General Van der Merwe said he heard nothing more from Mr De Klerk and the Goldstone Commission continued its investigations. He said he then approached then justice minister Kobie Coetsee to get the commission's probe stopped, but that also proved fruitless.

He said he then went to Nelson Mandela for assistance.

"I explained to him that the police wished to play a role as far as the forthcoming (April 1994) elections were concerned. I told him that if the investigations against policemen continued, there would be no way I could motivate my people to maintain law and order if the elections went ahead," General Van der Merwe said.

He said Mr Mandela agreed with him and the investigations of police involvement in illegal activities

ARL 22/4/98 (7/7)

stopped soon afterwards.

The Goldstone Commission's investigations were then referred to Transvaal attorney-general Dr Jan D'Oliviera.

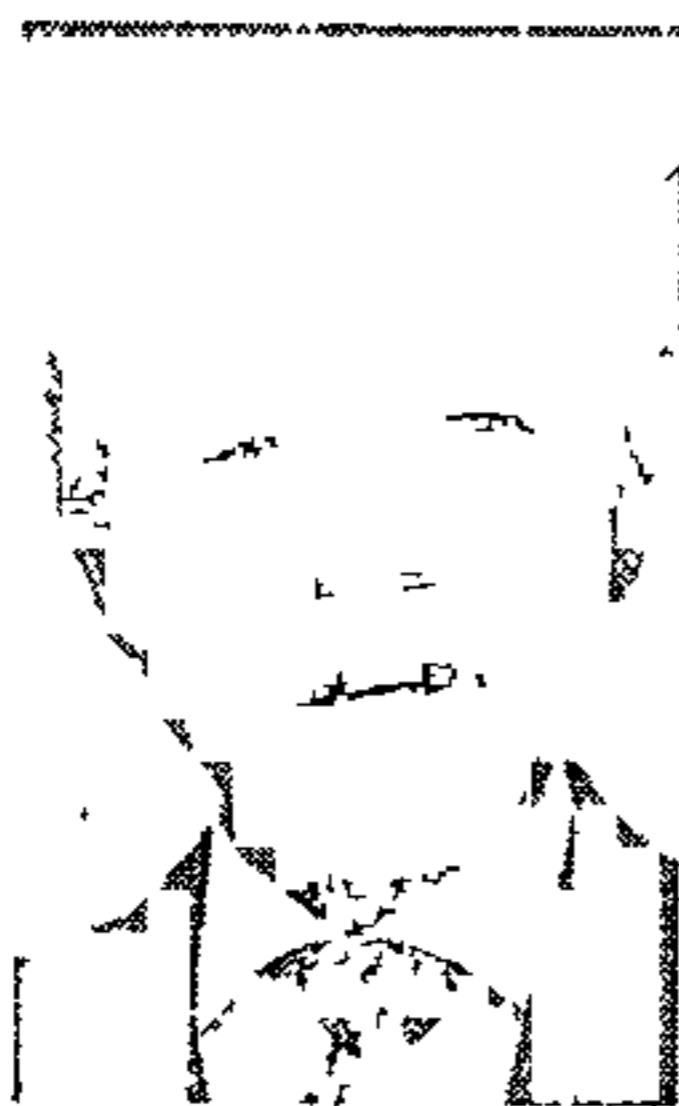
General Van der Merwe said he then approached Mr D'Oliviera and told him that policemen were responsible for the Khotso House and Cosatu House bombings, but that they had acted in accordance with government instructions.

All investigations against the policemen then stopped.

Asked why he thought Mr De Klerk had not mentioned these incidents when he appeared before the TRC last year, General Van der Merwe replied that it was probable that Mr De Klerk did not consider the bombings as gross human rights violations. Earlier yesterday Mr Vlok said he informed De Klerk about the bombings long before the 1994 elections. - Sapa



D'OLIVIERA



MANDELA



COETSEE



DE KLERK



GOLDSTONE

# Mandela, De Klerk reject allegations

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BO 24/7/98

Stephané Bothma

PRETORIA — President Nelson Mandela, Judge Richard Goldstone and former president FW de Klerk would be informed today that they had been implicated in amnesty hearings of having known about illegal police activities, truth commission chairman Archbishop Desmond Tutu said yesterday.

The notification gives them right of response to the allegations, of which no advance notice was given. Mandela and De Klerk have rejected them.

Transvaal attorney-general Jan D'Oliveria and former justice minister Kobie Coetsee will also be notified.

This follows testimony on Wednesday by former police commissioner Gen Johan van der Merwe that he had informed the five men that policemen were responsible for certain illegal acts and that investigations into them should be halted.

Van der Merwe, applying for amnesty for the 1988 bombings of Khotso House, the headquarters of the SA Council of Churches, Cosatu House, and two cinemas screening the film Cry Freedom, told the amnesty committee that he had unsuccessfully

approached De Klerk in 1991 or 1992 to stop the Goldstone commission's probe into police dirty tricks. When a similar approach to Coetsee failed, Van der Merwe said he turned to Mandela, who at the time held no official office.

He said Mandela intervened and Goldstone handed over all investigations into police actions to D'Oliveria, who later stopped his probe.

Tutu said the five men would be notified that transcripts of the evidence would be available next Monday to enable them to study the text of what was said before deciding on how to respond.

"The commission also noted that it had been alleged in media reports that there was a conflict between what was said (by Van der Merwe) and what De Klerk said when he gave evidence before the full commission in 1996 and 1997. Not having transcripts of what was said (by Van der Merwe), the commission was unable to express an opinion," Tutu said.

Taryn Lamberti reports that De Klerk and Mandela yesterday rejected Van der Merwe's allegations.

Mandela's spokesman Parks Mankahlana said the president had never discussed the Goldstone commission

with Van der Merwe, nor had he attempted to interfere with its investigations. "The president says he met Van der Merwe before the 1994 elections to discuss his continuation as commissioner of police and that was the only subject raised."

Mandela "had no recollection whatsoever" of discussing the bombings with Van der Merwe.

De Klerk said media reports and statements by truth commission deputy chairman Alex Boraine that Van der Merwe had contradicted De Klerk's earlier evidence were "untrue and grossly unfair".

His office said he had never denied that he was informed by Van der Merwe and former law and order minister Adriaan Vlok about their involvement in the bombings. "The contents of Mr De Klerk's replies (to the commission) show clearly that he had become aware of their involvement and that it would be the subject of amnesty applications." His denials to the commission related to his own complicity in such actions, not to his knowledge of them.

Goldstone, who is in Canada, could

Continued on Page 2

## Implicated (257)

Continued from Page 1

not be reached for comment BO 24/7/98

The amnesty committee is also hearing the applications of 35 policemen — most of which are for acts related to the Khotso and Cosatu House bombings. It heard yesterday that former Johannesburg security chief Gen Gerrit Erasmus had given the unit responsible for the blasts an order to "shoot, should they be caught by other policemen while they were placing the explosives".

Col Eugene de Kock, former commander of police hit squad base Vlakplaas, was in charge of the operation and had received the order from Erasmus to shoot, the committee heard.

"I am not going to argue with De Kock about whether I gave the order or not, but I never meant it literally," Erasmus said.

The committee heard that Vlok and

Van der Merwe had given the order to blow up Cosatu House, while former state president PW Botha had ordered the Khotso House bombing.

The SA Council of Churches and Cosatu yesterday formally informed the committee that they would oppose the granting of amnesty to Vlok and Van der Merwe.

Their lawyers rejected allegations by Van der Merwe and Vlok that the two buildings were destroyed because they were used as a safe house for Umkhonto we Sizwe soldiers and weapons were kept there.

The bombings were an "attempt by the police to create terror and confusion among those associated with the organisations", they said.

Erasmus refused to identify those who had provided police with information of terrorist activities at the buildings. "Many people present at the hearing will be shocked" to learn the identity of some of the informers, he said.

Comment: Page 11

# Candour should not be left to lawyers

**Mungo Soggot**  
**A SECOND LOOK**

**A**dvocates rarely make sensational statements out of court, the Bar being a profession which prides itself on discretion and aloofness

So it was not an impulsive decision on the part of the General Council of the Bar to hit out last week at the appointment of South Africa's first "super attorney general", Bulelani Ngcuka

Ngcuka's selection, said the body's chair, Peter Hodes, SC, "underscored the Bar's fears about the new post" that the incumbent might be vulnerable to political interference and might be insufficiently qualified for the job

The advocate's comments were the most candid in the debate about the appointment of African National Congress stalwarts to two key state posts which are supposedly independent, the other being the choice of former minister of labour Tito Mboweni as Reserve Bank governor-designate

This degree of candour has not been matched by the government, which has made little effort to explain either appointment

Where the central bank was concerned, there was no frank explanation about why the new governor will be a Cabinet minister whose aggressive labour-market legislation had attracted considerable hostility in financial markets

In an apparent effort to cleanse the announcement of politics, Deputy President Thabo Mbeki skirted discussion of the background to the decision. All that was said was Mboweni would sever all ties with the ANC, and would safeguard the bank's independence

There are, of course, very obvious reasons for Mboweni's appointment which most South Africans understand. The new incumbent had to be a black South African with a background in economics, a person who would provide an antidote to the bank's white, Afrikaans legacy

And, as is argued by political commentator Steven Friedman, the long-term independence of institutions like the Reserve Bank can be secured only if they are headed by people in tune with the majority of the population

If Mbeki had been able to headhunt a candidate who fitted these requirements but who would have also sent impeccable signals to the world's financial markets, perhaps he could have been criticised for selecting the former labour minister

Financial analysts sitting in London and



**Out of order: The legal profession hit out last week at the appointment of an African National Congress stalwart as South Africa's first 'super attorney general'. PHOTOGRAPH: HENNER FRANKENFELD**

New York can no doubt guess at these explanations, but they are people who rely on certainty. It would have done no harm for the government to declare its motives

As it was, what candour the government did demonstrate in the matter was misapplied: a selection of bankers and financiers were consulted ahead of the Mboweni appointment, causing hard feelings among those who were not briefed, and probably allowing the less scrupulous of the confidants to make vast amounts of money on their valuable knowledge

The public has been told the Mboweni appointment was a year in the making, which, if true, means the government knew for some time its much-touted jobs summit would have to take place without the labour minister. Either way, the government ignored advice — which was given to the ANC before the elections — that it and the central bank should have visibly groomed potential successors to Chris Stals to ensure a smooth transition

Even neighboring Namibia, the previous government's policy testing ground, employed an expatriate as an interim central

bank chief, followed by a professional accountant who was never an activist

But, as Friedman points out, Namibia is a far less complicated country. It has a tiny population, most of which is in a remote patch of desert, and none of the vociferous interest groups daily banging on the door of the ANC

Mboweni's appointment is an exception to the generally accepted rule about central bank governors. But the government should have explained why it did not want to follow its neighbour's example, but instead chose to depart from the prevailing orthodoxies surrounding central banks. At least it would then have been seen to be transparent

Ngcuka's appointment two weeks later has fewer ramifications. The post's independence is also not guaranteed in either the Constitution or the legislation which creates it, although the latter does say the incumbent must carry out his duties without fear, favour or prejudice

But coming so soon after the Reserve Bank bombshell, parallels inevitably have to be drawn

It was left to commentators and journa-

lists to explain the importance of having a helmsman in a prosecution system which has remained largely untouched by the negotiated revolution. South Africa's prosecutors belong to a justice system which evolved in the service of apartheid, which condoned torture and which rarely acted against the interests of the ruling party

Instead, once again, it was simply announced that Ngcuka would down his ANC cap and become an impartial civil servant who will forge a national prosecution policy. There was no explicit mention of the need to re-educate several senior members of the prosecution service — right up to the level of attorney general — who have bucked the new government's priorities

Both Mboweni and Ngcuka are unquestionably political appointments. It would be unrealistic for the government to flag them thus

But it would have been more in keeping with the transparency it purports to apply if the government had openly declared the reasons for the appointments, instead of leaving such candour for the likes of the legal profession

MHG 24/30/7/98 (252)



# 'Lappies applied for amnesty'

(252)

MHG 24/ - 30/7/98

## Wally Mbhele

**T**ruth and Reconciliation Commission officials claim police Superintendent Frans "Lappies" Labuschagne, accused of a series of assassinations of senior African National Congress members in Swaziland, has applied for amnesty.

Labuschagne, also suspected of involvement in setting up foreign affairs director Robert McBride for arrest in Mozambique, is believed to have announced this bombshell during his appearance before the truth commission's investigative in-camera hearing on June 30.

No one knows exactly how he applied, but sources at the truth commission say he did so under a false name.

Labuschagne's amnesty application will come as a shock to the families of his victims, who have made several submissions to the truth commission for assistance in tracing the perpetrators of gross human rights violations against their family members.

The truth commission has consistently denied that he applied for amnesty since he was exposed as the man behind the apartheid hit squads operating in Swaziland in the Eighties. Commission officials preferred not to be named when discussing Labuschagne's application. One said the application was "not for the violations we called him [to testify] for".

Asked to list the specific violations to which Labuschagne has admitted, the official said they were in connection with the killing of, among others, Cassius Maahe, Paul

Dikeledi and Theophilus "Viva" Dlodlo — all former senior ANC cadres who were based in Swaziland in the Eighties.

But another official who attended Labuschagne's in-camera hearing said "His name does not appear on the list of amnesty applicants. As far as I know, Lappies told the inquiry he wished he could have applied for amnesty, but he did not know the proper procedure and method for doing so."

Labuschagne had been called to answer detailed allegations including torture, conspiracy, murder and, most recently, his alleged links in the entrapment of McBride.

**'We called Labuschagne to ask him about those things which we knew. But then he told us about those things he had done and applied for amnesty'**

At the in-camera hearing, Labuschagne is believed to have made an emotional and "heart-rending" submission which moved hardened commissioners. They praised his honesty and "full disclosure" about his shadowy past in the apartheid machinery.

He is understood to have made far-reaching disclosures to the truth commission after colleagues he allegedly worked with in the third force co-operated with its investigators. It is understood he revealed his links to the former Mozambican rebel movement Renamo

in destabilising that country's security. He also named an apartheid spy who sold out Maahe, Dikeledi and Dlodlo.

Labuschagne's cover was first broken by former third force commander Eugene de Kock, who spilled the beans to Dlodlo's wife, Felicia, after she visited him in prison.

Sources say one of Labuschagne's former colleagues who has co-operated with the commission is Henry van der Westhuizen, a former security police officer based in Nelspruit. Van der Westhuizen was also allegedly a member of a hit squad which raided ANC bases in Swaziland.

Commission representative John Allen refused to be drawn into whether Labuschagne has applied for amnesty, arguing that the legislation governing the body does not permit him to reveal names of amnesty applicants until their hearings are scheduled.

"The practice is that we announce the name only a week or two ahead of the hearing, unless the applicant himself wants it to be known. The [amnesty] committee's decision is that it is confidential until the public hearing has been scheduled."

A senior commission official said Labuschagne "is trying to make up for something else. I think what may happen is we may end up recommending prosecuting him for some of the things we called him about."

"We called him to ask him about those things which we knew. But then he told us about those things he had done and applied for amnesty."

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# 'I am really very sorry, but ...'

PHG 24-30/7/98 (252)

David Beresford

It was *l'accuse* flavoured with a dash of *mea culpa* when Adriaan Vlok this week appeared before the Truth and Reconciliation Commission to explain how he contributed to "law and order" by blowing up office blocks and cinemas

Vlok, who was minister of law and order between 1986 and 1994 — the most bloody phase of the anti-apartheid struggle — appeared before the commission in support of an amnesty application for three covert bombing operations carried out by police on his instructions

He was forced to seek amnesty after his former police commander, General Johan van der Merwe, had publicly accused him of issuing orders for the attacks.

Looking like an accountant in a suit and gold-rimmed glasses, Vlok offered a moral balance sheet which, by his accounting, concluded that the country could count itself fortunate — and be grateful to the security forces — for having been saved from communist dictatorship.

Apartheid was "unbearable and morally indefensible", he conceded. But the "sour fruits and injustices" were not the intention of those who had formulated the ideology.

"We only had the best of intentions for ourselves, for the rest of South Africans and also for our country." But, he said, "we planted the tree and we have to accept the moral and political responsibility for its fruits."

"We did not start the war in South Africa, we just participated in it. The actions of the security forces were in reaction to the attacks launched on the



On the other hand: Adriaan Vlok at the truth commission. PHOTOGRAPH: HENNER FRANKENFELD

government by the revolutionaries." If they had not fought back, present-day South Africa "would be a poor, backward communist country in the same pattern as East European countries." Instead, it was "an economic giant on the continent of Africa".

The anti-communist struggle had been confused by the role of some churches, which Vlok said were "in the pockets of international communism". It had been an "undeclared war" out of which a war psychosis de-

veloped, leading individuals to commit acts which in normal circumstances would have been unthinkable

"We got so de-sensitised that this sort of thing became more and more normal to us." As a "moral and political leader" he could not distance himself from the men who committed such acts, although he did not carry "direct" responsibility.

Challenged as to why expressions like "eliminate" and "take out" had been used in government documents

if ministers did not mean the security forces to murder activists, Vlok said the phrases were to be found in documents submitted to the politicians, but not drawn up by the politicians themselves.

To the politicians such phrases meant detention. But, he conceded, to the man in the street it meant "kill" and the politicians had been at fault for failing to correct that perspective. Turning to the crimes for which he is applying for amnesty, Vlok said

the decisions to blow up Cosatu House, headquarters of the Congress of South African Trade Unions, and Khotso House, home of the South African Council of Churches (SACC), were taken because there was no legal way to deal with the revolutionary threat they posed.

He said a demand for "action" from former president PW Botha had led to his decision to blow up the headquarters of the SACC in 1988. Botha had taken him to one side after a meeting of the state security council at his official residence in Cape Town and urged him to act against Khotso House.

The president had told him, "You must make that building unusable," recalled Vlok. "He did not say what had to be done. He said something had to be done. I had no doubt that some irregular action had to be taken."

Twenty-one people were injured in the blast which Vlok subsequently blamed on a social worker, Shirley Gunn, although he knew her to be innocent of the crime. He said he had falsely accused her to protect the police.

She would have been detained anyway, as a suspected African National Congress guerrilla, but he was nevertheless "very sorry and truthfully regret" the suffering his false charges had caused her.

He justified the bombing of two cinemas which had shown *Cry Freedom*, Richard Attenborough's film on black consciousness hero Steve Biko, on the grounds that it was "very good" propaganda which could have triggered revolution in South Africa.

# I did not mislead the TRC on covert acts, says FW

BY ROBERT BRAND

(252)

APR 24/7/98

Former president F.W. de Klerk has denied that he misled the Truth and Reconciliation Commission about his knowledge of covert police actions and said those who carried out the illegal activities should take the blame.

Reacting yesterday to evidence before the TRC that he knew about police involvement in the bombing of Khotso House and Cosatu House in the 1980s, De Klerk said through his spokesman Dave Steward that he had never denied it.

What he has, indeed, denied and continues to deny, is that he was ever part of any decision or policy which authorised gross violations of human rights such as murder or assassination, torture, rape or assault," Steward said in a statement.

De Klerk's name was mentioned this week in applications for amnesty by former law and order minister Adriaan Vlok and former police commissioner Johan van der Merwe. Van der Merwe testified that he told De Klerk in 1991 that the police were involved in the bombing and asked the former president to prevent the Goldstone Commission from investigating these matters.

When De Klerk did nothing, he approached then-justice minister Kobie Coetsee, without success, and

then Nelson Mandela, who, he said, agreed to intervene.

This evidence appeared to contradict two submissions made by De Klerk to the TRC, in which he said he had no knowledge of state-sponsored illegal activities by police.

The TRC said yesterday it had served notices on De Klerk, Mandela, Coetsee and Mr Justice Richard Goldstone informing them that they had been named, and would be afforded the opportunity to respond. They will not be called to testify in public unless the TRC's amnesty committee deemed it necessary, the commission said.

But De Klerk said the impression of contradictions between his submissions and Van der Merwe's evidence were "based entirely on false assumptions".

In written replies to questions from the TRC, De Klerk specifically referred to the involvement of Vlok and Van der Merwe in the Khotso House and Cosatu House bombings. However, De Klerk denied that he was part of the decision to bomb the two buildings.

Mandela has rejected the allegation that he intervened in the Goldstone Commission's investigations

► More reports

FANI MAHUNTSI

# 'I did not question the order to bomb Khotso House'

PRETORIA CORRESPONDENT

*Star 24/17/98 (AM 2)*

Former police commissioner General Johan van der Merwe said yesterday he did not question former police minister Adriaan Vlok about instructions to bomb Khotso House because he trusted him.

Van der Merwe said he did not ask Vlok where instructions regarding the destruction of Khotso House had come from.

"Between us there was mutual trust and I had no reason to believe he would act without (former state president) P W Botha's authority.

"I wouldn't expect Vlok to seek authorisation from Botha but would expect that he informed him afterwards," Van der Merwe said of the bombing of Cosatu House.

Regarding both Khotso House and Cosatu House, I liaised directly with Vlok, not directly with Botha. It didn't concern me and I was satisfied Vlok acted within the position of his role as a minister," he said.

Vlok has told the TRC's amnesty committee that he did not seek Botha's permission nor did he tell him of the police's involvement afterwards.

Van der Merwe was responding to comments by Cosatu legal representative Percy Mafojane that when former

Vlakplaas commander Colonel Eugene de Kock had heard of the operation, he had asked who had authorised it. Mafojane suggested it was unusual for Van der Merwe not to ask.

The United Democratic Front had played the most important role in mobilising the masses and the struggle, Van der Merwe said in response to statements by Mafojane that Khotso House was bombed because it was used to store weapons.

The UDF had had its headquarters in the building. Mafojane, cross-examining retired Major-General Gerrit Erasmus, asked who the sources were who had provided the police with information. Erasmus said he would never reveal his sources.

Brigadier Willem Schoon, former head of Vlakplaas and De Kock's boss at the time of the bombings, also testified in support of his application for amnesty for the two bombings. He said he had received instructions from Van der Merwe and had passed them on to De Kock, appointing him as the coordinator for the two missions.

Colonel Petrus du Toit appeared in support of his application for instructing subordinates to bomb the Kings Cinema in Alexandra, where *Cry Freedom* was being shown

Giving evidence... former Vlakplaas head Brigadier Willem Schoon said he had received orders about the Khotso House and Cosatu House bombings from former police commissioner Johan van der Merwe and had passed them on to Eugene de Kock.



Most academics agree the first stage along the journey is that of withdrawal and identification with one's own group, but that this is a necessary and healthy response which must occur before people can move on to trust each other, writes **Antjie Krog**



# Risk is first step to reconciliation

GAIL IRWIN

(202) Alan 24/7/98

He wants to understand this country. One wants to live an informed life here to the benefit of all South Africans. So one is listening.

But it is difficult to make sense of our daily diet of contradictory codes. And how to interpret them into one's own small life?

We have, for the first time in history, a leader who likes engaging in debates on important issues. But unfortunately we are not used to debating things. Thus the important debate on reconciliation did not really get the attention it deserved.

Before looking at some of the neglected parts of Thabo Mbeki's speech in Parliament on the issue of "two nations", it is important to realise that reconciliation is not a magical moment, an instantaneous act, but that it consists of several identifiable phases.

We have been led to believe that if only we ask forgiveness, we will be forgiven. Sometimes the proper words have been spoken on every side, yet in people's hearts the hurt and isolation remain. People are forgiven, but not reconciled.

In his article, "The Cycle of Reconciliation", Ron Kraybill, an American academic who worked at the Centre for Conflict Resolution at the University of Cape Town, says that internal commitment to reconciliation is an intellectual event.

It deals with the will to reconcile, combined with the knowledge that it will entail risks and disappointment.

But let us look at the two nation speech by Mbeki. Its title deals with reconciliation and reconstruction. He talked about a well-

try's poor, Mbeki says "we must therefore return to the question we posed earlier."

"Are we all, as the various parties in this Parliament and our society at large, behaving in a manner which promotes the objective of reconciliation and nation building, without which the kind of South Africa visualised in our Constitution will most certainly not come into being?"

"Again, my answer to this question would be a very definite - No!" Mbeki's reasons for the conclusion that we do not behave in a manner conducive to reconciliation are mainly the following: many corporations are not registered for tax purposes, people demand more money, complain about affirmative action, do not apply for amnesty, spread false rumours and resist transformation.

All of this pushes "us away from achieving this goal (of national unity and reconciliation) and is producing a rage among millions of people."

Ostensibly, it seems that this may be true. There is a general rage - among blacks (according to Mbeki) and whites (according to Constand Viljoen) and it steadily seems as if people might tear at each other's throats.

But for some reason it is not these two nations that are at each other, not white and black, but Zulus killing each other in the KwaZulu Natal midlands or coloureds on the Cape Flats. (Whether the killing of farmers is about black and white is still being debated.)

When one speaks to whites, they complain that they have no more power. According to blacks, whites still actually control everything.

**In people's hearts the hurt and isolation**

When one speaks to whites, they complain that they have no more power. According to blacks, whites still actually control everything.



the conditions of our remaining here. We are here for better or for worse. We want to be here, but we have to accept that we can no longer stay here on our terms. People of our skin colour decided for 300 years on what terms black people could stay in this country. This is now over.

We have to accept that as whites who want to remain here we have as little say now. Therefore I prick up my ears and try to hear what the new conditions for my existence are. Taxes. Does Mbeki mean all that is required from whites is to accept the priority to create a material base and to pay taxes? Our money, but please dear God, not our little souls?

Is he saying that whites can continue to make as much money as they want, that they can isolate themselves from the country in separate privileged pockets like whites in Zimbabwe, as long as they remain prepared to pay big chunks of tax money? And subsequently be prepared to give up jobs to black candidates? Is that it?

He is not telling everyone in the civil service over 50 years of age; make groups of architects, lawyers, teachers, engineers, doctors, nurses - auxiliary teams to be sent to provinces, regions and towns to bolster police resources, help with maths and English in the schools, help sort out the financial administrations of small towns.

He is not telling each model C school that they have to take as many children as possible and for the sake of all of us teach them until one day the education problems are sorted out. He doesn't say that you can only stay here if our priorities are the same: that is, changing the lives of the poor.

And for how long are we needed? Are we needed, but not our children? Risk is the foundation of any positive relationship. Until there is the risk of their lives in the

OFFICIALS THAT ON...

ican academic who worked at the Centre for Conflict Resolution at the University of Cape Town, says that internal commitment to reconciliation is an intellectual event

It deals with the will to reconcile, combined with the knowledge that it will entail risks and disappointments

But let us look at the two nation speech by Mbeki. Its title deals with reconciliation and reconstruction. He talked about a well-off white nation and a poor black nation and was sharply criticised for such a facile definition

But seen in the light of who is supposed to reconcile with whom, this differentiation is entirely appropriate. Reconciliation in this country is not between actual operators and victims, but between the beneficiaries (the whites) and the exploited (the blacks).

After he has identified the two nations, Mbeki asks how does one weld these two nations which coexist in South Africa?

Although Mbeki goes on to mention the use of a 7,5% surcharge and solidarity tax and transfer of resources from West to East Germany after reunification, he proposes something much more unassuming for South Africa

(It remains one of the most baffling elements of the majority of the country's population, that they always demand much less than the minority expects. The other amazing fact is that this same minority always reacts as if the ultimate sacrifice has been demanded, that the final trenches must be dug)

After the modest request that everyone must accept that it is the Government's priority to create a material base that can eventually help to improve the lot of the coun-

people in general fear of each other's throats

But for some reason it is not these two nations that are at each other, not white and black, but Zulus killing each other in the KwaZulu Natal midlands or coloureds on the Cape Flats (Whether the killing of farmers is about black and white is still being debated)

When one speaks to whites, they complain that they have no more power. According to blacks, whites still actually control everything

Where does the power in the country lie then? In both the nations: the financial power with the white nation and the political power with the black nation

Mbeki asks whether people in the country believe as if their main priority is reconciliation? Then he says: "My own answer to this question would be a definite No"

But it is exactly at this point that one has to consider the different phases of reconciliation. Currently South Africans seem to be further apart than before. But the answer to Mbeki's question on whether we believe as if reconciliation is a priority - the answer is, Yes!

Because the first necessary stage of reconciliation is withdrawal

The two nations are both affected, one by injury, one by guilt, and their first reaction is to withdraw from each other. People withdraw physically or mentally from each other after injury. We have heard in the Truth Commission how a mother says she does not even want to see a white person. We see people leaving the country or pulling back into their own family or group spaces and homelands.

This withdrawal from each other may last a second or centuries, says Kraybill. But withdrawal is regarded as a necessary and healthy psychological response to injury. To

want to be among the people whom you trust, whom you know will not injure or accuse you - that is a natural response

This kind of withdrawal is essential because the unthreatening space of one's own people makes it possible to start thinking about the next step towards reconciliation

The academics say that before you can reconcile, you have to understand who you are and where you come from. The first casualty of painful conflict is identity. Self-esteem for individuals and confidence in its identity as a group.

So within this withdrawal and safe space, people start participating in this two-fold process of self-awareness and self-affirmation. Sometimes the injury to a group is so vast that they themselves are not aware to what extent the injuries have taken place

But as a group one must now affirm one's pride in being a member of that group. What makes us so remarkable? What do we have to offer?

The two nations treat this phase differently. Mbeki's two speeches in East Asia about the African Renaissance and his utterly beautiful "I am an

African" speech are prime examples of affirmation. In them, he painstakingly identifies reasons why Africans can be proud of themselves, citing examples of how the achievement of Africans have been ignored

The redefining of what is African is not new on the continent, but

the reformulation of the identity must begin in cautious, within the safety of the closed circle of those who shared the injury or the guilt

The white nation does the affirmation differently. And although this redefining seems to have elements of antagonism towards other groups, to reclaim old identity symbols like flags or anthems or accents is an important gesture, say the academics. And this is the way the Afrikaner is working through the withdrawal phase. Afrikaners looking for a new definition in their current obsession with the Anglo Boer War, in redefining the speakers of Afrikaners

In the weeks after Mbeki's speech a long polemic played itself out in Die Burger. Parents gloating about how much better off their children who had emigrated were, were attacked in a stream of letters by parents whose children have decided to stay. "Parents of *hersoppers*" they were called - *hersoppers* are those who have surrendered to the enemy

Kraybill says that if this phase is neglected, or if a group is denied this space to redefine its identity, a group can become frozen in a permanent quest for identity that often

what makes this important is that Mbeki is functioning within the first phases of reconciliation. Not by being kind to whites, but by redefining himself, his people, his country and the continent, he is working towards reconciliation. Academics are unanimous that

## All this is producing a rage among millions of people

expresses itself in rigid ethnicity and nationalism. People need uncritical and enthusiastic support in reclaiming their identities.

And indeed, as if out of a textbook, in his second speech, Mbeki goes out of his way to emphasise what he perceives as good in whites in general and Afrikaners in particular

However, the voices of whites encouraging black people to put the blame for apartheid where it should be, are not heard

But to withdraw at some levels, says Kraybill, one needs social and physical safety and complete respect for the basic human needs of the groups in question. So the high crime rate may in a sense destroy the opportunity the two nations need to redefine themselves.

Out of this should follow the intellectual decision - to move into a relationship with the other group

Looking at Mbeki's speech it is clear that there is not yet the trust to take a risk with the other nation. The hope is there. But not the trust. Concrete suggestions of what this relationship should be would be a sign of trust. Those of us here try to work out

provinces, regions and towns to bolster police resources, help with maths and English in the schools, help sort out the financial administrations of small towns

He is not telling each model C school that they have to take as many children as possible and for the sake of all of us teach them until one day the education problems are sorted out. He doesn't say that you can only stay here if our priorities are the same: that is, changing the lives of the poor.

And for how long are we needed? Are we needed, but not our children? Risk is the foundation of any positive relationship. Until there is restoration of trust. The nature of the risk is of less importance than the fact that a risk is taken and that this is the first concrete step towards reconciliation

We have taken the risk to vote together for our first elections. We have taken a risk with the rugby World Cup. And we have not been disappointed. But the risk of reconstruction is maybe too big. We all have to trust that people will sacrifice according to what they have received in the past and that those who govern have the interest of the poor at heart

One of the more noticeable aspects of the reconciliation debate was that this kind of risk and trust was nowhere to be found in any of the speeches.

But according to Kraybill, negotiation may be an answer. And let's face it - we are nimble negotiators. Risks should be accompanied by negotiations so that both parties understand exactly what is at stake. That they know there is a real transparency to build trust.

If genuinely undertaken, negotiation frees both sides to return to normal relationships. The inquirer needs negotiation to move beyond the paralysing clutches of guilt, the injured needs negotiation to let go of blame. And so we'll become one

# Automating the courts to improve justice system

By Claire Keeton  
Feature Writer

**S**OUTH AFRICAN prisons and magistrate's courts will soon be linked by video screens to arrange the automatic remand of criminal cases, instead of physically transporting awaiting-trial prisoners to and from court

Not only will video-arraignments for the remand of cases reduce the possibility of escape, but they will also eliminate the personnel costs in transporting prisoners

And this project is not a pipe dream, it is imminent. A pilot project will be starting between Diepkloof Prison and the Johannesburg Magistrate's Court in the next two weeks

This is only one of many sweeping changes being implemented by the Ministry of Justice across the country to increase efficiency and minimise the costs of providing a legal service to the public

Deputy director-general of corporate services in the Justice Ministry Hassen Ebrahim is committed to transforming the unwieldy bureaucracy that the democratic Government inherited in 1994

He has exceptional management experience, having served as the chief executive officer of the Constitutional Assembly from 1994-1996

"We are dealing with a legacy (of inefficiency) and in real terms we have very little money to carry out transformation. It is a slow, painful transformation," he said in an interview with *Sowetan*

"But the point is not the money. We have to look at the ministry itself and whether it is as cost-effective and user-friendly as it needs to be. Our priority is to provide access to justice for members of the public"

The present Justice Ministry – the rationalisation of 11 justice departments from the apartheid era – is a vast structure. There are over 550 magistrate's courts, 14 high courts and a total of 14 500 employees, including state lawyers and public prosecutors

Ninety-five percent of civil and criminal cases are dealt with at magistrate's courts. Every month R192 million passes through the courts for bail, maintenance and other payments – a total of R2 billion a year

The ministry was publicly attacked

earlier this month for inadequate controls, corruption and theft of this money, totalling nearly R7 million

The ministry itself uncovered the fraud, and disciplinary and criminal actions were taken against the employees concerned, as well as steps to recover the money

The ministry has an annual budget of R2,1 billion, nearly a quarter of which is not under its control. 24 percent (R600 million) is set aside for commissions such as the Truth and Reconciliation Commission and the Public Prosecutor's office

This leaves R1,6 billion to run the ministry, of which R1,3 billion is allocated to personnel, according to Ebrahim. The bulk of the remaining R300 million is already committed expenditure (on contracts and leases), with only R63 million remaining to start new projects

But Ebrahim is positive about what can be achieved with limited resources

"Traditionally when Government has a problem, it throws staff at the situation, then money. That is not always the answer"

He said the ministry was working towards a more balanced budget by reducing personnel expenditure from 82 percent to around 60 percent, in the interests of efficiency

## Efficient services

"Take police personnel, for example. Increasing personnel numbers will not help without cars, radios and computers," said Ebrahim. "We do not just need people, we need sufficient support to deliver efficient services"

One achievement in the last year has been providing computer equipment. "We have doubled the number of computers," Ebrahim said

The process is not without problems, however, as was demonstrated when maintenance payouts were delayed by faulty computer equipment

But ultimately automating courts management processes, like maintenance payouts, will greatly benefit the public

"The existing (maintenance) system is not user-friendly and we are embarrassed about this. It is one of our priority areas," said Ebrahim

The ministry plans to organise a "smart card" system so people will be able to deposit maintenance electronically at any post office or bank (instead

of being restricted to one court) and collect maintenance anywhere

"This will free the husband and wife from being in one place. We will be able to do audits anytime and not have to deal with cash, which will make our staff more secure," Ebrahim said

"We will need fewer people in the cash halls, freeing personnel for other work. This project could start in three months"

Another area which computerisation will benefit is the submission of documents to court in civil cases. In the Johannesburg Magistrate's Court, last year alone there were 176 000 new civil cases, an increase of about 10 percent

"There is a mountain of paperwork, halls of files," Ebrahim said. He said the ministry may contract out this work, allowing a private company to manage an electronic submissions process

The ministry is planning to allow a pilot of this system in the Johannesburg Magistrate's Court in the next two months

But one of the most significant changes is the "pre-trial services" being implemented in criminal courts

The "pre-trial" interviews will assist with verifying basic information about the accused, and with practicalities like how much bail an individual can afford

This process is part of the broader transformation of the entire criminal justice system into an "integrated justice system", with close cooperation between the police, courts and prisons

"Information must be managed in a way that is useful. We want to automate the process, but not to automate existing inefficiencies" A report will be released in late August outlining this process

Meanwhile, the new Constitution and Bill of Rights have had a direct and contradictory impact on the ministry. For instance, the right to legal representation has slowed down the handling of cases and overloaded the courts, yet the accused now has better access to justice

Ebrahim said "We are inefficient in a number of areas and we have identified these. We are doing something about them, rather than sweeping our problems under the carpet"

"Of course, things will go wrong now and then and blow up. But considering the enormity of the task, we are making progress"

(277)  
Lawson 24/7/98

# Shilowa: amnesty only if they tell full truth

By Willie Bokala

FORMER law and order minister Mr Adriaan Vlok and former police commissioner General Johan van der Merwe should be granted amnesty only if they disclose all, general secretary of the Congress of South African Trade Unions, Mkhazima Shilowa said yesterday.

At an impromptu press conference in Pretoria, Shilowa said that both Cosatu and the South African Council of Churches (SACC) would try to determine if the police were involved in bombing several regional Cosatu offices and who had ordered the attacks.

Shilowa said he did not believe Vlok and Van der Merwe had applied voluntarily for amnesty. Instead they both applied because investigations into the incidents would probably have led to their arrest. "The net was closing on them," he said.

Shilowa claimed that the apartheid government and police had supported the rival United Workers Union of South Africa (Uwusa) with money.

"They engaged us through this union and our people were killed in several attacks," he said. "If Vlok and Van der Merwe have to get amnesty they will have to deal with all these atrocities. They have to account for these."

Soon after the Cosatu House bombing, Mr Jay Naidoo, the union's general secretary at the time, accused the police of bombing the federation's offices and as a result police threatened to arrest him for "spreading malicious propaganda against them", Shilowa recalled.

Vlok and Van der Merwe have implicated former state presidents Mr PW Botha and Mr FW de Klerk.

"It has to be ascertained whether Vlok acted on the advice of Botha and therefore the cabinet. We only see the police, the foot soldiers coming forward and carrying the can. We want to know who gave them orders," Shilowa said.

## Terror and confusion

Vlok would have to say who gave orders for investigations into the bombing, who investigated and what happened to the findings, he added.

Former Vlakplaas commander Brigadier Willem Schoon told the amnesty committee of the Truth and Reconciliation Commission that Khotso House and Cosatu House were bombed to sow terror and confusion in Johannesburg.

Schoon was testifying at the same hearing in which 30 top police officers, including former Vlakplaas commander Eugene de Kock, Vlok and Van der Merwe, have applied for amnesty for the bombings.

After the bomb had been planted at Cosatu House, Schoon said he drove past the building with De Kock and was several streets away when they heard the explosion.

"I immediately telephoned General Van der Merwe," he added.

Schoon said he also accompanied De Kock on a helicopter reconnaissance of Khotso House before the building was bombed.

On Monday Van der Merwe and Vlok are likely to be face lawyers representing Cosatu and the South African Council of Churches, which owned Khotso House.

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# De Klerk denies he misled TRC on covert police acts

ET 24/7/98

(252)

**ROBERT BRAND**

**JOHANNESBURG:** Former president FW de Klerk has denied that he misled the Truth and Reconciliation Commission (TRC) about his knowledge of covert police actions and said those who carried out the illegal activities should take the blame.

Reacting yesterday to evidence before the TRC that he knew about police involvement in the bombing of Khotso House and Cosatu House in the 1980s, De Klerk said through his spokesperson Dave Steward that he had never denied it.

"What he has, indeed, denied and continues to deny, is that he was ever part of any decision or policy which authorised gross violations of human rights such as murder or assassination, torture, rape or assault," Steward said in a statement.

"For this reason he has consistently refused to accept responsibility for such deeds. Those who made themselves guilty of authorising such deeds or carrying them out must accept full responsibility."

De Klerk's name was mentioned this week in applications for amnesty by former law and order minister Adriaan Vlok and former police commissioner Johan van der Merwe for arranging the bombings of Cosatu House and Khotso House.

Van der Merwe testified that he told De Klerk in 1991 that the police were involved in the bombing and asked the former president to prevent the Goldstone Commission from investigating these matters.

When De Klerk did nothing, he approached then Justice Minister Kobie Coetsee without success and then went to then recently released ANC president Nelson Mandela, who, he said, agreed to intervene. He said the probes into police involvement in the bombings stopped soon afterwards.

This evidence appeared to contradict two submissions made by De Klerk to the TRC, in which he said he had no knowledge of state-sponsored illegal activities by police.

The TRC said yesterday it had served notices on

□ Turn to Page 3

# FW denies he lied to TRC on covert police actions

ET 24/7/98 (252)

□ From Page 1

De Klerk, Mandela, Coetsee and Mr Justice Richard Goldstone informing them that they have been named in an amnesty hearing and would be given the opportunity to respond.

De Klerk said the impression of contradictions between his submissions and Van der Merwe's evidence were "based entirely on false assumptions".

In written replies to questions from the TRC, De Klerk specifically referred to the involvement of Vlok and Van der Merwe in the Khotso House and Cosatu House bombings. Mandela also rejected the allegation that he had intervened in the Goldstone Commission's probe.

Mandela said through spokesperson Parks Mankahlana he never had any talks with Mr Justice Richard Goldstone and had never interfered with the operations of the Goldstone Commission.

"President Mandela was not a head of state or government at the time, (and) he therefore could not have interfered with the activities of a legally constituted commission of inquiry," Mankahlana said.

He said Mandela had spoken to Van der Merwe before the 1994 poll about him continuing as head of the police force, adding that Mandela had no recollection of discussion between him and Van der Merwe over the Khotso House or Cosatu House bombings.

# Wisdom queried of panels in witness protection plans

CT 24/7/98

(257)

**ANDRÉ KOOPMAN**  
PARLIAMENTARY BUREAU

JUSTICE Committee chairperson Johnny de Lange has raised serious concerns yesterday about the wisdom of allowing regional panels to decide on those suitable for witness protection programmes

As witnesses would be given protection, the identity of these witnesses should be confined to as small a group as possible, he said.

While having a panel system was most democratic, it presented problems in that it increased the number of people who would be privy to sensitive information, he added

The new witness protection and service bill before the committee authorises the director of the witness protection programme to appoint regional panels within the area of jurisdiction of each attorney-general.

The director is given a free hand with regard to the composition of the panels and the appointment of chairpersons to the panels to meet the needs of a particular case.

Panels, consisting of seven members each, will meet as the need arises and will consider the merits of each application for protection and advise the director.

A panel may make any relevant inquiries and may question any witness or

potential witness of any member of his family or household. The panel can also recommend the type of protection it thinks appropriate and the expected duration of protection.

It has to give the director reasons in writing for refusing to grant protection.

The director of the witness protection plan may grant temporary protection to witnesses for not longer than 30 days and then has to refer the matter to the panel for evaluation.

The Human Rights Committee has raised concerns about the programme, saying it believed that staff should be trained and skilled in the needs of the programme, be available on a permanent basis and should be carefully screened to ensure they are impartial.

Western Cape attorney-general Frank Kahn said in a submission to the committee that there did not seem to be sufficient authority invested in the director of the witness protection programme.

Raising this point, ANC MP Willie Hofmeyr said if, for example, the director needed a new identity document for a protected witness, he should be authorised to instruct other state agencies to obtain the document rather than request it and enter into debate about the merits of the case.

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duct for local councillors, and a more  
accountable executive mayoral system, in  
MP Colin Eglin t  
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# Cop tells TRC of bid to make anti-apartheid activists 'think twice'

(253) ARK 25/7/98

Pretoria - More dirty tricks used by the police to discredit and intimidate political opponents and church leaders have been revealed at the Truth and Reconciliation Commission's amnesty hearings here

Former security police captain Michael Bellinghan was testifying at the hearing yesterday in which former law and order minister Adriaan Vlok and former commissioner of police

Johan van der Merwe are applying for amnesty for bombings that took place in the late 1980s. These include the bombing of Cosatu House in March 1987 and the headquarters of the SA Council of Churches at Khotso House in August 1988

Captain Bellinghan is applying for amnesty for bugging opponents of apartheid and breaking into and destroying their property. He said as

the head of the church desk of the security police, he targeted individuals involved in liberation theology, as well as anti-conscription campaigners

He has admitted throwing bricks through windows of offices and vehicles used by church activists including the Rev Rob Robertson and Dr Beyers Naude. He said his objectives were to intimidate opponents of the Govern-

ment and to boost the image of the

security police. "This would make activists and terrorists think twice before engaging in harmful acts against the state and civilians"

Ex-commissioner Van der Merwe referred this week to a meeting he had with Nelson Mandela, who was not yet president of the country. He said he had not intended to convey the impression that he asked Mr Mandela to stop the Goldstone inquiry - Sapa

# TRC in crisis as families threaten to sue it

By CP REPORTERS

**T**HE TRUTH and Reconciliation Commission is facing a credibility crisis as families of murdered African National Congress cadres threaten to take it to court - accusing it of cutting a secret amnesty deal with the alleged killer cop, Frans "Lappies" Labuschagne, to prevent him from revealing names of informers who operated in exile. This development comes in the wake of news that Labuschagne - accused of assassinating a number

of senior ANC cadres in Swaziland in 1987 - has applied for amnesty. Labuschagne's alleged amnesty application was revealed to families of the victims shortly after he appeared before the TRC's in-camera hearing where he answered questions about a host of gross human rights violations, including murder, conspiracy to kill, abductions and his alleged involvement in the recent setting-up of Robert McBride in Mozambique. He appeared before the TRC on June 30. It has emerged that the TRC and

the ANC knew about Labuschagne's activities about two years ago. That was after convicted murderer Eugene de Kock had spoken to them when they visited him in prison. De Kock is alleged to have told them about details of Labuschagne's involvement in cross-border raids which led to killings of several ANC and MK cadres, including civilians who were caught in the crossfire. This, according to families, was never revealed to them. Among the senior ANC leaders, he is alleged to have assassinated.

are former National Executive Committee (NEC) member Cassius Mankwe, MK commander Paul Dikeledi and Theophilus Dlodlo, who headed special investigations into the extent of infiltration into the ANC ranks in exile. Labuschagne, who headed a hit-squad that specialised in cross-border raids, is also alleged to have been part of a plot that sought to assassinate the late ANC president Oliver Tambo and slain SA Communist Party leader, Chris Hani. His squad is also accused of

abducting Sheila Nyanda - the wife of the current SA National Defence Force chief, Siphiwe Nyanda - whose name also featured high on Labuschagne's alleged hit-list of ANC leaders. It has now come to light that Labuschagne has revealed to the TRC the name of a woman who was responsible for feeding information to the apartheid masters about the activities and the movements of most of these leaders in exile. This double agent, whose name cannot be revealed, is believed to

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Quote of the week:

Sipho 'Hotstix' Mabuse:

'It happened at lightning speed. I thought they were stuck and needed help. Before I could make out what was happening, two guys were all over me like a pack of wolves. I was like a helpless prey.' - Speaking about the nightmare of having his car hijacked.

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# Witness programme 'still afloat'

KEN VERNON

THE theft of more than R250 000 from the Witness Protection Programme has not imperilled the scheme or people in its care, its national director, Piet Kleynhans, says

Superintendent Petrus Thiar, formerly in charge of the pro-

gramme in the Western Cape, has been charged with stealing thousands of rands from the operation

More than R250 000 was found to be missing when Thiar was replaced as head of the programme earlier this year

Thiar, a long-serving policeman previously in charge of the Paarl detective branch and a former lecturer at the police college

in Paarl, appeared in court last week and was released on R15 000 bail. He is to appear in court again on October 5

Kleynhans said the programme was still functioning effectively in the Western Cape

"We have between 50 and 80 people under protection at any time in the Western Cape," he said

"As far as I am aware, none of

these people has been affected"

Thiar's arrest followed an investigation by the police anti-corruption unit

Investigating officer "Ockie" Gouws said it was alleged that money was siphoned through claims for fictitious witnesses

Kleynhans conceded the system was open to abuse, but said that no system was theft-proof

ST(CM) 26/7/98

(252)

# Freedom of the judiciary comes at a fair price

*The chief justice believes that judges should be worthy of their independence as well as being granted the means to be so, writes CARMEL RICKARD*

ST 26/7/98

(257)

**J**UDGING by the enthusiasm with which Chief Justice Ismail Mahomed regularly grasps thorns and nettles, gardening ought to be listed among his favoured after-hours activities

In his address to the International Commission of Jurists this week, he showed this skill yet again, grabbing one of the most prickly current legal issues — judicial independence — and demonstrating the conditions under which he believes it will thrive

The issue of independence is hotly contested, largely because it is a key element in the debate about transformation of the judiciary. Critics of the old order claim the concept of judicial independence is too often used as a shield protecting apartheid judges from retrospective scrutiny, and that it obscures the problem of legitimacy. Other judges believe that criticism of the judiciary and of individual members of the Bench is being allowed to go too far, undermining their independence, public confidence and judicial morale

Against this background it was time for the chief justice to have his say

Judge Mahomed described the judiciary as a whistle blower taking action when the Constitution is transgressed. Without independent judges, the constitutional covenant has no teeth. They have the "potentially awesome power" of deciding whether the actions or decrees of a powerful legislature, executive or administration have offended the Constitution

But the power is paradoxical since in a democracy, the courts "do not have a single soldier at their command"

Without the support of the state, their judgments could easily be reduced to "pious poetry". Not only would judges be demeaned, but human rights irreversibly impaired, and civilisation itself imperilled

Lacking an army, the judiciary's real power lies elsewhere, "in its independence and integrity and in the esteem which this generates within the minds and the hearts of the people affected by its judgments"

If the people believe in the judiciary as independent and honest defenders of the Constitution, no politician would dare to defy the courts

At least three conditions must be met if this independence and integrity is to be protected and enhanced

First, the correct infrastructure is needed. Judge Mahomed refers here to a transparent appointment system, to guaranteed security of tenure, to salaries "adequate to protect their dignity and vulnerability", and to resources such as training and secretarial facilities

Second, the institutions of justice must themselves project the judiciary's reputation for independence. This means domestic mechanisms must be provided to correct unjust or erroneous decisions, and judicially controlled mechanisms must be established to protect litigants if judges are rude or fail to hand down decisions within a reasonable time

But the third condition falls squarely within the responsibility of the judges themselves. Their claim to credibility and esteem must rest on their own integrity, character and judicial temper, the "intellectual and emotional equipment" they bring to their work.

The judiciary is not "impotent," Mahomed says. It could, through its decisions, bring relief to many people treated unjustly by the past system. The courts had a variety of potential weapons which could be harnessed by a "diligent and vigilant judiciary" to bring about justice. They could, for example, require the state to justify its action, or lack of action, to fulfil the promises of the Constitution

But it works both ways. If the courts keep a vigilant eye on the state and its agencies, the judges must, in turn, accept that their judgments in crucial areas "may be subject to vigorous attack and criticism". This, says the chief justice, should be welcomed by the judiciary since a credible constitutional culture develops best within the crucible of vigorous intellectual combat and moral examination

Judges therefore have no right to demand protection from the same vigorous criticism to which they subject the contentions of the litigants before them. What they are entitled to demand is that such criticism should be fair and informed, made in good faith, not impugn their dignity or good faith, and, above all, not impair their independence, because judges themselves would not be the only victims of such impairment. The constitutional covenant itself and the civilisation which it seeks to mediate would be threatened

"It is for this reason that every organ of the state and every component of civil society has a vested interest in the protection of the independence of the judiciary. Subvert that independence and you subvert the very foundations of a constitutional

democracy. Attack the independence of judges, and you attack the very foundations of the freedoms articulated by the Constitution to protect humankind from injustice, tyranny and brutality," he says

He concludes that judges are entitled to demand that society uphold their independence. But there is a counter-balance: society is entitled to reciprocal demands of the judiciary — fidelity to those qualities which legitimise the exercise of judicial power

Judge Mahomed has thus proclaimed judicial independence as a cornerstone to which the success of the new constitutional order is firmly secured. And he has proclaimed himself its champion

However, this is not the end of the debate. Judicial transformation remains on the agenda. Judge Mahomed refers to the need for the public to have confidence in the judiciary, but exactly how this can be achieved without jeopardising judicial independence remains a question calling for the most delicate balance, particularly when some of the judges have deep-seated credibility problems stemming from their past

It will be interesting to hear his views on how this balance can be achieved

The new Constitution has far wider implications for the judiciary than merely shaping the content of judgments. It involves a new relationship and dialogue with society. Judges may spend many of their working hours in a state of "jurisprudential solitude", as the chief justice puts it, but they have a new public role as well. It will be worth waiting for his reflections on these issues too

(252) ST 26/7/98

## Catholic bishops ask for TRC probe

OFFICIALS of the SA Catholic Bishops' Conference are anxious to know who ordered the destruction of their headquarters in 1988 and why, writes **CARMEL RICKARD.**

But former police hit squad boss Eugene de Kok, who claims he razed Khanya House, in Pretoria, to the ground, told the truth commission's amnesty committee that he would not reveal the source of his instructions until he testified before the commission.

His lawyers made the announcement during Friday's hearing, after Judge Andrew Wilson said he had

received a letter from the bishops asking that the destruction be investigated.

The committee is hearing an amnesty application from the former law and order minister, Adriaan Vlok, who wants immunity for the bombing of Cosatu House and Khotso House, which housed the SA Council of Churches.

In the letter, the bishops' media officer, Father Emil Blaser, said that he was concerned no mention had been made of Khanya House, since former security police officers had confessed to the operation.

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# City's dinosaur by-laws crush legal eagles

CHARL DE VILLIERS

THE City of Cape Town needs help in tackling the mammoth job of reviewing and rewriting a welter of by-laws — some of which predate the great 1919 flu epidemic, says its legal adviser, Chris Glaum.

(252) (ST) 26/7/98

The by-laws cover a wide range of civic responsibilities and duties, from pitching tents (1918) to controlling offensive trading (1930) and regulating children's parks (1933). Glaum confirmed that two efforts to review by-laws had ground to a halt when the scale became apparent. A metropolitan process was aborted by April because of a lack of resources.

The Cape Metropolitan Council, deciding to go ahead on its own, resorted to a tender procedure that dealt solely with its by-laws — but this attempt, too, has been quietly abandoned. Cape Town city manager Andrew Boraine has recommended a programme of action to exco, but Glaum says his legal department is understaffed and swamped with other work.

"We have to cut back on the volume of by-laws and look at what we want to cover," Glaum said. "We're not talking about simply rationalising the by-laws — the most important exercise is for local government to review its functions under the Constitution." Boraine has urged exco to ensure the by-laws are applied equitably to all communities.



# Government set to lay down new laws for women

Bills aims to right some of SA's long-standing wrongs

CAROL PATON

**A** PACKAGE of Bills aimed at increasing the power of women in their relationships with men is scheduled to be debated in Parliament in the next two sessions.

The package includes:

● The Domestic Violence Bill, which was tabled this week;

● The Maintenance Bill, and

● The Recognition of Customary Marriages Bill, still in draft form.

The Minister of Justice, Dullah Omar, has also requested the SA Law Commission, which drafts legislation, to investigate changes to the law concerning rape. It has been asked to look into broadening the definition of rape and abolishing rules of evidence which have, in the past, made conviction difficult.

Under common law, rape is defined as sexual intercourse between a man and a woman without the woman's consent. A source in the commission described the "requirement of penetration" as being "a problem".

If changed, the definition of rape could include other sexual acts and sex between men without consent.

Omar has also asked the commission to look into the "cautionary rule" — a rule of evidence which, when applied in the case of rape, meant that a person could not be convicted on the basis of the evidence of the complainant alone. It was thrown out by the Appeal Court in March

The Recognition of Customary Marriages Bill, which, for the first time, will recognise customary unions as civil marriages, will have a revolutionary impact on the lives of rural women. Women in customary unions are considered minors by the law and may not enter into contractual agreements or own property.

The Bill declares the wife in a customary marriage to be "in all respects a status equal to that of her husband". All such marriages entered into once the Bill is passed will be in community of property, which will give couples joint ownership of all their property and equal power to manage their joint finances.

While polygamy is recognised and condoned — each of a man's multiple marriages will be recognised as a civil marriage — it is made more difficult for a man to take additional wives.

In an effort to protect the property rights of an existing wife, a husband who wishes to enter into a further customary marriage with another woman will have to apply to the court to bring about a division of property among his spouses and to approve a contract which will regulate their property relationship.

A source involved in compiling the Bill said the property provisions were a creative way of dealing with the thorny question of polygamy without abolishing it. The Bill, drawn up for discussion, has not yet been approved by the commission or presented to the Cabinet.

The Domestic Violence Bill is an-

other important piece of legislation that will boost the rights of women. While the Family Violence Act was concerned only with abuse between spouses, the Bill will offer protection to victims who are in any sort of domestic relationship with an abuser.

One of the most important advances in the Bill is that it places police at the scene of domestic violence under the obligation to inform a victim of her rights to gain protection. Such protection can be obtained through a protection order from the courts free of charge.

As in the previous Act, police or peace officers can arrest anyone they have reason to believe has committed an act of domestic violence.

They are also legally bound to arrest an abuser who has breached a protection order, who may be released only if ordered by a court.

Lisa Vetten, of the Centre for the Study of Violence, said the Bill's real challenge lay in ensuring that it was properly implemented as police officers were often not trained to deal properly with family violence.

The Bill will penalise law-enforcement officers who fail to carry out their duties with a fine or a prison sentence of up to three months.

The Maintenance Bill, tabled earlier this year, will make it easier for women to extract maintenance from unco-operative fathers. Among the provisions is the extension of a maintenance court's power to grant orders in the absence of a person under an obligation to pay maintenance.



**LADIES' MAN:** Justice Minister Dullah Omar, who has asked the SA Law Commission to look into changes to the law concerning rape

# Did Swedish leader die — for SA?

## De Kock's affidavit points out Powell

CP 26/7/98 (252)

INVESTIGATORS from several countries are following up new information once again pointing to a South African link to the assassination in the mid-80s of Swedish Prime Minister Olaf Palme.

Palme had been a staunch supporter of the anti-apartheid movement.

The new information stems from an inquiry conducted by a Scandinavian investigator — working for SA's Truth and Reconciliation Commission.

Although no formal report has been made by the TRC on the matter, their inquiry is being followed up by agents from several countries.

The information in the possession of the TRC includes a sworn affidavit made at the end of last year by former Vlakplaas commander Eugene de Kock — and a lie detector test conducted on a military intelligence agent, now living in Mozambique.

The test indicated that former apartheid agent Nigel Barnett could know more than he has said in the past.

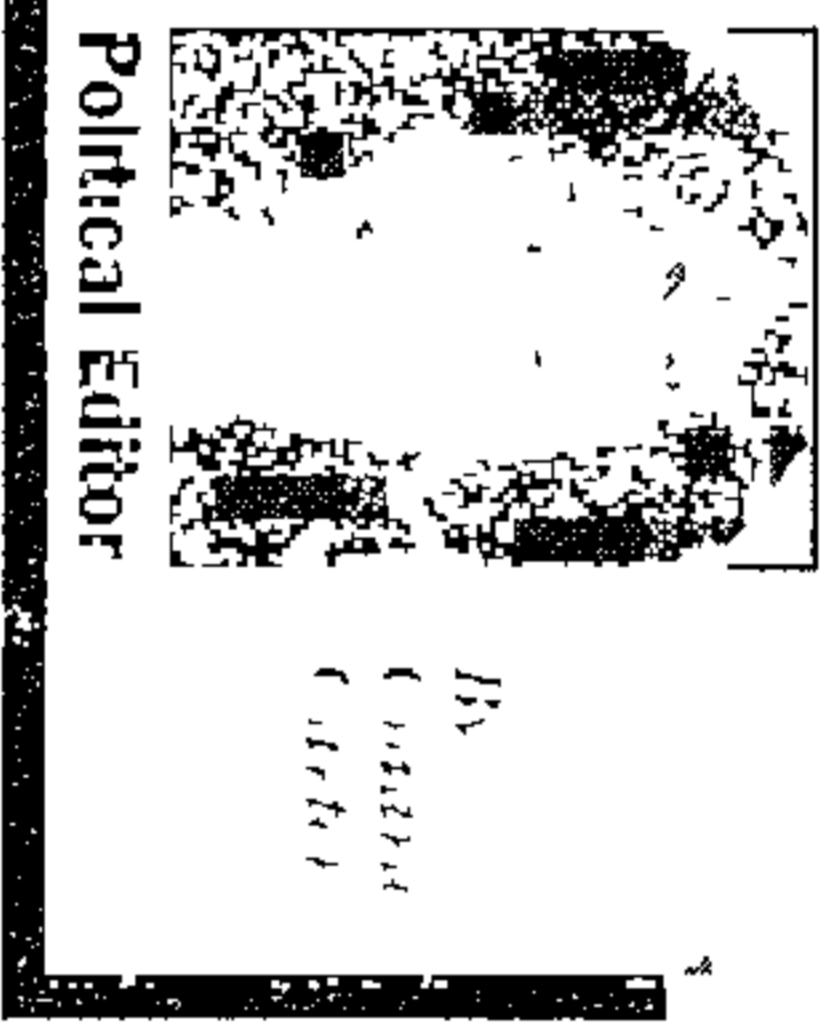
Barnett, who holds a Swedish passport, was questioned at length about Palme's murder while being held on a charge of espionage, in Mozambique.

Although he denied any knowledge of the assassination a polygraph test indicated he was "deceptive".

Investigators meanwhile seized a gun from a Durban safe but ballistics tests on ten bullets proved negative.

Barnett worked undercover for SA's military intelligence in Mozambique from 1984. He was tasked with spying on ANC activists and is alleged to have identified targets for assassination.

He is also alleged to have worked closely with a hit-squad operating in Swaziland



Political Editor

and to be closely linked to a former security policeman.

Barnett is now out on bail in Maputo.

□ Meanwhile, the TRC has been struggling to follow up information provided by Eugene de Kock, who has pointed a finger at prominent Inkatha politician Philip Powell and superspy Craig Williamson.

Both have denied any knowledge of the Palme murder.

De Kock claimed during his trial in 1996 he had information on Palme's death.

At the time, speculation centred on two men former Selous Scout and Williamson associate "Ant" White, now living in Beira, Mozambique — and Swedish journalist Bertil Wedin, now living in Cyprus.

But these are not the men named in De Kock's affidavit.

De Kock says Powell confided in him at an Inkatha camp in 1993 after he asked about Powell's "operational experience".

Powell allegedly told De Kock about several operations, including an international right-wing meeting he said was organised by Williamson's "front" company, Longreach, at Unita headquarters in Jamba, Angola — and attended by Afghan

rebels based in Pakistan, as well as representatives from the Contra movement in South America.

Powell then "out of the blue" — according to De Kock — gave the name and phone number from memory of the "Palme killer" — a former Swedish intelligence agent living on mainland Turkey.

De Kock had the impression that Powell knew the name from the Inkatha's leader's apparent links with Longreach.

De Kock said Powell gave out the same name on a subsequent occasion — as a contact for arms deals.

□ According to De Kock, Powell also said Williamson had headed the assassination operation.

De Kock said he shredded his contact book after he was arrested in May 1994.

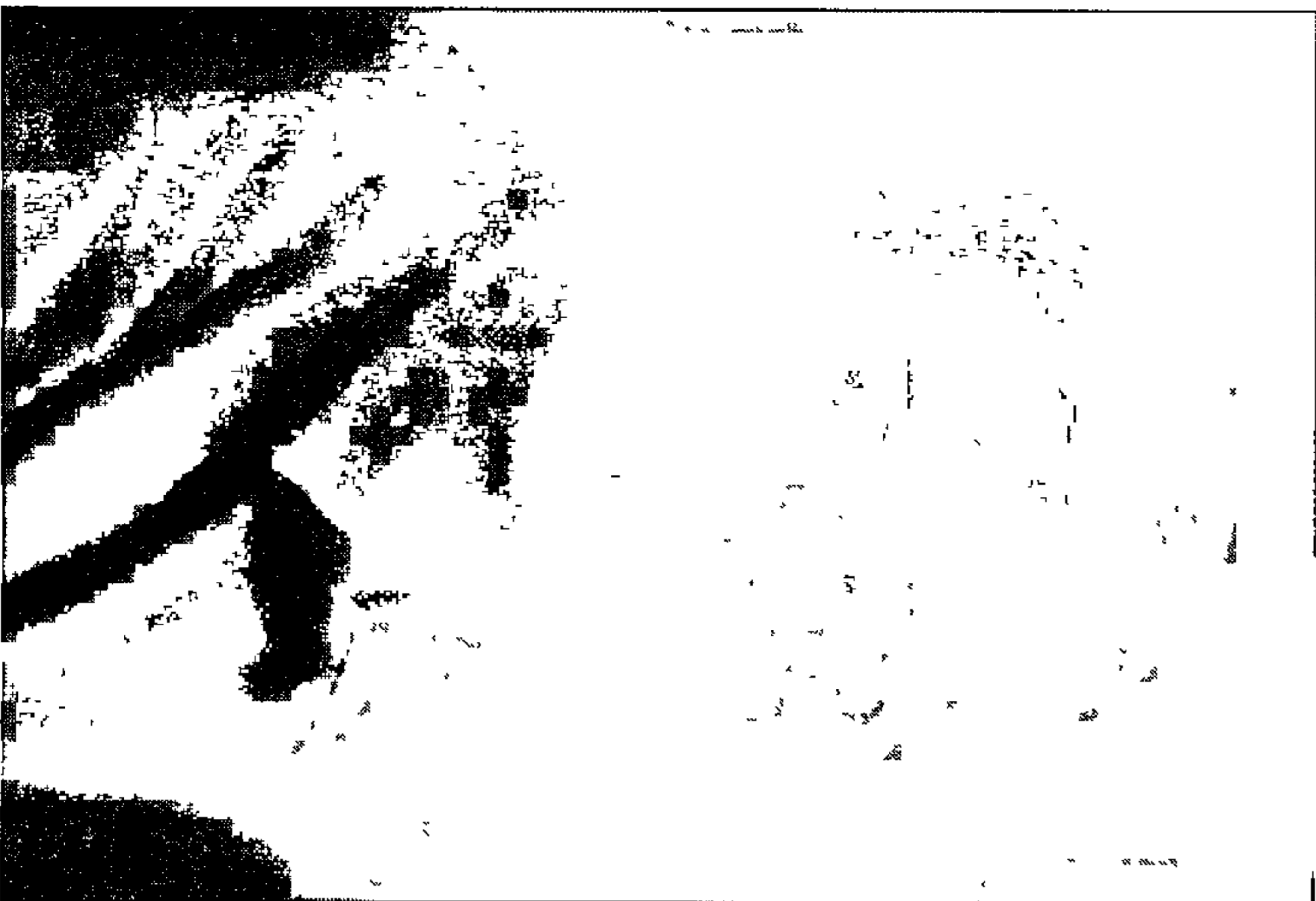
When he later asked Powell for the agent's name, he was referred to a Johannesburg couple who had allegedly worked for another Williamson-run "front organisation".

The TRC has not as yet contacted the named couple. They have however, questioned Powell about De Kock's statement but Powell responded by saying it was "absolte nonsense".

Swedish police investigators into Palme's death questioned White and Williamson at the time and later said they were satisfied with their explanations.

Thus weekend Powell said he was "flabbergasted" by the claims and although he knew the named couple he said there was "no connection with Palme".

□ TRC's Dumisa Ntsebeza says the TRC inquiry "had not been conclusive" but the final report would contain "recommendations for further investigation".



PRIME WITNESS? ... Eugene De Kock claims there was an SA connection to the slaying of Olaf Palme ■ Pic: MIKE MZILENI



PRIME SUSPECT? ... Williamson, according to De Kock, was named by Inkatha's Powell as heading the assassination team

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## Cover-up feared in health probe

By ZOLIB ABAYI

**F**ILES of a cover-up have surfaced around the probe into alleged malpractice at public hospitals

after files were removed from the home of a doctor involved in the exposé

The doctor, based in the Northern Province, was confronted by the police in his home and told to hand over the files - which he intended to make public

The files contain information regarding an investigation into culpable homicide which resulted from alleged malpractice at a public health institute

The Hospital Personnel Union of South Africa (Hospersa), which is backing the probe into malpractice, this week refused to identify the doctor - but disclosed that he had been transferred from Gauteng to Mpumalanga and then to the Northern Province after exposing malpractices in each province.

When he spoke out in the Northern Province he was dismissed from his job. According to Hospersa organiser Elize Richards, the files were taken back from

the police because they had failed to make any progress in investigating the culpable homicide charge. Hospersa took the files to supply proof of claims that medical services were collapsing in almost all provinces

Former senior superintendent of the Chris Hanu Baragwanath Hospital in Soweto, Dr Barney Rabinowitz, has added fuel to cover-up claims with his dismissal of the recently launched commission of inquiry investigating his allegations concerning the hospital

Rabinowitz fired the first salvo against the medical authorities three weeks ago when he made shocking allegations that at least 40 people had died

"unnecessarily" at the hospital because of either negligence or inexperience. The commission's report is to be released this week

Rabinowitz said the investigations would not come up with anything credible as it was only aimed at covering up for the Gauteng Health Department

He told City Press a commission could only work if it was completely independent. All the commissioners

investigating his allegations could not be expected to be impartial as they were all in the employ of the Gauteng Health Department, he said

Rabinowitz said he was ousted from Baragwanath because he had rocked the boat and not because he was too old (the official reason for terminating his employment). He showed City Press a list of at least 200 surgeons who are 60 or older and are still employed at the hospital. Some are well into their 70s.

"I asked questions which were too uncomfortable to some people in authority. Some say I am a bitter old man. Yes, I am bitter - not because my employment was terminated, but because of what is happening at this hospital," he said

"I started asking questions about the deaths while I was still a senior superintendent at the hospital. I went to the media when I realised there was a major cover-up of what was happening at Baragwanath. I am bitter because people are getting away with murder and those in authority are trying to conceal that which is indefensible."

## TRC in crisis as families threaten to sue it

By CP REPORTERS

**T**HE TRUTH and Reconciliation Commission is facing a credibility crisis as families of murdered African National Congress cadres threaten to take it to court - accusing it of cutting a secret amnesty deal with the alleged killer cop, Frans "Lappies" Labuschagne, to prevent him from revealing names of informers who operated in exile

This development comes in the wake of news that Labuschagne - accused of assassinating a number of senior ANC cadres in Swaziland in 1987 - has applied for amnesty. Labuschagne's alleged amnesty application was revealed to families of the victims shortly after he appeared before the TRC's in-camera hearing where he answered questions about a host of gross human rights violations, including murder, conspiracy to kill, abductions and his alleged involvement in the recent setting-up of Robert McBride in Mozambique.

He appeared before the TRC on June 30. It has emerged that the TRC and the ANC knew about Labuschagne's activities about two years ago. That was after convicted murderer Eugene de Kock had spoken to them when they visited him in prison. De Kock is alleged to have told them about details of Labuschagne's involvement in cross-border raids which led to killings of several ANC and MK cadres, including civilians who were caught in the crossfire. This, according to families, was never revealed to them.

Among the senior ANC leaders, he is alleged to have assassinated, are former National Executive Committee (NEC) member Cassius Mako, MK commander Paul Dikeledi and Theophilus Dlodlo, who headed special investigations into the extent of infiltration into the ANC ranks in exile.

Labuschagne, who headed a hit-squad that specialised in cross-border raids, is also alleged to have been part of a plot that sought to assassinate the late ANC president Oliver Tambo and slain SA Communist Party leader, Chris Hanu. His squad is also accused of abducting Sheila Nyanda - the wife of the current SA National Defence Force chief, Siphwe Nyanda - whose name also featured high on Labuschagne's alleged hit-list of ANC leaders. It has now come to light that Labuschagne has revealed to the TRC the name of a woman who was responsible for feeding information to the apartheid masters about the activities and the movements of most of these leaders in exile.

This double agent, whose name cannot be revealed, is believed to

➔ To Page 2

# A question of too many staff

*A shocking ministry audit has found that many Justice officials do little or no work*

By ELIAS MALULEKE

**T**HE financially strapped Justice Department is paying salaries amounting to R20 million a month to "redundant" and under-utilised court officials

A report by justice ministry auditors has indicated that despite overstaffing in the department, court officials were still working overtime and new staff hired.

The under-utilised and redundant officials include highly qualified senior magistrates, magistrates, senior prosecutors, prosecutors, interpreters and registrar clerks earning between R55 000 and R261 000 a year.

Although the audit was conducted in the Eastern Cape and part of Kwazulu-Natal, officials told City Press that other than Gauteng, other provinces were overstaffed.

"Auditors have found highly experienced court officials idling in their offices instead of being transferred to other courts where there are shortages," an official in Pretoria said. He and his colleagues said instead of

relocating the officials to courts experiencing shortages, bureaucrats belonging to the old order were hiring more people to fill vacant posts.

The audit report follows a request early this year to the cabinet by Justice Minister Dullah Omar for extra funding.

Omar wanted the money to pay for overtime and the employment of more court officials because his department was understaffed.

The request followed a strike by "overworked" court officials after the department cancelled overtime payment due to lack of funds.

Justice officials, who asked not to be named, told City Press that information about existing overstaffing in the department was deliberately withheld from Omar by bureaucrats belonging to the old order.

They said the motive was to make Omar mislead Parliament and to embarrass him by leaking the information prior to the elections next year.

Omar has confirmed the overstaffing. He said when this was brought to his

attention he immediately stopped the employment of more people.

"I also informed Finance Minister Trevor Manuel that the department might not need the money."

"I gave a directive to the department that instead of employing more people, under-utilised and redundant court officials be transferred to fill vacant posts," he said.

The audit report found that 487 court officials in the Eastern Cape were either redundant or under-utilised while the department footed their salary bill of R4 million a month.

In one court building in Kwazulu-Natal, the auditors said they found seven magistrates doing the job of two people.

"Most court officials report for work and leave before lunch time without doing a job," an official said.

It is estimated that the state could save more than R200 million a year by relocating the officials to other posts.

Omar said he would probe allegations that further audits had been stopped and that more people were being hired to fill vacant posts.



AT THE HELM... Justice Minister Dullah Omar

# TRC expected to hear of more dirty tricks

By STEVE DLAMINI

**T**HE Truth and Reconciliation Commission, which heard dramatic testimony from former senior apartheid generals during the past week, is expected to hear further accounts of more tricks used by the police to discredit and intimidate political opponents and church leaders when it convenes in Pretoria tomorrow.

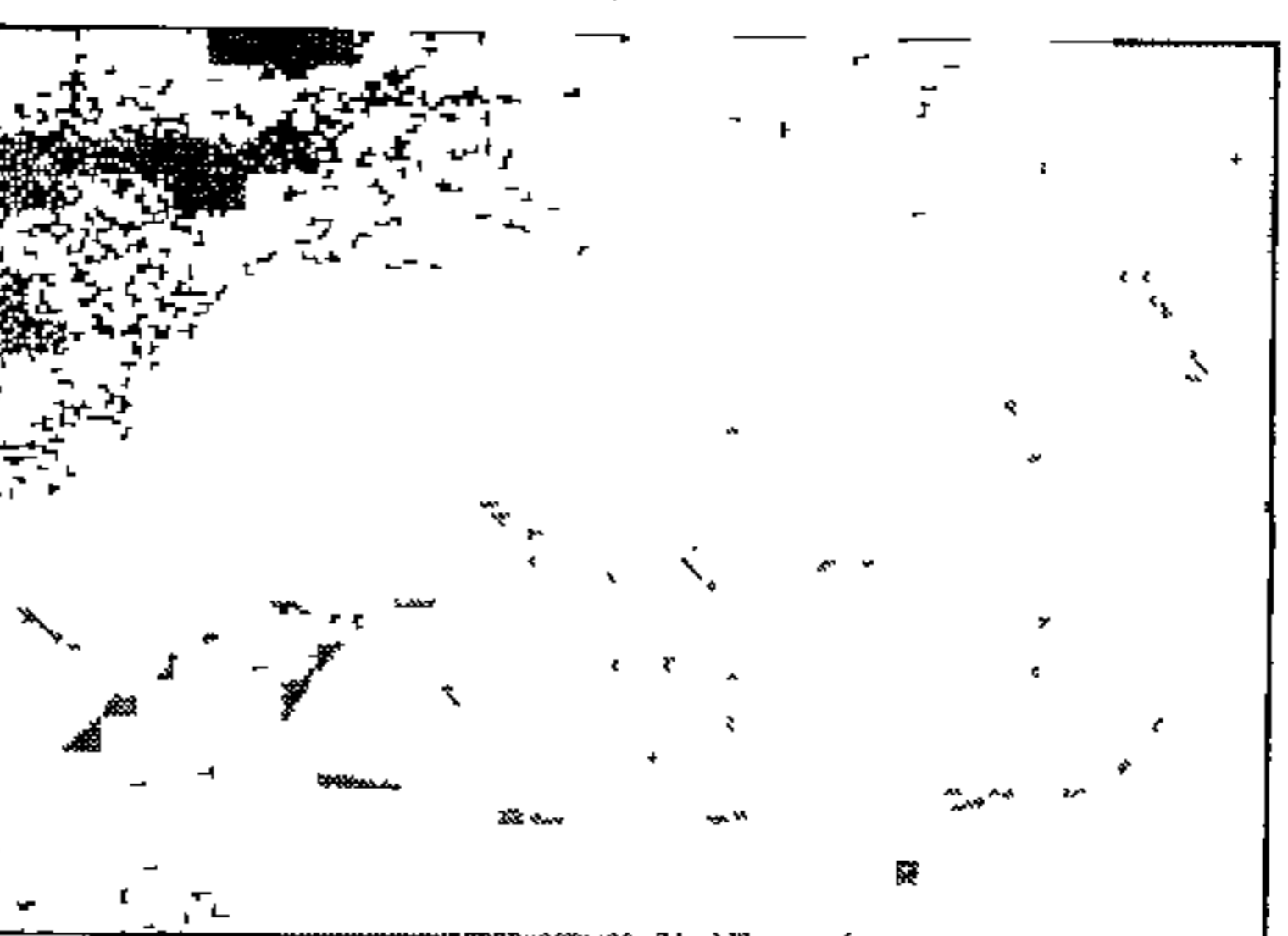
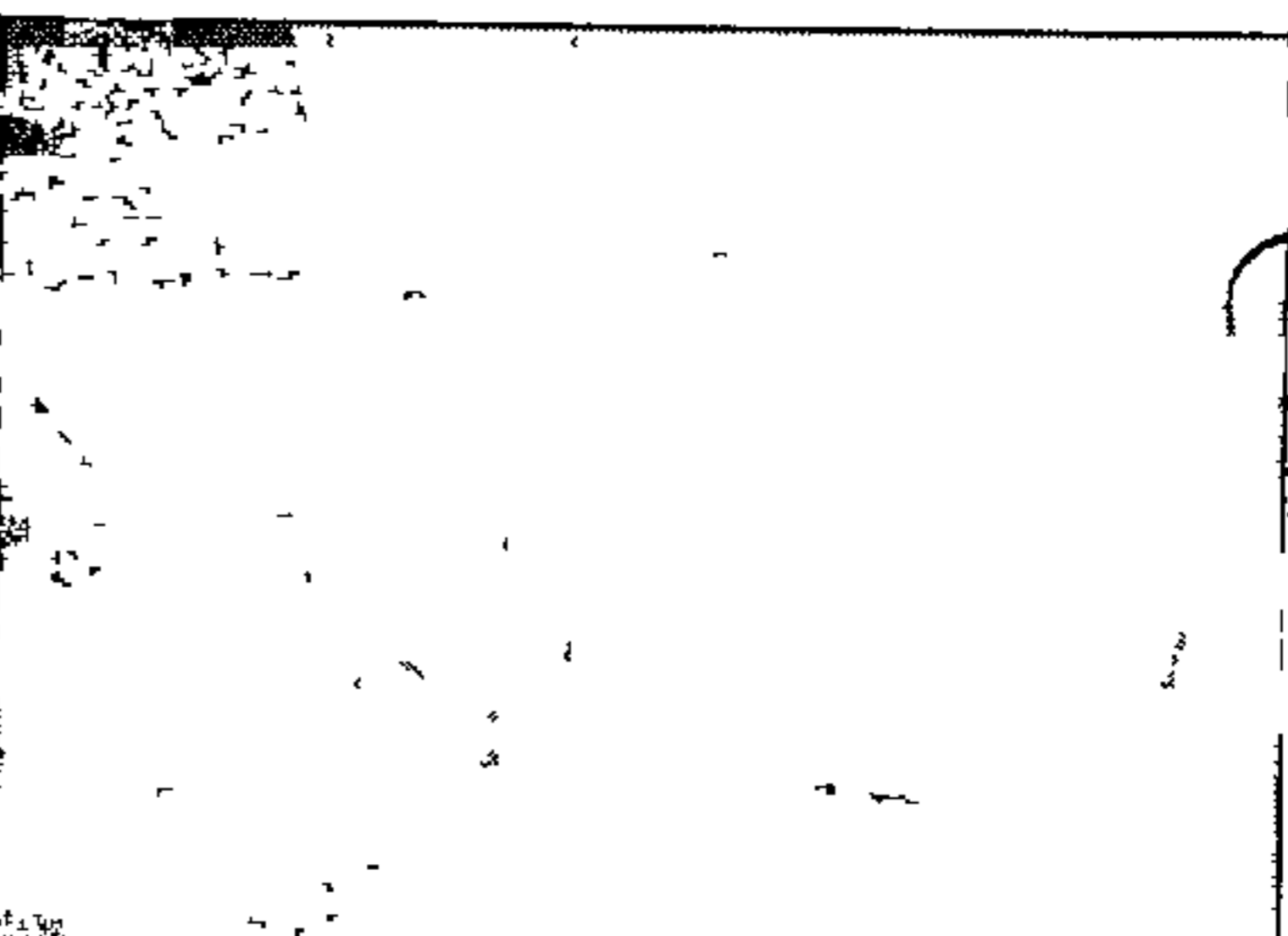
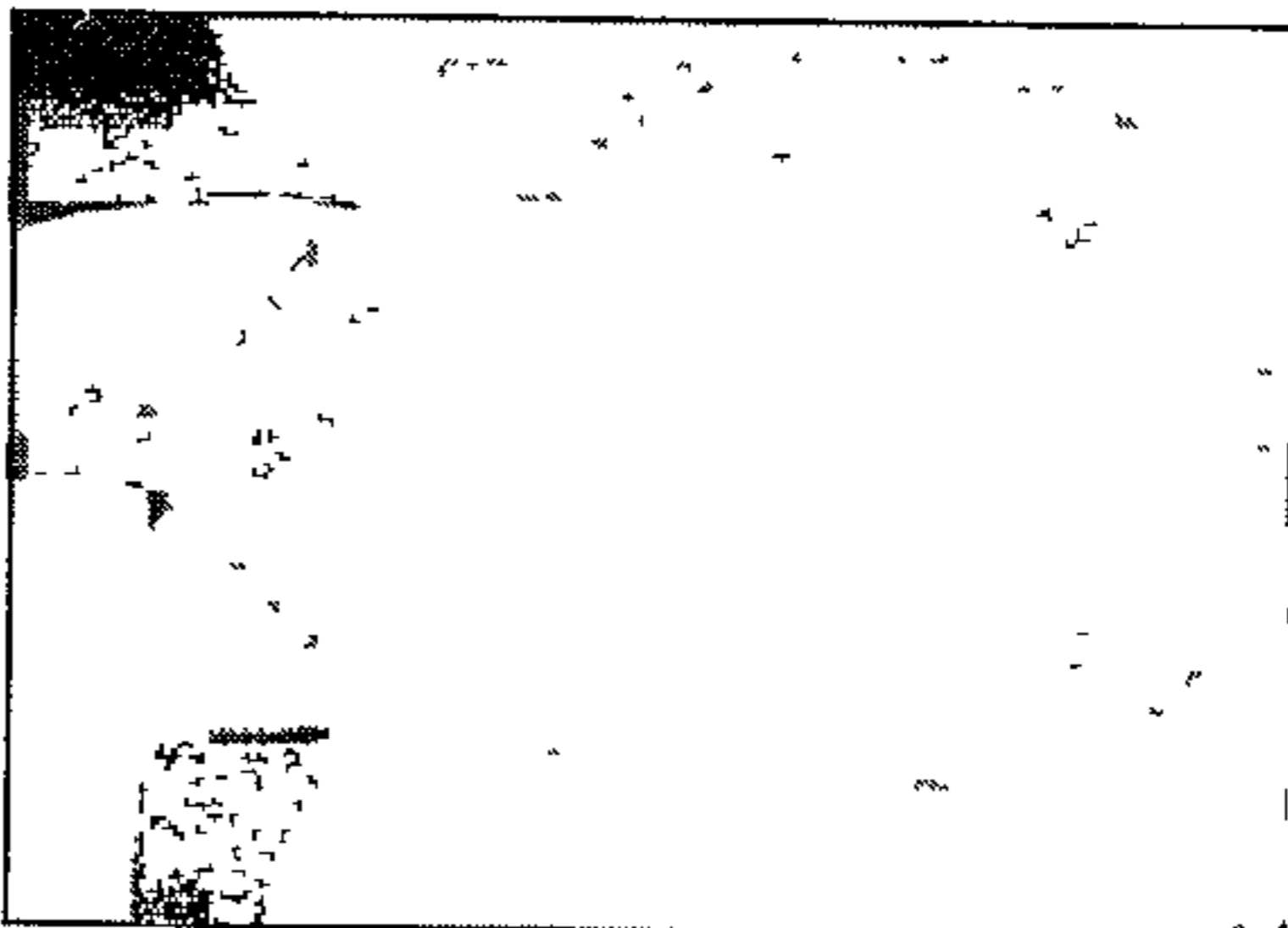
The hearings, which saw former law and order minister Adriaan Vlok and former police commissioner Johan van der Merwe provide startling admissions of their knowledge and sanction of bombings in various parts of the country, adjourned early on Friday after Judge Andrew Wilson suffered a nosebleed.

They will resume at 10am tomorrow.

The hearings heard testimony about the bombing of Cosatu House in March 1987 and the headquarters of the SA Council of Churches at Khotso House in August 1988.

Thirty six applicants including Vlok, Vlakplaas boss Eugene de Kock and Van der Merwe, are seeking amnesty in connection with the bombings.

Revealing more dirty tricks used by the police to discredit and intimidate political opponents and church leaders, former security police Captain Michael Bellingham on Friday morning told the hearing about his role in the bombing of Cosatu House and Khotso House



## TARGETED OPPONENTS OF THE GOVERNMENT ... Former security policeman Michael Bellingham

Bellingham said as the head of the church desk of the security police, he targeted individuals involved in liberation theology and anti-conscription campaigners. His objective was to intimidate opponents of the government and to boost the image of the security police.

"Thus would make activists and terrorists think twice before engaging in harmful acts against the state and civilians," Bellingham said.

## SANCTIONED THE BOMBINGS ... Former Law and Order Minister Adriaan Vlok

He testified that he had also recruited informants inside Khotso House and journalists in the local media.

He had established a media agency with a supposed leftist political persuasion which was in fact a front for the security police.

He said he obtained information from journalists by paying them for their contributions of articles and photographs to his agency, which he promised he would distribute internationally.

## GAVE ORDERS FOR BOMBINGS ... Former police commissioner Johan van der Merwe

"In fact they never went further than the files," he told the committee.

Bellingham will continue his testimony tomorrow.

Van der Merwe asked for the opportunity to clarify the impression that he said had been created in the media that his seeking a meeting with Nelson Mandela, who was not yet president of the country, had caused a halt in the proceedings of the Goldstone Commission of inquiry into illegal

police activities.

Van der Merwe said he had not intended to convey the impression that he asked Mandela to stop the Goldstone inquiry.

He said he had merely tried to bring to the attention of Mandela the difficulties the police were having at the time.

He said he had not specifically mentioned police involvement in the Khotso House and Cosatu House bombings.

Earlier this week, General Gerrit Erasmus told the TRC's amnesty committee that the security police had received instructions to "shoot and kill" people, including members of the security branch in uniform, if they in any way obstructed their plans to bomb Khotso House.

Vlok is expected to be cross-examined on Monday by legal representatives of the victims who suffered the explosion.

President Nelson Mandela and former State President FW de Klerk are to be given a chance to respond to allegations made earlier this week that they knew about the illegal police activities in the early 1990s.

Archbishop Desmond Tutu, chairman of the TRC, in a statement, said Mandela, De Klerk, Judge Richard Goldstone, former Justice Minister Kobie Coetsee and the then Transvaal Attorney-General Jan D'Oliveira SC, would be notified that they were implicated.

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## Victims' families attack TRC

From Page 1

now be employed in one of the government's parastatals and she enjoys special relationship with some of the senior ANC leaders.

It is believed she was defamed in Lusaka for questioning after the assassination of among others, Maake, Dikeledi and Dlodlo. After confessing about her activities to the ANC intelligence, the woman was granted indemnity by the ANC - in a move many former exiles describe as "strange and unusual".

The woman - known for her ability to seduce men in exile - is said to have driven a wedge among many comrades in Swaziland because of her "good virtues" in dealing with men.

Dlodlo's wife, Felicia, who is suing the Minister of Safety and Security for the loss of her husband believes her husband had unearthed "some evidence which was going to be detrimental to the career of certain people" before he was assassinated.

She told City Press that Dlodlo, whose car was ambushed on May 22 1987, drove with her to a hotel in Swaziland called Why Not, where they parked outside.

While their car was still parked, the same woman emerged from the hotel and told Dlodlo that there were a lot of "of-boers" inside and that one of the officials was playing snooker with them.

What bothered Dlodlo most according to his wife was that despite what the woman had just told her, she still went back into the hotel (mostly frequented by prostitutes)

The next day, Dlodlo's car was ambushed.

This woman was one of the first people who arrived on the scene where a 21-year-old university student, Nomsa Mildred Msoni, was one of the casualties.

The third victim was Tutu Nkonyana, while the survivor, Candy Chocho, is said to have been drugged with a dangerous substance after the incident.

Msoni's mother, who in 1996 made submissions to the TRC to help her find the killers of her daughter, said the TRC had not informed her that Mildred's killers had been found.

Although Dikeledi's wife, Karla, was informed that the killer of her husband would appear before the TRC, she told City Press that La-buschagne's application for amnesty has come as a surprise.

Dikeledi's wife joined other families of the victims in launching a scathing attack against the TRC for what they saw as a veil of secrecy surrounding Labuschagne's revelations.

The families said they believe the reason why the TRC now claims Labuschagne has applied for amnesty is because he is understood to be on the verge of revealing names of officials who worked with the double agent woman in selling out cadres to apartheid operatives.

"De Kock told the TRC and the ANC two years ago about what happened to our husbands.

"Why were we never informed about what happened to our husbands?"

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"Why were we never informed about what happened to our husbands?"

# Poll finds TRC hearings harm race relations

(952) ARG 27/7/98

Johannesburg - The work of the Truth and Reconciliation Commission has worsened race relations in the country, according to a newspaper poll published today.

The poll of 2 500 people, conducted for Business Day newspaper by AC-Nielsen MRA, showed that the majority of urban South Africans believed the work of the TRC had been counter-productive.

The newspaper said "Director Brian Cullross said only 18% of those questioned did not feel the commission's hearings worsened race relations.

"Indians felt most strongly that the commission made matters worse between races, with 74% supporting this standpoint."

The report said 72% of white people supported this viewpoint, with 62% of blacks and coloureds also

agreeing. The TRC winds up more than 2 1/2 years of work on July 31 and will hand its final report to President Mandela at the end of October.

However, its autonomous amnesty-committee will continue its work until June next year.

The commission has taken written statements from about 21 000 people, heard evidence from 2 500 claiming to have been victims of human rights violations and received 7 060

requests for amnesty. The poll found almost 70% of whites believed the commission's work would not make it easier for South Africans to live in harmony, with more than half the Indian population and just under half the coloured respondents having a similar view.

Only 22% of the country's black population believed the commission would make harmonious living more difficult to achieve - Reuters.

# Multi-million-rand court scams probed

## *Two top investigators called in*

ARGUS CORRESPONDENT

(257) ARG 27/9/98

Nelspruit - The Department of Justice has called in two of South Africa's top special investigators to try and stop cheque theft at magistrates' courts countrywide.

The cheque fraud, believed to total more than R6,9-million, is thought to be the work of syndicates that launder the cheques by using them in business deals.

Justice department director-general Jasper Noeth said he had asked Gauteng Attorney-General Jan D'Oliveira and the Heath Special Investigative Unit to attach the property of businessmen who had received the cheques.

"The police handling this issue have completely frustrated me. It's taking them ages to get anywhere, and so I contacted the attorney-general's office for help two weeks ago," he said.

"I've also asked Heath to attach property belonging to one of the

businessmen, Neil Stuart Kerr," said Mr Noeth.

Mr Kerr, 45, a regional manager for Tedex in East London, has allegedly already spent R2,6-million of a R4,3-million cheque he allegedly received from syndicate members

According to investigators, Mr Kerr used R1,7-million of the money to settle business debts, R375 000 to buy a small block of flats in East London, R243 725 on one new car, R147 045 on another and R220 000 to settle the bond on his house.

His wife, Tanya, 36, allegedly spent more than R160 000 on a holiday in Iceland.

Heath special unit spokesman Frank Vos confirmed the unit had served legal papers on Mr Kerr on July 7, and they had managed to ascertain that the money Mr Kerr received had been stolen from the Ekangala Magistrate's Court in Mpumalanga in November, 1997.

"We've given Mr Kerr until

today to settle, or we'll be seeing him in a civil court. At least part of his property will be repossessed so that the state can recover its money," he said.

Mr Kerr confirmed he was "being hunted" by Judge Heath's unit and the justice department, but said that he was a victim of circumstances.

"I've used the money to invest in my future. I was only told after I'd spent it all that it was stolen," he insisted.

He said an expensively dressed, well-spoken man going by the name of Johannes Brightman had given him the cheque in payment for a block of flats he had owned in East London.

He said: "It was a business deal. How was I to know that the cheque was no good?"

The cheque for R4,3-million is the largest of 3 536 stolen from the justice department over the past two years and not the only cheque stolen from the Ekangala court.

# Journalists 'had no idea they worked for police'

Stephané Bothma

(M2)

PD 27/7/98

PRETORIA — The former security police had set up a news agency and photographic laboratory in Khotso House to obtain first-hand information about the activities of the SA Council of Churches (SACC), the truth commission's amnesty committee has heard

Journalists employed by the agency had no idea who they were working for, and despite having been told their articles and photographs were being sent abroad, "nothing went further than the security police files", former security police captain Michael Bellingan testified on Friday

Bellingan is applying for amnesty for his part in the former government's strategic communications (Stratcom) projects, as well as for his role in the bombing of Khotso House and Cosatu House in 1988

He is serving a 25-year sentence for the murder of his wife in 1991. It is understood that Bellingan also applied for amnesty for this killing, claiming it was politically motivated be-

cause she had threatened to reveal details about his work at the security branch during the 1980s. However, the committee will not deal with the latter application during its current sitting

Crimes on which Bellingan gave testimony included the bugging of opponents of the state, breaking into their premises and destroying their property. As head of Stratcom's church desk, Bellingan said he targeted individuals involved in liberation theology and those who supported the anti-conscription campaign

He told the committee, under the chairmanship of Judge Andrew Wilson, that he had thrown bricks through the windows of offices and vehicles used by known religious activists such as Beyers Naude and Rev Rob Robertson

"To make activists think twice before engaging in harmful acts against the state", Bellingan said, his objectives had been to intimidate opponents of the government and at the same time boost the image of the police

Blackmail and threats were a common method of getting civil-

ians to co-operate with the police, he told the committee

Meanwhile, former police commissioner Gen Johan van der Merwe returned to the commission's witness stand on Friday to place his testimony of earlier this week in perspective. Van der Merwe on Wednesday testified that in "1991 or 1992" he had approached former state president FW de Klerk and ex-justice minister Kobie Coetsee to intervene in the Goldstone commission of inquiry's probe into police dirty tricks

When this failed, Van der Merwe approached Nelson Mandela, who had spoken to Goldstone about the investigations. "Shortly afterwards Goldstone halted his probe" and all investigations had been handed over to Transvaal attorney-general Jan D'Oliveira, Van der Merwe said

On Friday he denied that he had said Mandela had assisted in "covering up" police crimes, and also said that he had spoken to him in 1994

The amnesty hearings continue this morning, when Bellingan will take the stand again



# relations, survey finds

# Most believe truth body harmed race

(252) 27/7/98

Business Day Reporter

ALMOST two thirds of urban South Africans believe the truth and reconciliation commission hearings into gross human rights abuses during the apartheid era worsened race relations, according to a survey conducted for Business Day by AC-Nielsen, MIRA (Market Research Africa).

Respondents were divided about whether the hearings would help the country's people live more easily together, with 39% saying they would and 38% disagreeing. Nearly half (45%) of the respondents felt the commission had been fair to all sides, though almost 60% of whites did not agree. About 2 500 people from all incomes and

race groups were interviewed, representing an urban population of 13,7-million

Respondents were questioned about their views on the commission and whether it had achieved its purpose of bringing about reconciliation in the country

Three statements were posed, and respondents could answer whether they strongly agreed, tended to agree, neither agreed nor disagreed, tended to disagree, strongly disagreed, or did not know

The statements were  
 Hearing what went on in the past has made people even more angry and has resulted in worse feelings between the races than before,  
 Having had the commission means that

all the people in SA will now live together more easily,

The commission was fair to all sides and to all races.

Director Brian Culross said only 18% of those questioned did not feel the commission's hearings worsened race relations. Of all population groups, Indians felt most strongly that the commission made matters worse between the races, with 74% supporting this standpoint

Their views were closely echoed by 72% of whites, while 62% of coloureds and blacks also agreed  
Almost 70% of whites felt the commission would not help South Africans live together more harmoniously, while more

than half the Indians and just less than half of the coloureds voted the same way.

Blacks, however, were more optimistic, with only 22% believing the country's people would not live together more easily as a result of the hearings.

Blacks, at 60%, were also most likely to agree that the commission had been fair to all, while almost the same percentage of whites took the opposite view

People in the Eastern Cape, North West, Province and Northern Cape had the strongest negative views about whether the commission had achieved its goals, with about 70% of respondents in each province saying that it had worsened relations between the races

continue the commission's work when it is shut down.

When the results of the survey were put to a group of political analysts, one said the value of the commission's process could not be judged effectively for some years

"Sweeping the process under the carpet" and keeping the hearings confidential might have appeased whites, but it would not have been an appropriate procedure for the black population

The results of the survey and the view that the true effects of the hearings could be taken several years to manifest themselves provided a strong argument for researchers to monitor the long-term influence of the commission, said Culross

When the commission completes its hearings this year, some of its senior officials plan to set up an institute for "change, memory and reconciliation", to assess the effect of the commission's work over the past two years.

Culross said that when questioned about this, almost half of the sample said the truth-body's commissioners were likely to be biased in their self evaluation, but 32% were open minded about the commissioners' impartiality.

While 43% of respondents said a new forum was not needed as other groups were already providing this function, an almost equal number said that it was essential for such an organisation to be established to

# Special units to tackle court sc

Star 27/7/98 (272) Scams

Department of Justice weary of police delays in solving crimes, calls in special investigative teams

By MZILIKAZI WA AFRIKA  
Nelspruit

The Department of Justice has been forced to call in South Africa's top two special investigators to try to halt cheque theft at magistrates' courts countrywide, after police tasked with tackling the scam reportedly dragged their feet for more than 10 months.

The cheque fraud, believed to total more than R6,9-million, seems to be the work of well organised syndicates that launder the cheques by using them to pay for business deals.

Justice Department director-general Jasper Noeth said he had personally requested Gauteng Attorney-General Jan D'Oliveira and the Heath Special Investigative Unit to attach the property of businessmen who had received the cheques, and had used them to buy property and luxury vehicles.

"The police handling this issue have completely frustrated

money Kerr received had originally been stolen from the Ekangala Magistrate's Court in Mpumalanga in November 1997.

"We've given Kerr until Monday to settle, or we'll be seeing him in a civil court. I can assure you that at least part of his properties will be repossessed so that the state can recover its money," he said.

Kerr confirmed that he was "being hunted" by Judge Heath's unit and the Justice Department, but said on Friday he was a victim of circumstances.

"I've used the money to invest in my future. I was only told after I'd spent it all that it was stolen," he insisted.

An expensively dressed, well-spoken man going by the name of Johannes Brightman had given him the cheque, Kerr said, in return for a block of flats he had owned in East London.

"It was a business deal - a good one - but still a business deal. How was I to know that the cheque was no good?"

The R4,3 million cheque is the largest of 3 536 cheques stolen from the Justice Department over the past two years.

It is, however, not the only cheque to be stolen from the Ekangala court over the past two years. Despite a string of thefts, including the disappearance of a 34-page chequebook last month, not one official at the court has been arrested or suspended.

Mpumalanga police investigating officer Superintendent Piet Cross said someone had tried to cash a R400 000 cheque, taken from the book, on June 12 - and another R10 000 cheque on June 13 - in Witbank.

The cheques were detected and cancelled almost immediately after being deposited but not quickly enough to catch the person making the deposit.

"We believe that the same two people who stole the R4,3-million cheque are also responsible for this latest theft. We're still looking for the suspects and we are following a few possible leads," said Cross.

The earliest detected cheque theft at the Ekangala Magistrate's Court was for an amount of R750 000 in 1996.

Noeth stressed that four court officials at Ekangala had been charged with misconduct but conceded that no one had been suspended or arrested. "We need evidence first and that's why I've called in D'Oliveira and Heath. Not everyone in the Justice Department is rotten, it's just a couple officials."

- African Eye News Service



Young deaths ... a part of the other four young people were gunned down last week. (15), a Grade 8 pupil, at a huge funeral in Guguletu, Cape Town. Speakers urged shebeen owners to close businesses at 5pm.

## Heath asked to attach property to recoup R4-m lost in theft

me. It's taking them ages to get anywhere, and so I contacted the attorney general's office for help two weeks ago.

"I've also asked Heath to attach property belonging to one of the businessmen, Neil Stuart Kerr," said Noeth.

Kerr (45), a regional manager for Tedex in East London, has apparently already spent R2,6-million of a R4,3-million cheque he allegedly received from syndicate members.

According to investigators, Kerr used R1,7-million of the money to settle business debts, R375 000 to buy a small block of flats in East London, R243 725 on a new BMW convertible, R147 045 on a Volkswagen Caravelle and R220 000 to settle the bond on his house.

Kerr's wife Tanya (36) allegedly spent more than R160 000 on a holiday in Iceland, where she visited her parents.

Heath special unit spokes person Frank Vos confirmed that the unit had served legal papers on Kerr on July 7 and was moving to attach various assets.

Vos said the unit had managed to ascertain that the

## Emotion high against gangsters as 3 000 mourn death.

OWN CORRESPONDENTS  
Cape Town

More than 3 000 people packed into a huge marquee in Guguletu yesterday to mourn the deaths of five young people gunned down last week.

A gang stormed a shack in NY 110 and killed Sharon Stungu (19), Zuko Mxoli (18), Kholekile Nakuphi (20), Bon-

gani Mjekula (15) and Dumani Tyala (18).

Emotions ran high when community and religious leaders spoke of the youths and other people being killed in the township without police intervention or co-operation.

They warned gangsters that their murderous activities would not be tolerated in Guguletu and urged the com-

munity to mobilise in the fight against crime.

Azanian People's Organisation member George Bongo said, "Our message to the gangsters is that we won't give you respect because you kill people and children."

Bongo said Guguletu gangs like the Dog Pounds, the Regionals, the Moscows and the Kwazulu Natala were mislead-

ing the youth.

Mcebisi Skhwatsha, African National Congress secretary, said the death of a young person in Guguletu was so bad that foreigners wanted to avoid the place where exchange student Army and Dr Moerau and Dr Moeerau speakers urged shebeen owners to close businesses at 5pm.

## Basson challenges TRC on testifying

STAFF REPORTER  
AND OWN CORRESPONDENT

Dr Wouter Basson (47), the biological warfare chief, will today challenge in the Cape High Court the TRC's ruling that he should testify about the apartheid government's chemical warfare programme.

However the TRC will bring a counter-application on an urgent basis asking for an order that Basson appear before the commission on Wednesday to answer all questions put to him regarding his knowledge of chemical warfare.

TRC spokesman John Allen said the urgency arises because the commission's legal power to compel people to appear and answer questions at hearings comes to an end on July 31.

Basson insists he has a constitutional right not to answer questions which may incriminate him because of pending criminal charges.

Basson is facing several criminal charges including conspiracy to murder, fraud totalling R50-million and producing the drugs Mandrax and Ecstasy. He was granted bail of R40 000 in February last year.



(252) Star 27/7/98

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(252)

Shaw 27/7/98

# Basson left with nowhere to hide

## *But he may stay silent*

JOHN YELD  
ON THE TRUTH COMMISSION

ARG 28/7/98

(252)

The Truth Commission is expecting Wouter Basson, the head of the apartheid government's chemical and biological warfare programme, to testify at a special hearing tomorrow.

This follows the Cape High Court's refusal yesterday to grant Dr Basson an order restraining the commission from forcing him to answer questions about the programme which also relate to his criminal trial, due to start next month.

Instead, Mr Justice John Hlophe granted the commission an order compelling Dr Basson to appear before the commission's human rights violation committee and answer all questions lawfully put to him.

In terms of the order, any application for leave to appeal by Dr Basson will not suspend the order. The commission has already written to Dr Basson informing him of the order.

There is speculation in some circles that Dr Basson may appear at tomorrow's hearing, but refuse to answer questions he regards as prejudicial to his criminal trial.

He is facing provisional charges that include instigation to murder, assault with intent, the manufacture of illegal drugs - a ton of Mandrax and a ton of Ecstasy - defeat-

ing the ends of justice, possessing classified material and conspiracy to murder involving the alleged use of poison, and possibly 10 fraud charges involving about R50-million.

The charges relate directly or indirectly to the bio-chemical warfare programme. If Dr Basson refuses to answer the TRC's questions, he may face more criminal charges.

The commission brought the urgent counter-application alleging that Dr Basson was using delaying tactics in bringing his application. This was because he was aware the TRC human rights violations committee had to complete hearings by Friday, when its mandate to subpoena witnesses expired.

Yesterday, Piet de Jager SC, for Dr Basson, argued that the TRC did not have the right to infringe on his client's constitutional right to remain silent when accused in a criminal matter. "An accused's right to remain silent is sacred," he said.

Gilbert Marcus SC, for the commission, said there was no question of Dr Basson's being asked to respond in a manner which was unconstitutional. He was protected by the TRC's founding act, under which evidence presented at a TRC hearing could not be used against him in a criminal trial.

Judge Hlophe said he would make the order immediately and provide full reasons later, probably within a couple of weeks.

## Official 'silence' on blast

Pretoria - Adriaan Vlok told the Truth Commission that apartheid's State Security Council had never asked him to explain the bomb blast at Cosatu House in May 1987.

Vlok, former safety and security minister, is applying for amnesty for bomb attacks on Cosatu House, Khotso House and cinemas where the film *Cry Freedom* was being screened.

Cosatu House and Khotso House were the Johannesburg headquarters of the Congress of SA Trade Unions and the SA Council of Churches respectively.

Vlok told the hearing yesterday that he did not report the bombing of Cosatu House to the State Security Council, set up in 1985 to control deteriorating unrest, and the council did not ask him about it.

"Are you telling us that a bomb blast in the middle of the biggest city in the country was never discussed at the State Security Council?" the committee chairman, Mr Justice Andrew Wilson asked Vlok.

Vlok repeated that it was never discussed. He also denied the police attack on Cosatu House in 1987 was part of a countrywide government campaign against the trade union. The government had considered Cosatu an important element in calming the explosive situation at the time.

"However, it's a pity Cosatu did not concern itself with only labour matters and became involved in other activities," he said.

He said it was decided to take action against the union's headquarters to prevent it being used to plan and carry out revolutionary activities. - Sapa

# BIEHL KILLERS LET OFF

## Amy's parents speak out after amnesty

JOHN YELD  
ON THE TRUTH COMMISSION

The four Pan Africanist Congress-linked youths who murdered American Fulbright scholar Amy Biehl in 1993 have been granted amnesty.

The decision by the Truth Commission's amnesty committee, announced today, was unanimous.

Vusumuzi Ntamo, Ntobeko Peni, Easy Makhona Nofemela and Mongezi Mangina, who were all between 18 and 22 at the time, were convicted of Ms Biehl's murder and are serving 18-year sentences.

The four would be released from jail as soon as documentation had been processed, Correctional Services spokesman Johan Pienaar said.

Mangina was in the Brandvlei prison near Worcester and the others in the Malmesbury prison.

In their reaction, Ms Biehl's parents, Peter and Linda Biehl, who live in California, described the TRC amnesty process as "a unique experience for individuals and for South Africa, as a nation."

"If amnesty is granted to individuals who have been imprisoned, it is essential for families and communities to support these individuals upon their release.

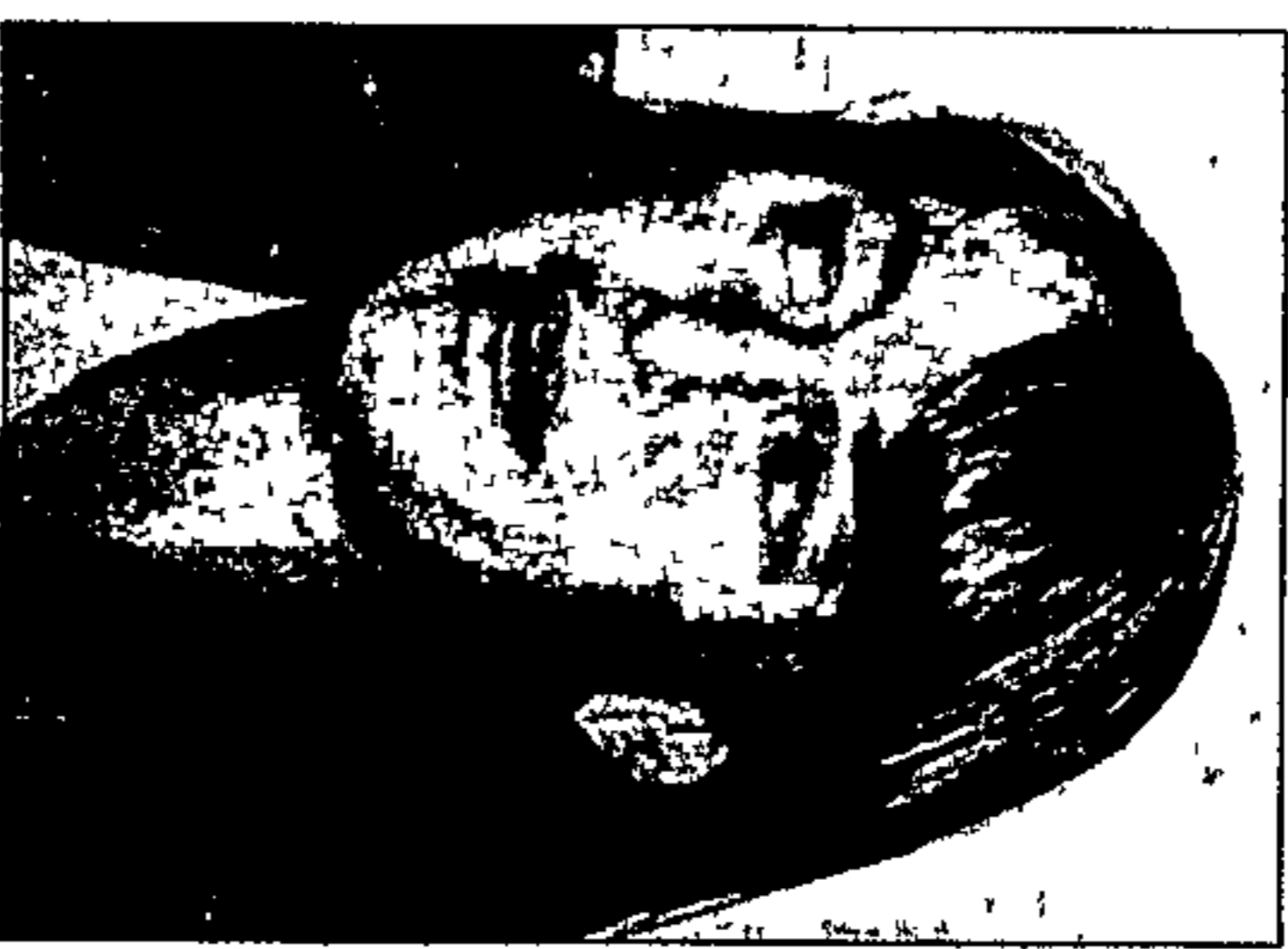
"In the cases of the four amnesty applicants in Amy's murder, we hope they will receive the support necessary to live productive lives in a non-violent atmosphere. In fact, we hope the spirits of Amy and of those like her will be a force in their new lives."

Ms Biehl, a Ph D student at the Community Law Centre at the University of the Western Cape, was stoned and stabbed to death after her car was ambushed in Guguletu as she drove three colleagues home on August 25, 1993.

The incident happened during the so-called "Operation Barcelona", launched by the African National Congress-linked student organisation Cosas, to stop all deliveries into townships, and the "Year of the Great Storm" declared by the PAC's armed wing.



Forgiwer Ntobeko Peni, left, Makhona Nofemela, Vusumuzi Ntamo and Mongezi Mangina at their amnesty hearing in Cape Town in July last year



Ambushed: Amy Biehl, murdered in Guguletu

the Azanian People's Liberation Army. The amnesty application of the four convicted men was heard in July last year by the commission's original five-person amnesty committee, chaired by Mr Justice Hassen Mall and including two other judges. In its decision, the committee said the four had been members of the PAC's student organisation Paso (Pan Africanist Students' Organisation).

Although Nofemela and Peni had attended lectures on political matters by Apla operatives and had received elementary lessons in the handling of arms and ammunition, they had not been Apla members.

"As members of Paso, which was a known political organisation of students, they were active supporters of the PAC and subscribed to its political philosophy and its policies," the committee said.

"By stoning company delivery vehicles

and thereby making deliveries into the townships difficult, they were taking part in a political disturbance and contributing towards making their area ungovernable.

"To that extent, their activities were aimed at supporting the liberation struggle against the state."

However, Ms Biehl had been a private citizen, and the question had to be asked why she had been killed during these disturbances, the committee continued.

"Part of the answer may be that her attackers were so aroused and incited that they lost control of themselves and got caught up in a frenzy of violence."

"One of the applicants said during his evidence that they all submitted to the slogan 'One settler, one bullet'."

"They believed that by killing civilian whites, Apla was sending a serious political message to the government of the day."



These men need support: Amy's parents, Linda and Peter Biehl, at last year's amnesty hearing

APR 28/2/98

(252)

## Corrupt court officers 'will face the full consequences of law'

Taryn Lamberti

20 28/7/98  
THE justice department warned yesterday that magistrate court's officials involved in fraud, theft or corruption would not be allowed to benefit from their actions but would face the consequences of the law.

Department spokesman Paul Setsetse said the Heath special investigative unit had begun investigations into allegations of cheque fraud in the Ekangala Magistrate's Court in Mpumalanga and that Gauteng attorney-general Jan d'Oliveira had been requested to investigate criminal charges.

"This will be our approach in the future. Criminal proceedings will also be instituted if anyone is found to be involved," Setsetse said.

The Heath unit had been approached to investigate the allegations because it had the power to attach and confiscate property. Setsetse said the unit had already attached properties of East London businessman Neil Kerr, who was being investigated.

Judge Willem Heath's spokesman Guy Rich said investigations into fraud and corruption at the Ekangala Magistrate's Court were at an "advanced stage". The matter had not yet been set down for hearing by the tribunal because the unit was waiting for Kerr's legal representatives to submit his plea, Rich said.

Rich said other similar cases had been referred to the unit for investigation.

Sapa reports that justice department director-general Jasper Noeth said he had requested D'Oliveira to speed up the probe into the alleged theft of R4,3m from the Ekangala magistrate's office last year.

Noeth complained that no arrests had been made since the matter was reported to the police in November. "They are taking too long. We understand the police are under a lot of pressure, but it is important these matters be speedily probed."

A total of 3 536 cheques for R6,9m were stolen or lost from the justice department in the past financial year.

A cheque for R4,3m, allegedly stolen from the Ekangala magistrate's office, was used to buy a block of flats in the Eastern Cape.

The head of the office has since resigned, but his pension has been frozen pending the outcome of investigations.

Four officials had been accused of misconduct and would face an internal inquiry, Noeth said.

# State security council praised Khotso House job, says Vlok

DD 28/7/98

(252)

Stephané Bothma

PRETORIA — PW Botha's entire state security council probably knew the police had blown up the SA Council of Churches headquarters at Khotso House in 1988, former law and order minister Adriaan Vlok admitted yesterday.

After the bombing, and at a full council sitting, Vlok was congratulated by the former state president on "a job well done", the truth commission's amnesty committee heard.

All the members of the council supported Botha's praise of Vlok and the police responsible for the blast.

National Party (NP) ministers of justice and defence and the directors-general of most government departments were represented on the council.

"Should the council members have asked me who had bombed Khotso House, I would have told them the truth," Vlok said. He said nobody ever asked.

Being recalled to the committee to be cross-examined by lawyers representing the council of churches, Vlok said the police never had information that the organisation or its member

churches made themselves guilty of unlawful acts.

"Individual members of some of the churches, however, gave support to the African National Congress-SA Communist Party alliance," he said.

Vlok earlier told the amnesty committee that Botha had personally ordered that Khotso House be "rendered unfit for use", but that nobody should be killed. He had no idea what method Botha had in mind, it had been his own decision to bomb the building.

"After I gave Botha's order some thought, I came to the conclusion there was no lawful way in which to carry out the order."

Vlok refused to concede during cross-examination by Eric Dane for the council that Botha had meant for the building to be destroyed by explosives.

"I cannot say what went on in his mind," he said. "I have learned that the top structure always gave orders on what to do, but never on how to do it."

Since 1984, Vlok had disagreed with certain laws in the country, including the Immorality Act and Separate Amenities Act.

"These acts were morally in-

defensible," he said. He also had no problem with peaceful boycotts and demonstrations.

Meanwhile, former security policeman and member of the NP government's strategic communications unit, Stratcom, Michael Bellingan, yesterday for the first time shed some light on the inner workings of the covert unit.

He had attended an interdepartmental Stratcom course with other civil servants employed in the departments of defence, education and training, home affairs and foreign affairs.

It had been stressed at the time that Stratcom must be a priority to all government departments and that all the NP government ministries have a Stratcom component.

Stratcom operations were divided into two sections — one for propaganda and the other for "hard methods". The bombing of Khotso House was a "perfect example" of how the two sections worked together. "While the building was bombed, disinformation was spread about who had done it and why," Bellingan said.

The amnesty hearings continue today.

## IFP asks 'biased' judge to resign

ERMELLO — Lawyers representing the Inkatha Freedom Party (IFP) in the truth commission's amnesty hearing in Ermelo yesterday demanded the immediate resignation of amnesty committee chairman Judge Ronny Pillay.

Advocate Johan Hattingh, head of the IFP's legal team, told the committee his clients had ordered him to demand Pillay's removal on the grounds that he favoured the African National Congress (ANC) amnesty applicants.

This followed Pillay's refusal on Friday to allow cross-examination of ANC applicant Bongani Khaba, 24, about murders for which he had not applied for amnesty.

On Friday angry IFP supporters stormed out of the commission hearing after accusing Pillay of bias.

Khaba confessed last week that he and fellow ANC member Livingstone Lukhele killed a member of the Black Cats gang and IFP supporter, Obed Nhlabathini, in May 1992 to avenge the death of Khaba's mother.

Khaba said they pretended to be Black Cats members "visiting" Nhlabathini in Ermelo hospital, where he was being treated for a gunshot wound, and then shot him as he lay in his hospital bed.

Twelve ANC members, including Mpumalanga economic affairs MEC Jacob Mabena, are applying for amnesty for killing eight IFP supporters and injuring six others — Sapa.

BO 28/7/98



# Truth commission divided on apartheid

Stephen Laufer

THE truth commission's final report to President Nelson Mandela will reflect a fundamental divergence of opinion among commissioners on the nature of apartheid and the struggle against it, sources indicate.

All commissioners except Wynand Malan, former National Party MP and founder member of the Democratic Party, are expected to sign a majority report agreeing with the United Nations characterisation of apartheid as a crime against humanity.

The majority will also say that the two sides in the conflict cannot be put on an equal moral footing, and that those active in the struggle against apartheid were involved in a just war.

It is not yet clear whether Malan

will express his dissent in a separate minority report or through insertions in the main report.

Sources said yesterday that commission chairman Archbishop Desmond Tutu and his colleagues would have preferred a unanimous report, but that the group was diverse, and diverging opinions were therefore to be expected. The final report would have the support of the overwhelming majority of commissioners, but would not shy away from expressing the differences that had emerged.

Malan refused to comment, saying he had taken an oath of confidentiality regarding commission proceedings.

Malan has been left in a minority of one in his current stance by the earlier resignation of advocate Chris de Jager from the commission.

BD 28/7/98 (252)  
Malan reportedly has difficulty with any characterisation of the apartheid years as a struggle between good and evil. He is said to believe that while the cause for which security force perpetrators of gross human rights were fighting was not just, their reactions to certain circumstances and situations were justified.

One source said Malan's opposition did not amount to arguing that apartheid was defensible. But he did believe the commission's mandate was to present a full picture of events and not to moralise. He is also said to be critical of the commission for not pursuing some human rights violations, such as necklacing, with the same vigour as those of the security forces.

Khotso bomb praised: Page 2

Ermelo yesterday demanded...  
and maladministration, Benen said yes-



(158)

## Cosatu House bombing never discussed – Vlok

(252) Star 28/7/98

The State Security Council never talked about the Cosatu House bombing – possibly because it already knew that security forces had carried out the attack, apartheid-era law and order minister Adriaan Vlok said yesterday.

“I can’t say if they knew but I suspect they did,” he told the Truth Commission’s amnesty committee.

“Are you telling us that a blast in the middle of the biggest city in the country was never discussed at the State Security Council?” committee chairman Judge Andrew Wilson asked.

“I think they knew that security forces did

it and this was why it wasn’t discussed,” Vlok said.

He added that if he had been asked by the State Security Council – made up of people such as former state president P W Botha, former defence minister Magnus Malan and former justice minister Kobie Coetsee – he would have said Cosatu House was blown up by security police.

Vlok wants amnesty for his part in bombings at Cosatu House in May 1987, at the SACC’s Khotso House headquarters in August 1988 and at cinemas screening the film *Cry Freedom* during 1988. – Pretoria Correspondent

# NP, DP call for housing deal probe

By CECILIA RUSSELL  
Political Staff

Star 28/7/98  
Gauteng's housing department yesterday defended its decision to award a R412-million low-cost housing project to a developer who paid the province's housing board chairperson R10 000 a month to "facilitate" the contract.

Opposition parties demanded the contract be suspended pending an official inquiry.

The contract to build 27 500 houses at Hammanskraal, north of Pretoria, and Vlakfontein, near Vereeniging, over the next eight years, was awarded to a private developer, Keith Lawrence.

He is a director of Felorday Investments and Antelom Investments and head of SA Land Development Organisation.

But Gauteng's housing department and the board's chairman, Martin Van Zyl, yesterday defended the contract.

Democratic Party spokesperson on housing, Ian Davidson, said the "award was totally unacceptable and confirms the perception of sleaze, nepotism and corruption in the housing department - under whose jurisdiction the board falls".

National Party leader, Johan Kilian, has demanded a judicial inquiry.

The department's head, Mogopodi Mokoena, said Van Zyl had admitted he had a conflict of interest and had recused himself from the meetings in which the matter was discussed.

Van Zyl told The Star Lawrence paid him a retainer of R10 000 a month.

"I would be happy for a forensic audit to be undertaken of my personal and business affairs," he said.

# Basson must testify before TRC

252  
OWN CORRESPONDENT  
AND SAPA

Star 28/7/98  
Wouter Basson, head of the apartheid government's chemical and biological warfare programme, must appear before the Truth Commission tomorrow and answer questions put to him, the Cape High Court ruled yesterday.

Mr Justice John Hlophe said that, given the high profile of the case, he would give a ruling and provide reasons later.

Basson wanted the court to set aside a decision by the TRC that he be forced to appear before the human rights violations committee to answer questions put to him pending the outcome of his criminal trial.

In addition, Basson sought a declaratory order which prohibits the TRC from compelling him to waive his right to remain silent in relation to any of the criminal charges he faces.

Star 28/7/98  
He is facing a number of charges of conspiracy to murder, instigation to murder relating to the assassination of a Orlando Christiana, assault to do grievous bodily harm to Christiana, the manufacture of 1 000kg of Mandrax and 1 000kg of Ecstasy, possession of Ecstasy, defeating the ends of justice and the possession of classified material.

Once an investigation by the Office for Serious Economic Offences is completed, a further 10 charges of fraud amounting to R50m will be joined.

Yesterday, in papers before the court, Basson claimed that Cuban troops had used chemical weapons against South African soldiers in Angola.

Basson said he had been instructed by the former SA Defence Force in the early 1980s to research the establishment of a defensive chemical weapons capacity. This was because it had

been established that Cuban troops in Angola had chemical weapons and had started using these in the Angolan war against South African troops, among others, he said.

The SADF had been seriously disadvantaged because it had "absolutely no defensive capabilities" against such weapons, Basson said.

"Members of the SADF were furthermore absolutely defenceless against any such onslaught."

His evidence was submitted to the court in the form of an affidavit.

The court was told that Basson was the project officer for "Project Coast" and that evidence before the TRC by other participants in the programme had implicated him in various acts of gross human rights violations or an intention to commit gross human rights violations.

# Soldiers find body of another woman killed by Kruger lions

Pafuri - South African soldiers patrolling the border between South Africa and Mozambique stumbled across the body of a woman who was attacked and eaten by lions in the Kruger National Park on Saturday.

This is the second known lion attack in the world-famous park in the last week. On Wednesday, park rangers found a young Mozambican girl wandering aimlessly in the north of the reserve after lions attacked her family. Only her mother's head was found.

In the most recent case, a 30-year-old woman, also suspected of trying to cross illegally into South Africa from Mozambique, was killed near Pafuri on Saturday. The back of her head and buttocks had been eaten.

Police spokesman, Captain

Ailwei Mushavhanamadi said yesterday that the woman's intestines were also torn out.

"The woman's face can easily be identified since as it was not eaten," he said.

He said the woman was found naked, wearing only takkies on her feet.

Mushavhanamadi said police were not certain whether the woman was alone during the attack or with friends and relatives.

"Soldiers are still searching the area to find out whether she was the only one attacked in the area," he said.

Meanwhile, Kruger National Park officials could find no evidence to show that the surviving girl's other family members had been eaten. - African Eye News Service

# Bok thieves sell revellers a dummy

A celebratory potjiekos following the Springbok rugby team's triumph this weekend turned sour for a group of friends in Orange Grove after robbers stole the meat out of the pot, leaving only "gravy and a few floating carrots".

Social worker Jane Gerakaris, one of the disappointed guests, said her host had saved three Springbok shoulders for a special occasion, and decided to cook them for visiting family members. The potjie was left simmering on the veranda while people socialised inside.

"The potjie had been going for hours. But when my friend lifted the lid he found that someone had already taken the meat," Gerakaris said. "We were all in a state of disbelief. Someone actually had the nerve to take the meat." - Crime Reporter



Former law and order minister Adriaan Vlok testifying before the Truth and Reconciliation Commission.

# IFP union was our creation, says Vlok

*Source: 28/9/98*

By Willie Bokala

**F**ORMER law and order minister Adriaan Vlok admitted before the Truth and Reconciliation Commission's amnesty committee yesterday that the apartheid government had created the Inkatha Freedom Party-aligned United Workers Union of South Africa in 1986.

He said the move was aimed at opposing the Congress of SA Trade Unions.

Unlike last week when he was prepared to shed light on sinister activities, including the bombing of Khotso House and Cosatu House, Vlok told the committee yesterday that he was not prepared to take the blame for something he did not know.

He denied any knowledge of 46 acts of violence, including the physical attack on Cosatu members around the country. He said if the acts were committed by members of the police, he was not told about them.

Vlok said although he was a member of the State Security Council, illegal methods of dealing with opponents were never discussed at meetings and no decision was ever taken by the council to bomb buildings or kill people.

He said, however, that they had had no doubts that the South African Council of Churches (SACC) supported the African National Congress-South African Communist Party alliance.

The committee also heard that security police had illegally intercepted and confiscated mail and parcels intended for the SACC.

Former head of Stratcom (Strategic Committee) on the Witwatersrand Mr Michael Bellingham told the committee that his department also collected information on Khotso House and the people who visited the buildings.

He said they had photographs and also collected information on the building's back, front and side entrances and the type of door keys and locks, roof measurements, burglar alarms, night security personnel, people who slept there, plans of floors and plans of every room in the building.

He said Stratcom had devised means and steps to be taken in dealing with government opponents. He said the first step could involve persuasion and the next force, destruction or elimination. He said that words like "eliminate" and "take out" meant to kill.

## Information and propaganda

Vlok said they had used Stratcom to spread this information and propaganda to divert blame from the government.

"We would try to blame other people or organisations such as Azapo (Azanian People's Organisation), the right wing and individuals.

"After the Khotso House bomb blast we spread this information and blamed Shirley Gunn for planting the bomb," Vlok said.

He said the police put into place its propaganda machinery to counter the ANC's propaganda.

"The SACC was helping the ANC and was succeeding in keeping the propaganda scale tilted in favour of the ANC," Vlok said.

(30)

# 'Cubans used chemical weapons'

(262) *Sowetan 28/7/98*

CUBAN troops used chemical weapons against South African soldiers in Angola, Dr Wouter Basson told the Cape High Court yesterday

Basson, former head of the apartheid government's controversial chemical and biological warfare programme, said he had been instructed by the former South African Defence Force in the early 1980s to research the establishment of a defensive chemical weapons capacity

This was because it had been established that Cuban troops in Angola had chemical weapons and

had started using these in the Angolan war against South African troops, among others, he said

The SADF had been seriously disadvantaged because it had "absolutely no defensive capabilities" against such weapons, Basson said

"Members of the SADF were furthermore absolutely defenceless against any such onslaught," he said

His evidence was submitted to the court in the form of an affidavit during an application for a ruling that he should not be forced to testify before the Truth and Reconciliation

Commission before the completion of his criminal trial scheduled to start next month

He did not appear in person. The TRC has brought a counter-application asking the court to order Basson to testify about the chemical weapons programme before the TRC tomorrow

In his affidavit, Basson said it had been virtually impossible to cooperate with the international community regarding defence against chemical weapons because of South Africa's pariah status - *Sapa*

SPEEDY DECISIONS NEEDED

# Witness 'safety plan' in chaos

**IN MOST** provinces it takes about three days to decide if a person is eligible for witness protection, but in KwaZulu-Natal such a decision can take 18 months. **ANDRE KOOPMAN** of our Parliamentary Bureau reports.

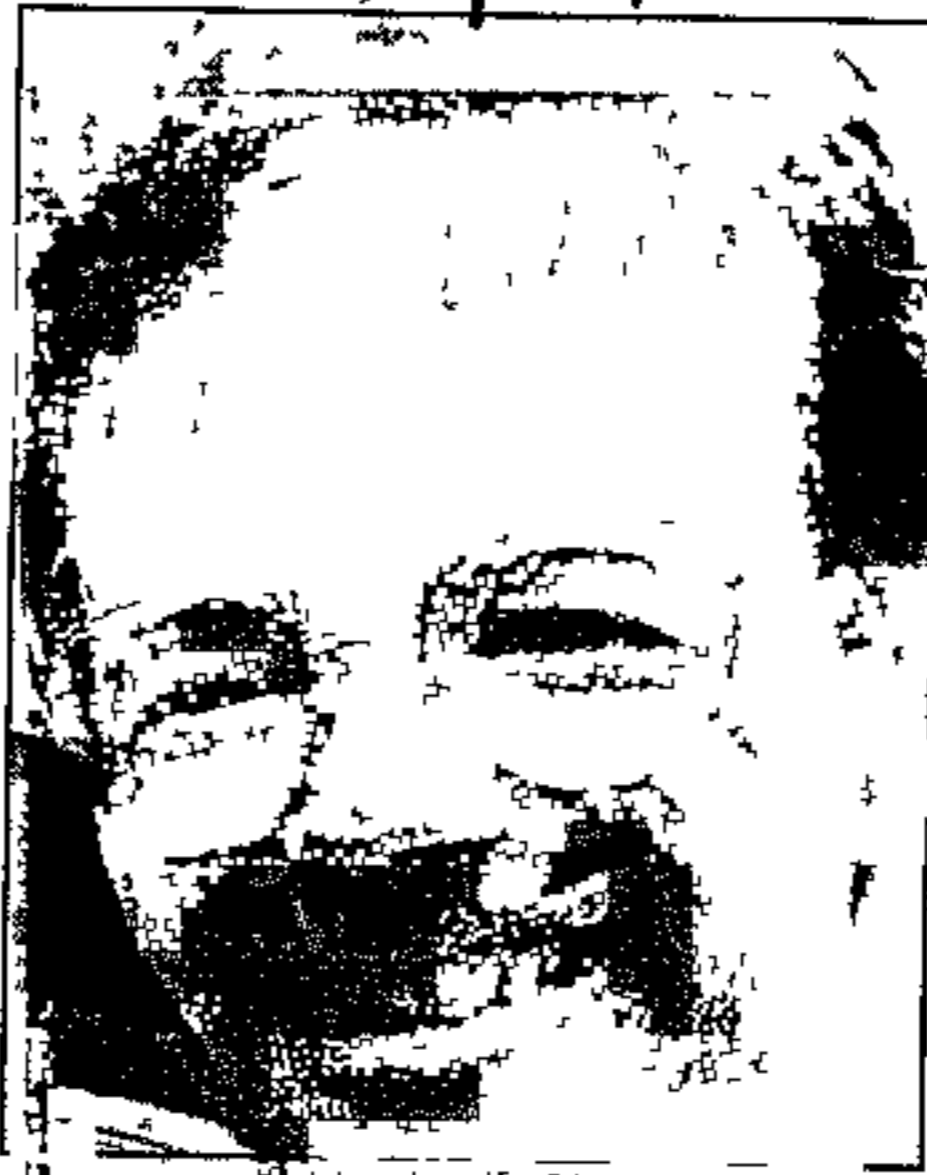
**T**HE taxpayer spent R250 000 protecting a witness and his family only to find 18 months later that the person was not a witness but an informer, national director of the witness protection programme Piet Kleynhans said yesterday

Speaking before the National Assembly's justice portfolio committee, which was examining the Witness Protection and Services Bill, he said since in many cases people had not been designated witnesses, the money spent on protecting and maintaining them would probably be classed as unauthorised expenditure

Committee chairperson Johnny de Lange was displeased at the delay in designating witnesses for protection and he described it as "terrible" and "unbelievable". The person in charge of the programme in KwaZulu-Natal must appear before the committee to explain the inordinate delays, he said

Kleynhans said at present there were 700 people under witness protection, most of them were in KwaZulu-Natal. The programme was badly understaffed and was experiencing administrative problems

The number of witnesses who sought protection was doubling each year and the programme was "bursting at the seams",



HOW MUCH? Willie Hofmeyr

ET 28/7/98 (257)

he added

The draft witness protection bill provides for provincial seven-member panels who would decide on the eligibility of witnesses.

Chris Madadam of the Truth and Reconciliation Commission said he was opposed to the panel system since decisions on protected witnesses had to be made fast and it helped if people had a criminal justice background.

Witnesses' whose lives were in immediate danger often needed urgent protection at all hours of the night, the committee was told

After discussion, De Lange said the committee believed that the panel system was "too cumbersome, expensive and has the potential to leak"

De Lange instructed drafters from the justice department to rewrite provisions of the bill dealing with the panel system

The committee agreed that a smaller group — possibly a representative of the prosecuting authority and another from the investigating one — should be used

The committee said the fewer the people and structures involved, the better for the protection of witnesses

Willie Hofmeyr (ANC) called for an analysis of the costs involved in the programme

## TRC's healing mission 'fuels disharmony'

THE special commission investigating human rights abuses under apartheid has worsened rather than begun healing race relations, according to a newspaper poll.

The poll of 2 500 people, conducted by AC-Nielsen MRA for *Business Day*, found most urban South Africans believed the Truth and Reconciliation Commission's work had been counterproductive.

"Only 18% of those questioned did not feel the commission's hearings worsened race relations," the newspaper said. "Indians (74%) felt most strongly that the commission made matters worse."

The newspaper said 72% of white people agreed with this, as did 62% of blacks and coloured people.

The Truth and Reconciliation Commission, headed by Archbishop Desmond Tutu, winds up more than 2 1/2 years of work on Friday. It is to hand its report to President Nelson Mandela at the end of October. However, its autonomous Amnesty Committee is to continue its work until about next June.

Respondents to the poll were given three specific statements and asked to respond to each, saying if they strongly agreed, tended to agree, neither agreed nor disagreed, tended to disagree, strongly disagreed or did not know.

The first of the statements, designed to gauge opinion, was that the accounts of abuses given at the hearings had made people angrier than before and worsened relations between the races.

The second said the work of the TRC would make it easier for all South Africans to live together.

The third said the TRC had been fair to all sides and all races.

The poll found almost 70% of whites believed the TRC's work would not make it easier for South Africans to live in harmony. More than half of the Indian population and just under half of coloured people held this view. Only 22% of black people believed this.

The survey found 60% of white people thought the TRC had been biased towards the former liberation movements. The same percentage of black people believed it had been even-handed. — Reuter

## ORDERED TO ANSWER QUESTIONS

# Basson loses TRC battle

MR JUSTICE John Hlophe is to give his reasons later for refusing Wouter Basson's application for an order preventing the TRC from questioning him about subjects touching on charges against him, Justice Writer **RONALD MORRIS** reports.

**W**OUTER BASSON, head of the apartheid government's chemical and biological warfare programme, must appear before the Truth and Reconciliation Commission tomorrow to answer questions, the Cape High Court ruled yesterday.

Mr Justice John Hlophe said that, given the high-profile nature of the case, he would hand down his ruling but give his reasons later.

Basson wanted the court to set aside a decision by the TRC that he appear before it to answer questions pending the outcome of his criminal trial.

He also sought a declaratory order that would prohibit the TRC from compelling him to waive his right to remain silent about matters connected to the criminal charges against him.

He is facing a number of charges of conspiracy to murder, instigation to murder, assault with intent to do grievous bodily harm, the manufacture of 1000kg Mandrax and 1000kg of Ecstasy, possession of Ecstasy, defeating the ends of justice and the possession of classified material.

It is expected that 10 counts of fraud involving R50 million will be added to the charge sheet once an investigation by the Office for Serious Economic Offences is completed.

The court heard that evidence before the TRC by other partici-



**MUST TESTIFY** Chemical warfare expert Wouter Basson lost his High Court appeal yesterday. **FILE PICTURE**

pants in Project Coast, of which Basson had been project officer, had implicated him in actions — or intentions to execute such actions — that were gross violations of human rights.

Piet de Jager, SC, for Basson, said Basson had a constitutional and common law right not to incriminate himself. This was an absolute right and a pillar of the criminal justice system.

It would be absurd to protect Basson's right in court but then to create statutory bodies (like the TRC) that could override this. In terms of the Constitution,

evidence obtained in a manner that violated a fundamental right must be excluded, De Jager said.

Gilbert Marcus, SC, for the TRC, said it was clear Basson's evidence was of great importance to the TRC, which sought to elicit evidence and information about gross human rights violations. The TRC's sittings are to end on Friday.

Basson's criminal trial is expected to be concluded by the year 2000.

Although he had invoked his right to silence, Basson had given a live radio interview and spoken

to the press, Marcus said. The court should ensure the High Court process was not abused and the TRC not subverted by Basson's being given a mechanism not to appear.

Among other things, the TRC wants to ask Basson about:

- His role in defining the ambit of the programme
  - The reporting structures of the programme
  - His involvement in the research or production of biological substances at Roodeplaat Research Laboratories.
  - The reason for Roodeplaat's involvement in the production of toxins to be placed in chocolates and alcohol and anthrax in cigarettes
  - Roodeplaat's apparent pre-occupation with developing a lethal substance that could not be detected in a post mortem
  - Roodeplaat's involvement in fertility research
  - His involvement in the research or production at Delta Scientific (Pty) Ltd (Delta G) of a chemical substance
  - Delta G's allegedly producing 1 000kg of Ecstasy and about 1 000kg of Mandrax.
  - Delta G's involvement in the production of CR teargas
  - The reason for his allegedly instructing Jan Lourens to make screwdrivers, umbrellas and walking sticks that could be used as potential murder weapons
  - His activities on numerous foreign trips
- Marcus, with Donald Jacobs, instructed by the state attorney, appeared for the TRC. De Jager and M van Zyl, were instructed by Adolf Malan and Vermeulen.



**APPLICANT: Vlok**

## SSC 'kept mum on the blast'

**ROBB NORTHEY**

PRETORIA: Apartheid-era law and order minister Adriaan Vlok said the State Security Council (SSC) never discussed the Cosatu House bombing — possibly because they had known that the security forces had been responsible for the blast.

"I can't say if they knew, but I suspect they did," he told the TRC amnesty committee yesterday.

Eric Dane, representing the South African Council of Churches, had put it to Vlok that the State Security Council, established in 1985 to control the unrest situation, knew and that's why no one had asked.

"Are you telling us that a bomb blast in the middle of the biggest city in the country was never discussed at

the State Security Council?" committee chairperson Judge Andrew Wilson asked.

"I can only tell you what happened. Maybe they knew. I think they knew the security forces did it and this was why it wasn't discussed."

Vlok said that if he had been asked by the council — comprising state president P W Botha, defence minister Magnus Malan, justice minister Koble Coetsee, foreign affairs minister Pik Botha and usually attended by senior officials from various departments — he would have told them that Cosatu House had been blown up by the security police.

Vlok is seeking amnesty for his part in the 1987 explosion at Cosatu House, headquarters of Cosatu, and the South African Council of

Church's headquarters, Khotso House, in August 1988 and the series of bomb threats and explosions at cinemas screening the anti-apartheid film *Cry Freedom*.

Vlok denied that the Cosatu House attack was part of an orchestrated police campaign against the federation, saying he had not ordered a series of attacks on Cosatu offices, affiliates or officials.

He said the government had considered Cosatu an important target in its attempt to calm the explosive situation that prevailed in the country.

"We knew it was a strong labour movement and were careful not to act against the leadership. However, it's a pity Cosatu did not concern itself with only labour matters and became involved in other activities."

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# Police told to check Mandela reprieve release list

*Outrage at killing*

ARG 29/7/98

GLYNNIS UNDERHILL AND ANDREA WEISS

(252)

Western Cape police have been ordered to obtain lists of prisoners released in President Mandela's controversial 80th birthday reprieve to check whether they are wanted for other crimes.

This follows a public outcry over the murders of an elderly Karoo couple, Flip and Martha Greeff, and Moorreesburg resident Saul Damon, allegedly by prisoners freed as part of the birthday celebrations.

In other developments yesterday

■ A policeman who investigated the records of prisoners selected for release has been slated as "irresponsible and arrogant" by the Eastern Cape provincial Department of Safety and Security

■ Provincial Community Safety Minister Mark Wiley disclosed that nearly a third of the prisoners were from the Western Cape.

Western Cape police commissioner Leon Wessels issued "urgent instructions" to his officers yesterday to halt the release of prisoners with warrants of arrest against them

The special remission was granted to 9 000 prisoners with six months or less of their sentences to serve.

Asked why police had not screened the prisoners before their release, spokesman Mark Romburgh said he was trying to establish whether prior warning was given to the police about the remission

East London policeman Keith Roelofse, who has been hailed for his investigations into the records of prisoners selected for release, was criticised yesterday by Eastern Cape safety and security spokesman Lumphumzo Kebeni. Mr Kebeni said "This sensational publicity-seeking exercise attempts to dent the credibility of the remission order and further questions the loyalty and commitment of certain members of the police service"

Mr Wiley told the provincial legislature that 2 306 of the 9 000 prisoners freed were from the Western Cape. In the past week, 10 had been rearrested - three for murder. In each case of rearrest, the crimes committed were more serious than those for which the prisoners had been jailed. Anwar Ismail of the National Party described the early release as akin to "dropping a Hiroshima bomb on South Africa".

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Granted amnesty: Mzikhona Nofomela, left, and Ntobeko Pen arrive home

# Released killers welcomed home

STAFF REPORTER

After four years in jail, Amy Biehl's killers returned to their homes in Guguletu and Langa to warm welcomes from family and friends.

Mongezi Mangina, Vusumuzi Ntamo, Mzikhona Nofomela and Ntobeko Pen, who were serving 18-year sentences for Ms Biehl's murder, were granted amnesty by the Truth commission yesterday.

At the time of the killing in 1993, Mr Pen was 18 and in Standard 8. "I knew from the start that certain

things would happen," he says, recalling his decision to join the liberation struggle.

The day Ms Biehl died he was elected president of the Langa High School Pan African Students Organisation (Paso), an affiliate of the Pan Africanist Congress.

Today he and Mzikhona "Easy" Nofomela are hugged and welcomed back into their community.

Nearby in NYI Mongezi Mangina takes a walk with his sister Nongqaba, along the street from their home.

About 500 metres further along the road the big red garage where Ms

Biehl was stoned and stabbed to death stands like a beacon. Mr Mangina says he can't remember what happened the day that Ms Biehl died.

In Langa the 88-year-old grandmother of Vusumuzi Ntamo almost gets up out of her wheelchair when she talks about having her grandson home. Mr Ntamo was in Standard 6 at the time.

Commenting on the amnesty granted to the four, Paso Western Cape chairman Mhuthuzeli Radu, said he had nothing but praise.

"All our thoughts and efforts were not in vain," he said.



Back home: Vusumuzi Ntamo in his Langa home after being freed from jail yesterday

# From Amy's brutal death, legacy of hope

*Biehl family's gift to Flats lights a path to reconciliation*

JOHN YELD

No violent death is easy to justify, but the killing of Amy Biehl must rank among the most senseless of the thousands of politically-linked murders in South Africa in the past half-century.

The 26-year-old Fulbright scholar, a native of California, elected to use her scholarship to do research at the community law centre of the University of the Western Cape, where one of her main interests was the role of women in government.

According to her family and friends, she had a deep and passionate concern for southern Africa, and particularly South Africa.

And, in spite of being a "foreigner", she had a fierce commitment to the struggle for justice and full democratic transition in this region, a commitment unmatched by many of the region's citizens who shared her genetic heritage.

It was one of the many women surrounding her death that at the very time she was stabbed and stoned on a rough Guguletu street, most of South Africa's political leaders were ensconced in the smoky rooms of the World Trade Centre at Kempton Park, putting the final touches to the deals that resulted in the interim constitution and the first democratic elections in April the following year, which she had so wanted to see.

Amy's heartbroken mother, Linda, said at the time of her daughter's death: "She wanted to give her

self to the African people. She wanted to do whatever she could to help them."

And the National Association of Democratic Lawyers commented: "It is a terrible irony that her willingness to reach out to build bridges exposed her to the violence that ultimately killed her."

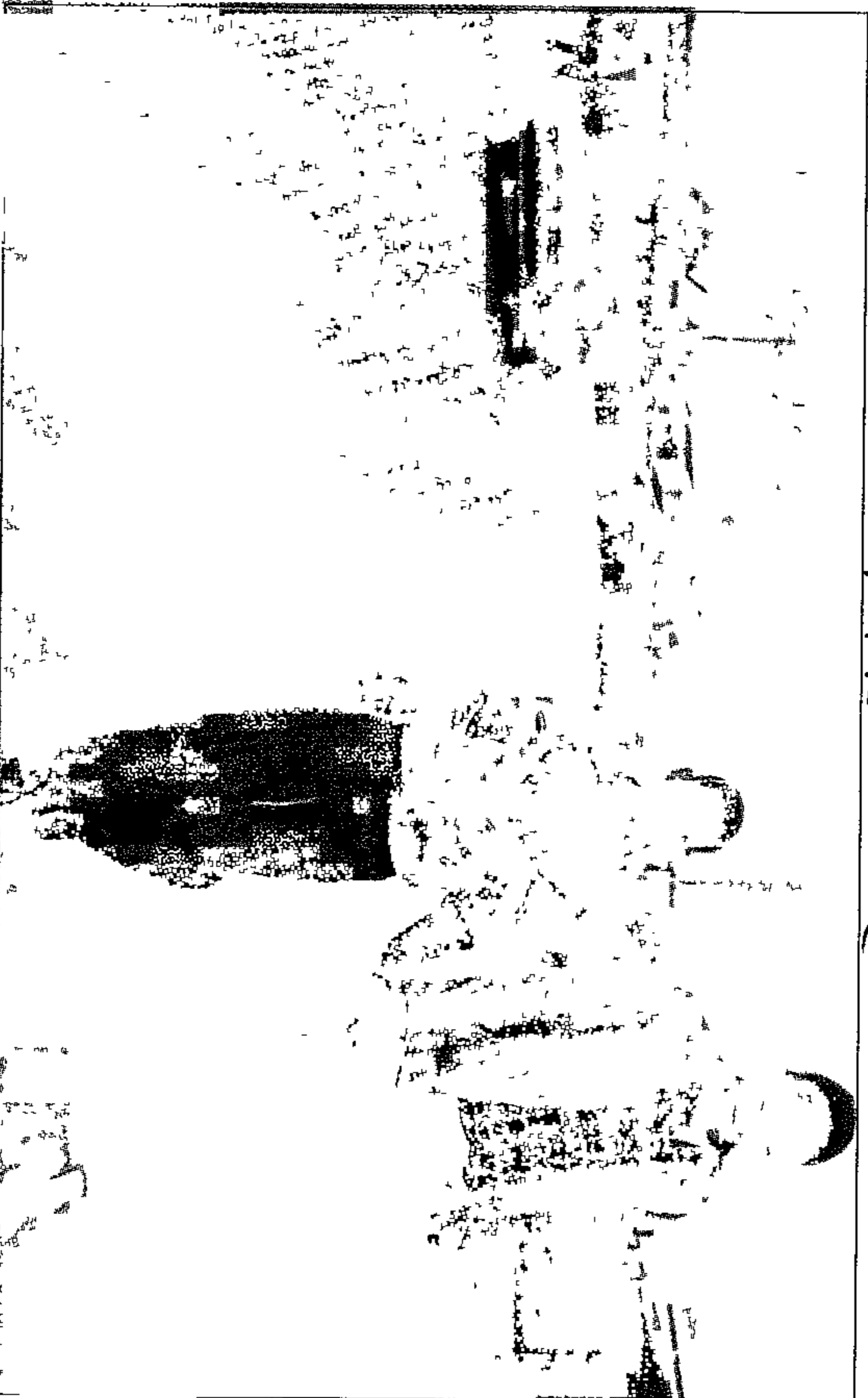
Yet, in spite of all the horror, the pain and the seeming waste of a talented young life, Amy Biehl's death may not have been in vain.

The reaction of her parents and their subsequent involvement in the community which took their daughter into its heart and also killed her is an inspiration for all South Africans committed to reconciliation and national healing.

From the outset, Linda and Peter Biehl refused to condemn outright those who murdered Amy. Instead, to the amazement of many South Africans, they expressed a level of understanding and a willingness to reconcile that almost defied belief.

From their home in Newport Beach, Mrs Biehl said: "Amy was a very humanitarian person and she would not want anyone condemned for this act. I'm not a political person, but if we don't reach out to people as people, what hope do we have?" "My daughter's legacy was to reach out to people."

When the family visited South Africa for the first time two months after Amy's death, Peter Biehl told a memorial service in Guguletu that they had no anger or remorse in their



Taste of freedom: Mongezi Mangina, granted amnesty for killing Amy Biehl, walks with his 12-year-old sister Nongqaba in Guguletu

hearts and they intended to help realise their daughter's goal of a democratic transition.

"The choice is whether you become involved or sit on the sidelines," he said. "Amy was here among you because she cared and because she was participating."

Back in the United States, the Biehls set about translating into reality their commitment to their daughter's vision and to her memory by setting up the Amy Biehl Foundation.

It was a concrete act of faith and of reconciliation.

The Amy Biehl Foundation, with

the slogan "The voice of power", provides funding for South African women to further their education in the US and sponsors black women to attend a training course for counselling victims of sexual abuse.

Last July, the Biehls returned to South Africa to attend the amnesty

applications of the four young men convicted of killing Amy and to visit projects set up by the foundation.

Later, they came again to prepare for a R2-million project aimed at helping to end the violence that has plagued the Cape Flats for decades.

The project is being funded by the US Agency for International Development and, as part of their preliminary research, the Biehls visited places that many Capetonians wouldn't dream of going.

For example, they spent time in Pollsmoor prison listening to juvenile offenders, talked to gangsters in Manenberg, and listened to the woes of a New Crossroads youth centre.

"With this single project we won't change South Africa, but we will take a stride. If we do it successfully, we can muster support for the next step," they said optimistically.

In a statement yesterday after the announcement of the amnesty decision, the Biehls said they were trying to honour Amy's vision of forgiveness and reconciliation - a vision she had shared with President Mandela.

"We have worked with and learned about many South Africans who have shared South Africa's pain," they said.

"We must never forget people who lost their lives in the struggle. We must honour them in discovering new approaches - 'non-violent partnerships' - to create the South Africa which Nelson Mandela, Amy and those who perished dreamed of a new, multiracial, democratic nation."

# A best friend who still can't forgive

BEAUREGARD TROMP

STAFF REPORTER

Amy Biehl's parents have forgiven her killers - but for her former flatmate and best friend there can be no forgiveness.

"I feel like they should be locked up again or I will want to kill them," said Melanie Jacobs, who shared a flat with Ms Biehl for 10 months.

She remembers Amy in everything she sees and does, be it by going to the clubs they used to frequent or seeing a pair of cowboy boots.

It was Ms Jacobs who had to identify Ms Biehl's body which she recognised instantly when she saw her cowboy boots. She was stabbed in the face and stoned.

"What gets to me is that they let her run first and they knew she was outnumbered."

"She was going to leave the next day and I was busy putting albums together to slip into her luggage."

All around her flat Ms Jacobs has pictures reminding her of her friend. "She didn't die because she was white, she died because she forgot she was white," she said.



No forgiveness: Melanie Jacobs

# Violence fell within NP's policy framework — Vlok

Stephané Bothma

PRETORIA — Illegal acts and violence fell well within the ambit of the National Party (NP) government's policy, former law and order minister Adriaan Vlok told the truth commission's amnesty committee yesterday.

Testifying in support of his amnesty application for the 1987 bombing of Cosatu House and the blowing up of the SA Council of Churches (SACC) headquarters, Khotso House, the following year, Vlok said violence fell within the NP's policy framework.

This was despite the fact that no official decision in that regard was ever taken.

Vlok testified that the NP had "propped up" apartheid, and said the party had used the security forces to maintain the status quo.

"It was wrong. Forgive me for it," Vlok said. He also asked forgiveness from the police officers who had followed orders to commit illegal acts and who were now forced to appear before the amnesty committee as a result.

"It is not pleasant to take responsibility for what happened, but it is a case of what is right.

Those policemen on the ground assisted the NP to remain in power and it will be unfair to run away from them now."

Asked by amnesty committee member JB Sibanyoni whether he would be prepared to persuade former state president PW Botha to drop his claim that the truth commission was a circus and to testify, a laughing Vlok replied "I will leave it up to Botha to take his own decision in this regard as Botha has done in my case."

Advocate Eric Dane, representing the SACC, informed the committee yesterday that the church organisation had withdrawn its opposition to the amnesty applications by Vlok and former SA police commissioner Gen Johan van der Merwe.

"Our only purpose had been to get on record that the SACC did not support the African National Congress-SA Communist Party alliance and that the organisation and its member churches had not made themselves guilty of any unlawful activities during the apartheid years," Dane said.

He said this had been confirmed by Vlok.

Dane said the bombing of Khot-

so House had been part of the NP government's indiscriminate war against perceived enemies.

Vlok said: "We were waging a war, but it was a legal war using legal methods. Only when we had no legal means left, did we turn to other methods."

Ernst Penzhorn, representing Botha, told the committee that Botha denied having congratulated Vlok on the bombing of Khotso House during a sitting of the State Security Council. "Mr Botha had a habit of congratulating the security forces for their efforts — but only on a general basis and never for specific actions," he said.

□ Sapa reports that a former Vlakplaas security policeman, who is applying for amnesty for the bombings along with Vlok, Van der Merwe and more than 30 policemen, was stabbed near police headquarters in Pretoria on Monday night.

Lawyer SI Rossouw asked the committee to excuse Douw Gerbrandt Willemsse from attending this week's hearing, owing to the attack. He is now in hospital.

Committee chairman Judge Andrew Wilson agreed to allow Willemsse to be excused.

# Decision to grant amnesty to Biehl's killers

Jonny Steinberg

A SEASONED human rights campaigner and close confidante of the murdered American Fulbright student, Amy Biehl, lashed out yesterday at the truth commission's decision to grant amnesty to Biehl's killers.

Biehl was stoned and stabbed to death in Gugulethu in August 1993 by four youths aligned to the Pan African Student Organisation.

The commission's amnesty committee said yesterday that although the youths were not following the instructions of a political organisation, "their activities were aimed at supporting the liberation struggle

against the state."

The committee said "They believed that by killing civilian whites, the Azanian People's Liberation Army (Apla) was sending a serious political message to the government of the day."

Reacting to the committee's decision, Biehl's former colleague Rhoda Kadahle, an academic, said the killing was a "barbaric, racially motivated murder of the most primal sort." Kadahle said "Giving amnesty to an undisciplined and violent mob has serious repercussions for the rule of law. The amnesty committee is sending a message to street gangs that they also are not responsible for their actions."

Kadahle said that the amnesty committee should have established a hierarchy of crimes admissible for amnesty.

"Targeting a military installation is one thing," Kadahle said "Attacking a church, or a bar, or dragging an innocent woman out of her vehicle, that crosses a sacred boundary. The truth commission's decisions have been disturbing and irresponsible."

Sapa reports that Biehl's parents, Peter and Linda Biehl, said the amnesty process had been a unique experience for individuals and for SA as a nation and that the decisions made had not been taken lightly.

"In the case of the four amnesty applicants in Amy's murder, we hope they will

receive the support necessary to live productive lives in a non-violent atmosphere. In fact, we hope the spirits of Amy and of those like her will be a force in their new lives."

They said Amy had been drawn to SA as a student and she admired President Nelson Mandela's vision of a "rainbow nation."

"It is this vision of forgiveness and reconciliation that we have honoured." The Biehls said they had worked with and learned about many South Africans and had shared SA's pain.

"We must never forget people who lost their lives in the struggle. We must honour them in discovering new approaches — non-violence partnerships — to create the SA

which Nelson Mandela, Amy and those who perished dreamed of: a new, multiracial democratic nation."

Pan Africanist Congress secretary-general Michael Muendane said yesterday the killing of Biehl was a mistake and had no military value. He said, however, that "on the basis of their remorse ... we are pleased for these Apla boys and for the sake of their parents that they have been granted amnesty."

"When I met Amy's parents last year, they were immensely understanding of the complicated racial situation in SA and ever so forgiving. The attitude of the Biehl family is a source of great comfort for us."

(257) BD 29/7/98

drawn

# Road ahead not easy, says Tutu in wake of TRC survey

Recent finding shows race relations have deteriorated in wake of hearings

Far 29/7/98 (252)

SAPA-AFP

**R**econciliation between South Africa's different races will not be easy, Truth and Reconciliation Commission head Archbishop Desmond Tutu said yesterday.

Tutu, head of the body established to probe political crimes committed between 1960 and 1994 during the fight against apartheid rule, said he was not surprised at recent survey findings that the commission's inquiries had caused a deterioration in race relations.

As the Anglican Archbishop of Cape Town, and before he renounced some of his church responsibilities to head the truth body, Tutu was one of the country's prime opponents of apartheid.

The archbishop said it was not to be expected that different races would want to have "happily ever after" in the wake of the ghastly revelations heard at Truth Commission hearings about the often-racist crimes committed during the apartheid era.

The 1984 winner of the Nobel Peace Prize, received for his efforts to end racial segregation and related deep-rooted enmities, told the SA Broadcasting Corporation that the commission itself could not

bring about reconciliation.

**Don't look for somebody else to be the one to do the reconciliation**

"Don't look for somebody else to be the one who is going to do the reconciliation," he told his compatriots.

"You must say 'What is my role in bringing about reconciliation?'"

he said "Each South African is going to have to say 'What is the contribution I am going to make to what will be a national project?'"

The survey, conducted by AC Nielsen-Market Research Africa, interviewed 2 500 people

from all race groups and income brackets. The survey group represented an urban population of 13.7 million people.

It found that 74% of people of Asian descent and 72% of whites believed that public hearings by the TRC had led to a worsening of relations between the races.

Following close on their heels, 62% of coloureds and blacks told the survey organisation's interviewers they felt the same way.

Hailed worldwide as a model for airing gross violations of human rights without resorting to Nuremberg-style trials, the truth body is due to hand its final report on human rights violations to President Nelson Mandela at the end of October.

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# PW kept Khotso House plan secret from council, says Vlok

(252) Star 29/7/98

Former state president P W Botha gave the order to damage Khotso House in private because it probably would have been opposed by some cabinet ministers.

Former law and order minister Adriaan Vlok told this to the Truth and Reconciliation Commission's amnesty committee in Pretoria yesterday

Vlok is applying for amnesty for arranging the bombing of Khotso House, the headquarters of the SA Council of Churches, in August 1988

He claims Botha ordered him to damage the building so that it could not be used by the SACC and other organisations.

Vlok said he believed Botha had approached him privately because, if he had done so in a State Security Council (SSC) meeting, people such as former ministers Pik Botha and Barend du Plessis might have been against the idea

He said Pik Botha was always sensitive to government actions that could harm South

Africa's international image, while Du Plessis was concerned about the financial implications

Vlok added that the cabinet and the SSC never took decisions ordering the commission of illegal acts

He said Botha had approached him after an SSC meeting in July 1988 and expressed his concern about events at Khotso House. "This was his style, to approach ministers privately"

Botha had told him that something should be done to render Khotso House unusable. Botha did not specify what, except to say that death or serious injury had to be avoided.

"At that time we were given orders of what should be done, never how it should be done."

Botha had never ordered any illegal action, but (after discussion with General Johan van der Merwe, head of the security police,) Vlok realised the only way he could carry out the order was by illegal means.

Vlok said that after the bomb exploded, Botha congrat-

ulated the security forces without referring to the bombing. He assumed the meeting knew of the police's involvement but nobody mentioned the incident or raised it with him. "Nobody was angry with me about it"

Vlok said the discovery that activist Shirley Gunn had been seen at Khotso House before the blast had been "a godsend". Blaming Gunn provided the perfect opportunity to cover up police involvement

"We could not accept responsibility, so we had to spread disinformation." He admitted it had not been right to blame Gunn for the blast

Vlok ended his testimony after more than a week before the committee with a further apology for the misery the policy of apartheid had caused. He also asked forgiveness from the policemen who carried out orders that had led them to apply for amnesty.

Former Vlakplaas commander Eugene de Kock was expected to testify today - Sapa

# Bring back people's courts, says Omar

(272) / 29/7/98

Justice Minister Dullah Omar yesterday expressed support for the introduction of community courts and the complete decentralisation of South Africa's justice system.

Addressing a seminar in Johannesburg on alternative justice structures, Omar said: "The justice system fails the majority of South Africa's people, and even if it became fully nonracial, the majority of South Africa's people would still be denied access to justice."

He said the low case load of the high and appeal courts in contrast with the high workload of magistrates' courts illustrated the need to transform justice structures.

Community courts would relieve the formal justice system of petty offences and would develop the idea of "people's courts" which operated in the 1980s, Omar said.

The concept had already been studied by the South African Law Commission during workshops and forums this month.

Omar said people's courts had evolved within communities during the apartheid years as an alternative to the formal justice structures, which were compelled to apply apartheid laws.

"The idea came from the black community but the concept has no colour. Even white communities can benefit. They too suffer from a lack of access to justice," Omar said.

The courts would be voluntary, would relieve the formal courts and would run within the confines of the constitution.

They would rely on social and moral pressure and their main role would be mediation, reconciliation and arbitration.

They would also focus on alleviating violence against women and children, but serious criminal cases such as rape would never be heard in the community courts, Omar said.

Defending negative perceptions of people's courts, Omar said: "The first guarantee against a kangaroo court is that South Africa is now a democracy."

Community courts would be regulated within the framework of democracy, which compelled people to observe certain structures and norms, he said.

Gauteng Premier Mathole Motshekga said community courts would deal mainly with petty squabbles, public indecency, neighbourhood disputes, soft-drug abuse, contravention of municipal bylaws and petty theft. - Sapa



Rapprochement .. Evelyn Manqina, mother of one of the killers, is overwhelmed on meeting Amy Biehl's mother (background) at her Guguletu home last year

# Killers 'believed every white person was an enemy of blacks'

By ROBERT BRAND

Amy Biehl, whose killers were granted amnesty yesterday, was a student at the University of the Western Cape. She was stoned and stabbed to death after her car was ambushed in Guguletu as she was taking three colleagues home in August 1993.

It happened during "Operation Barcelona", launched by the ANC-linked student organisation Cosas to stop deliveries into townships, and during the "Year of the Great Storm" declared by the PAC's Azanian People's Liberation Army.

Vusumzi Ntamo, Ntobeko Peni, Easy Mzikhona Nofemela and Mongezi Manqina (between 18 and 22 when Biehl was killed) were serving 18-year sentences.

The amnesty application of

the four convicted men was heard in July last year by the commission's original five-person amnesty committee chaired by Mr Justice Hassen Mall.

The committee said in a written decision that the four were members of the Pan Africanist Students' Organisation (Paso). Although Nofemela and Peni had attended some Apla political lectures and had received elementary lessons in the handling of arms, they had not been Apla members.

As members of Paso, they were active PAC supporters and subscribed to its political philosophy and its policies, the committee said.

By stoning company delivery vehicles and making it difficult for deliveries into the townships, they were taking part in a political disturbance



Amy Biehl ... victim

and contributing towards making their area ungovernable.

To that extent, their activities were aimed at supporting the liberation struggle against the state.

But why was Biehl, a private citizen, killed? "Part of the answer may be that her attackers

were so aroused and incited that they lost control of themselves and got caught up in a frenzy of violence.

"One of the applicants said during evidence that they all submitted to the slogan 'One settler, one bullet'. To them this meant every white person was an enemy of the black people.

"At that moment, to them, Amy Biehl was a representative of the white community. They believed that, by killing civilian whites, Apla was sending a serious political message to the government."

By intensifying activity, the political pressure on the government would increase, demoralising it and compelling it to hand over power to the masses.

"When the conduct of the applicants is viewed in that light, it must be accepted that

their crime was related to a political objective," the committee said.

In an addendum to the decision, committee member Chris de Jager, a former Conservative Party MP, pointed out that the PAC had testified to the TRC that Biehl had been wrongly targeted and killed.

However, it had added that however misguided her killing had been, the PAC supported the amnesty applications.

De Jager said criteria for amnesty in the TRC's founding act (such as direct orders from political parties or liberation movements) were guidelines, and not requirements or pre-conditions.

"In the present applications, I conclude that, although no order was issued, the murder was associated with a political objective."

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# 'Our Army is there for you'

SAW 29/7/98 (252)

As four killers are given amnesty, parents of the murdered exchange student say they hope Amy's spirit will help them lead normal lives

By Robert Brand

When the killers of American Fulbright scholar Amy Biehl begged forgiveness before the Truth and Reconciliation Commission last year, her parents said they felt no bitterness towards the youths who had deprived their daughter of her life.

When the four were granted amnesty by the TRC yesterday, Peter and Linda Biehl praised the amnesty process and said the commission's decision to grant the killers their freedom could contribute to reconciliation in South Africa.

Two of the killers, Ntobeko Pent and Easy Nofemela, were released from prison in Malmesbury yesterday evening.

They were met at the prison gates by Nofemela's father El-Hot, who hugged them. They told reporters they were very happy to be free.

Pent said he regretted the killing "I do regret what happened. I regret the loss of life."

The other two men convicted of the killing in August 1993, Visumuzi Ntamo and Mongezi Mangina, are to be released when their prison documentation has been processed.

The four, aged between 18 and 22 at the time of the murder, had served four years of their 18-year sentences.

They were granted amnesty by the TRC's amnesty committee, which said the murder was politically motivated and "aimed at supporting the liberation struggle against the state".

The Biehls, who live in California, described the TRC's amnesty process as "a unique experience for individuals and for South Africa as a nation".

"If amnesty is granted to individuals who have been



SASA KRAU / AP

Free ... Amy Biehl's killer Mongezi Mangina arrives home in Guguletu, outside Cape Town, after being granted amnesty.

imprisoned, it is essential for families and communities to support these individuals upon their release," they said in a statement issued through the Amy Biehl Foundation Trust.

"In the cases of the four amnesty applicants in A.C.Y's murder, we hope they will re-ceive the support necessary to live productive lives in a non-violent atmosphere. In fact, we hope the spirits of Amy and of those like her will be a force in their new lives."

The PAC praised the Biehls' attitude, saying it was "a great source of comfort".

"Our hearts go out to her lovely parents Linda and Peter Biehl and all her loved ones back in the United States," PAC secretary-general Michael Muendane said.

He said the PAC had always maintained that the armed struggle had been forced on it by the brutal response of the apartheid regime, such as the Sharpeville massacre, to its own peaceful efforts.

Muendane said several mis-

takes had occurred in the choice of targets during Apla's armed struggle. This was due to several factors such as poor communications, lack of resources, inadequate training of activists on the ground, "general frenzy", and the desperation of resistance forces in the face of apartheid brutality.

"The Amy Biehl attack in Cape Town happened within this context," Muendane said.

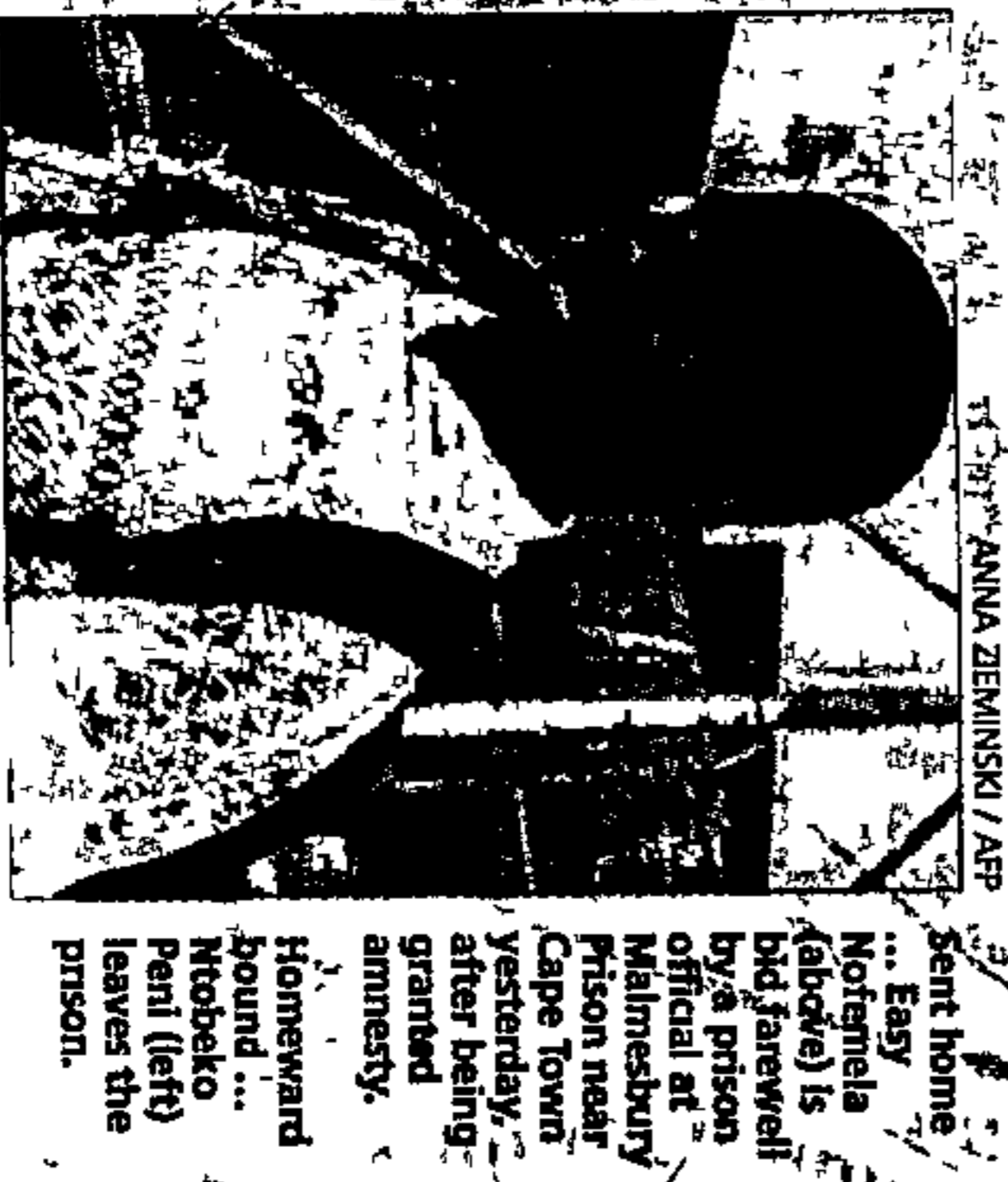
"She was not the kind of target that Apla, if everything was equal, would have chosen be-

cause, in the broadest principles of armed struggle, this incident did not have any military value. It was pure and simple, a mistake.

"We hope this unfortunate incident and human experience will inspire all of humanity to have a spirit of goodwill towards others, that radical organisations and wars should be things of the past, because in every war it is the innocent who suffer most."



ANNA ZIEMINSKI / AP



ANNA ZIEMINSKI / AP

Sent home ... Easy Nofemela (above) is bid farewell by a prison official at Malmesbury Prison near Cape Town yesterday, after being granted amnesty. Homeward bound ... Ntobeko Pent (left) leaves the prison.



# AWB blamed for Cosatu bombings

*Boothman 29/7/98*

*(252)*

By Willie Bokala

The ultra-rightwing Afrikaner Weerstandsbeweging (AWB) was responsible for two bomb attacks on regional offices of the Congress of South African Trade Unions, former police commissioner General Johan van der Merwe told the Truth and Reconciliation Commission yesterday.

The TRC's amnesty committee in Pretoria also heard that the security police had bombed Cosatu offices in Cape Town in August 1987 as well as the House, the federation's headquarters in Johannesburg.

Van der Merwe said his information was that two other attacks on Cosatu offices in Welkom in the Free State during the same year were the work of the AWB.

He did not know who mounted other offensives against regional offices of Cosatu and affiliates in other parts of the country. But he agreed they could have been the work of security branch members.

The committee was told yesterday that trade unionist Ms Shirley Gunn, whom the police arrested after the bombing of the South African Council of Churches headquarters, Khotsiso House in 1988, was the perfect choice for a cover-up.

Former law and order minister Mr Adriaan Vlok said Gunn came into the picture just when police were anxious to find somebody to blame for their actions.

But we were naive to think we could keep our actions secret for a long time. It was wrong to blame Shirley. We did not have anybody in

mind to blame immediately Shirley was a godsend," he said.

Vlok said he received a report from police officer General Jaap Joubert who has succeeded implicating Gunn in the bombing and alleging that she had previously been involved in other bomb explosions.

### Gunn framed

The information was that Gunn and others were seen entering the building with explosives.

We released a press statement saying anybody with more information to assist the police in their investigations should contact Brigadier Kippes Engelbrecht.

Even today I have great sympathy for Shirley Gunn. I told Joubert the lady was innocent and that they should not detain her in respect of

Khotsiso House"

He said Gunn sued him for unlawful arrest and damages later.

Vlok said that although the government had "draconian" regulations that empowered the police to detain people without trial, search buildings and cars as well as confiscate documents, they did not go into Khotsiso House to arrest alleged offenders.

Leaders of the SACC could have obtained a court order against us and this would have created a negative campaign against the government.

This would have embarrassed us. Vlok said former state president PW Botha often showed frustration when security police could not control protests in his thronal areas.

He denied that Botha congratulated him on destroying Khotsiso House specifically.

Members of the State Security Council included Mr. Pik Botha, General Magnus Malan, M. Darendu Plessys, Mr. Koebie Coetzee and other senior cabinet ministers who would never have agreed had Botha agreed to detain them in Khotsiso House he rendered useless.

But after it was done, they did not question it. Nobody said anything about it and nobody was involved in forcing it. Vlok said.

He said he was not told in blanket blame for the others when he admitted that he took the decision to bomb Cosatu House and Khotsiso House.

He also agreed that the use of Freedom of Information Bill to conceal his role about Blaaubosch was pursued by the government police intimidated people who were involved in bombing circumstances.

*252*

# Amy's killers deserve support - parents

(P2) Sowetan 29/7/98

IT was essential for families and communities to support individuals granted amnesty by the Truth and Reconciliation Commission on their release, the parents of slain American exchange student Amy Biehl said yesterday

In a statement released via the Amy Biehl Foundation Trust, Peter and Linda Biehl said they hoped the four prisoners granted amnesty for their part in the slaying of their daughter in 1993 would receive the support necessary to live productive lives in a non-violent atmosphere

"In fact, we hope the spirits of Amy and of those like her will be a force in their new lives," the Biehls said

They said Amy had been drawn to South Africa as a student and that she had admired President Nelson Mandela's vision of a "rainbow nation"

### Vision honoured

"It is this vision of forgiveness and reconciliation that we have honoured"

The Biehls said they had worked with and learned about many South Africans and had shared the country's pain.

"We must never forget people who lost their lives in the struggle. We must honour them in discovering new approaches - non-violence partnerships - to create the South Africa which Nelson Mandela, Amy and those who perished dream of a new, multiracial democratic nation"

At the same time, the Biehls expressed concern about the violence which still existed and which was bound to escalate as the 1999 elections approached.



The four convicted killers of American exchange student Amy Biehl who were granted amnesty yesterday. They are (from left) Ntobeko Peni, Mzikhona Nofomela, Mongezi Mangina, and Vusumzi Nkomo. The photograph was taken when they appeared before the Truth and Reconciliation Commission's amnesty committee on July 8 last year. PIC AFP

Biehl was one of many killed in the violent political climate preceding the 1994 elections.

"Unfortunately, we are seeing today similar power struggles occurring throughout communities and the country

"Violence remains the order of the day in promoting certain political agendas. Violence and fear are never

hallmarks of a democratic way of life," the Biehls said

They were aware, having worked with people in disadvantaged communities, of the need for change in the lives of South Africa's marginalised people. They had experienced their own small struggles in trying to complete projects in partnership with many community groups

"Obstacles abound, community requests are made, partnerships are formed, but implementation is slow," they said. The Biehls said Amy's life and death had received a lot of publicity and as her parents they had experienced great pain. "But we are not alone. Working through the pain has not been easy, but we have learned so much about South Africa's pain while

on our personal journey"

They thanked people who had helped and supported them and pledged to work hard with South Africans to continue the all-important nation-building process

"We will do all we can to help fulfil the vision of your free, rainbow nation - a vision which Amy shared with you," the Biehls said - *Sapia*

(130)



PEACEMAKER: Desmond Tutu

### Tutu calls for forgiveness

JOHANNESBURG: Reconciliation between different races will not be easy, Truth and Reconciliation Commission chairperson Archbishop Desmond Tutu said in a radio broadcast yesterday

He was not surprised at recent survey findings that the commission's work had caused a deterioration in race relations

It was not to be expected, he said, that different races would want to live "happily ever after" in the wake of the ghastly revelations of often racist crimes at commission hearings

Tutu said that the commission could not bring about reconciliation

"Don't look for somebody else to be the one who is going to do the reconciliation," he said

"You must say, 'What is my role?'"

Hailed as a model for airing gross violations of human rights without resorting to Nuremberg-style trials, the TRC is to hand its final report to President Mandela at the end of October

Since the election that swept the ANC to power, Tutu has called on society to reconcile and forgive the atrocities of the past — Sapa

### SOME MINISTERS 'WOULD HAVE OBJECTED'

# PW's terror orders 'given in private'

PRETORIA: Adriaan Vlok ended his TRC testimony by apologising for the misery he had caused and asking for forgiveness from the policemen who were told to do the bombings.

FORMER president P W Botha gave the order to damage Khotso House in private as it would have been opposed by some cabinet ministers, former law and order minister Adriaan Vlok told the TRC yesterday

Vlok is applying for amnesty for arranging the bombing of Khotso House, the Johannesburg headquarters of the SA Council of Churches, in August 1988

He claims Botha ordered him to damage the building so it could not be used by the SACC and members of other organisations

Vlok said he believed Botha approached him privately because if he had done so in a State Security Council meeting, people like former ministers Pik Botha and Barend du Plessis might have been against the idea

Pik Botha, as former foreign minister, was sensitive to government actions that could harm the country's international image while Du Plessis, as former finance minister, was concerned about the financial implications of such actions

Vlok said the cabinet and the SSC never ordered the commission of illegal acts

Botha had approached him after an SSC meeting in July 1988 and expressed his concern about events occurring at Khotso House



GAVE ORDERS: P W Botha

"This was his style, to approach particular ministers privately," Vlok said

Botha had not specified what should be done to Khotso House except to say that everything should be done to avoid death or serious injury

"We were given orders of what should be done, but never how it should be done," Vlok said

Botha had never ordered an illegal action, but after discussion with the head of the security police at the time, General Johan van der Merwe, he realised that the only way he could carry out the order was by illegal means

Vlok said after a bomb planted

by a police team exploded in Khotso House, Botha congratulated the security forces without referring to the bombing of the building. He assumed that the meeting knew of the police's involvement, but that nobody had mentioned the incident or raised it with him.

"Nobody was angry with me about it," he said

Vlok said the discovery that activist Shirley Gunn had been seen at Khotso House before the blast had been "a godsend" because it had provided the perfect opportunity to cover up police involvement by blaming Gunn

"We could not accept responsibility (for the blast) so we had to spread disinformation"

He admitted it had not been right to blame Gunn for the blast. Gunn subsequently sued Vlok and was awarded an out of court settlement of R70 000

Vlok ended his testimony after more than a week before the committee with a further apology for the misery the policy of apartheid had caused

He also asked for forgiveness from the policemen who had served under him and carried out the orders which had resulted in them now appearing before the amnesty committee

The hearing continues today when former Vlakplaas commander Eugene de Kock is expected to testify. De Kock has also applied for amnesty for the Cosatu House and Khotso House bombings — Sapa