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AMNESTY GRANTED
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29/3/2001

7374/19

AC/2001/103

BEFORE THE AMNESTY COMMITTEE

APPLICATION FOR AMNESTY

IN TERMS OF SECTION 18 OF THE PROMOTION OF NATIONAL UNITY
AND RECONCILIATION ACT, NO.34 OF 1995

In the application of:

~~VELAPHI SAZI FLAVIOUS MSANE~~

AM7374/97 ✓

(HEARD AT THE JISS CENTRE JOHANNESBURG 19 - 22 MARCH 2001)

DECISION

The applicant makes application for amnesty in terms of the Promotion of National Unity and Reconciliation Act 34 of 1995 as amended (the Act) in respect of:

1. Indeterminate number of murders
2. Indeterminate number of attempted murders
3. Two counts of sabotage
4. Four counts of attempted sabotage
5. Contravention of the Explosives Act No.26 of 1956
6. Contravention of the Arms and Ammunition Act No.75 of 1969.

The applicant was a member of Mkonto We Sizwe (MK), the military wing of the African National Congress (ANC) which he joined in 1973. He left the country in 1976 and underwent military training while abroad. His training including the

use of firearms, manufacture and use of explosives and in political thought. Once he was trained to the satisfaction of his leader, he was infiltrated back into South Africa in April 1980 with a colleague, who is now deceased. He was part of the Solomon Mahlangu Special Operations outfit. They had to purchase a motor vehicle to be used in special operations with the intention that operations would commence on the 1st June 1980. On the 25th May 1980, they collected other members of the unit at the border. All in all the group numbered ten persons and they proceeded deeper into South Africa in order to effect economic sabotage on strategic installations.

Their first operation, as planned, was to blow up an installation which was then referred to as Secunda II. Two other targets were also identified. The other two were Sasolburg and Natref the respective petroleum and coal producing installation. In 1982, the group was divided into a sabotage unit and another into an artillery group. The applicant chose the artillery group.

Applicant was only part of the planning of the attack on Secunda II in 1980. This proposed attack by four of the group on petrol tanks was not successful. In any event this is an incident for which amnesty is not sought. The rest, including the applicant, went towards the Sasolburg and Natref installations. The applicant placed two limpet mines on the petrol tanks at Sasolburg on 31 May 1980. He bypassed the detecting mechanism by cutting through the wire fence. Three of them went to Sasolburg and three went to Natref. They thereafter went back to Soweto and then to Mozambique.

The Natref incident was foiled because that group was confronted by the security guards and the effort failed. Scorpio a unit member in the Natref group, shot Mr Robert Nthembuluseni who was a guard. He was injured.

For a period of approximately six months in 1981, the applicant ensured that arms and explosives under his control were infiltrated into South Africa.

In June 1983, the applicant again infiltrated into South Africa in a group. There were four of them. The group made an attempt to damage Secunda II and III by means of a 122 missile rocket launcher. This ensued after a reconnoitering the area and careful planning. However the operation failed because the rocket veered away from the target. Five rockets were fired and all missed.

In June 1984, the operation in Secunda II and III was attempted again. Again the effort failed as the rockets veered away from the intended target. Again five rockets were fired.

During November 1985, a third attempt was made at firing rockets at Secunda II and III. Again the rockets missed because the rockets veered away from the intended target.

On retreat, the group was confronted and a shoot-out ensued with the South African Army. There were some casualties on both sides.

During May 1989 the applicant was part of a group that launched a mortar attack on the Slurry Defence Force base near Ramatlabana. Extensive damage was caused to the building and an unknown number of injuries to personnel at the base. In any event injuries were foreseen but nonetheless all these operations were committed within the philosophy of MK activities. Consequently it is found that all were committed for political reasons.

The committee is satisfied that the applicant has made a full disclosure of the facts related to all the incidents.

Furthermore the committee is satisfied that all the formalities of the Act, regarding the incidents for which amnesty is sought, have been complied with.

In the result, amnesty for delicts and offences is granted to the applicant in respect of the following incidents and circumstances.

1. a. Sabotage of the Sasolburg petrol installations;
 - b. To sabotage the Natref Coal installations;
 - c. Contravention of the Explosive Act No.26 of 1956
 - d. Attempted murder of Mr Robert Nthembuluseni at Natref.
-
- 2a. Attempted murder during the attempts to blast Secunda I and II in June 1983, June 1984 and November 1985.

 - b. Contravention of the Explosives Act No.26 of 1956 related to the attempt to blast Secunda II and III in June 1983, June 1984 and November 1985.

 - c. The murder of an unknown number of members of the South African Defence force in November 1985.
-
- 3.a. Indeterminate number of attempted murders during the attack on the Defence force base at Ramatlabana in May 1989.

 - b. Contravention of the Explosives Act No.26 of 1956 in regard to the attack on the base at Ramatlabana in May 1989.

 - c. Sabotage of the defence force base at Ramatlabana in May 1989.

- 4. Contravention of the Arms and Ammunition Act No.75 of 1969 and the Explosives Act No.26 of 1956 during the period 1980 to 1989.


SIGNED AT CAPE TOWN THIS THE 29 DAY OF MARCH 2001.



JUDGE R PILLAY



ADVOCATE F BOSMAN



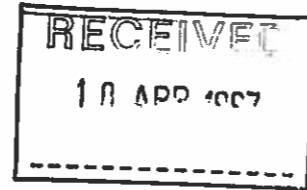
MR J B SIBANYONI

RP/mrm

AM 7374/97

ANNEXURE

Form 1



**APPLICATION FOR AMNESTY IN TERMS OF SECTION 18 OF THE
PROMOTION OF NATIONAL UNITY AND RECONCILIATION
ACT,
1995 (ACT NO. 34 OF 1995)**

This form is also available in the other official languages at the Committee on Amnesty.

To be completed in block letters, sworn to/ solemnly affirmed before a Commissioner of Oaths and returned to the Committee on Amnesty, PO Box 3162, Cape Town 8000.

Please use a separate page if more space is required.

-
1. Surname: Msane
 2. First names in full: Velaphi Sazi Flavious
 3. Address: 8316 Funani Street
Orlando West
Phefeni
Soweto
 4. Identity Number: [REDACTED]
 5. Date of Birth: [REDACTED]
 6. Place of birth: Johannesburg
 7. (a) If you are/were an officer/ office bearer/ member/ supporter of any political organisation/ institution/ body or liberation movement, state name thereof :

African National Congress, Umkhonto we Sizwe, Special Operations

(b) State capacity in which you served in the organisation/institution/body or liberation movement concerned, if applicable, and membership number, if any

Member

8(a) If you were/are an officer/ office bearer/ employee of the State or any former state or if you are/were a member of the security forces of the state or any former state, state the department/ division :

SANDF

(b) State capacity and period in which you were in the service of the state or former state or served in the security forces, if applicable, and force number, if any :

Colonel

9(a) Furnish sufficient particulars of the act/s, omission/s or offence/s associated with a political objective in respect of which amnesty is sought, including date/s, place/s and nature thereof and the name/s of any other person/s involved :

(i) Act/s, omission/s, offence/s

1. *Sasolburg & Natref* - 

I was part of a unit commanded by Barney Molokoane which attacked the Sasolburg and Natref Refineries. I was assisting the Commander in the control of the group and I was the organiser of the get-away. I participated in the attack by placing limpet mines on the petrol tanks which were set to detonate at 12.00 midnight. One injury was sustained to a security guard during the operation. Damage was caused to the Refineries. There were no arrests for this incident and we returned to Mozambique safely. The other members of the unit were Scorpio (code name), Jackie, Msuthu, and Oupa (code names).

2. [REDACTED]

I was deployed in Swaziland as part of ordnance. I maintained arms and ammunition, established DLB's and assisted members moving back into the country.

3. [REDACTED] - *Secunda*

As part of the artillery unit of special operations I was involved in the first rocket attempt to Secunda. This failed.

4. [REDACTED] - *Secunda*

I was involved in the second attempt to fire rockets into the Secunda Refineries. This also failed.

5. *November* [REDACTED] - *Secunda*

Our unit was involved in the 3rd attempt to fire rockets at the Secunda Refineries. The rockets were launched, but did not hit the target. No damage was caused. On our retreat to Swaziland three of the operatives (Barney, Victor Khayiyane and Victor Sekete) were killed in a shoot-out with the SADF. Reports have not made it clear how many SADF members were killed in the shoot-out but I understand that a number of them were.

6. *May* [REDACTED] - *Slurry SADF base*

I was involved in the unit which launched a mortar attack on the Slurry SADF base near Ramatlabama. 28 mortar shells were fired at the base and land mines were placed in between the base and the firing spot. In the get-away we had a car accident and some of the members of the unit walked through the border and were arrested in Botswana. We served 9 months in Central Prison in Botswana. One member of the unit was arrested in South Africa and served a prison term. Damage was caused to the SADF base and we believe some injuries were sustained.

(b) State whether any persons was injured, killed or suffered any damage to property as a result of such act/s, omission/s or offence/s.

Injuries were sustained during attacks on Slurry.

(c) If so, state :

- (i) The name/s of the victim/s
Unknown
- (ii) The occupation/s and address/es of the victim/s
Unknown
- (iii) The names and addresses of the victim's/victims' next of kin
Unknown
- (iv) Any other information which may assist in identifying and locating the victim/s
Unknown

10(a) State political objective sought to be achieved

All the operations detailed above were carried out in accordance with the aims and objectives of the African National Congress. As a member of Umkhonto we Sizwe my objective was the furtherance of the armed struggle against the Apartheid state with the intention of overthrowing this state and replacing it with a democratic one. All my actions were geared towards the undermining and weakening of this state.

(b) Your justification for regarding such act/s, omission/s or offence/s as act/s, omission/s or offence/s associated with a political objective :

The operations detailed in this application were politically motivated, carried out within the context of the liberation struggle aimed at our political opponent and committed under the orders of my commanders and with the approval of the organisation.

(c) Did you benefit in any way financially or otherwise ?

No

(d) If so, explain the nature and extent of such benefits :

N/A

11(a) Was/were the act/s, omission/s or offence/s committed in the execution of an order of, or on behalf of, or with the approval of, the organisation, institution, body, liberation movement, state department or security force concerned ?

Yes

(b) If so, state particulars of such order or approval and the date thereof, and if known the name and address of the person/s who gave such order or approval

All the operations were carried out under the instructions of Rashid Aboobaker Ismail except for the operation at Slurry which was carried out under the command structure of Military Intelligence at MHQ.

12. If prosecution followed, state :

(a) In which court

N/A

(b) Case number

N/A

(c) On which charge

N/A

(d) Date of next appearance in court

N/A

(e) Offence in respect of which found guilty and sentenced

N/A

(f) Date of sentence

N/A

(g) Sentence imposed

N/A

13.

(a) Are civil proceedings pending or envisaged as a result of the act/s omission/s offences in respect of which amnesty is sought

Not to my knowledge

(b) If so, state :

(i) The identity and addresses of the parties and their legal advisers, if any

N/A

(ii) The case number and the court in which the proceedings are pending

N/A

[Handwritten signature]

DEPONENT

The deponent has acknowledged that s/he knows and understands the contents of the declaration. This declaration was duly sworn to/ solemnly affirmed before me on this 13 day of December 1996, at Thomasburg

[Handwritten signature]

COMMISSIONER OF GATHS

[Redacted] PE D.M. de Lange : Gt.