

ON RESUMPTION: 6TH OCTOBER 1999 - DAY 7

ROBERT JOHN McBRIDE: (s.u.o.)

CHAIRPERSON: Good morning everybody, we're proceeding with the evidence of Mr McBride. When we finished yesterday, Mr Dehal had just finished leading Mr McBride's evidence-in-chief. I'll now ask Mr Berger whether he has any questions, or if Mr Dehal has in fact finished.

MR DEHAL: Thank you, Mr Chairperson, perhaps just a few questions if you would allow me.

CHAIRPERSON: Yes certainly, Mr Dehal.

EXAMINATION BY MR DEHAL: (cont)

Mr McBride, at some stage during these proceedings, Mr Richard had shown to Mr Ismail these photographs, number 72 and 73 and the reverse thereof, and I think photograph number 76. I'd show you these. Can you explain what this photograph represents, how it was constructed, how it came to be and whether in fact those explosive devices, or what appears to be explosive devices thereon, are in fact real or fictitious?

MR McBRIDE: Yes, 72, 73 and 74 were a situation where the police had asked me to reconstruct the way in which the Pine Parkade device was made up and they used a replica, or empty rather, demolition charges, SZ3 and SZ6s. So they were actually empty. Although 75 appears to be a genuine handgrenade detonator, the rest of the stuff were all replicas or empty. I don't think they would have allowed me to come too close to live explosives.

MR DEHAL: So you actually assisted in reconstructing for their purpose and for the purpose of making photographs as exhibits in the trial, what appeared to resemble the constructive device you had at the Pine Parkade?

MR McBRIDE: That's correct, yes.

CHAIRPERSON: Sorry, Mr McBride, those photos, 72 through to 74, are they a reasonable reflection of the device that was used at the Pine Parkade?

MR McBRIDE: Yes, Sir, except that the electrical wire, cling wrap and epoxy glue and the aerosol spray is not well sort of exhibited here.

CHAIRPERSON: Yes.

MR DEHAL: Thank you. May I now take you to the photographs that deal with the Why Not issue. Yesterday we dealt with relative distances between the vehicle, the Ford Cortina, in which was contained the bomb and the Why Not bar. Now we've had the benefit of looking at photographs which were taken shortly after the explosion and which show somewhat the distances. Sorry I cannot ...

CHAIRPERSON: I think they were 94 as far as I can recall, somewhere around there, Mr Dehal.

MR DEHAL: Thank you, Mr Chairperson. Unfortunately those photographs are not here, I don't know if they were removed. Oh there they are. Thank you. Mr McBride, here I show you photographs 91, 92, 93, 94 and perhaps you if you look at 95, more importantly. Now that you've refreshed your memory with the photographs, would you say that the distance you referred to yesterday between here and the interpreter's room, which was estimated at being between 10 to 15 metres, is correct and if that's not correct, what is the distance you would now pitch it at? And the distance I'm talking about is that part of the vehicle closest to Why Not and the building of Why Not closest to the vehicle, between those two spots?

MR McBRIDE: Thank you, Sir. From these photographs it looks much closer than it is now, so on these photographs it looks more like between about 5 or 7 rather than 10 to 15.

CHAIRPERSON: That would be the distance from where you're sitting to where about the television camera is, on the stage here.

MR McBRIDE: It certainly appears to be that. From outside on the road in the actual place it looks slightly a bit more. I don't want to underplay my role in any way whatever.

CHAIRPERSON: Yes.

MR McBRIDE: It looks a bit more if you're outside.

JUDGE PILLAY: Did you go to the scene recently?

MR McBRIDE: Yes, yes, I've been there and it's been changed, they've increased the size of the curbs.

JUDGE PILLAY: Well I think I would appreciate rather what you can remember, instead of looking at the photos because it can be deceptive.

MR McBRIDE: Well I remember it at about five metres.

MR DEHAL: Thank you. Mr McBride, the Why Not docket, police docket, was something that you were worried about during the trial, the earlier trial, the authenticity of details etc. In those days of course further particulars were not supplied to your attorneys, copies of dockets were not supplied as is now your constitutional right. Now you've asked for that docket, it's not available yet, correct?

MR McBRIDE: That's correct, yes.

MR DEHAL: Apparently that docket's gone missing.

MR McBRIDE: Yes, it's gone missing.

MR DEHAL: You express some concern about the number of injured and deceased persons. In bundle A1, there are 74 persons, if I recall correctly, whereas in the trial there were a different number. Can you deal with that concern of yours briefly.

MR McBRIDE: Well since the incident there's been constantly a change in number of injured persons there. It was initially 89, then it was 69, now I see it's 74 and at one stage it was 104, on one of the documents given to us by the State, so I'm not sure of the number of people who were injured.

MR DEHAL: And is your concern in regard to the increasing numbers the same as with Mr Baker's sudden appearance in the - sorry, relative to the Chamberlain issue?

MR McBRIDE: Yes, that's correct.

MR DEHAL: Thank you. Now yesterday the Chairperson asked you questions about Why Not, Magoo's and whether there was a band contained within the Why Not premises. Do you recall?

MR McBRIDE: Yes, I recall.

MR DEHAL: Now I showed to you pages 801 and 802 from the transcript in your criminal trial. Before you deal with that will you allow me to just hand over copies. I think that would be O, Mr Chairperson.

CHAIRPERSON: Thank you. We'll mark this document, being pages 801 and 802 of the trial record, as Exhibit O.

MR DEHAL: Thank you. Mr McBride, I take you to page 801 from line 20 onwards. I will read it and will you confirm that if that's correct. This is Mr Davidson who testified in your trial as a State witness and you alleged that he was the proprietor of Why Not premises. This is the Mr Davidson you talked about yesterday, whose telephone call you had overheard between me and him, him being a client of mine.

MR McBRIDE: That's correct, yes.

MR DEHAL: Now here he says -

"Now you say in June '86 ..."

This is a question posed to him -

"Now you say in June '86 your bars were multiracial, were they bars which were habitually frequented by members of all race groups?"

He answers -

"Magoo's bar is an action bar. It's got a band playing in there and quite often, well most occasions the group normally has a non-European in the band. So we do get quite a few of the non-European coming in to listen to the group and things like that, but I would say that it's not a popular non-European bar."

The question then is -

"What's non-European? I don't understand non-European, what's non-European?"

He says -

"Well, I mean Asiatics and Indians, that type of thing."

The question is -

"What's the difference between an Asiatic and an Indian?"

On the next page, 802, the question continues -

"I don't know. Is Asiatic classified as Indian?"

Oh sorry, that's the answer -

"I don't know. Is Asiatic classified as Indian?"

"Well, Coloured, Indians and Africans. Does that make it more clear?"

"Alright, carry on"

Then he answers -

"Well it's not popular with that crowd, I mean they don't come in that often, but they do come in as musicians and listen to the band and that type of thing, but it is predominant white."

The question then is -

"That's Magoo's you are talking about?"

And he answers -

"Well both Magoo's and Why Not"

The questioner -

"Do they both have bands there?"

And he answers -

"No, no, Magoo's has a band, Why Not hasn't, it's got background music."

Then the questioner -

"Mr Davidson, my recollection - now perhaps you can just correct me, my recollection of one of the bars, the Why Not or Magoo's or both, is that the windows to them are tinted. Is that correct?"

He says -

"That is correct, yes"

And the questioner -

"And it's not that easy to see in?"

He answers -

"During the day it's difficult, but in the evening when the lights are on in the bar you can see through them"

Okay. Do you remember that, do you see that, do you confirm that's the transcript?

MR McBRIDE: Yes, I have that, I confirm it thanks.

MR DEHAL: So you say you entered the Why Not, at the time you were at the entrance door when you were told it was full?

MR McBRIDE: That's correct, yes.

MR DEHAL: And often Magoo's has been confused in this operation with the Why Not, correct?

MR McBRIDE: That's correct, yes.

MR DEHAL: Mr McBride, if I may show you Exhibit D. This is on a separate issue altogether. This is an exhibit that was shown to Mr Ismail, it's the one that has all the Russian language on it and I think refers to a limpet mine.

MR McBRIDE: Yes, that's correct.

MR DEHAL: Are you familiar with that sort of document? Have you seen documents like these before?

MR McBRIDE: Yes, very similar documents are found in the package where you have detonators and fuses in. So whoever has this, has access to a detonator or a fuse. Very likely so, because it's sealed. But I've never seen one that's in Afrikaans, always in Russian. So this one to me has been doctored.

MR DEHAL: Now you say it has some Afrikaans. Of course it's not totally in Afrikaans, it has predominantly Russian and you see the words on the top "Loodstraviteitsakelaar"(?) and then below that in the left "Groen/Green, Rooi/Red, Swart/Black, Wit/White". Those are the Afrikaans words, apart from that the rest is Russian, correct?

MR McBRIDE: That's correct, yes.

MR DEHAL: Now you've seen documents like this before, it's never had Afrikaans and Russian, do you agree?

MR McBRIDE: It's highly unlikely that that's the case.

MR DEHAL: So you say this document is doctored, it's not the original?

MR McBRIDE: No, it's not.

MR DEHAL: I understand that you met with the family of the deceased, Mlungisi Buthelezi, that's the deceased in the Edendale operation. Is that correct?

MR McBRIDE: That's correct, yes.

MR DEHAL: And the meeting was at the request of the Buthelezi family.

MR McBRIDE: That's correct, yes.

MR DEHAL: You, Mr Ismail and the family met together.

MR McBRIDE: That's correct, yes.

MR DEHAL: Can you tell us what the purpose of that meeting was and what happened.

MR McBRIDE: The family explained to me that it's the first time they heard who actually caused the death of the child and the injury to Nkosinathi Nkabinde, and the main purpose of the meeting was reconciliation between myself and the family and I apologised to them and explained the circumstances in which their loved ones were injured and killed and both families explained to me after quite a moving situation, that they have nothing against me and they forgive me.

JUDGE PILLAY: Did you speak to the person that was injured?

MR McBRIDE: No, I have not, only the parents of the injured person was here.

MR DEHAL: Thank you, Mr McBride. Is there anything else you wish to add?

MR McBRIDE: Not at this stage.

MR DEHAL: Mr Chairperson, that is all. May I hand back Exhibit D, which has been with me and the Photographs.

NO FURTHER QUESTIONS BY MR DEHAL

CHAIRPERSON: Thank you, Mr Dehal. Mr Berger, are there any questions that you'd like to put to the witness?

CROSS-EXAMINATION BY MR BERGER: Thank you, Chairperson, there's just one aspect I'd like to clear up.

Mr McBride, yesterday in your opening statement, Exhibit F, you stated - perhaps you'd like to get Exhibit F before you.

MR McBRIDE: I have that, Sir.

MR BERGER: On page 4, the second paragraph you said that -

"Our overall Commander was Aboobaker Ismail, who reported directly to the NEC, and in particular to the then President Oliver Tambo."

Would it not be more correct to say that comrade Rashid, Mr Ismail, reported to comrade Joe Slovo at Military Headquarters, rather than to say that comrade Rashid reported directly to the NEC?

MR McBRIDE: That's possible correct. I think the confusion arises from the fact that the situation changed at a later stage. I can't remember exactly when.

MR BERGER: Thank you, I have no further questions.

NO FURTHER QUESTIONS BY MR BERGER

CHAIRPERSON: Thank you, Mr Berger. Ms Kooverjee, do you have any questions you'd like to put?

CROSS-EXAMINATION BY MS KOOVERJEE: Thank you, Mr Chairperson, I just have a few things to clarify with Mr McBride.

Mr McBride, you will recall Mr Lecordier who gave evidence on behalf of the State in your earlier trial and featured as a State witness in the trial of Derrick McBride.

MR McBRIDE: That's correct, yes.

MS KOOVERJEE: Do you agree that much of his evidence in the trial was in the main false?

MR McBRIDE: Yes, that's correct, yes.

MS KOOVERJEE: Has Mr Lecordier since apologised to you and members of your unit, and you agree that you have since accepted the apology and reconciled with him?

MR McBRIDE: Yes, he began the reproachment long before the ANC came into power, when I was still in prison. And when my father was released from prison he approached my father first and he I think, visited me on a number of occasions in prison. So his remorse was genuine and I never doubted it, so I forgave him. He's not my enemy, I don't have grudges against him.

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MS KOOVERJEE: Mr McBride, I refer you to bundle C, on page 25 to line 28, where you speak about Mr Lecordier and I quote you said -

"He was going to go out and there was a discipline problem with him."

Can you please clarify what you meant by "discipline problem"?

MR McBRIDE: What I remember is that on an occasion - well firstly Matthew was overzealous and in one instance where a policeman, I think his surname was Fynn(?), the policeman and his son were bullies and took advantage of the fact the father was a policeman and would bully people and throw their weight around and Matthew got hold of the policeman's son, they were about the same age, and beat him very badly with a stick and that drew attention to himself. Whilst you know, it can be argued that it's a legitimate target, it was drawing attention to himself and he was specifically told on recruitment, to keep a low profile and not draw attention to himself.

MS KOOVERJEE: Thank you. Mr McBride, I refer you once again to bundle C, on page 17, I quote when you were questioned about reconnaissance on the Why Not operation, you stated -

"On that particular mission the reconnaissance was achieved or obtained from various sources over long periods of time and information was received from Matthew also."

Can you please explain that.

MR McBRIDE: Well I can't understand how it's portrayed like that. It might have been that the initial question, if I remember correctly, was that they had asked what function does Matthew do and the question drifted into something else. But Matthew - or I could have meant at that stage Gordon, but Matthew was never involved in intelligence gathering on the Why Not incident at all, at any stage.

MS KOOVERJEE: Thank you, Mr Chairperson, I have no further questions.

NO FURTHER QUESTIONS BY MS KOOVERJEE

CHAIRPERSON: Are you going first, Mr Mall?

MR MALL: I understand that that is the arrangement with the Evidence Leader and Mr Richard.

CHAIRPERSON: Mr Mall if you have any questions please go ahead.

CROSS-EXAMINATION BY MR MALL: Thank you.

Mr McBride, as you are aware I represent Mr van der Merwe, Mr Dunn and Mr Zimmerman, three of the gentlemen who were injured in the Chamberlain Road blast. I understand that you have not met these gentlemen on a personal level, face to face, is that correct?

MR McBRIDE: That is correct, Sir.

MR MALL: Okay. Now the first time that it emerged that you had anything to do with this Chamberlain Road blast was at this hearing, because I understand that at Gordon Webster's trial, Webster was found to be the person who was totally responsible for this blast.

MR McBRIDE: That's correct, yes.

MR MALL: And there wasn't any allegation against you and you weren't charged.

MR McBRIDE: I was not charged and not suspected, there was nothing they had on me.

MR MALL: There's been denials by ...(intervention)

JUDGE PILLAY: Was Webster convicted?

MR McBRIDE: Yes, he was convicted and sentenced to 25 years.

JUDGE PILLAY: Well how did they get evidence against him?

MR McBRIDE: Well Gordon I imagine, did not want to implicate me because at that stage I was on death row. So he gave evidence himself. I think he had made a confession to that effect or something.

MR DEHAL: Sorry, just to clarify, he had the present Chief Justice then represent him and if I recall correctly, there was a confession in that matter.

MR MALL: Thank you, Mr Chairman.

In Mr Webster's confession he said that it was never intended for this Chamberlain Road, for the two blasts to be a booby-trap set. In his confession he made it seem as if both bombs had been timed to go off simultaneously, at the court case, whereas in your evidence yesterday you have said quite categorically that this was a booby-trap set-up. In other words, to get the first bomb to go off and then to attract security personnel and then for the second one to go off. Do you confirm that?

MR McBRIDE: Yes, that's correct, yes.

MR MALL: Okay. Can you briefly explain how you would go about setting these limpet mines in a situation like this.

MR McBRIDE: Yes, Sir, it's just very simple. You have different lengths of timing set on it, in other words it's a thicker red plate. That exhibit my attorney showed me would indicate the different colours and how long it is. For example, the thicker the lead plate, the longer it takes for the high tensile steel wire to cut through it before detonation. So you would have, the thicker one takes longer, a thinner one goes quicker. And they are colour coded and the

colours are then directly related to the time limits, time ranges. Like yellow, I think it's between 5 and 15, if I can remember correctly, green is between 20 and 30 and I think red is between 30 and 40, something like that. Minutes I'm talking about, yes.

MR MALL: The timing on these things isn't very accurate then?

MR McBRIDE: No, it's not.

MR MALL: Now when the first bomb went off at Chamberlain Road, the first limpet mine, where were you? Can you recall where you were?

MR McBRIDE: Yes, I can remember. I was in my father's workshop about 200 metres away from it. I had already dropped Gordon off, at I think his brother's place in Rosstown Road and I was back. I was working on a Ford Bakkie which ...(indistinct) was to go and fetch. The next day I had to leave. If you look at my passport that I handed in, the next day I had to leave to go and fetch more arms in Botswana.

MR MALL: And when the second limpet mine went off, where were you at that time, can you recall?

MR McBRIDE: Yes, I was at my home and what happened when the lights, the lights went out so I couldn't continue working, so I left immediately and went home. Because I was in the workshop when the lights went out, so I couldn't continue working on the bakkie. So I locked up and went home. When I got home there was - so it's a time from the workshop to my home which is less than a kilometre away, that was the time delay, time difference. Time to lock up and time to get home. That's it.

CHAIRPERSON: You drove home in ...(intervention)

MR McBRIDE: That's correct, yes. And it was about maybe five minutes after arriving at home and we stood in the, there's a park in front of our house where a lot of people were gathered after the first explosion, when the second one went off. I actually saw the second one going off.

MR MALL: You could see the second, you could see the transformers or the substation?

MR McBRIDE: No, I couldn't, I saw the flash. The flash and I heard the sound, the shock wave.

MR MALL: Do you recall or do you know where Gordon Webster was at the time when the second limpet mine went off?

MR McBRIDE: No, I don't know, but I dropped him off at his brother's house in Rosstown Road, which is about two kilometres from the Chamberlain Road substation.

MR MALL: Did you ever discuss shortly after this Chamberlain Road incident, the matter with Gordon Webster?

MR McBRIDE: Yes, we were - we didn't discuss it very much, we were quite shocked about it because it's the first time people had been badly injured. So even though it's a strange

contradiction, our intention was to kill people, military personnel, I mean Security Force personnel. We were not - we were quite shocked about it. It was the first time we had done it. At that stage Col Welman had not yet died, he was still badly burnt, but he was not expected to live. But we discussed it ja, afterwards.

MR MALL: Mr Chairman, if I may just digress and just to add some light on this. My instructions from my clients are that, from one of my clients, Mr Dunn, who was employed by the Electricity Department, was that him, Col Welman and Sgt van der Merwe were in the ambulance waiting to be taken away and there was this gentleman who came up to the ambulance driver and asked who the first person was and this gentleman was informed by the ambulance driver that that was a policeman, it was Col Welman. He then asked who the next gentleman was and he informed him that that was another policeman, that was Sgt van der Merwe, and when he asked who the third gentleman was he said well he was a person who worked for the Electricity Department, and Mr Webster went up to him and actually apologised to him in the ambulance at the time.

MR McBRIDE: No, that's highly unlikely, highly unlikely. The method of operation which we were trained about and it was drummed into us "You must retreat and move and get out the area".

MR MALL: Mr Dunn recalls, he remembers this gentleman clearly because when he appeared at Webster's trial, he recognised Webster in the dock as the person that had come to the ambulance and said sorry to him.

MR McBRIDE: Well I cannot comment on that, I think it would be highly unlikely. I would imagine it would have been a journalist asking those questions.

MR MALL: I see. In any of these bomb blasts, especially the ones like Chamberlain Road, were any journalists or newspaper people, that you might have had contact with, were they ever informed that things like this would happen?

MR McBRIDE: No, Sir. Never.

MR MALL: You were aware that there were journalists that appeared on the scene shortly after the Chamberlain Road bomb blast.

MR McBRIDE: If I can remember correctly, there was a photograph of one of the victims with their clothes alight.

MR MALL: I have that photograph, which I've been requested by my client, Mr van der Merwe, to show you. It's a photograph that appeared on the front page of the City Press on the 12th of January. I don't know if you've seen this photograph. May I ...(intervention)

CHAIRPERSON: 12th of January of which year is that?

MR MALL: 12th of January 1986. It was ...(indistinct) days after the incident. The photograph, the caption under it reads -

"Police Sergeant Rudolph van der Merwe, his clothes ablaze, staggers from the Wentworth Electricity substation, after the second limpet mine exploded on Thursday night."

There's a photograph of Mr van der Merwe alight.

CHAIRPERSON: Thank you.

MR McBRIDE: Yes, I see it.

CHAIRPERSON: Just before you proceed, Mr Mall, if I could just ask Mr McBride.

This Chamberlain Road Electrical substation, is it in a built up area, Mr McBride, or is it on a patch of veld. Could you just describe the area in which the substation, well the area as it was at that time. Is it residential, business, open ground, whatever?

MR McBRIDE: It's on the border between an industrial area and a residential area. The closest factory to it is about 50m away, probably even less. There's one across, I think it was - I don't know what it's called now, it used to be old motor assemblies. The nearest house is about 100m away.

CHAIRPERSON: Thank you. Mr Mall?

MR MALL: Mr McBride, did you ever enquire personally about the people that had been injured in the blast?

MR McBRIDE: No, never.

MR MALL: You never enquired?

MR McBRIDE: Never.

MR MALL: Even though two of the people that were injured were civilians, employees of the Durban City Council?

MR McBRIDE: I don't want to be argumentative. I didn't enquire, but I don't know if they were all civilians and I don't know if someone who works in the City Council there are civilians, because they had their own security unit, which was I think involved at one stage in the operation against the comrades who retreated from doing the operation on a mobile, the Engen refinery. They were involved also in killing the comrades. So I can't say if they were civilians because they worked for the City Council. They were armed, some of them.

MR MALL: We've heard from you and your legal representative this morning that yesterday you met with the, I think it's the Buthelezi family, where you apologised on a personal level directly to the family. Mr van der Merwe and Mr Zimmerman are here today, Mr Dunn unfortunately is not here, he's away in Johannesburg on business, but would you adopt the same attitude to my two clients today, would you be in a position on a personal level to apologise to them?

MR McBRIDE: Yes, I have no problem, absolutely, with that.

MR MALL: Mr Chairman, I'm not too sure if this would be an appropriate time. Both my clients have indicated that they would be willing to meet Mr McBride on a personal level.

CHAIRPERSON: Well certainly we as a Committee, would encourage that, we find it a very gratifying and satisfactory situation when those sort of meetings take place.

MR MALL: Thank you, Mr Chairman. Could I call Mr van der Merwe and Mr Zimmerman, could they please come up?

CHAIRPERSON: Do you want to do that now or do you want that they can meet ... (intervention)

MR MALL: I don't have any further questions for Mr McBride ...

CHAIRPERSON: ... meet at the tea break, do you think.

MR MALL: ... or possibly during the break then.

CHAIRPERSON: I think if they could meet during the tea break, if that would satisfy them.

MR MALL: Fine. Sorry, I don't have any further questions for Mr McBride.

NO FURTHER QUESTIONS BY MR MALL

CHAIRPERSON: Just on this photograph, Mr McBride, the photo shows, it's not very distinct, but it shows Sgt van der Merwe with his clothes ablaze, apparently staggering out of the substation. You would agree that photograph must have been taken, the photographer must have been on the scene or passing it just by coincident, or would there be any reason - that's why I ask the question, was there restaurants around there or places where people would be at that time of night, with their camera, to catch a photo like that, or would it just be pure coincidence?

MR McBRIDE: No, Sir, I don't want to speculate, there's no restaurant there, no areas immediately close to it that people are attracted to. There is a - on Saturday nights there's a - to the improvement project, it was like a youth project, it's about 400m to 500m away from there. They have discos sometimes, but - what I can say is that some journalists were linked up with police and would be taken out when situations occur. Some journalists had scanners where they would scan illegally the police radio signals to be first to get a scoop.

CHAIRPERSON: Yes, thank you. Mr Richard, you may put questions now.

CROSS-EXAMINATION BY MR RICHARD: Thank you, Chair.

Mr McBride, let's start with one of the easier questions so that I can get this bundle away from me. In his judgment at the end of your trial, Lord Justice Sherrer at page 1906, made a finding concerning Mr Lecordier. Comment there made was -

"Generally Lecordier is unsatisfactory about his association with this affair. He is a far from benign character. Even on his

own account he wanted a gun to rob a bank. He was in the terrorism game for money."

Now was a correct finding or not?

MR McBRIDE: I think you're asking a number of questions at once, could you just ask me one at a time.

MR RICHARD: Well, I've read the finding, the statement, if you analyse it, it starts off -

"Generally Lecordier is unsatisfactory about his association with this affair."

That's the statement.

"He is far from a benign character. Even on his own account he wanted to rob a bank."

Did he want a gun to rob a bank?

MR McBRIDE: Not that I'm aware of.

MR RICHARD: As I said, I leave the question and will return to that bundle later. Now ... (intervention)

MR McBRIDE: Just to add, he never asked me for a gun to rob a bank and if - just to add onto what you are asking, one of the questions you've asked an answer now, is that he participated in the burning of Fairvale School as a political act long before he was recruited into MK, or his involvement in the Why Not, almost a year even. So as far as I know, I know Matthew Lecordier as a political activist.

MR RICHARD: But you do not recall anything where a judge could make a statement -

"Even on his own account he wanted a gun to rob a bank."

You don't remember anything like that in the trial?

MR McBRIDE: No, I didn't say that, I didn't say that I didn't remember from the trial, I said I personally don't remember that.

CHAIRPERSON: From what Mr Richard has read out from that extract is that the judge found that -

"He was in the terrorism game for money"

MR McBRIDE: That's a different questions, that's a third question, Mr Richard. The answer is no, I know him as a political activist committed, perhaps overzealous, but committed. And you'll have to ask Mr Lecordier about that, because I think the evidence came from him. As to who put that into his head, that's another question.

JUDGE PILLAY: Do you know where that evidence came from?

MR McBRIDE: If I remember correctly, Sir, it comes from Mr Lecordier himself.

MR RICHARD: Now you said you remembered Mr Lecordier as an activist before he was recruited. Let's go back to those days. When did you first join the ANC?

MR McBRIDE: Well it depends. We regarded ourselves as joining the ANC when we started assisting the ANC, that would be 1984/'85.

MR RICHARD: I beg your pardon, there was a ...(indistinct), I didn't hear? During what year, 198?

MR McBRIDE: 1984.

MR RICHARD: '84. How old were you then?

MR McBRIDE: '84, I think I was 20/21.

MR RICHARD: Now what persuaded you to start assisting the movement?

MR McBRIDE: Sir, I mean I think all of us in here, in this place, know what persuaded us to fight against oppression. I mean one doesn't have to be a rocket scientist. Excuse my language. I gave you - from the beginning when I read out my statement, I explained to you that I was an oppressed person and that his the reason why I wanted to help the movement, to overthrow racist supremacy in the country.

MR RICHARD: So you volunteered?

MR McBRIDE: Very much so.

MR RICHARD: Now in what way did you start participating to support?

MR McBRIDE: I was approached by guys at Alan Taylor's residence. I was involved in Cosas at that time, giving out pamphlets. We tried to put together an organisation together with one of the guys, he's sitting there, Marson Sharpley, called Congress of ...(indistinct) Organised Students and the people recognised that we were activists, they approached us to distribute pamphlets. That was my first political work for the ANC, of which I'm proud.

MR RICHARD: Now who approached you to distribute pamphlets?

MR McBRIDE: A guy called Bongani.

MR RICHARD: And from what organisation was he?

MR McBRIDE: He was from ANC, from MK. He was one of those who died in the premature explosion a few months later at the whites only election polling station.

JUDGE PILLAY: Mr Richard, is it eventually going to be a proposition that the witness is not a member of the ANC?

MR RICHARD: My next question is ...(intervention)

JUDGE PILLAY: Mr Richard, I asked a question.

MR RICHARD: My answer to the question is, my next proposition is ex the record at some point you started forming your own cell, own unit.

MR McBRIDE: That's correct, yes.

MR RICHARD: Now I'm not suggesting he was not a member of the ANC, that's not ...(intervention)

JUDGE PILLAY: I've got no quarrel with your question or with your proposition, I'm just trying to follow your questioning in questioning his credentials. But carry on then if that is your attitude.

MR RICHARD: Now from the time period that you assisted the MK in distributing pamphlets, to the time that you started forming your own cell, how long was that?

MR McBRIDE: I can't remember. That's why I say between '84 and '85. I can remember the first approach was in '84, and it was some time after Gordon had left the country. That's how I remember it.

CHAIRPERSON: Be a question of months.

MR McBRIDE: Between when and when, Sir, I'm sorry.

CHAIRPERSON: Between the time that you started just helping and the time that you started forming your own unit.

MR McBRIDE: Yes, yes, that is correct.

MR RICHARD: And during the period that you were, as you described it, forming your own unit, the Fairvale School arson incident happened.

MR McBRIDE: That's correct. I just want to elaborate so there's no misunderstanding. The unit was formed as per instructions by the ANC in it's pamphlets and on Radio Freedom, which we listened to regularly. So it was as per instruction of the ANC to all patriots, or those who regarded themselves as patriots. And the answer to the other question is yes.

MR RICHARD: Now you mentioned that Mr Gordon Webster was overseas. Now when did he come back?

MR McBRIDE: My recollection is either end of September, end of September/beginning of October.

MR RICHARD: Now when he came back, did you know where he had been?

MR McBRIDE: I knew before he came back where he had been. He told me the day he left where he's going. We were supposed to have left together initially.

MR RICHARD: Thank you, it saves a number of questions. Now when he came back, that was the event that led you to become a member of the Special Operations group and MK.

MR McBRIDE: Yes.

MR RICHARD: Now did you approach him to join them or did he, or did you just discuss and decide?

MR McBRIDE: My understanding is he immediately came to Durban. The first day he came to me. He left a message for my sister to phone. He left a message and number to phone and the number was, I think it was his brother's place. So yes, he came to me.

MR RICHARD: Now at that stage were you familiar with the aims and objectives of the ANC and had been educated and instructed in its policies, by the time that Mr Webster came back and you joined MK?

MR McBRIDE: There was a measure of education that I received in an uncoordinated, unorganised way, and from ANC documentation, from Radio Freedom, and that's how I learnt it. The ANC of course, if you remember, was banned and could not really teach us here in the country.

MR RICHARD: Now in accordance with the cell structure and method of operation?

MR McBRIDE: Yes, the ANC gave instructions in its documentation about that.

MR RICHARD: And now that Mr Webster was back he instructed you?

MR McBRIDE: That's correct, yes.

MR RICHARD: Now what did he instruct you in?

MR McBRIDE: I can't remember everything in detail now, but it was from when the ANC started, it's various leaders, the policies of the ANC, the change in policy, the move towards armed struggle, there were aspects of socialism and the situation globally in the world, weapons, use of weapons, explosives, military combat work, MCW, secrecy, how to go to meetings, making alternative meetings, how to pick up if someone is following you, detect if someone is following you, how to follow other people, stuff like that.

MR RICHARD: Now shortly after his return, it's correct that you started a number of - you went on one of the first trips to Botswana, is that not correct?

MR McBRIDE: That's correct.

MR RICHARD: Thank you. Now in all, how many trips to Botswana did you make?

MR McBRIDE: I think in total about seven.

MR RICHARD: About seven. And that extended between the beginning of '85 and June '85 - sorry, '86, not '85. I mixed up the years.

MR McBRIDE: The end of '85 until the middle of '86.

MR RICHARD: Now what was the longest period that you spent in Botswana?

MR McBRIDE: Two weeks I'd say.

MR RICHARD: Now while you were in Botswana, what additional training did you receive?

MR McBRIDE: It would cover mainly the same things again, but I would have now, I would be able to see - if I can use a crude expression, the teaching aids more directly. I had them in my hands, I could feel them, I could put them together. I'm talking about on weaponry. On politics there was more documentation in which I was - easier access to documentation, more recent documentation, documentation of other liberation movements also. So I was taught on the whole really in a more, I won't say narrow-minded way, but more a broader sense of political developments on the continent.

MR RICHARD: And as you said in your evidence-in-chief, you had left your studies at the Bechet(?) Teacher's Training College and dedicated yourself full-time to the struggle.

MR McBRIDE: That's right, yes.

MR RICHARD: Now during the process of this training, what was said of Kabwe, the Kabwe Conference? It had happened quite recently.

MR McBRIDE: That's correct, yes.

MR RICHARD: What was said of it?

MR McBRIDE: I beg your pardon?

MR RICHARD: What was said to you about the Kabwe Conference and what came out of it?

MR McBRIDE: I can't remember the exact words, but it was to the effect that for us who were combatants, the most important aspect or consequence of the Kabwe Conference, was the way we conducted operations and that was less restrained or less consideration for the possibility of civilians caught in the crossfire.

MR RICHARD: Now when you use the word "less", what is the relevance of the emphasis on the word "less"?

MR McBRIDE: Well the ANC was over-concerned, I would imagine at that stage, for there to be an effective armed struggle about the possibility of civilian casualties. And I think it was unrealistic at that stage for the movement to have continued in the way it was.

MR RICHARD: When you say "oversensitive", in what respect?

MR McBRIDE: Sorry?

MR RICHARD: When you said "oversensitive", in what respect.

MR McBRIDE: I'm not sure if I used "oversensitive".

CHAIRPERSON: It was over-concerned. He said "Before the ANC was over-concerned about civilian casualties and that became unrealistic".

MR RICHARD: I beg your pardon, over-concerned.

MR McBRIDE: Can you repeat your question, Sir.

MR RICHARD: What do you mean by "over-concerned", if that is the word you used.

MR McBRIDE: Well I think in our endeavour to always maintain moral high ground and to be always correct and 100% pure, we sometimes neglected to effect the struggle in a more realistic way.

MR RICHARD: And how would that now be carried into practice? What would the practical effect of that be?

MR McBRIDE: I think I've answered that already, Sir.

JUDGE PILLAY: Mr McBride, what did you mean or what was meant by the ANC being over-concerned, about what were they over-concerned?

MR McBRIDE: Well about the image in regards to civilians.

JUDGE PILLAY: That they took care not to injure or kill civilians?

MR McBRIDE: That's correct, Sir.

JUDGE PILLAY: In the operations prior to ...(intervention)

MR McBRIDE: Yes, undue care. I mean overly-concerned.

JUDGE PILLAY: Let's not debate whether it was undue or not.

MR McBRIDE: I'm sorry, Sir.

JUDGE PILLAY: The point of the matter is as I understand your evidence, they were concerned about civilian casualties prior to the Kabwe Conference.

MR McBRIDE: That's correct, Sir.

JUDGE PILLAY: Does that sort out your question, Mr Richard?

MR RICHARD: We've been through this evidence and I don't want to labour the point, so I'm just simply establishing that it speaks for itself.

JUDGE PILLAY: I'm pleased to hear.

MR RICHARD: Thank you, Judge.

When did you first meet Gordon Webster?

MR McBRIDE: Gordon Webster. I first met him in 1983, we were both in the same class at first year at Bechet.

MR RICHARD: And now when you say in various papers you frequented the Alan Taylor residence, what do you mean by frequented, what happened there?

MR McBRIDE: Political meetings, meetings with political activists. If you'll remember correctly that's the place where Steve Biko also stayed and medical students they would also give free health-care to the community of Wentworth, they'd also show us free movies. So we were always from - I think when I was about seven I would go there. And Alan Taylor's residence really was the hot bed of political activism in Natal, because you had black students from all over the country, political activists, living in Alan Taylor's residence. The cream of the crop of activism in the country.

MR RICHARD: Now we know from what you've said so far, that Mr Webster had been to a place outside the country for training and that he came back and trained you, and you went to Botswana for training. I'm now going to be specific. Were you trained in the use of mortars?

MR McBRIDE: I was given just at the theoretical training, what is involved, I didn't actually see a mortar.

MR RICHARD: Were you instructed in the use of rockets?

MR McBRIDE: Yes.

MR RICHARD: Were you instructed in the use of grenades that fired from rifles?

MR McBRIDE: No.

MR RICHARD: Now when it comes to detonating various explosives, what timing devices were you trained in the use of? What variety did they teach you?

MR McBRIDE: Electrical, thermal and mechanical.

MR RICHARD: And what would be an electrical one?

MR McBRIDE: One that is detonated by an electrical pulse being pushed through the wires.

MR RICHARD: And what would be a mechanical one?

MR McBRIDE: Like the ones that are used in the limpet mines, where you have a high tensile steel cutting through a lead plate and at the end of that you have a firing pin which strike the detonator.

MR RICHARD: And there was a third one.

MR McBRIDE: Thermal, which you'd light a fuse and it burns.

CHAIRPERSON: And would that come under electrical?

MR McBRIDE: That's correct, Sir.

MR RICHARD: Now so to speak were there supplies of all the various devices to be had?

MR McBRIDE: At different times there were different devices available.

MR RICHARD: And depending on what was available, you could take your preference or take ...(intervention)

MR McBRIDE: There was no, there wasn't a case of preference, you used what was available.

CHAIRPERSON: You wouldn't for instance let the people know that you're coming to Botswana in two weeks time and give some indication of what your requirements were, place an order as such?

MR McBRIDE: Sir, I'm not sure if I understand the question.

CHAIRPERSON: When you were going to collect weapons or explosives, was there any question about you placing an order, saying "Look this is what I want" and getting given to you what you had previously requested, or was it a question of going, seeing what's there and take from an existing stock, without actually placing an order.

MR McBRIDE: I can just, to answer your question, give an example. I once requested from comrade Rashid, were there silencers available for an AK and were there subsonic rounds available, so that we can take over, overrun a police place and he indicated to me it could be available, but we don't have it now, indicating it was not a priority from the command side that we use such equipment in an operation. So it wasn't a clear case of whatever you ask for you get, or whatever is available you use, it depended entirely on a number of aspects.

CHAIRPERSON: Mr Richard.

MR RICHARD: Thank you, Chair.

Now what distinguished in your mind, Special Operations from other MK units?

MR McBRIDE: Our targets would be more strategic and the effects would be more spectacular and we would be amongst the best.

MR RICHARD: Now you've said your targets would be more strategic, who was responsible for choosing those strategic targets?

MR McBRIDE: I'm not sure I understand your question.

MR RICHARD: Special Operations you said would be more strategic and amongst other things, more spectacular. Now when an operation was launched, a target would be chosen, selected. My question then is, who would select the target? Would it be somebody from above you or somebody on your level, the field level or would it vary?

MR McBRIDE: There is no clear rule on that. I think evidence has been explained about that already. For example, the attack on the terminal, oil terminal, where oil is pumped, crude oil is pumped in, it was a specific instruction coming from above, which was given to another unit. On other occasions the instruction is more general, sabotage transformers, power grid, like for example what was given to us. It depends, it depends on what the leadership thought was necessary what instructions were necessary to give. That's how I understood it.

MR RICHARD: Now did you ever need clearance from your level, that was as a subordinate to Mr Webster, for an operation?

MR McBRIDE: Again Sir, the answer is the same as the previous one, it depended on the situation, it depended on the needs.

MR RICHARD: Now within the hierarchy, would you have been classified as a Field Commander?

MR McBRIDE: I was classified initially as a courier and logistics person, because I moved weapons in and out and because of Naziem not turning up, I became a combatant. So ja, a Field Commander. We never used the word Field Commander, but Commander at a later stage yes, I was.

MR RICHARD: So that means, without analysing each of the particular incidents we discussed yesterday, clearly with regard to the various pylons and substations, transformers, that was within the scope of your ordinary mandate, there it was your choice as to how you went about your business?

MR McBRIDE: That's correct.

MR RICHARD: Now amongst those incidents that you listed yesterday, what incidents were not in that category?

MR McBRIDE: I'm not sure I understand your question.

MR RICHARD: There were various incidents that you told us about yesterday. Now I've taken the power grid, water pipes, oil tanks and put them into one basket and I've made the proposition, which I think you've agreed with, with regard to that group of targets, the target selection was yours.

MR McBRIDE: Is that a question?

MR RICHARD: I'm putting a proposition, do you disagree with it?

MR McBRIDE: Could you just repeat it please.

CHAIRPERSON: I think what ...(intervention)

MR McBRIDE: Can you refer to this, it might be helpful.

CHAIRPERSON: What I can understand from the question, correct me if I'm wrong, Mr Richard, you've said that with regard to the explosions at substations and pylons, the selection

of the target was within your discretion, that is the unit's discretion. Now what Mr Richard is asking you is, in respect of - if you take all the incidents for which you are applying for amnesty, that you described to us yesterday, did they all fall within that category? In other words, the target was in the discretion of the unit or the Commander, or were there any that fell out of that category, where you got an instruction from a different level?

MR McBRIDE: Just to answer. There's another angle to the question also. It's like for example, an instruction was given, car-bomb, military personnel, wherever they may be. That was different then to the - a completely different one now to the sabotage campaign, it's a different operation. But reconnoitring or choosing of targets, you'd do your reconnaissance, do your intelligence and you choose it, as per the instructions.

CHAIRPERSON: As per the general instruction as to what the target is?

MR McBRIDE: And a specific in that case.

CHAIRPERSON: Yes.

JUDGE PILLAY: Well then if that be the case, Mr McBride, of those offences for which you make application, which of those were targets that were decided upon by the hierarchy and which orders you carried out?

MR McBRIDE: If I can put it this way, the specific targets and their location, none of them were decided ...(intervention)

JUDGE PILLAY: By the hierarchy?

MR McBRIDE: By Rashid. No-one decided it, none of them.

JUDGE PILLAY: Does it then follow that you and/or Webster made those decisions?

MR McBRIDE: Yes, to a large extent, yes.

MR RICHARD: When you say "to a large extent, yes", what's the exception?

MR McBRIDE: It doesn't necessarily follow, Sir, that it's an exception. What I'm saying is that it's not a clear case of yes or no.

CHAIRPERSON: But I think for instance, what you told us yesterday, Mr McBride, did you personally have any say in the selection of, let's take the Klein incident target, or the Leaf incident target.

MR McBRIDE: No, but I could have had.

CHAIRPERSON: Yes, no, but I think that probably answers Mr Richard's question then.

MR McBRIDE: I could have said to them "Hit Klein". I could have said, I didn't say it in this case.

MR RICHARD: During the course of the various operations you consumed equipment. Did you ever have to explain to anyone, whether it was Mr Webster or Mr Ismail, what you had done with the equipment?

MR McBRIDE: As far as possible we reported and explained what we did with the equipment, yes.

MR RICHARD: Now within what I'm now going to term the Webster/McBride Unit, who was responsible for ensuring that policies were adhered to and practices complied with?

MR McBRIDE: Because we were volunteers and regard ourselves as patriots, it's expected of us to follow the policies. We would not have joined the ANC if we did not want to follow its policies.

JUDGE PILLAY: But who would be in a position to discipline any of your ...(intervention)

MR McBRIDE: The seniors, the Sub-Command or Rashid, the Commander.

JUDGE PILLAY: So those mechanisms existed?

MR McBRIDE: Yes.

MR RICHARD: How often did you meet with Mr Ismail during that period?

MR McBRIDE: I can't remember, about three or four times maybe.

MR RICHARD: What training did he give you?

MR McBRIDE: I can't remember specifically, but I know - I remember him on occasion giving me further advice being careful, about not being caught. He was concerned more that we should not be captured. I can remember he was like a bigger brother to us, concerned about us. Certain things to do, how to retreat from a place and so on.

MR RICHARD: Now yesterday you referred to a large number of publications. Did you read them at the time?

MR McBRIDE: Very much so.

MR RICHARD: What role did these publications play in your instruction?

MR McBRIDE: In instruction with regard to what?

MR RICHARD: Education.

MR McBRIDE: In which particular aspects?

MR RICHARD: Policy and philosophy of the ANC, thoughts.

MR McBRIDE: Well it played a part. It also played a part in theoretical training. They would explain to you how to make booby-traps and how out of household material, how to do sabotage from things easily available, would be in some of them. So it's both.

MR RICHARD: You asked me a little earlier to be specific about referring to the events. If we take paragraphs 1, 3, 4, 5, 6, 7, 8, 12, 14, 15 and 17 of Exhibit G, is there a common denominator in them?

MR McBRIDE: Sir, you're going a bit too fast.

MR RICHARD: Okay.

MR McBRIDE: I mean, go slowly on that you know.

MR RICHARD: 1, that's the Fairvale Secondary School.

MR McBRIDE: Right.

MR RICHARD: 3, that's the Cato Manor substation.

MR McBRIDE: Yes.

MR RICHARD: 4, the Wentworth substation.

MR McBRIDE: Okay.

MR RICHARD: 5, the Huntley Hill substation. 6, the Carrington Heights pylon. 7, the water pipe near the lion park. 8, the second Chamberlain Road, Austerville(?) substation. And then we skip principle Leaf's and Mr Klein's and Edendale ...(intervention)

JUDGE PILLAY: What numbers would those be, Mr Richard?

MR RICHARD: 9, is the Leaf incident, 10 is Mr Klein, 11 is Edendale Hospital. Then we go to 12, which is the Pine Parkade. That's put in the same grouping as I've said, what is the common denominator between them all. Then we skip number 13, that's the Magoo/Why Not Parade Hotel and then we go to 14, that's the Umlaas Mobile Oil pipeline. 15 is the mini-limpet explosion at Vegetable Oil tanker, and then we skip the Copper Shop and go to 17, and that's the water pipeline. Now is there a common denominator between those that I've put in that group?

MR McBRIDE: I don't know, I'm so confused now I have numbers that should be included, numbers that don't and a lot of statements.

CHAIRPERSON: The numbers included, perhaps if you can take a pencil ...(intervention)

MR McBRIDE: I'm busy, Sir.

CHAIRPERSON: Okay. That I've recorded is 1, 3, 4, 5, 6, 7, 8, 12, 14, 15 and 17. Now the question is, of those incidents, as listed in Exhibit G, is there a common denominator between ...(intervention)

MR RICHARD: Common thread.

MR McBRIDE: You know, Sir, I can say it's an MK operation, it's a common denominator in all of them. The explosives are used. I can you know ...(intervention)

CHAIRPERSON: Perhaps if you can be more specific, Mr Richard ...(intervention)

MR RICHARD: Alright.

MR McBRIDE: As me a question, I'll answer it.

CHAIRPERSON: ... because what Mr McBride is saying is correct. One can always find a common denominator.

MR RICHARD: Alright, now we'll go through to number 1. It was an arson attack on a government building.

MR McBRIDE: Yes, Sir.

MR RICHARD: In your opinion, was that a legitimate target or not?

MR McBRIDE: In terms of the instructions from the ANC and in terms of the insurrection taking place, very much so.

MR RICHARD: Then next one which I skip, you can see the supplying of weapons to yourself fits into another type of activity. But we go to number 3, the attempted sabotage of Cato Manor substation. Now what was the nature of that particular event, in your opinion? A legitimate target and if so, why?

MR McBRIDE: Just to answer your question, there's nothing here that was not a legitimate target, in this whole thing right up till the end. To answer your question in short. None of them are illegitimate targets, they are legitimate targets, all of them.

MR RICHARD: I'm not asking you whether they're legitimate or not, I'm asking you whether ...(intervention)

MR McBRIDE: Sir, you are asking me at each stage, is this a legitimate target and I'm saying yes or no.

MR RICHARD: I'm saying that in each case there was the use of fire, the use of a bomb and indeed I will make the submission at the end that in that group of attacks, other than to comment that they are within the bounds and parameters of policy, orders, practices, there's more remarkable about them.

MR DEHAL: Mr Chairperson, may I come in at this stage. My difficulty and objection is the following. I envisaged that there would be this problem in the cross-examination of Mr McBride. Mr Richard has traversed the entire document, Exhibit G, but for the exclusion of a few items. His cross-examining on items where in many cases there are no victims. I don't know who's instructing him in that regard. Then he deals with the Chamberlain incident and Chamberlain here is item 8 and he's included that within the purview of the items he seeks to

rely upon. Mr Mall represents the victims there, but he seeks to question on those as well. Herein lies the difficulty Mr McBride and I have in regard to who he represents, where is that list. Otherwise we are going to go on a fishing expedition and we're going to be sitting here for a long time. Relevance comes into play as well. Thank you.

MR RICHARD: I do not believe in reply to Mr Dehal's proposition, that saying that the various attacks fit into different categories. And working to the proposition that there is a particularly aberrant category, which is Magoo's/Why Not parade and then to say that when we speak of the act of supplying weapons, whether it was to his own unit or to people on the East Rand, that is a different category, that's all I'm saying.

CHAIRPERSON: I'll allow the question, Mr Richard, but wouldn't it be better rather just to put what you're saying to Mr McBride, than put a whole lot of questions and then we just end up being confused as we were now.

MR McBRIDE: Sir, I will answer directly, I give you my word. I will answer directly, whatever you ask me directly I will answer. I won't mess about with it.

MR RICHARD: Now you heard my proposition, that in that grouping, that cluster of events that I've referred to as group 1, do you understand where I see a particular pattern, a grouping of them? In other words, I can put them in a particular file where a particular type of thing, whether it be a pylon, a substation or a school, was attacked legitimately, according to the policies. That's my ...(intervention)

CHAIRPERSON: They would fall under the group of economic or propaganda attacks.

MR McBRIDE: You haven't asked me a question yet, Sir.

MR RICHARD: Do they fall into a group is my question.

MR McBRIDE: Where they have fallen into different groups, I have explained in my evidence-in-chief, it's there in Exhibit G.

MR RICHARD: Now when I say the two other acts that I'd listed, and that is the supplying of weapons to SDUs or to your own unit, they form a different classification of acts. I'm also saying legitimate.

MR McBRIDE: Well they are not involved in targets at that stage, it logistical. But in terms of the laws in the country then and probably now also, you can't take illegal weapons and give them out, it's an offence. That's why I'm applying for amnesty for them. But they are not a target, there's just a transfer of weapons from the ANC to the units.

MR RICHARD: And then if one is to classify a particular event, and that is the Edendale Hospital one, that's sue generous, it's in a category of its own, it's an escape. It's as I put as a proposition to Mr Ismail, where soldiers utilised their privilege of trying to escape.

MR McBRIDE: Well I would say it wasn't exactly a privilege, Sir.

MR RICHARD: But it's in a group of its own.

MR McBRIDE: Yes, it can be put in another group, yes.

MR RICHARD: Because then with regard to Edendale, I would say that as per my instructions per the Buthelezi family yesterday ...(intervention)

MR McBRIDE: I'm sorry, Sir, can I just get clarity here, whether Mr Richard acts on behalf of the Buthelezis, because the Buthelezis told me personally they are not opposing my application.

CHAIRPERSON: But I think Mr Richard did put it on record that he appears for the Buthelezi family at the start.

MR RICHARD: I did and in fact I consulted with Mrs Buthelezi. I've chosen not to take exception to the fact that they were approached without me being notified, consulted with, I'll leave that, I'm happy with what the instructions are.

MR DEHAL: Sorry, Mr Chairperson, again this is a relative attack, what the design is I do not know. They were not consulted with. Mrs Buthelezi, or the Buthelezi family sought to reconcile and chose to meet with Mr Ismail and Mr McBride ...(intervention)

CHAIRPERSON: Yes, no, we accept that, Mr Dehal and I can assure you we don't take the view that there was anything underhand or sinister or unprofessional involved in the meeting with Mr McBride and the Buthelezi family.

MR RICHARD: I'm not making that point.

CHAIRPERSON: All we're saying is that Mr Richard did put it on record at the start that he does appear for the Buthelezi family.

MR DEHAL: Well that as well I have some problems with, Sir. Mr McBride is saying that when he spoke to the Buthelezi family they said they were not opposing his application. It has come to my ear from various sources - sorry, perhaps I should place this on record, that the Buthelezi family had not spoken to Mr Richard, except yesterday and they have no difficulty with the application. So I don't know what the basis of the opposition is.

CHAIRPERSON: Well as I say let's hear from Mr Richard on that. I don't know.

MR RICHARD: That's not quite correct, I remember having a lengthy conversation with Sister Buthelezi over the telephone, but that is within the meaning of the word privilege. Yesterday I did consult with her and if I were allowed to finish what I'm saying, I don't believe the interchange would be necessary. Their issue in past was as was correctly recorded earlier, who shot the young Buthelezi. That doubt has now been removed and the outcome has been recorded this morning and that means the Buthelezi family's needs in the situation have been catered for. I have no problem with that, in fact it would be strange if I did. The other person in the Edendale Hospital event, and that's Mr Visagie, was here a few days ago and is available to return should the need arise.

Now when we deal with this separate group of, or this class of 1 should I say, the Edendale Hospital, what I'm going to say to you is that there are certain things that Mr Visagie wants

me to either pursue or not pursue and it depends on the answers to the questions that I'm going to put to you.

Now his opposition turns on whether you claim he ever shot you or not. He says he did not. The other thing he says, to continue his instructions, do you dispute his version that shots were fired in the passage, that he could not see what was going on in the passage from where he was ...(intervention)

MR DEHAL: Sorry, Mr Chairperson, I didn't intend to interrupt. Mr Richard has asked two questions already and I think ...(intervention)

CHAIRPERSON: I think, Mr Richard, instead of having long statements, if you could just keep the questions shorter because that will prevent at the end of a long statement, then having to go back and breaking it up into compartments. The first one was, according to your instructions Mr Visagie says he did not shoot you, he says that - well, perhaps you can leave it there and get a comment and then take it in stages. It will be easier.

MR RICHARD: The point that I'm coming to is that provided these matters are cleared up and his credibility is not impinged, he's more than happy to say he accepts that the incident is over and done with and he withdraws his opinions regarding it and reconciles. And that's why I was trying to compress it.

MR McBRIDE: Sir, maybe I can help here. Sorry to intervene. I never said at any stage that Visagie fired at me and struck me, I said he fired at me. So there might be a difference there. He missed me.

MR RICHARD: So you do allege that he fired a shot at you.

MR McBRIDE: I'm not even sure if it's only one. I remember one. I remember turning - I remember hearing the bang, turning around and looking at him and I still remember the cartridge that had been ejected, still sort of above his face, next to his face. That's how quick it was.

MR RICHARD: Do you dispute his version that shots were fired in the passage and that from where he was at that time, he could not see what was going on in the passage?

MR McBRIDE: I eluded to it in my Exhibit G. I fired shots, at least two bursts in the passage and it's possible that in my second burst, the shots I fired killed Mlungisi Buthelezi and injured Siphwe Shange and Nkosinati Nkabinde. I said that in Exhibit G. And Visagie was in the ward, he could not have seen what was in the passage, unless Visagie was in the passage and then ran into the ward.

MR RICHARD: Do you dispute his version that he was not in the passage?

MR McBRIDE: I'm not in the position to dispute it, I can't remember him.

MR RICHARD: He then proceeds to say that when you came within each other's sight, he did reach for his weapon but was shot in his arm before he was able to reach it.

MR McBRIDE: Then he's talking nonsense.

MR RICHARD: And then we have ...(intervention)

MR McBRIDE: Sir, I can just add on here since we're dealing with credibility and people's versions, he's there to guard Webster, that's his job, armed guard, a dangerous terrorist. That's his job. He hears shots in the passage, he doesn't take his gun out, that is crazy. He shouldn't be guarding us then. He fired at me. And even if his gun was not drawn I would still have fired at him. Just to answer your question. He was my enemy.

MR RICHARD: I tried to compress the proposition into a proposition to discover whether there was a dispute or not. There is a dispute. So that means the final statement that I would have liked to have been able to say is that does then still remain an issue. But we were categorising various events. I think I've made my point that the Edendale Hospital event is in a category of its own.

CHAIRPERSON: Would this be a convenient time to take the tea adjournment, Mr Richard? I see it's five past eleven. We'll take the short tea adjournment at this stage.

COMMITTEE ADJOURNS

ON RESUMPTION

ROBERT JOHN McBRIDE: (s.u.o.)

CROSS-EXAMINATION BY MR RICHARD: (cont)

Thank you, Chair.

Mr McBride, what we've established now goes this way. That with respect to the Edendale Hospital escape, is a dispute of fact that we can't resolve in a short quick and easy manner. We will return to that point later.

Then with regard to the first category of events that I've posed to you, those items I read out, do you agree that with respect to that category infrastructural things were attacked?

MR McBRIDE: If it refers to those where there was no attack directed at enemy personnel, then I'd agree with you.

MR RICHARD: The principal objective was to attack an infrastructural thing. Now the next thing you've alluded to is that in some of them there was an element of a booby-trap or a come-on bomb, but it was nonetheless associated with an infrastructural thing.

MR McBRIDE: I cannot agree with you.

MR RICHARD: Where do you disagree with me?

MR McBRIDE: Well it's got two objectives, it doesn't fall particularly into any category. The one is infrastructural damage, the intention sabotage, but also the intention is to injure or kill members of the Security Force investigating there. That's it. And I explained it in Exhibit G, exactly like that.

MR RICHARD: Now you've alluded to two common denominators in your opinion, which join them as a group.

MR McBRIDE: I never alluded to common denominators.

CHAIRPERSON: Yes, and I don't think what Mr McBride said that there were two. If he put - like one of them was limpet mine, where there was no objective to get personnel or people, it was purely to damage the infrastructure. But whether it was one or two, I mean we know what you're getting at, we don't have to spend too much time on it.

MR RICHARD: Right. Then there was the second group and that the supply of weapons, I believe that we've cleared that into a second group.

MR McBRIDE: I haven't agreed that they are groups. I wouldn't put them, I wouldn't categorise them like you are saying. So I mean, direct me to specific operations and I'll answer you directly.

MR RICHARD: Now the next thing that I would say, with respect to that list is, is it not correct to say that the targets were selected by the unit in terms of its instructions, but it did not have to refer to anyone outside the unit to choose which pylon or which substation to attack?

MR McBRIDE: Unless it so wished or needed someone else to assist.

MR RICHARD: It did not need to.

MR McBRIDE: That's correct, yes.

MR RICHARD: Thank you. Now then we know that in the case of the Edendale escape, you notified Botswana that you were about to do it, is that not correct?

MR McBRIDE: That's correct, yes.

MR RICHARD: Was that to get permission to do the escape or just to keep them informed of what you were doing?

MR McBRIDE: It was to keep them informed and I wasn't sure that they had received the report about the situation. And furthermore, when I envisaged being successful, I didn't want to run into a vacuum on the other side because these guys worked 24 hours a day and they were not always in the same place at the same time. I needed a support structure when I brought the guy across.

MR RICHARD: So that leaves us with one - well, we'll finish the characteristics. When it came to the bringing of weaponry into South Africa, in the last two cases, that's the Self Defence Units and your own unit, that was also done within the ambit of your ordinary instructions, the ordinary arrangements.

MR McBRIDE: Let me explain this to you so that you can understand. The Self Defence Units, the ANC had suspended its armed struggle, negotiations were under way, there was, MK really was in barracks at that stage, it was after 1990, after the unbanning of the ANC,

after I came out of prison, separate from my Special Operations things. It was not an MK operation because MK was not supposed to have been giving weapons to people at that stage.

MR RICHARD: But in respect of that activity, yesterday if I understood it correctly, and correct me if I'm wrong, you went to your superior, that's Mr Ismail, discussed it with him, and I think Mr Kasrils as well you mentioned.

MR McBRIDE: That's correct.

MR RICHARD: And they gave you an instruction to proceed.

MR McBRIDE: Yes, that's correct, they also assisted me in proceeding.

MR RICHARD: Now then we come to the, what I'm going to term Parade Hotel, because it's the name of the building rather than any particular thing. In that case, if I understand your chronology, a decision had been made to utilise a car bomb. When was that idea first discussed?

MR McBRIDE: It was early in the year. And I referred to it because I only have one time landmark, if I can use it, before Easter. So it was at some stage earlier, Gordon was given the instructions. I'm not sure at what stage.

JUDGE PILLAY: I think Mr Richard, his answer to my question was about three to three-and-a-half months before the actual bomb was planted.

MR RICHARD: Now before we go into the story of the car bomb, I'm going to take you back to 1997. When did you decide to make application for amnesty?

MR McBRIDE: I can't remember the exact date, but it was at the stage where the ANC said we should be involved and when the Special Ops guys decided to get together, I can't remember the exact sequence of events, and to apply for amnesty because we were separated all over the country and we needed to pull people in wherever they were.

MR RICHARD: Now we've heard before that you received service of the subpoena to attend the Section 29 hearing investigation. Do you remember when about you got the summons?

MR McBRIDE: I can't remember, I think it was either - in '96, I think it was.

MR RICHARD: So you had indeed had the subpoena in your possession for a long time?

MR McBRIDE: I don't recall saying that.

MR RICHARD: I understood your answer to be to the question, "Do you recall when you received service of the subpoena?"

MR McBRIDE: And I said "No, I don't".

MR RICHARD: Was it a long time before or a short time before?

MR McBRIDE: Before what, Sir?

MR RICHARD: Before the hearing.

MR McBRIDE: I don't think it was a long time, I think it might have been about a month, three weeks, something like that.

MR RICHARD: Now did you take legal advice on the subpoena?

MR McBRIDE: I can't remember specifically, I think I spoke to Mr Currin about it, yes.

MR RICHARD: Did Mr Currin assist you in completing the form?

MR McBRIDE: I can't remember. We worked with Mr Currin with my wife. It was during the time we were getting organised to apply for amnesty. A lot of people helped.

MR RICHARD: Now what role did you play, if any, in preparing the African National Congress's 6 August 1996 statement to the Truth and Reconciliation Commission?

MR McBRIDE: I can't remember specifically, but at the stage before there was the - the statement was made, I met with Rashid and we then made notes which were then handed to the President of the ANC, at a meeting where they were compiling the presentation.

MR RICHARD: Now this document in the section numbered 6.2.4, entitled "Conduct of War and Civilian Casualties", has this excerpt -

"The much publicised case of a car bomb explosion at the Magoo's and Why Not bars on 14 June '86, provides another example of an operation in which civilians ..."

...(intervention)

MR McBRIDE: Sir, where are you reading from?

CHAIRPERSON: The submission to the TRC by the ANC, the August 1996 one, and it appears on page 58 and 59.

MR McBRIDE: Thank you.

CHAIRPERSON: Sorry, could you just identify the particular paragraph again, Mr Richard, whereabouts is it?

MR RICHARD: It's the paragraph which starts -

"The much publicised case of the car bomb explosion at the Magoo's and Why Not bars on ..."

It's page 60.

CHAIRPERSON: 60. Thank you. Yes, I have it, page 60, the second-last paragraph on the left-hand side of the page.

MR McBRIDE: Yes, I have that, Sir.

MR RICHARD: Now who provided the writers of that document with the information on which that paragraph is based?

MR McBRIDE: I can't say specifically who provided that. They had a lot of documents. They had documents from Rashid, from me, from other members of the unit. I don't - I was not there when it was compiled and put in this order. So you're asking me something I don't know.

MR RICHARD: But you had an input, didn't you? You said you ...(intervention)

MR McBRIDE: Yes, yes, I had an input. I was an operative, so I had some input in it.

MR RICHARD: And then by the time you came to complete your amnesty application, had you read and considered that statement and that submission?

MR McBRIDE: I can't remember referring to the submission when I was drawing up my amnesty statement.

MR RICHARD: My question was slightly different. By the time you came to complete the amnesty application form, had you read the ANC's submission that I've just referred you to? Were you aware of its contents?

MR McBRIDE: I hadn't read it, no I didn't read it.

MR RICHARD: Did you ever debate that paragraph or other paragraphs with anyone within the ANC?

MR McBRIDE: Can you just repeat that question, Sir.

MR RICHARD: Did you ever debate the paragraph I've referred you to ...(intervention)

MR McBRIDE: I could not have debated it, Sir, if I did not see it.

MR RICHARD: Did you debate it either before or afterwards, at any stage?

MR McBRIDE: Debate the paragraph?

MR RICHARD: Did you discuss it?

MR McBRIDE: Debate the paragraph, Sir?

MR RICHARD: Yes.

MR McBRIDE: I could not have debated the paragraph if I had not seen it.

MR RICHARD: When did you first see it?

MR McBRIDE: Well I think in all honesty, I've seen it now for the first time.

MR RICHARD: So then I make this as a proposition. By the time you came to complete your amnesty application, you had not read and considered that ...(intervention)

CHAIRPERSON: I think that's fairly obvious if he says he hasn't seen it until now.

MR RICHARD: I go to the next document in that series. It's a document which is entitled, according to the one that I have in my possession "ANC Questions, Questions already given to ANC, Requests for Clarification on Matter raised in the ANC Submission".

CHAIRPERSON: Sorry, Mr Richard, is it from the same submission?

MR RICHARD: It came into existence after this.

CHAIRPERSON: Do you think it's the - would it be contained in one of the supplementary ones?

MR RICHARD: The Truth and Reconciliation Commission requested further information.

CHAIRPERSON: Yes, so it's the Further Submissions?

MR RICHARD: Yes.

CHAIRPERSON: That's dated the 12th of May 1997.

MR RICHARD: That was the answer to the ...(intervention)

CHAIRPERSON: Do you have a page number or is yours different?

MR RICHARD: I have three documents, the August submission, the questions thereto and then the third one, the 12 May '97, the Further Submissions.

CHAIRPERSON: Now are you on that one?

MR RICHARD: No, I'm on the middle document.

CHAIRPERSON: The middle one.

MR RICHARD: I had assumed that everyone had it.

CHAIRPERSON: No, I don't. Anyway, carry on.

MR RICHARD: My question is very straightforward, are you aware that the ANC was requested for further particulars by the Truth Commission?

MR McBRIDE: I can't recall being aware of it, I just know a second submission was made. I wasn't - I mean I'd prepared my application at some stage and handed it in, it wasn't a sum-total of my life, the ANC's submission or my application.

MR RICHARD: Even if it spoke of you?

MR McBRIDE: Yeah, even if it spoke of me. I gave Rashid the information, Rashid gave the information to the President. What more do I need to do?

MR RICHARD: Now if we turn to page 180 of Exhibit C, page 4 and as indexed by someone subsequently, 180. It's page 4 of the typed record. There Mr Govender makes this statement -

"Just one concern, Mr Chairman, my learned friend referred to a statement that he's going to hand over to the Commission. Just to get clarity from my learned friend whether this is an amnesty application or a statement in response to the information we require in terms of our subpoena. Perhaps he can clarify that."

JUDGE PILLAY: Mr Richard, where are you reading now?

MR RICHARD: I'm reading from approximately line 21, page 4.

JUDGE PILLAY: Okay.

MR RICHARD: Now that is the question that Mr Govender put to Mr Currin. Do you know what document was being debated?

MR McBRIDE: If my memory serves me correctly there were two documents. One was an affidavit by Rashid and the other was an application for amnesty for that particular aspect at that stage. Because McNally had said, that's the former Attorney-General here in this province, he wants to prosecute those who are named by McBride in the hearing. And there was evidence of that in the Dirk Coetzee case, where they applied for amnesty and provided particulars and were prosecuted and convicted. So that's why the amnesty application was put in together, because it would have made it difficult then to, when information is elicited from me about Rashid, that they then charge Rashid, as McNally had indicated he wanted to do. Somewhere my lawyer has that statement from McNally.

So to answer your question, my recollection is there were two documents. One was an amnesty application which refers to, I think the issue your leading up to is the list of injured people and it refers to this court record, this orange one here, for the list of injured people in that document. And that is what we had expected to be handed in from the application.

MR RICHARD: So what we're missing at the moment is the statement that came with the amnesty application.

MR McBRIDE: No, we have that somewhere. We have it in one of the documents. It's an affidavit. I think it's in your bundle.

CHAIRPERSON: Perhaps if that could be identified because when one reads this section (c) that talks about an amnesty application together with some supporting statement, annexures, and they are not, if one takes a look in volume 1A, they're not attached to the amnesty application. So I think if they are in the bundle, if they could be positively identified at this stage.

MR BERGER: Chairperson, the affidavit by Mr Ismail is at pages 76 to 77 of bundle A1.

CHAIRPERSON: Thank you, Mr Berger.

MR DEHAL: Sorry, Mr Chairperson, it would appear as if that would not be the only annexure, because the application for amnesty by Mr McBride refers to other annexures within the content thereof.

CHAIRPERSON: So this one that has been referred to by Mr Berger now, would that have been one of the documents that was handed up at the Section 29 hearing?

MR McBRIDE: Yes, Sir, that's correct.

CHAIRPERSON: Thank you.

MR RICHARD: Indeed it is an affidavit dated the 19th of April 1997. So that document and the following pages were in addition to and separate from an amnesty application.

MR McBRIDE: Could you repeat that question, Sir.

MR RICHARD: That document, that affidavit, which is page 76 and 77 and then a statement which starts at page 78 and carries through to page 87 ...(intervention)

MR McBRIDE: If I recall correctly, there were two different statements, it's not the same thing, they were not together. I'm not sure if this one was included in there, I can't remember. But this one, the affidavit definitely was one of the documents handed in. It was an important document for me at that time, that's how I remember it. That was the first time when there was a different version placed as to the Why Not incident. All along I took the burden alone on my shoulders. That's why it's important to me and I remember it.

MR RICHARD: So when one reads Exhibit C, am I correct in saying that while it is clearly two different documents, there's the affidavit of the 19th of April 1997 and then the statement, both of them were at the Section 49 hearing?

MR DEHAL: It's 29 hearing. And I think what Mr McBride has indicated already, is different from the proposition now being put. Mr McBride said he remembers clearly page 76 and 77 as a part of the application, as an annexure, but he does not remember the subsequent pages, 78 onwards.

CHAIRPERSON: Yes, that's what I understood Mr McBride to say.

MR RICHARD: I stand corrected on that one.

Now ...(intervention)

MR BERGER: Chairperson, perhaps if we could just clarify. The document which starts at page 78 of bundle A1, Mr Ismail's affidavit, was prepared for the purposes of the hearing in Pretoria in relation to the Voortrekkerhoogte operation and other operations.

CHAIRPERSON: That would have been some time after the lodging of the amnesty applications.

MR BERGER: Indeed.

CHAIRPERSON: Thank you, Mr Berger. I think that makes it abundantly clear, Mr Richard.

MR RICHARD: Thank you. The statement 78 to 87 has no date on it to attach it to anything.

Now when you prepared for the hearing that started on the 21st of April ...(intervention)

CHAIRPERSON: Is it the Section 29 hearing?

MR RICHARD: Correct.

... in your mind, what did you think? Did you think that the record that would emanate from that hearing would come out in the amnesty hearing, or not?

MR McBRIDE: Could you repeat your question.

MR RICHARD: You were about to attend an investigative inquiry in terms of Section 29 of the Act constituting the Truth and Reconciliation Commission and the evidence would be received. Did you believe at that stage that the ensuing record, which is now Exhibit C, would be before you today?

MR McBRIDE: I don't think I applied my mind specifically to that aspect.

MR RICHARD: Now what did you think the purpose of the event on the 21st of April was going to be?

MR McBRIDE: They wanted to know who gave me instructions. It was clear that that was the intention. And if you look at the questioning they wanted to know what was the structure of Special Ops. And just to add, they could have asked that from the ANC leadership, gone to Rashid and asked him and he would have told them. That's why I was concerned. There was no need for this subpoena and stuff. It wasn't a major secret or anything. Rashid would tell them. That's all they wanted, it was the structure of MK, how it operated, how Special Ops and how MK and how instructions were given. That is all.

MR RICHARD: Now we go back to April of year '86. How often did you indeed go on reconnoitring exercises to examine what was feasible and unfeasible around the Marine Parade, whether it be Natal Command or elsewhere? MR McBRIDE: We did reconnaissance every day, 24 hours a day on all aspects. Specifically how much time was spent on Natal Command, I cannot say, but quite a lot. 24 hours, if we rode in the bus and we saw transformers somewhere we'd look at each other with our eyes and see it as a possible target. Wherever we went we looked for targets, 24 hours.

CHAIRPERSON: I think the question, Mr McBride, was relating to the Marine Parade area. Is that correct? The Marine Parade area, including the Natal Command.

MR McBRIDE: I can't give you a specific time, Sir. A lot of time.

MR RICHARD: Many times?

MR McBRIDE: Yes.

MR RICHARD: So whether it was before or after April that year, because you were there often, would you be able to describe to me what was to the North side of Natal Command at that time?

MR McBRIDE: They were building a freeway or some sorts.

MR RICHARD: That I would ...(intervention)

MR McBRIDE: Would North - I don't have my directions correct.

CHAIRPERSON: Think North would be, that's the side closest to Umhlanga Rocks.

MR McBRIDE: There was a bush, there was an undergrowth there, if I can remember correctly.

MR RICHARD: And then on the Western side, that's the inland side?

MR McBRIDE: They were building a freeway there, there was a lot of construction taking place there.

MR RICHARD: And on the Southern side?

MR McBRIDE: Southern side, Blue Waters Hotel. I'm remembering it because we were thinking of sending some stuff from the top of Blue Waters Hotel.

JUDGE PILLAY: Mr McBride, there's something that concerns me here. The evidence seems to be tending to suggest that when you had decided, or whoever decided that the Natal Command was not an opportune target, that it had been replaced by the Why Not bar. Is that the position, or was the Why Not bar a target, an independent target on its own?

MR McBRIDE: The instruction, Sir, was a car bomb and the Natal Command was reconnoitred for a car bomb. When this could not be done, the suggestion already - that's why I say before Easter, was then conveyed to the Sub-Command, that alternatives had been looked at already, but they involve a bar which is frequented by Security personnel.

JUDGE PILLAY: So as I understand you then, the Natal Command was your first choice?

MR McBRIDE: That's correct, yes.

MR RICHARD: Now you anticipated one of my questions by saying you were on the constant lookout for targets, whether for the car bomb or other.

MR McBRIDE: Yes, Sir.

MR RICHARD: Now had you been up to the top of Ridge Road, going from South to North? On the other side of the freeway towards the North there's that big block of flats on the corner of Ridge and Oakley.

MR McBRIDE: Ridge and Oakley doesn't ring a bell to me. It doesn't - as you're speaking it's of no significance to me.

MR RICHARD: Did you find on top of Ridge Road, a police radio facility?

MR McBRIDE: Yes, on Ridge Road. I can't remember the intersecting one. You are speaking here of Natal Command or the police facility?

MR RICHARD: I'm talking about - you drove around Durban now ...(intervention)

CHAIRPERSON: Is it the Flying Squad ...(intervention)

MR McBRIDE: That's correct, Sir.

CHAIRPERSON: ... on Ridge Road they've got the Flying Squad base there with radio masts etc.

MR McBRIDE: That's correct, yes.

MR RICHARD: You're familiar with that as a desirable landmark?

MR McBRIDE: Yes, Sir. I don't know what the roads are that go down, but I know it's on Ridge Road.

MR RICHARD: Now in that vicinity there's a tall multi-storey building which is a police barracks, had you identified that?

MR McBRIDE: I hadn't.

MR RICHARD: Now then if one continues along Ridge Road and turns right some way down the road and comes back towards town, are you aware that there were police barracks in and around CR Swart Police complex?

MR McBRIDE: There's one next to it, right next to it.

MR RICHARD: And then very nearby there's the Magistrate's Court.

MR McBRIDE: That's correct.

MR RICHARD: Now were any of those particular possibilities considered targets?

MR McBRIDE: You could not get into there, we looked at that, you could not get into it. I think at some later stage another operative tried and got arrested while he was doing that. You couldn't get in there and effect an escape properly after that. But it was looked at.

MR RICHARD: I'm not sure which "its" we're looking about, I ...(intervention)

MR McBRIDE: Both, all, the three places you mentioned, the Court itself, the CR Swart Square and the barracks where the people lived.

CHAIRPERSON: So you're saying they were at one stage considered but it was too difficult for a successful operation?

MR McBRIDE: Yes, for a car bomb, you couldn't. Yes, Sir.

MR RICHARD: Did you consider these potentials before Easter?

MR McBRIDE: Ja, we looked at them before Easter, like we looked at a lot of other places. In fact just to add on that, the following of the people from the barracks took place before Easter.

MR RICHARD: When was it decided between you and Mr Webster that the Natal Command wasn't really an option?

MR McBRIDE: Very, very early, very, very early, from after he received the operation. Because we had discussed the possibility of using mortars from the beach into there and there were questions of overshooting the target, it not being very effective because you cannot really see the target, there's a big hump in the way. Very, very early. We even looked at retreating on what it is, rubber, motorised rubber dinghies and none of us knew how to operate any of them or to launch it from the beach. So that was very early, very early in - it might have been contained in one of the communiqués I took over to the comrades to Botswana, on my second or third trip. There might have been a report on that.

MR RICHARD: Was it considered that it might have been possible to mortar attack it from that reasonably large patch of bush to the North?

MR McBRIDE: Is that the one which you pointed out to somebody the other day?

MR RICHARD: Yes.

MR McBRIDE: Well it was too close, and the bush, if you are sending the stuff up from the bush it might catch on some of the trees and it was also close. My understanding from mortars, the theoretical information I got, was that you required some distance because your trajectory is a parabola. So there must be some space on your x-axis.

MR RICHARD: And the Northern wall where cars could park?

MR McBRIDE: We might have discussed it, I can't remember specifically.

MR RICHARD: Now what was the essence of your decision that it was a waste of time to attack Natal Command?

MR McBRIDE: The one was you couldn't get cars closely, private cars and the second one was it's an open space. The effect of the car bomb is most felt when it's more of a built-up area, there is some kind of confinement.

MR RICHARD: Now during the process ...(intervention)

JUDGE PILLAY: What was the - when you went to fetch the material to build this car bomb, what was the intended target at that stage?

MR McBRIDE: The intended target was Why Not already at that stage.

JUDGE PILLAY: Can you give us an idea as to when Why Not was then established as the appropriate target?

MR McBRIDE: The decision was taken when I brought Gordon Webster across to, after he had been injured and I was told that "You must go ahead with this target, but prepare your car to receive the bombs and come and meet Rashid in the first week in June for formal instructions". At that stage it was decided to go ahead. - by the Sub-Command.

JUDGE PILLAY: Yes, Mr Richard.

MR RICHARD: Mr Webster if I remember correctly, without wasting time, was arrested on the 4th of June.

MR McBRIDE: No, you ...(intervention)

MR RICHARD: 4th of May, sorry.

MR McBRIDE: That's also wrong. It was round about the 27th of April. After we had split into two units.

MR RICHARD: And when you say the Sub-Command made the decision, which Sub-Command are you now talking of?

MR McBRIDE: My other co-applicants, preceding me and after Rashid. But at that stage when - Chris was arrested soon after I arrived with Gordon. So whilst he played an initial part, the final stages of discussions were held between Vic and Oupa.

MR RICHARD: That's Mr Pillay and Mr Mnisi?

MR McBRIDE: That's correct, yes.

MR RICHARD: Now the next question is, from your answer I gather - I'm asking you for your confirmation, that the decision had been made within that Sub-Command to by name attack the Why Not pub.

MR McBRIDE: That is incorrect and I've never ever stated that, that the name was given to anybody.

MR RICHARD: To attack a pub.

MR McBRIDE: That's correct. Frequented by Security personnel, or as Gordon Webster put it to them and to me "infested".

MR RICHARD: We're coming to that point. So that means who within the Sub-Command knew which pub?

MR McBRIDE: Nobody.

CHAIRPERSON: You must have known.

MR McBRIDE: I was not in the Sub-Command, Sir.

CHAIRPERSON: Okay.

MR RICHARD: So that means the identity of the target was secret to you.

MR McBRIDE: And Gordon Webster.

MR RICHARD: However, as from the date of his arrest what Mr Webster knew or didn't know ceased to be particularly relevant.

MR McBRIDE: Could you just repeat that.

MR RICHARD: As from the date of his arrest until his final redelivery to Botswana, he wasn't an active role-player in the process.

MR McBRIDE: No, he wasn't, he was injured.

MR RICHARD: And then shortly after his return to Botswana he was sent to Moscow for treatment.

MR McBRIDE: That's correct, yes.

MR RICHARD: So the next proposition is that as from the date of his arrest you were effectively the only person of relevance in the action who knew which target had been selected.

MR McBRIDE: That's correct, yes.

MR RICHARD: Now ...(intervention)

MR McBRIDE: Well just to add on, there were two targets at that stage, one which had been reconnoitred more than the other, according to my knowledge. The one was the Barn in Athlone and the other was the Why Not. We hadn't finalised on that one yet, on the one we had in mind. Because I remember Rashid speaking to me on the last occasion that I saw him, about the number of targets we had and I briefly explained some of the difficulties with them.

MR RICHARD: Well now, how many ...(intervention)

MR McBRIDE: So what I'm saying is I had in my mind Why Not because we had checked it already and Gordon had told me that it's infested with Security personnel, but there were also other targets.

MR RICHARD: What were the other targets?

MR McBRIDE: The one I'm speaking of now, the other one was ...(intervention)

CHAIRPERSON: It's called the Barn. Is that at the old Athlone Hotel?

MR McBRIDE: That's correct, yes.

JUDGE PILLAY: How would that have been a possible target?

MR McBRIDE: Because also police frequented that place.

MR RICHARD: Now we've got Natal Command, the Barn and Why Not, is that the list?

MR McBRIDE: As I can recall, yes, at that stage.

MR RICHARD: Now Mr Webster had come up with the statement "infested with Security personnel".

MR McBRIDE: Yes.

MR RICHARD: Do you know on what basis he formed that opinion?

MR McBRIDE: He conducted reconnaissance and came to that conclusion.

MR RICHARD: Do you know what reconnaissance he conducted?

MR McBRIDE: No, I don't know, he worked with his unit whilst he was doing that.

MR RICHARD: Would any member within his unit know what he had done?

MR McBRIDE: I'm sure a member would have known if they were working together.

MR RICHARD: Now you however didn't question his opinions.

MR McBRIDE: No, I didn't question him. He was thorough meticulous person and was committed to the struggle. Where I differed with him it would be on maybe tactics, then we would discuss it. That is all.

MR RICHARD: We know that the intention to use a car bomb came up in March/April, what was the delay between March and April and June in carrying out the plan?

MR McBRIDE: There was no delay, it was meant to commemorate the two things I've mentioned already, the Soweto massacres and the massacre in Gaborone a year previously. As far as I know there was no delay and that was the date.

MR RICHARD: So that means that while the identity of the target was yet to be selected as at March/April, the date was certain?

MR McBRIDE: Yes. Just to add on, I only left Botswana on the 11th, I arrived on the 12th and had to set it off by the 14th. It would have been more opportune to wait longer if the date was in doubt, but I had to work very hard to set it off on the 14th.

MR RICHARD: Now we know that post Mr Webster's arrest and yours, a considerable amount of weaponry was recovered, it's listed in the charge sheets amongst other places. Why was it necessary to go to Botswana to fetch additional equipment?

MR McBRIDE: I think you've just answered your own question, it was recovered and caught, so it wasn't there anymore.

MR RICHARD: Now from what was found, and I see in photographs, on your arrest, was there enough there to construct a bomb?

MR McBRIDE: A car bomb?

MR RICHARD: Yes.

MR McBRIDE: You can construct a car bomb out of fertiliser, but it's quite a lot of word because you have to ground it finely into powder. So it's really, it takes a lot of time. So you can make a car bomb as one of the co-applicants said, from gas bottles, you could do that also. But quite frankly, I'm not, I'm a bit paranoid about gas bottles.

MR RICHARD: I think his intimation was that by putting gas bottles into the bomb, one would increase the shrapnel and fire effect. Now ...(intervention)

MR BERGER: Chairperson, that wasn't the evidence, the gas has to do more with the sound of the explosion, it's got nothing to do with increasing shrapnel.

CHAIRPERSON: In any event, not much turns on it because the gas wasn't used.

MR RICHARD: Mr Dumakude used gas bottles and other car bombs, but that's another matter not relevant to us today.

MR McBRIDE: Just to elaborate on the answer, Sir. The SZ6s, as you can see from these pictures you showed me, they are very neat, they're easy to handle, easy to work with, there's not much required to secure them in there, they are very expedient for car bombs.

MR RICHARD: Thank you. Now were any other pubs examined besides the Barn and the Why Not?

MR McBRIDE: No, the information we had on those two were where Security personnel went to, because we were not - because of the peculiarities of South Africa we were not really in the white community so we couldn't pick up more information on other pubs. There may have been, but we didn't.

MR RICHARD: Now am I correct from my reading, that you in fact went to the building know as the Parade Hotel, where the Why Not is?

MR McBRIDE: When? Now or yesterday?

MR RICHARD: No, some time between March and June 1986, or maybe beforehand.

MR McBRIDE: Before. It took place before Easter and on one occasion I tried to enter after I left Webster in Botswana.

MR RICHARD: Now when you went up to the building, what did you see? Did you see one pub or three pubs or ...?

MR McBRIDE: The impression I got from getting there, because I was stopped by someone who told me it was full, was that there were two, it's the Why Not on the left, the Magoo's I could not remember very well seeing inside. You enter the passage and on your left, on the left was Why Not, on the right was Magoo's. I didn't look into Magoo's at all. I found out later that it's where they play live music, but at that stage I don't recall being able to see in there.

MR RICHARD: Now how far away from Why Not is Magoo's? It seems to sound as if it's the width of a ...(intervention)

MR McBRIDE: Width of a passage, ja. It's next door, it's in the same Parade Hotel building.

MR RICHARD: So they're adjoining, for all purposes.

MR McBRIDE: I'm sorry?

MR RICHARD: So the two establishments are adjoin each other.

MR McBRIDE: They're in the same building.

MR RICHARD: Thank you. Now at that time, I don't think you'll contradict me if I say to you as a proposition, you knew that the Marine Parade was a busy entertainment area on a Saturday night, frequented by many people.

MR McBRIDE: No, I won't contradict you on that. - including Security Force personnel.

MR RICHARD: Thank you for that, I had said many people.

MR McBRIDE: And I included Security Force personnel.

MR RICHARD: I'm not at this stage getting into the debate, but we'll go there. When you say the Marine Parade was frequented by Security personnel ...(intervention)

MR McBRIDE: Could you just repeat that question 'cause I don't remember saying that specifically.

MR RICHARD: I said you knew that the Marine Parade was a busy entertainment area, frequented by many people on a Saturday night. I didn't refer specifically to Magoo's or the Parade Hotel or Why Not.

MR McBRIDE: Thanks for that. Yes, that's correct.

MR RICHARD: And then you added on "frequented by Security personnel" as well.

MR McBRIDE: That's correct, yes.

MR RICHARD: Then we're not arguing with each other. Now in your evidence and in your documents you used the word "Security personnel" and "collaborator", what would you consider Security personnel to include? - the phrase.

MR McBRIDE: Security personnel. I think it's been alluded to on numerous occasions, all members of the Security Forces in or out of uniform, on duty or off duty. That's the instruction that was given to me.

MR RICHARD: Are you aware of what Citizen Force vs Permanent Force meant at that time?

MR McBRIDE: There was no distinction made to me in giving me the instruction about Citizen Force.

MR RICHARD: So when we look at it that way, if you looked at an equally balanced crowd of males and females of a hundred and 50% were male and under 35, who would be Security personnel?

MR McBRIDE: Well that's not the way I looked at it. From what I know and from what I've personally witnessed, was that we were looking at where the Security Force personnel go to, and in particular we looked at people who were living at CR Swart. We didn't look at who was in the bar.

MR RICHARD: You didn't look at who was in the bar.

MR McBRIDE: No, I couldn't get to see in the bar.

MR RICHARD: Now in Exhibit C you describe at page 18, approximately line 12 -

"I personally verified that policemen went into the place."

And the question -

"Well, did you go there personally to the bar?"

"Yes, I went personally to the bar beforehand to see that there were policemen there and so on."

And then you carry on to say -

"I went personally to the bar and a comment I heard at the door was, I was not allowed to go in when someone was leaving 'may the force be with you'"

Is that what you heard?

MR McBRIDE: That's correct, yes.

MR RICHARD: Now what did that mean to you?

MR McBRIDE: Well it meant to me that there were police there. I think I'd heard that statement before by police being used. My perception then was that was the way police great each other, there's comments about seeing movies and stuff. I didn't see that movie, I heard a

statement and I took that to mean there were police there. I for example never greeted anyone and said "May the force be with you".

MR RICHARD: Did you ever see the movie Star Wars?

MR McBRIDE: If you continue down with the evidence you're going now, you'll see there I didn't see the movie and I said so.

MR RICHARD: Because we now have you in a situation that you hear a comment, and I don't think you seriously dispute that the phrase "May the force be with you" comes from that movie ...(intervention)

MR McBRIDE: I'm not in a position to dispute it, it's there in the movie, they say it in the movie. That is fine, I didn't see the movie.

MR RICHARD: You don't get into the pub for whatever reason ...(intervention)

MR McBRIDE: Because it was full so they said.

MR RICHARD: And so that means indeed it's true to say that as a matter of fact you had no idea who was in the pub.

MR McBRIDE: Well that could be your perception, my perception was that police go there because I heard that comment and I associated it with the police.

MR RICHARD: Now we've spoken before of the Allan Taylor residence and you've said it was an active student meeting place where you had heard something about the place being a venue where policemen or Security personnel, as the case might be, congregate. What in fact did you hear there?

MR McBRIDE: I can't remember the exact words, the impression was gained over a long period.

MR RICHARD: Was it an impression gained from general conversation?

MR McBRIDE: Yes. And in connection with where can we find these people to attack them.

MR RICHARD: Now when you heard that information, did you make any effort whatsoever to ascertain why whoever was saying it had that opinion?

MR McBRIDE: I can't remember. Remember this is about '84 or '85, I can't remember.

MR RICHARD: During the period '84 or '85 you weren't yet a member of Special Operations.

MR McBRIDE: But I was a patriot and regarded myself as such, and I was already in the process of forming my own combat unit, in line with the ANC's instructions.

MR RICHARD: Now do you remember ...(intervention)

MR McBRIDE: And policemen were getting killed all over the country, especially in the townships.

MR RICHARD: How many times did you drive past that particular hotel?

CHAIRPERSON: Are you saying with the purpose of reconnoitring?

MR McBRIDE: Drive past? Are you saying drive past?

MR RICHARD: Drive past, walk past.

MR McBRIDE: Many times, many, many times. In fact, even on one occasion I was on a social outing, I can't remember who I was with, and I walked past there thinking about it as a target. So it was very much in my mind as a target, even on social occasions.

MR RICHARD: Now when you looked at the pub from the outside, could you see in?

MR McBRIDE: No, I could not see in.

MR RICHARD: Now you said, and I'll find the reference in a moment, that you followed people from the CR Swart barracks to the area on a number of occasions, is that correct?

MR McBRIDE: Two occasions, with Gordon Webster.

MR RICHARD: Now ...(intervention)

ADV PRIOR: I see the reference is at page 21, Exhibit C.

MR RICHARD: Now on the first occasion were you lucky?

MR McBRIDE: I don't know what you mean by "lucky."

MR RICHARD: Did you - well you followed somebody, did you - I'm looking at page 11. On occasion you say -

"... but on the second occasion we were lucky"

(No, I've said page 20).

CHAIRPERSON: You said you're looking at page 20?

ADV PRIOR: Sorry, I've got page 21 at that reference.

MR RICHARD: Yes, 21 April, page 20, indexed 196.

CHAIRPERSON: I've noticed, Mr Richard, that Judge Pillay sitting next to me, his page numbers, I don't know why, on his Exhibit C are different to mine. So there might be a bit of confusion. So if you could just identify the first few words of the paragraph.

JUDGE PILLAY: Perhaps there something at least we've got in common, Mr Richard.

MR RICHARD: Right. We start at the top of the page -

"There is at CR Swart Square ..."

CHAIRPERSON: Yes, I've got it.

MR RICHARD:

"On two occasions we followed people in the night"

Now my question was, on the first occasion what happened?

MR McBRIDE: Just to indicate to you, that was the same night, that was on the same night together with Gordon. It wasn't two separate nights, it was one night.

MR RICHARD: Now on the first expedition that night you followed a group of policemen, where did they go?

MR McBRIDE: I can't remember exactly, but they went - they didn't go in the same direction, they went in a different direction altogether. If I remember correctly the road that CR Swart is on, I forget its name now, they continued straight on that road.

MR RICHARD: Now, what did you infer from that?

MR McBRIDE: What did I infer from that? I didn't infer anything, I knew for sure that they did not go to the Why Not.

MR RICHARD: Now what did you do next?

MR McBRIDE: We went back to where we were waiting earlier, I think there used to be a drive-in there next to it, I don't know what is there now, and we waited until the next group came and we followed them and they went past the ice rink onto the Marine Parade itself and then moved along the, I think it's called Marine Parade, the road onto the beach.

MR RICHARD: And what did they do? They went down the Marine Parade, where did they go?

MR McBRIDE: They went to the Why Not bar, well they went into the entrance of the Parade Hotel.

MR RICHARD: Did you see where they went next?

MR McBRIDE: No, I didn't see, I didn't see. They went into the entrance and ...

MR RICHARD: Then at page ...(intervention)

CHAIRPERSON: Sorry, Mr Richard.

So this was at night.

MR McBRIDE: That's correct.

CHAIRPERSON: Was it a Saturday night or ...?

MR McBRIDE: It was a Saturday night, it was between quarter past nine and half past nine.

MR RICHARD: Thank you. Now at line 14 I think it is, it starts left to right -

"Security-off duty policemen. That's the verification I did, besides the general knowledge that was there."

MR McBRIDE: Yes, I have that.

MR RICHARD: Now there you're stating that between a combination of what you had heard at the Allan Taylor residence in '85 or '85, a catch phrase, "May the force be with you" and following two groups of people.

MR McBRIDE: That's correct. And?

MR RICHARD: That was your verification.

MR McBRIDE: And also the evidence given to me by Gordon, but it was not followed up in a question and diverted there. At that stage you can see I talk about Matthew ...(indistinct)

MR RICHARD: That's your verification.

MR McBRIDE: Sorry?

MR RICHARD: I'm talking about what you did.

MR DEHAL: Sorry, Mr Chairperson, I think it will be fair to deal with that paraphrase correctly. Mr McBride in Exhibit C on page 20, otherwise numbered 196, goes on to say -

"That's the verification I did besides the general knowledge that was there."

And then he deals with what Matthew said during the trial, about which is the most popular place for off-duty policemen. And these prevailed in his mind. Of course by argument that does not exclude the other recce.

CHAIRPERSON: And then Mr McBride's mentioned what Mr Webster told him.

MR DEHAL: Indeed, indeed.

CHAIRPERSON: Yes, Mr Richard, you can continue.

MR RICHARD: Yes. Now, lower down on the page it starts -

MR GOVENDER: Why did you deliberately go out to find out whether this bar was frequented by policemen?"

Now your answer was -

"Because we had heard it was frequented and at a later stage I was specifically given instructions by my Commander to verify the information again."

When was that instruction given to you?

MR McBRIDE: I can't remember specifically what I was referring to here, because there are two occasions. One where we spoke about at an early stage, before Easter, I think I was referring here to a later stage when I had dropped Gordon off in Botswana and came back to verify. The occasion I referred to earlier that I went, when I couldn't enter the door.

MR RICHARD: And you also say higher up - sorry, I missed my place there. I put it to you that when you say -

"A high concentration of them, yes"

... that inference was speculative.

MR McBRIDE: No, it wasn't. You followed two groups of people from CR Swart on the same night and one group goes to the Why Not.

MR RICHARD: And how many of them were in that group?

MR McBRIDE: Five.

MR RICHARD: And how many people might have been in the Why Not?

MR McBRIDE: That is a rhetorical question.

MR RICHARD: In other words you didn't know the answer.

MR McBRIDE: That's why I say it's a rhetorical question. Even if you were outside you wouldn't know the answer.

MR RICHARD: Now, what percentage of people in your perception, inside there would be security personnel?

MR McBRIDE: In my perception. I wasn't able to perceive in the bar, I was only able to perceive those which went to the bar very frequently. And the indication of what Gordon showed me of this infestation was that one out of two we followed from CR Swart goes into the Why Not bar on a Saturday night.

MR RICHARD: Now did you ever do the opposite and that's wait outside and see where people walked to?

MR McBRIDE: No, we didn't do that. One of the reasons was we would have been too obvious waiting there. I think I don't have to refer you to Russel Davidson's evidence about this. To wait outside there, I mean, people would become suspicious of us. In all operations

we do, one of the principal elements of the operation is retreating away safely, not bringing suspicion to yourself.

MR RICHARD: Now we move onto the next point. You had been taught by Mr Pillay, Mr Dumakude, Mr Mnisi and others, amongst other things, how to construct a bomb and you had exploded explosive devices. When you constructed this bomb, what radius of effect did you think it would have?

MR McBRIDE: This particular question you're asking, it cannot be answered easily. I will come and answer directly, because I was instructed to place the charges towards the side of the car that would face closest to the building. So the radius doesn't come into play in this. In fact, during - they would give us square metre ranges of effect because I remember when we were talking about gradpair(?) rockets, I think it was 500sq feet or something effective radius of effect or effective area. I can't recall specifically on car bombs which quantities is how many, what is the radius. We worked in more general terms, more devastating, less devastating, probably like that.

MR RICHARD: Alright. If you say on a range of devastation, what would the range of devastation be? - the grading.

MR McBRIDE: What size explosives are you talking about?

CHAIRPERSON: I think the question is relating to the actual bomb that you yourself manufactured, that was used that night.

MR McBRIDE: Well I think it's, the devastation is the devastation that we saw.

MR RICHARD: When you constructed the bomb and parked it there, from your training you manufactured a bomb.

MR McBRIDE: That's correct.

MR RICHARD: Now from the corner to the end of the Parade Hotel where Magoo's bar ends is not particularly far, how far do you think it is?

MR McBRIDE: Can you just be more specific when you say it ends and so on.

MR RICHARD: From the corner where the car was parked to the wall of the building adjoining the Parade Hotel to the North, how far do you think it is?

MR McBRIDE: I'm still not clear what you are saying, Sir.

CHAIRPERSON: The distance he wants to know is from the place where the car was parked to the Northern extreme of the Parade Hotel building, you've got the Why Not first, closest to the car, then there was Magoo's and then at the end of Magoo's was the end of the Parade Hotel, going North towards the Natal Command. The question asked by Mr Richard is, from the place where you parked the car to the Northern extent of the Parade Hotel, facing Marine Parade Drive, how far would that be, to the end of the Parade Hotel?

MR McBRIDE: My attention was focused on Why Not bar and how to come as close as possible to it, not any other considerations. The intention - to cut a long story short, was to give enough devastation Why Not bar so that enemy personnel inside can be injured or killed. So my attention was not focused on the bar next door or the wall next door, it was on Why Not.

MR RICHARD: How far did you think the bomb would be effective from the corner?

MR McBRIDE: Well it would be sufficiently effective to do what I intended to do.

MR RICHARD: Do you think it would hit only the corner, or the building next door as well?

MR McBRIDE: Car bombs, Sir, by their very nature don't do that.

MR RICHARD: Did you think at the time it would only go halfway down the building?

MR McBRIDE: I wasn't interested in that, I was interested in hitting Why Not. That's it, Sir.

MR RICHARD: But at this stage you knew that there was a pub next door to Why Not.

MR McBRIDE: Is that a question?

MR RICHARD: Yes. Did you know it? You've said yes.

MR McBRIDE: Yes.

MR RICHARD: Now did you know that people would be in there too?

MR McBRIDE: People would be in there, yes, people would be in the next door places also, people might be walking on the street, going past.

MR RICHARD: Now you also have conceded that as a matter of fact you had nothing more than a perception of who was in the Why Not pub.

MR McBRIDE: I don't think that is quite correct.

MR RICHARD: I asked you whether you had a factual knowledge of who was in the Why Not pub.

MR McBRIDE: Yes, I had a factual knowledge.

JUDGE PILLAY: No, I think Mr - Sir, you asked had he had a perception how many people.

MR DEHAL: And Judge, that perception was relative to the time when he was at the door, he was not allowed to enter. Perception confined to that moment. The general perception gives a different picture. Thank you.

MR RICHARD: We'll go through it again. On the night that you parked the car did you see who went in and out the front door of the building?

MR McBRIDE: No, I wasn't even looking there. That is why I had Matthew with me to look around to see who was watching us and to give me cover. That's the reason I had him there. I was interested, I'm working 60 kilograms of explosives, each SZ6 charge has got a detonator in, I must be very careful.

MR RICHARD: Now is it also not correct that you and the driver of the getaway car parked the first car outside the building?

MR McBRIDE: That's correct, yes.

MR RICHARD: At that stage ..(intervention)

MR McBRIDE: I think I must just explain something to you, so that we don't, maybe I can circumvent some of the questioning. When you do an operation you are trained, go and lay your charge, initiate it and retreat. That's your frame of mind. I had been doing that since then on about, more than 10 occasions, going, gaining entry and laying charges and retreating. That's what it is. That's what your mind is on.

CHAIRPERSON: I think what Mr Richard is getting at, Mr McBride - and just correct me if I'm wrong, Mr Richard, is on the night in question, when the actual bomb-laden car was parked outside and when the bomb went off, you personally were not aware of who was in the pub, the Why Not, whether there were any Security Forces, you were working on the law of probabilities from your reconnaissance, the fact that you, as you've said, had satisfied yourself that this was a place frequented by Security Force personnel and you were working on, let's call it the law of probabilities, that they would be there that night, you didn't that specific night know who was in there.

MR McBRIDE: And also the evidence or the intelligence by Gordon Webster.

CHAIRPERSON: Yes, no, what I'm saying is, you were working on the probabilities based on all the information that you had.

MR McBRIDE: Yes, there was no way I had of knowing that there for example is the percentages Mr Richard talked about.

CHAIRPERSON: Yes. Mr Richard?

JUDGE PILLAY: Further, you had no guarantee there was going to be a single Police Force member there.

MR McBRIDE: Well at that stage ja, in all honesty I didn't know, but on a number of occasions people, the place was looked at on Saturday at that specific time. It was a regular pattern of theirs. We didn't have the billion rand intelligence budget that the government had and still made mistakes.

MR RICHARD: So to confirm what you've just said, on the night in question you had no way of knowing who was inside the building.

MR McBRIDE: That's correct and that's why I raised the issue with my Commander.

MR RICHARD: Now what I was carrying on to say is that we know working backwards, you had earlier in the evening arrived with Greta Apelgren and parked a car.

MR McBRIDE: About 15 minutes before, yes.

MR RICHARD: My proposition then went this way. At that stage when you parked that car you did not have a bomb with you there.

MR McBRIDE: No.

MR RICHARD: Now my next proposition is that you still had to go back to the bomb car to fetch it and bring it there.

MR McBRIDE: That's right, yes.

MR RICHARD: Now my question then is, at that point in time, and I think you've answered it, did you look to see what was going on in and around the building known as the Parade Hotel?

MR McBRIDE: I don't remember looking around and seeing who was around, I was preoccupied at getting back to the car and bringing it there. That's what I was concentrating on. If I saw people around me, I cannot recall specifically seeing people around me.

MR RICHARD: But it is ...(intervention)

MR McBRIDE: ...(indistinct) that it would have played any part in the decision to go ahead with the instruction.

MR RICHARD: My point is that at that point in time you had every opportunity to look around and to see who was going to be hit by the bomb within the next 20 minutes.

MR McBRIDE: Ja, I had the opportunity, but I was preoccupied with something else. I was in an operation, in the middle of it.

MR RICHARD: Now it's also true that at that point in time you still had an opportunity to abort the mission.

MR McBRIDE: We are going back again. The decision was that we should go ahead with it. For what reason would I abort the operation at that stage?

CHAIRPERSON: I think any operation could be aborted prior to it taking place. I suppose you reach a point of no return once the detonator's set into action. But we know that it can be aborted at any time, Mr Richard, prior to the actual setting off of the detonation device.

MR DEHAL: But in any case, more importantly, Mr Chairperson, McBride's evidence is that there was something significant about the day.

CHAIRPERSON: Yes.

MR RICHARD: Yesterday you handed out, through your legal practitioner, a document which is now numbered J. Now from line 9 we hear that a person ...(intervention)

MR DEHAL: Sorry, we've got two pages to that. Line 9 on which page?

CHAIRPERSON: ... on the front page of it, Mr Richard.

MR RICHARD: Page 262.

CHAIRPERSON: My J is 761, is it the evidence of Mr B R Erasmus, or Ms B R Erasmus?

MR RICHARD: Correct.

"Yes. Have you done any service in the Police Force?"

And the answer was -

"Yes, I have."

And the answer ...(intervention)

MR McBRIDE: Yes, I have that, Sir.

MR RICHARD:

"When?"

"I left in '80"

"You left in '81 or '82"

"Correct"

"Now that was at least four years before. Do you agree with me that at that point in time that person was neither an on-duty or an off-duty policemen, he was an ex-policeman?"

MR McBRIDE: Yes. Just to elaborate on the answer. I was asked this yesterday by I think, the Honourable Chairperson, and I indicated that the reason for instructing the legal team to ask this question was that already at that stage these were my instructions. My perception was that there would have been policemen and that's why I asked him to ask the questions. Whether they were off-duty is another issue.

CHAIRPERSON: I think what you're saying is that this wasn't handed in to try to show that Mr Erasmus was ...(intervention)

MR McBRIDE: Was a legitimate - no, no, no.

CHAIRPERSON: ... or the other ones that you handed in, the other exhibits.

MR McBRIDE: No.

CHAIRPERSON: I think the other one was 1960-something the person was ...(intervention)

MR McBRIDE: That is correct.

MR RICHARD: So I use that to illustrate that on J, K and L, if those be examples, you didn't establish that any one of the three were policemen.

MR McBRIDE: I was not trying to do that.

MR RICHARD: What you did establish was, to repeat, that how many policemen were in the pub.

MR McBRIDE: No, I'm not saying that, and this is important, I want you to listen to this. There's three people who were outside the pub, they were not inside. Only two people were inside the pub at the time of the explosion, they came to testify as victims. These three were outside. I think there's some significance to that. Especially with regard to Mr Baker in the Chamberlain Road incident. I'm making that association.

MR RICHARD: Now what is the inference you want us to draw?

MR McBRIDE: It's that you cannot say using these people, that there was not Security Force personnel in there because you don't have an accurate record of who was in the bar, you have a record that changes, it goes up and goes down in terms of victims. You get new names added and some names taken away. Why?

MR RICHARD: Now if I look at it this way, in an event such as this there will be, and I'm sure you will agree, a number of fatalities, a number of serious injuries, not so serious and light injuries. There's be a range.

MR McBRIDE: What is your question, Sir?

MR RICHARD: I'm putting the proposition to you there'll be a range of severity of injured people.

MR McBRIDE: Yes, I'm sure that's correct.

MR RICHARD: Now how people will react after being injured, provided they're not incapacitated, badly hurt, is unpredictable. Would you agree?

MR McBRIDE: Yes, I agree people are different.

MR RICHARD: Now ...(intervention)

MR McBRIDE: Just to add onto that, in just pre-empting where you are going. I think the Security Police at that stage will find each and every witness possible to the incident because they looked at every specific piece of evidence that was on the floor. Some of those pictures you have there you see them walking and picking up little bits of things, and therefore they would be thorough in their investigation to catch the culprit.

MR RICHARD: Yes, but there would have been no way that they could have prevented that the less seriously injured packed up and left as soon as possible after the bang.

MR McBRIDE: In fact there is evidence in the trial record to find out that they went searching specifically for as many people as possible. All these people, the way they were brought there, you would see the cross-questioning of my advocate indicates that they were told by for example, Russel Davidson was told that he found out that there was a guy called Hentie Engelbrecht who had been in the bar and had left earlier and then they went and looked for him and found him. So it was by word of mouth who was in there. I can direct you to the relevant ones if you give me time to find it.

MR BERGER: I see it's gone five minutes past one, Mr Chairman.

CHAIRPERSON: Would this be a convenient stage for you, Mr Richard, or do you want to finish this point?

MR RICHARD: One question.

In your affidavit in support of your application for amnesty, you make the statement -

"There were 69 injured"

MR McBRIDE: That's from the records that were given, that's the ones I used.

MR RICHARD: That's what you swore to under oath.

MR McBRIDE: I beg your pardon?

MR RICHARD: That's the figure that you accepted and swore to.

MR McBRIDE: That is why I referred them to the indictment, based on the information that was available to me.

MR RICHARD: And do you accept that your figure of 69 is correct?

MR McBRIDE: I don't accept it's correct, except insofar as it was the information available to me.

MR RICHARD: So are you saying that there were more or less injured than 69?

MR McBRIDE: I'm not in a position to say who was there. I mean, you're representing the people. You know, how many people are you representing? I don't know, I never had the police records, why it's going up and why it's going down, why names are added or names are taken off, I don't know. The same thing with Mr Baker, I don't know. What I do know is that in the statistics given by you to Mr Ismail, there was a very big discrepancy in terms of Security Forces killed in Church Street. You said two and the records who nineteen.

MR RICHARD: I'm not arguing about a schedule that I found in the bundle, what I'm saying is that you swore to 69, Judge Sherrer in his judgment found 89 and that's the best information ...(intervention)

MR McBRIDE: And we now have 74.

MR DEHAL: Mr Chairman, that figure of 89 was conceded to being a typographical error, Mr Sherrer had not referred to 89. On appeal we dealt with that and ...(intervention)

CHAIRPERSON: Was it meant to be - what was it meant to be if it was a typographical error?

MR DEHAL: 69.

CHAIRPERSON: 69.

MR RICHARD: Next question ...(intervention)

CHAIRPERSON: Would this be a convenient time now? Thank you, we'll now take the lunch adjournment.

COMMITTEE ADJOURNS

ON RESUMPTION

ROBERT McBRIDE: (sworn states)

CHAIRPERSON: Yes, thank you. Mr Richard?

CROSS-EXAMINATION BY MR RICHARD: (cont)

Chair, I am indebted.

Mr McBride, we were dealing with the statistical perceptions. Where we left off was that I understood, and again I'm using one of my cut-through propositions to eliminate a hundred questions, I understood your attitude to be you don't trust the figure of either 64 or 74 or any precise figure.

MR McBRIDE: What I was saying is at this stage you can't place any reliance on the list that you have because it's been altered and we have experience where someone who was never involved suddenly appears as a victim in the Chamberlain Road. So I can't place reliance on those figures that you make available here.

MR RICHARD: Now I hear what you say, but nonetheless do you accept that a number of people were injured?

MR McBRIDE: Yes. It's clear from my application.

MR RICHARD: And we also accept that what you've said is that your perception, you used the word very deliberately, perception, was that there would on probability be a number of Security Force personnel in that pub that evening.

MR McBRIDE: My belief then and my belief now was that was indeed the case.

MR RICHARD: Now you've heard the debates that I've been through with Mr Dumakude and the preceding witnesses about when a target might be legitimate or illegitimate, and you heard what those witnesses said. Do you agree with them or disagree with them?

MR McBRIDE: This is not simply an answer of yes or no because we are speaking hypothetically to them, not of anything specifically and not with regard to the conditions for which I'm making this application for amnesty for, under which I operated.

MR RICHARD: On the hypothetical examples they made certain observations. I haven't yet related to the position on the ground. You heard their evidence on the hypothetical propositions. On the hypotheses, do you agree with their evidence or not?

MR McBRIDE: Where I did not agree with their evidence or where I required elaboration I instructed my attorney to ask the questions and we got the satisfactory answers from them.

MR RICHARD: So do you think Mr Dumakude's evidence is incorrect?

MR McBRIDE: I did not say that.

MR RICHARD: My question is quite straightforward. They made certain observations as to what they believed would be policy and appropriate practice on certain hypothetical propositions. You've referred us back to further questions. My question is direct, do you think their statement of the then policy was correct or incorrect? It's a simple answer.

MR McBRIDE: It's not a simple answer because they made statements during evidence-in-chief, under cross-examination, in which there was perhaps a specific answer required from them, by you for example, and where I felt it was not sufficient or not sufficient in-depth questioning. I asked my lawyer to ask the question and we got satisfactory answers. So from the answers I got - yes, Sir?

CHAIRPERSON: Carry on.

MR McBRIDE: ... from my lawyer, I didn't see a need to ask further questions. When I was satisfied as to their answers, which differed in depth or whatever other grounds, then I asked the question. Or when people's memory was not to my knowledge, not how I remembered it, then I checked with my lawyer and afterwards I was satisfied.

CHAIRPERSON: Perhaps, I was just going to say it's quite a broad question, Mr Richard, because there was a lot of evidence. Maybe you can be a bit more specific as to what Mr McBride agrees with or doesn't agree with.

MR RICHARD: Well let's start again with a purely hypothetical proposition of a hundred people in a particular room and without relating it to the facts on the ground on the 14th of June 1986. If five of those hundred were police of no particular rank or stature, in other words general, in your opinion as you understood the policies at the time, would it be an appropriate target to attack? That was the proposition I put.

MR McBRIDE: In response to your hypothesis I just want to extend it a little bit. If a hundred people in the bar, and I had firm knowledge were all policemen, were all generals and I hit the bar and they all died as enemy personnel, I would still not be happy about it because those

would have been fellow South Africans I'd been injuring or killing. But if I had known for sure that there were no police in a place, I had firm evidence of that, that there's no police in the place, I would not have gone to my Commander and said should we go ahead with the operation, I would have said this is the situation, there are no police there, it would not have been a target.

MR RICHARD: So I take it that on my example and my hypothesis of five out of a hundred, you would have not have proceeded with the campaign or the plan.

MR McBRIDE: Coming back - in response to that question, you asked the same question of one of the co-applicants, the same figures you used and you were relying just now on their evidence. And I will remind you what one of them said "If there were five people and they went in the bar, it's a target". If there's five police amongst a hundred civilians, it's a target. I'm not saying that is necessarily my position, I'm saying on your reliance of that evidence, for whatever you want to achieve now.

MR RICHARD: My question is of you, not of them. How ...(intervention)

MR McBRIDE: I can't work on hypothesis, I worked from the opposite direction, not from the one you are doing. I know ...(intervention)

JUDGE PILLAY: No, Mr McBride, you didn't know when you plated the bomb there, how many policemen would be there when it blew.

MR McBRIDE: That's correct, Sir, I didn't know.

JUDGE PILLAY: And technically there could only have been five at the time.

MR McBRIDE: Yes, there could have been, yes, Sir.

JUDGE PILLAY: I think that's the question. If there could be five, do you regard it as still a legitimate target?

MR McBRIDE: Yes, because even if there was one only, even if there was none, if my reconnaissance indicated to me there was an infestation of police there and I went ahead and did the operation only that for some reason they were not there on that day, it was still a legitimate target.

MR RICHARD: What I'm hearing you to say is if on the basis of your information you perceive there to be a concentration of policemen or soldiers at a particular point ...(intervention)

MR McBRIDE: I believed there to be police and other Security personnel at that place.

MR RICHARD: ... you would proceed even though you didn't know the facts at the time.

MR McBRIDE: That's correct what I'm saying. Based on the preponderance of intelligence that was gathered.

MR RICHARD: Now - and the fact that 95% innocent civilians might get injured, wouldn't stop you.

MR McBRIDE: I think I've answered the question already.

CHAIRPERSON: Mr McBride did say that even if on that night there weren't any policemen there he would still regard it as a legitimate target because of the reconnaissance. So I think it would follow that your question will be answered in the affirmative.

MR RICHARD: This issue did concern you, and at page 22 of Exhibit C there's a phrase which goes -

"When I raised this issue with my Commanders I was referred to the Kabwe Conference decision about crossfire."

MR McBRIDE: Can you just - there's a problem with the page number, Sir, can you just ...

CHAIRPERSON: Mine's on page 22, but there is problem with page numbers, Mr Richard, I don't know why but - it's on page 23 I'm told.

MR RICHARD: I do not understand it, I'm quoting a printed number.

CHAIRPERSON: Yes, I know, but there seems to be two different transcripts of the same evidence.

ADV PRIOR: Mr Chairman, may I venture to suggest, I know it doesn't really add anything. I think this evidence was taken off the server and it's just a page difference.

CHAIRPERSON: Yes, there's certain expletives used in the evidence, just below them. Do you get it?

MR McBRIDE: Yes, I have that one, Sir. I don't know if that's the one ...(intervention)

CHAIRPERSON:

"When I raised this issue with the Commanders I was referred to the Kabwe Conference decision about crossfire."

MR McBRIDE: That's correct, Sir.

CHAIRPERSON: Okay, that's it. Mr Richard?

MR RICHARD: My first question is, what did you raise with your Commanders?

MR McBRIDE: I raised with the Commanders the possibility that people other than the intended target could be killed and probably would be killed or injured. I just want to draw your attention to A1, 76, the same things are raised in the affidavit by my Commander. - and in his evidence-in-chief.

MR RICHARD: Now it was you, as you pointed out, that was on the ground. Now I then get to the next question. It's correct for me to say that you foresaw civilian casualties and wanted guidelines on it. Now did you discuss what proportion or number or collateral civilian casualties would be acceptable as to unacceptable?

MR McBRIDE: Proportionality was never every part of my discussions with any of the Commanders on the number of policemen or Security personnel to civilians. That was never ever discussed. Because we didn't prepare instructions and operations in anticipation of a Truth Commission.

MR RICHARD: Now earlier in your evidence today you used a word "less", do you remember that?

MR McBRIDE: That's correct, yes.

MR RICHARD: From the 1983 people's war position, did it mean that concern was ...(intervention)

MR DEHAL: Sorry, Mr McBride and I didn't hear the first part.

MR RICHARD: There had been a progressive change in police from 1970-something through to 1983 and then again in 1985. Now Mr McBride became active in '85/'86. My question is, when he used the word "less" as opposed to no or much less or a little less, how much less emphasis was being placed on civilian targets?

MR McBRIDE: I specifically used "less" because it doesn't mention number and it indicates generally an idea. That's why I used it. It's not a clear-cut thing, it didn't come down to percentages.

MR RICHARD: Very well. Now I've made mention earlier that you received various documents and papers and literature while in Botswana, now at line 17 on the same page ...(intervention)

MR McBRIDE: The same page of what, Sir?

CHAIRPERSON: The same page of Exhibit C that was referred to when we were talking about the Kabwe Conference. It's either page 22 or 23, depending on which copy you have.

MR McBRIDE: Yes, I have that, Sir.

CHAIRPERSON: Mr Richard.

MR RICHARD: ... there's a sentence which starts -

"In our documents our officials would call for revenge attacks"

MR McBRIDE: Yes, I have that.

MR RICHARD: Now what would a revenge attack be?

MR McBRIDE: Well I'm reporting on what I read in the literature and the indication here, I was to give you the atmosphere at the time because of what the racist regime was doing and there was debates about revenge attacks.

MR RICHARD: Now in the quote I've read out what is said -

"In our documents our officials would call for revenge attacks."

Now what would constitute a revenge attack?

MR McBRIDE: I don't think I'm in a position to explain of ANC political officials, what they envisaged as that. It was certainly something different from what was going on before and I'm not sure whether revenge attacks were carried out. I'm saying this is what was called for in the literature. I've read some of them out in the submissions I gave to you. My application for amnesty carries some of the comments made about avenge in our ...(indistinct). That's the atmosphere in which this was taking place and that's what I intended to convey, nothing else.

MR RICHARD: What we know is that the 14th of June 1986 represented the anniversary of a gross human rights violation by the South African Defence Force in Botswana and also the 10th anniversary of the 16th of June, and it was decided that this car bomb would go off on the anniversary. Now would you see it as a revenge attack?

MR McBRIDE: Maybe it was, maybe it wasn't. I mean, I regarded it as a commemoration. Whether it's the same thing, I'm not in a position to say. What I can say that an instruction was given to put a car bomb where there was an infestation of Security personnel.

CHAIRPERSON: My view of a revenge attack is an attack which takes fairly shortly after an attack made by the enemy, and what prompted the attack was the previous attack of the enemy. So it wouldn't really include a commemorative attack which took place a year before, it was something closer. That's just my own personal view.

MR McBRIDE: That is why I mentioned earlier, from my perception as to the bigger picture behind the attack, I mentioned in my evidence-in-chief, it looked to me as if it had a deterrent effect because I was told specifically to keep aside some SZ6s in case there's a response and we have to do a counter-response. That's how I understood it. Whether that was indeed the case, only someone like the Commander or the senior officials can explain.

CHAIRPERSON: Yes, and one of the objects of a revenge attack would be the deterrent effect.

MR McBRIDE: Yes, Sir.

CHAIRPERSON: Because then the other side would know that if they attack there's going to be a response.

MR McBRIDE: That's correct, Sir.

CHAIRPERSON: Mr Richard?

MR RICHARD: Now both above that quote and in the literature that you've referred us to you describe the atmosphere of the time. So do you believe that the fact that the previous year one of the collaborators was a six year old boy and the South African Defence Force had attacked a target of a non-strategic or military nature?

MR McBRIDE: Can you just repeat your question, Sir.

MR RICHARD: Do you believe that the fact that a year prior the South African Defence Force had attacked a place within Botswana, where non-military people were killed and injured, justified or entitled your unit or the ANC to behave in a similar manner?

MR McBRIDE: Are you asking whether it's my belief or perception that it's justified?

MR RICHARD: Yes.

MR McBRIDE: I don't think I'm qualified to comment on whether it's justified or not. I think the statements have been made by the senior political leadership in submissions to the Truth Commission on a number of occasions. The question of - I must remind you also that the whole Kabwe Conference, being a council of war, came about precisely because of what you've mentioned, because of the attack you've mentioned now took place. The change of policy in the ANC came about because of the attack on Botswana a year before. So, to answer your question, I've only have the ANC to guide me on that.

MR RICHARD: Now we turn to page ...(intervention)

JUDGE PILLAY: Of course Mr McBride, you were not present at the Kabwe Conference, were you?

MR McBRIDE: No, Sir, I was not. Only delegates were allowed.

MR RICHARD: We turn to page 29 of my numbers, it's a page which begins -

"Military Operations and Logistic Operations. There was a different Commander ..."

MR McBRIDE: Yes, I have that.

MR RICHARD: Thank you. There again you were asked the question -

"Did he ever communicate with you directly personally with regard to choice of target in Durban in this incident?"

"No, (was your answer) he didn't say go to Why. I never mentioned the names to him. I would not mention the names to him, but I was given certain guidelines and I raised certain questions about the dangers of this type of operation. Car bombs by their very nature injure people other than the intended target."

And then the part I emphasise is -

"... never an incident where car bombs only injured intended targets, and I raised these fears."

Was this on a different occasion?

MR McBRIDE: Are you asking me a question now?

MR RICHARD: Yes.

MR McBRIDE: A different occasion to what?

MR RICHARD: Well I've related an incident where you raised concerns, on page 21 according to my exhibit, and now I relate evidence on page 30 where you - sorry, page 29.

CHAIRPERSON: If I can just ask. This car bomb outside the Why Not, was that the only car bomb that you were personally involved in?

MR McBRIDE: Yes.

CHAIRPERSON: I think you've said that already in your evidence-in-chief.

MR McBRIDE: Yes.

MR RICHARD: My question is, was the discussion of the raising of the concern a different discussion or the same discussion as on page 21?

MR McBRIDE: It's the same discussion, it's the same occasion.

MR RICHARD: And now we gather, it was specifically within the context of car bombs, all you were given was guidelines. Correct?

MR McBRIDE: I don't understand your question.

MR RICHARD: You raised the question of your concerns and you've said to your Commanders "There's never an incident where car bombs only injured intended targets, and I raise this issue. And given the guidelines and instructions I was given in regard to the car bomb, which amongst other things ..." So my question is, in reply to your concerns you were told what the guidelines were.

MR McBRIDE: Yes, I was.

JUDGE PILLAY: What guidelines are you talking about?

MR McBRIDE: They were general guidelines from the Kabwe Conference and specifically with regard to civilian injuries.

MR RICHARD: Now when you carried out the attack, did you believe that you were operating within those guidelines?

MR McBRIDE: Yes.

MR RICHARD: Then over on the next page ...(intervention)

MR McBRIDE: Which page is that, Sir, can you give me the number.

MR RICHARD: The next page, page 30, according to my bundle. The quote I'm referring to starts -

"Was there any discussion with anybody about the target?"

Your answer was -

"I've had millions of discussions about it."

Now ...(intervention)

MR McBRIDE: That's after the incident.

MR RICHARD: Yes. Now what views have been expressed in those many conversations?

MR McBRIDE: Well for one, I've been treated unfairly by the white media in the country, by one that the National Party government is hypocritical not to want to release me as a political prisoner. Those are some of the discussions we had. That they were making a fuss out of it because it was white civilians. Those were some of the discussion, yes.

MR RICHARD: The next question ...(intervention)

MR McBRIDE: And they regretted to mention black civilians like in the Edendale operation.

MR RICHARD: The next question was -

"With your superiors?"

And your answer was -

"With my superiors and political seniors. I've never been censured for this operation."

Is that correct?

MR McBRIDE: Which line is this now?

MR RICHARD: It's immediately after -

"I had millions of discussions about it"

MR McBRIDE: Yes.

MR RICHARD: The next proposition put to you was -

"With your superiors?"

MR McBRIDE: That's right, I have that.

MR RICHARD: Then your answer was, and I ask you whether this is correct -

"With my superiors and political seniors."

MR McBRIDE: Yes.

MR RICHARD:

"I've never been censured for this operation."

MR McBRIDE: Yes.

MR RICHARD:

"That is correct."

Now when you say -

"With my superiors and political seniors"

... who precisely did you discuss it with?

MR McBRIDE: Well most in people in the NEC of the ANC, a different times, people I worked with, I can't remember specifically. I've discussed it with Rashid.

MR RICHARD: And your political seniors?

MR McBRIDE: I'm talking about the NEC, that's what I'm talking about. I'm talking about people who were with me in the Provincial Executive Committee of Gauteng, where I served as an executive member, people in parliament who were with me when I was a legislator.

MR RICHARD: Right. Now it carries on, so I won't - I think it becomes repetitive. You have indicated earlier that you haven't read either the African National Congress's statement to the Truth and Reconciliation Commission, dated August 1996, or the sequel thereto, the Further Submissions. Now as at 12th of May 1997, from our last answers about discussing it with millions of people or millions of times, is it correct for me to assume that whoever wrote the further submissions would have heard whatever you had to say?

CHAIRPERSON: Do you know who wrote the Further Submissions?

MR McBRIDE: No, Sir.

MR RICHARD: And again with Internet, I have no idea which page it's going to be on. It's the paragraph which starts -

"Gathering tactical intelligence was the responsibility of the units on the ground"

CHAIRPERSON: Do you have any paragraph number or any other ...?

MR RICHARD: It's immediately above the paragraph heading which is entitled "Operational and Technical Difficulties Leading to Unintended Consequences?"

JUDGE PILLAY: Is there a number there, Mr Richard?

MR RICHARD: Page 14.

CHAIRPERSON: Sorry, it's on page 14 on the right-hand column in the middle.

MR RICHARD: I'm sorry, Chair, I don't have one with columns.

CHAIRPERSON: I've just mentioned that for other people to ...

MR RICHARD: The paragraph reads, and I'll read it slowly -

"Gathering tactical intelligence was the responsibility of units on the ground. This was exceptionally difficult, given the conditions in the country. At times attacks which appear to be aimed at civilian targets were nothing of the sort. The cadre may have had information to the effect that an SADF or SAP group would be present at a particular railway station or hotel or restaurant at a particular time, but due to a range of difficulties ranging from faulty intelligence to devices which malfunctioned and go off at the wrong time, an explosion occurs, apparently senselessly in a civilian area. Then particularly, the Magoo's bar attack falls into this category, as indicated in our first submission to the TRC."

Are you aware of that paragraph, that quote?

MR McBRIDE: Yes, I've read it now.

MR RICHARD: Do you believe it's correct?

MR McBRIDE: Do I believe it's correct? Insofar as it wishes to offer an explanation why the effects of the legitimate, attacking a legitimate target, were not as, would have been preferred or desired. It's correct in that sense in giving that explanation. It doesn't comment, it tries to give an explanation why it happened. It doesn't comment on the legitimacy of the operation of otherwise.

MR RICHARD: It places the Magoo's bar attack in a category where what was apparently a senseless attacks occurred or explosions occurred in a civilian area due to a number of factors such as faulty information, intelligence. We know that your device did work and did go off at the right time. Now do you believe that the Magoo's bomb attack fairly and correctly is categorised by the ANC in its report that I've just read out, into such a category?

MR McBRIDE: Based on the information that they had at that time, it would be correct that perhaps at the time when the bomb went off, there weren't as many Security personnel in the bar as had been previously reconnoitred. Insofar as that is concerned, yes, it's correct.

MR RICHARD: This report was published in May 1997. So you accept that in fact the Magoo's bar fell into a category of its own, where it was apparently a senseless attack on a civilian area as a result of ...(intervention)

MR McBRIDE: I don't agree with that, it depends apparent to who. Who is apparent to? It's not apparent to me that that is the case.

MR RICHARD: Well it's clearly apparent to your own Party. They wrote it, this is their official statement on the incident.

MR McBRIDE: I think since you were looking at the dictionary for meanings of words we should look at what apparent means. Because you've just read out another one to me previously, from the earlier submission, which says this attack was in line with the ANC's attempt to take the struggle out of black ghettos and into white areas. The Why Not was targeted precisely because it was frequented by off-duty members of the Security Forces.

MR RICHARD: Yes, but now what ...(intervention)

MR McBRIDE: Page 60, the first submission of the ANC.

MR RICHARD: Yes, but now what had happened in-between whiles is very pertinent, the Section 29 inquiry had taken place.

MR McBRIDE: The Section 29 inquiry was held in camera and was secret.

MR RICHARD: So do you believe that the ANC might review its attitude on reading the Section 29 record?

MR McBRIDE: It hasn't reviewed its attitude, it says clearly its attitude on page 60. In fact the President of the ANC in the submissions has no problem whatsoever with the operation.

MR RICHARD: You have read from a report which was published in August of the year before, this was published some months later, in response to questions by the TRC.

Now however we then proceed to the next point. From what I understood, both the import of that that I've just read and Mr Ismail's evidence, he accepted your recommendation and opinion about what should be done, without question and without query, is that correct?

MR McBRIDE: In the light of all the information supplied to him.

MR RICHARD: Now you've added on that you gave him the information that you fully anticipated civilian casualties would be sustained.

MR McBRIDE: That's correct, yes.

MR RICHARD: And you expressed your reservations about a car bomb not being specific and being imprecise in targeting what it's intended.

MR McBRIDE: I did not say that. The instruction given and the material given was a car bomb.

MR RICHARD: However, from the quotes in the Section 29 hearing that I've just read out, you said a car bomb is. Is that one of the factors that you communicated to your Commander, Mr Ismail?

MR McBRIDE: I can't remember specifically if I used those words, but that generally the affects of a car bomb were discussed.

MR RICHARD: Now I further dissect it. He did not ask you for the name of the pub but he did fully understand the nature and exigency and description of what sort of pub it might be that would be attacked.

MR McBRIDE: Yes.

MR RICHARD: And in his evidence earlier this week and last week he says he accepts political responsibility for what you did and supports your application for amnesty. That is correct?

MR McBRIDE: That's correct, yes, we all heard that.

MR DEHAL: Mr Chairperson, whilst it seems evident that my learned colleague is endeavouring to establish what the ANC's policy approach was on this issue, namely that which is termed Magoo's bar/Why Not operation, perhaps it would be prudent at this stage to have regard to a ...(indistinct) my learned colleague does not have and which contains the policy on this issue pertinently, and this is the Security Force hearings on page 57. It's a document that I have. I don't know whether the Evidence Leader gave it to me. I presume that the Honourable Members have them as well. In it the Magoo's bar issue is dealt with and Mac Maharaj, Mr Mac Maharaj says the following -

"I thought I had indicated that the enemy forces were often located in commercial or civilian areas. In this particular case whatever was the actual outcome (by particular case he means the Magoo's bar issue), in this particular case whatever was the actual outcome, the fact of the matter was that the comrades who acted on this target had intelligence, tactical intelligence, suggesting that the Security Forces when on or off duty congregated at this venue. So that was the basis on which they had acted. And if they had acted on that basis, then they were in line with the practical problems that I had outlined, that we were facing in the country."

CHAIRPERSON: We don't have that, Mr Dehal, but ... Mr Richard?

MR RICHARD: I do have it by the by.

MR DEHAL: I'll make that available, I'll make copies of that page available.

CHAIRPERSON: Thank you.

MR RICHARD: Now once upon a time a book was written entitled "Till Babylon Falls". Now who wrote that book?

MR McBRIDE: You had the book with you yesterday, Sir, it's Brian Rostrin...(indistinct).

CHAIRPERSON: What's that name, the surname?

MR McBRIDE: Brian Rostrin.

MR RICHARD: Do you know him?

MR McBRIDE: I've met him, he's interviewed me whilst I was in prison. I've met him subsequent to that.

MR RICHARD: Now when he interviewed you was it ...(intervention)

MR McBRIDE: He interviewed me while I was on death row, fighting for my life.

MR RICHARD: For how long did he interview you?

MR McBRIDE: While I was still on death row when he finished interviewing me.

MR RICHARD: Was it one interview or was it many interviews?

MR McBRIDE: Many, many, over a long period of time.

MR RICHARD: Now - and while on death row he would discuss various parts of the book and debate them with you and obtain information from you, wouldn't he?

MR McBRIDE: I suppose so.

CHAIRPERSON: Have you read the book?

MR McBRIDE: Yes, yes, I have read it.

CHAIRPERSON: Then perhaps if you can just get to the point instead of asking about the interviews and ...

MR RICHARD: Now the point is he wrote the book on information supplied by you.

MR McBRIDE: Amongst other people, yes.

MR RICHARD: What purpose was the book written for?

MR McBRIDE: I don't know, you should ask him that. Maybe an interesting story of an interesting South African.

MR RICHARD: Now when at page 184 of the book the author states -

"It is at this point that Gordon resigned from Special Operations. At least that is what he later claimed at his trial. The reason he said was 'because of my intense disagreements with Rashid'. On trial usually facing the death penalty, members of Umkhonto are told they can put any blame they like onto their Commander abroad, fighting to save their lives. Therefore this evidence cannot be taken as gospel. However, Gordon told the Court that on a trip to Botswana with Robert, in March 1986, Rashid his Commander in Special Operations, instructed him to place a car bomb in Durban. Gordon refused. That was not, he objected, the policy of the ANC."

Are you aware of that paragraph?

MR McBRIDE: I might have read it, yes. I think it's self-explanatory.

MR RICHARD: In what sense?

MR McBRIDE: Well he was being charged for murder, for his life and the same situation I was in my trial and it's his duty to survive and stay alive. For the same reasons I've outlined earlier to you, while there was no moral imperative on us to be truthful with the apartheid Courts.

MR RICHARD: Now I use another quote, but before I do let me identify the person. Who is Allan Pearce?

MR McBRIDE: Allan Pearce is one of the co-applicants in this case and has not been involved in any of the operations in which you are being instructed on.

MR RICHARD: Now how would this quote help anyone in any particular case, and the quote goes at page 131 -

"Allan Pearce was an unemployed plasterer. He had come to stay with his grandmother in order to get away from the life of a gangster. He had been a member of the Woodstock Vultures and had been both shot and stabbed."

Now would that help who?

JUDGE PILLAY: Mr McBride, before you answer that question, is that what you told that author?

MR McBRIDE: I never ever claimed it at any stage that that is what I told the author.

JUDGE PILLAY: Mr Richard, does the book say that that comes from McBride? If not, how can you expect him to answer that question?

MR RICHARD: Now who gave the author information regarding Matthew Lecordier?

JUDGE PILLAY: Before we carry on, Mr Richard, I asked you a question. Will you please deal with that. That book - the quote that you put to Mr McBride, where is that purported to come from?

MR RICHARD: I asked a number of questions as to how the book was written ... (intervention)

CHAIRPERSON: Sorry, just before you proceed. I don't know the book, Mr Richard, is it an autobiography or a biography about Mr McBride, or is it a general book on various aspects of the struggle?

MR RICHARD: It's a book specifically about Mr McBride and the matter that we're debating, the matters, to stress it.

Now I understood when I was questioning Mr McBride as to how the book came together, it would be tedious to go through the formal - but clearly, I go back to the next question - and I'm sorry, Judge, I've lost my thread as to your question. I beg your pardon.

JUDGE PILLAY: All I wanted to know is, you made a - you quoted out of that book and you followed it up with a question as to how that helped a gangster or something to that effect, all I want to know is the validity of putting that kind of question to this witness if he is not the source of that information. Are you in the position to say that he is the source that has to explain it or not?

MR RICHARD: My first line of questioning was quite simple, did the witness, Mr McBride, know the author. The answer was they consulted for many hours together and interacted in the writing of the book ... (intervention)

CHAIRPERSON: Perhaps if you can just ask him.

You've read the book, Mr McBride.

MR McBRIDE: Yes, Sir.

CHAIRPERSON: Is everything contained in that book derived from information given by yourself to the author?

MR McBRIDE: Certainly not, I'm probably a minority source there really. Mr Rostrin spoke to my lawyer, who was at the trial, he spoke to Indire, he spoke to Wentworth residents, he spoke to Matthew, he spoke to Greta. Their photographs are there in that book, the same book Mr Richard had yesterday, probably still has today. So it derived from a variety of sources. I had limited visits on death row, limited visits, reserved for my family mainly.

MR DEHAL: I just want to go on record to confirm what Mr McBride has said and that parties including myself were interviewed. I also want to place on record that in response to Judge Pillay's pertinent question, there's nothing tangible in the answer in the response to show that the question put was based upon any authoritative recording that McBride is the author of that paragraph.

CHAIRPERSON: Mr Richard, continue. But Mr Richard, we don't want to spend too much time on the contents of a book which we don't what authority can be attached to what is said there. If you know there are certain things you want to put in the book that obviously derive from Mr McBride, you can do so, but we don't want to just take all sorts of quotations that may or may not come within ...(indistinct) and spend a lot of time getting nowhere.

MR RICHARD: I believe that the book probably rests in the same value as the newspaper clipping. And by the by, I've only had sight of the outside of the book for an afternoon and I got photocopies at lunch time.

Now you made a statement that you were probably the minority participant in the writing of this book ...(intervention)

MR McBRIDE: I said the minority source, Sir.

MR RICHARD: Now, I'm going to confine myself to only one or two more quotes from the book. The first one I believe falls into the category that we've already discussed, it's at page 200.

MR McBRIDE: I don't have the book with me, Sir.

MR RICHARD: I will read the quote. It starts -

"Robert's evidence was that he was in such an emotional state that he allowed himself to be persuaded by Matthew Lecordier to strike at a more vulnerable object. Matthew agreed in Court that he had told Robert 'I know of one hotel where people sit on the veranda'."

Now that was your version in general terms, at the trial.

MR McBRIDE: That's correct, yes.

MR DEHAL: Sorry, Mr Chairperson, I object to the continued usage of this book. The excerpt is not factually correct as well. That is not strictly speaking *stricto sensu* what Lecordier claimed, nor was it strictly speaking McBride's version. I think we'll fall into lots of difficulties if we use grey areas like this.

CHAIRPERSON: We all know, well we as a Panel aren't going to read the whole book before we make a decision here and while the book might be very good and might be accurate in certain points, we're not going to rely on it as authority.

Do you agree entirely with that quotation that was read to you, Mr McBride?

MR McBRIDE: No, I don't agree entirely, I say yes, some aspects of the quotation derive from the trial record and maybe we should go to the trial record so that we get it accurately, rather than have a report on the trial record.

MR DEHAL: You see, Mr Chairperson, my difficulty is whilst I accept that the Chair will not rely too much on the book, there can well be credibility addresses or addresses on credibility findings relative to Mr McBride and my concern is at that level.

MR RICHARD: Now when I read that quote ...(intervention)

CHAIRPERSON: I think ...(intervention)

MR RICHARD: ... I prefaced what I've said by saying I think this quote falls into a category that we've already disposed of ...(intervention)

MR McBRIDE: Is that one different from the first quote?

MR RICHARD: ... where in answer to my question you said "It was written at a time" etc. Now my next point was there are probably other quotes that are factually correct, is there any way whereby an ordinary reader would be able to dissect which is fact and which is fiction?

MR DEHAL: I submit one can't answer that question, it's too broad, I mean what other aspects are we talking about, what difference are we talking about? Let's read the whole book and then answer. And one can't expect to answer such a question.

CHAIRPERSON: I agree with Mr Dehal. How can you answer that question ...(indistinct) precisely which paragraphs are factual and which may not be?

MR RICHARD: Mr McBride participated in the writing of the book ...(intervention)

CHAIRPERSON: He was interviewed a number of times while on death row, he didn't - well I suppose ...(intervention)

MR McBRIDE: They don't allow ...(indistinct) on death row.

CHAIRPERSON: ... got information from Mr McBride, he didn't write it.

ADV PRIOR: Mr Chairman, may I make a suggestion that this aspect of the book stands over. I know that the Investigating Unit prepared some extracts and placed it on our table just before tea. They haven't obviously been properly gone through and I would propose, in order to save time, that it stands over until we ...(intervention)

JUDGE PILLAY: Mr Richard, maybe I can help you. Is it very important, the points that you are going to make arising out of those quotes? Is it going to help any of us at the end of the day? You yourself equated it to the value of newspaper cuttings.

ADV PRIOR: Mr Chairman, to the extent that it's addressed to Mr Richard, as Evidence Leader I was given the book yesterday evening and I went through the book. There are certain areas that I think in the interests of transparency and openness, are put to Mr McBride for his comment. Unfortunately Mr Richard was handed extracts by the Investigating Unit, Ms Quinn(?) and obviously he's now referring to them. In order to save time, and obviously Mr Richard has not gone through the entire extract, that I propose that we let it stand over. I will also have copies made for the Panel.

CHAIRPERSON: But the basic problem is that it's a book, which is not going to persuade us one way or the other. We're not going to read the book and make a finding based on the book. Now there might be 20 books, are we going to have 20 books put, the various views of various authors?

ADV PRIOR: No. There's one book, it's written by the author referred to and the quotations that I believe, I may be wrong, are quotations that are attributed to the applicant before you today. And I would submit that, obviously one would have to see those particular quotations attributed to him in order to determine whether they are relevant or not.

ADV BOSMAN: How can we know about the accuracy of those quotations? Do we now have to call the author to come and say that these quotations that he's got in the book are quite accurate?

ADV PRIOR: If the applicant says at this hearing he did not make that, then I submit well that ...(intervention)

CHAIRPERSON: Yes, but that means we might have to go through the whole book for the applicant to say he didn't make a quotation or did make a quotation and then ...

ADV PRIOR: Mr Chairman with respect, you misunderstand my point. There are certain quotations I submit, and they are not more than five or six, to that extent extracts were made of those few pages. It's not a question of dredging through the entire ...(intervention)

CHAIRPERSON: I suppose if they are put in there as direct quotations from Mr McBride, out of his own mouth, it can be put to him whether he said that or not, but I don't know ...(intervention)

ADV PRIOR: It's certainly at that level only. It's information that's in the public domain, it's been brought to our attention, we can't simply sweep it under the carpet, we have to produce ...

JUDGE PILLAY: But we're still, Mr Prior, on the domain of fishing. Why don't we just leave it to the shores of Mauritius then?

MR DEHAL: Mr Chairperson, I agree with all the comments made by the Chair. My difficulty is, it's not factually correct that there's only one book, there are other books and there are film transcripts floating around. The difficulty I have is when begins with Brian Rostrin, one doesn't know where one would end, probably in the UK with his book. My other difficulty is, much of what Mr Richard dealt with in regard to quotations from that book, are aspects obtained from the transcript. I mean here is a transcript, deal with that if you wish. We'll be wasting time in going on with this.

CHAIRPERSON: I intend to agree. If there's a quotation from the book that's put to him, purporting to come from Mr McBride and he denies that he made it, where is it going to take us? Will we then have to get the author in and then have to make some finding as to whether or not it was in fact said?

ADV PRIOR: Well, Mr Chairman, that is the position. Then obviously, as Evidence Leader one is then restricted to what the applicant has said. He's already told the Panel that the

evidence in these 15 volumes, at it relates to him, is unreliable, we can't really on it. So basically we have what he says before us. There's no way of testing the veracity of that. And I submit we are permitted to look wider than the statement he makes here.

CHAIRPERSON: You are certainly permitted, but the question is, the authoritativeness of the material being used.

ADV PRIOR: May I then propose that this aspect stand over. We will ...(intervention)

CHAIRPERSON: Yes, yes, I think if you can take a careful look at it.

MR RICHARD: I support that approach. I took certain highlighted paragraphs as it landed in front of me.

Mr McBride ...(intervention)

MR BERGER: Chairperson, sorry for butting in, but in the interests of transparency and openness that Mr Prior referred to, could we also have copies of the extracts that the Investigative Unit supplied him with?

CHAIRPERSON: Yes.

MR DEHAL: Ms Kooverjee and I say the same.

ADV PRIOR: I come back to my original point. If this can stand over I can deal with it adequately. It came before us suddenly, one copy was made and ...(intervention)

CHAIRPERSON: Well if you can get copies to the other parties, thank you.

MR RICHARD: To proceed to a different point. I have before me a picture of the front of the Parade Hotel, would you please have a look at it.

MR McBRIDE: Yes, I have it.

MR RICHARD: Now is it correct to describe the site of the bomb to have been placed on the South-East corner of the building on the Marine Parade ...(indistinct)?

MR McBRIDE: Sir, I'm not in a position to give you directions there. If you want the exact position, I think it's best that that map, that part of the exhibits that I gave in to the Investigative Unit and the Investigation Panel, which I gave them a map which was marked specifically in relation to the building where the car bomb was placed. Since they gave you that other stuff they should have that map I gave to them.

CHAIRPERSON: Is that the map with the X where the ...(indistinct) was? I can't recall where it is, Mr Prior, Mt.'s somewhere in the bundles.

MR RICHARD: The point I make is that the bomb went off on the corner of the building. On ...(intervention)

CHAIRPERSON: Mr McBride, I think the South would be towards the harbour side of the hotel and the East towards the sea, generally speaking. So the South-East would be on the corner of the building that's closest towards the harbour, on the sea side.

MR McBRIDE: Chairperson, I think it would be dangerous to do that, I'll be confused if you go in directions. Mine is a little bit different to that.

CHAIRPERSON: Let's find the map.

ADV PRIOR: Page 263 of A1.

CHAIRPERSON: Yes, volume A1, page 263.

MR McBRIDE: Yes, Sir, I have that.

MR RICHARD: Now on that page there's an X.

MR McBRIDE: That's correct, yes.

MR RICHARD: Now when I describe the points of the compass, on the left we have South and on my right we have North and towards I have East. So now ...(intervention)

MR McBRIDE: Sir, just - sorry, Sir. It just depends on which you are looking at it.

CHAIRPERSON: I think he's looking at it, Mr McBride, where, you're seeing the writing not upside or sideways. Where it says Parade Hotel and Yarningdale Express Hotel, it's how it ought to be.

MR McBRIDE: I have that now, Sir.

CHAIRPERSON: And then he's saying to the left of the map is the South, to the right is the North and right in front of you is the East.

MR RICHARD: Now on the photograph that I have just shown you, that displays the East-facing front of the building.

MR McBRIDE: You are speaking of 93/94?

MR RICHARD: Yes.

MR McBRIDE: Yes, I would say roughly East-facing.

MR RICHARD: It faces the sea.

MR McBRIDE: That's correct, yes.

MR RICHARD: Now from that picture one can observe windows blown out a number of storeys up, is that correct?

MR McBRIDE: Is that 95/96?

MR RICHARD: I can't see from where I ...(intervention)

MR McBRIDE: On the other side, Sir.

MR RICHARD: Yes.

MR McBRIDE: Yes, I see that.

MR RICHARD: Now one can see that on that South-East point, where the X is, certainly there's more damage and the damage extends right across the Eastern face of the building towards the Yarningdale.

MR McBRIDE: Yes, Sir.

MR RICHARD: Now the next picture I use is one which sets and displays what the car looked like and the car next to it, after the explosion.

CHAIRPERSON: The secretary doesn't seem to be here, Mr Richard.

MR McBRIDE: Thank you, Sir.

MR RICHARD: Now if one looks at the second photograph which has a number on it, of the motorcar remains, very little of that car is left.

MR McBRIDE: That's correct, yes.

MR RICHARD: In fact the explosion, in my submission, blew the shrapnel that had been placed in the car plus pieces of the car all over the place.

MR McBRIDE: I cannot concede that, Sir. As you yourself said, where the X is, the greatest damages were closest to where the X is, of the building. So it was directed in that direction.

MR RICHARD: That is the nearest point, isn't it?

MR McBRIDE: That is correct, yes.

MR RICHARD: And most damage occurred nearest the bomb.

MR McBRIDE: Yes. And the fact also that the explosives were packed on the left side.

MR RICHARD: So the building was the target at which the force of the explosion was directed.

MR McBRIDE: Yes.

CHAIRPERSON: Sorry, Mr Richard, if I could just ask one question before you proceed.

When that vehicle was parked with the bomb, was it parked parallel parking, next to the, with the left side next to the pavement or was it angle parked in?

MR McBRIDE: I'm not sure I understand you correctly. It was parked as if, it was in a parking place.

CHAIRPERSON: You see these cars on page 263, 10, 11, 12, 13, 14, 15, going down the road?

MR McBRIDE: Yes, Sir.

CHAIRPERSON: Was it parked like that?

MR McBRIDE: Yes, that's correct.

CHAIRPERSON: So parallel parking.

MR McBRIDE: That's right.

CHAIRPERSON: It wasn't angle parking with just the engine grid facing the pavement?

MR McBRIDE: No, Sir. Where the X is, that would have been where the boot was.

CHAIRPERSON: Okay, thank you. Yes, Mr Richard.

MR RICHARD: Thank you.

Now where the most damage on that photograph appears is, I think it's common cause, what was termed the Why Not bar. In other words the Why Not bar was on the corner.

CHAIRPERSON: Do you agree with that?

MR McBRIDE: Yes, Sir.

MR RICHARD: And there's the entrance to the building and on the right-hand side of that entrance there would have been Magoo's.

MR McBRIDE: Yes, it would be - Magoo's would be where it's written "grass verge", just inside I would imagine. That would be to the right of the entrance.

MR RICHARD: Now while the pictures speak for themselves, it would appear that the place in the corner, the Why Not, is the target of the attack with the full knowledge that the attack will in fact destroy or damage the rest of the building as well. As the pictures show, windows were blown up, right up ...(indistinct) floors.

MR McBRIDE: Sir, I just want you to ask one question at a time. Damage or destroys is two questions, it's not the same thing.

CHAIRPERSON: I think Mr Richard, if you could just ask specific questions rather than make statements and wait for a response.

MR RICHARD: The question that I ask is, where is the most damage?

MR McBRIDE: The part directly opposite the X. If you make a straight line from the X to the building, it's where that straight line, the shortest distance connects to the building.

MR RICHARD: Is that where the Why Not pub was?

MR McBRIDE: That's correct, Sir.

MR RICHARD: Now to the right of the entrance to the building, is that where Magoo's was?

MR McBRIDE: That's correct, yes.

MR RICHARD: There was less damage done there, but it was also damaged.

MR McBRIDE: That's correct, yes.

MR RICHARD: So it follows that while the principal target of the attack was the corner, damage was done to both the Magoo's and the rest of the building.

MR McBRIDE: Yes. Whilst the most damage was done to the Why Not, there was other damage elsewhere.

MR RICHARD: Different sorts of damage. Higher up windows only were blown in, or blown out.

MR McBRIDE: What is the question, Sir?

CHAIRPERSON: I think that's also fairly - the further you're going to get away from it the less the damage is going to be.

MR RICHARD: Yes.

CHAIRPERSON: Some is going to be broken windows, others not.

MR RICHARD: So my point is, is it not, and my question is, was not that building attacked?

MR McBRIDE: I didn't get that, Sir.

MR RICHARD: Did that building form the object of an attack through the medium of a car bomb?

JUDGE PILLAY: Are you referring to the building where the Why Not was situated? Well I think it stands to reason.

MR RICHARD: I return to Exhibit D.

CHAIRPERSON: Is that again, Mr Richard, Exhibit D? That's the Russian and Afrikaans. Yes, we haven't got it but I think - Mr Prior, if you could arrange for copies please, thank you.

MR RICHARD: Now I've heard your comment about Afrikaans being typed onto the form, but apart from the Afrikaans type typing, what is that form?

MR McBRIDE: I can't recall exactly now, but it was for one of the fuses we used. It was the different lead plates for different fuses.

MR RICHARD: Now it's a sheet which sets out, if one can read Russian, the different types of fuses that go into landmines and the time periods depending on the temperature.

MR McBRIDE: Not landmines, Sir.

MR RICHARD: Limpet mines.

MR DEHAL: Well I'm afraid I can't accept that, Mr Chairperson, I don't read Russian, I don't know whether Mr Richard does.

CHAIRPERSON: But I think let Mr McBride answer the question because I think Mr McBride himself earlier said that Exhibit D relates to the time fuses on limpet mines. I don't think it's in dispute. Is it, Mr McBride? I mean the red, white and blue, you're referred to it.

MR McBRIDE: Ja, I've seen something similar to this amongst the explosives, ja.

CHAIRPERSON: Yes.

MR RICHARD: Now I think your comment was it's the insert to the packaging that a limpet mine comes with. Now if one looks ...(intervention)

MR DEHAL: Sorry, he said it comes with the fuses, as an insert on the fuses, not ...(intervention)

CHAIRPERSON: But if you can just get ...

MR RICHARD: If somebody is familiar with that chart, my question is, from it can you calculate how long it will be after putting in the lead plate at a given temperature?

MR McBRIDE: Yes, that's what it's supposed to be.

MR RICHARD: And it tells you does it not, that if the temperature is higher the limpet mine goes off sooner?

MR McBRIDE: That's correct, because the lead is softer, so it cuts through quicker.

MR RICHARD: And it also tells us that unless you have a static temperature and a stable temperature, the timing of landmines - sorry, I've got landmines, not landmines, limpet mines might be unpredictable.

MR McBRIDE: Yes, it gives you a range, it doesn't give you exact times, the range under certain atmospheric conditions.

MR RICHARD: Now the timing device that you inserted into the car bomb outside the Parade Hotel, did it work on a similar basis?

MR McBRIDE: Yes, a similar basis, yes.

MR RICHARD: Now from the time that you pulled the pin, or whatever the equivalent on a limpet mine is, on that day how much time did you have before it went off?

MR McBRIDE: I used the one - I see it's not marked on here, a yellow one, which is the shortest time, five to fifteen under general South African weather conditions. MR RICHARD: ...(inaudible)

MR McBRIDE: That's correct, Sir.

MR RICHARD: Now I've read elsewhere that you had a special technique putting the fuse and the lead plates in, you used epoxy glue.

MR McBRIDE: That's correct, yes.

MR RICHARD: Did you do it on this occasion?

MR McBRIDE: Every occasion I used it on.

MR RICHARD: And the purpose of that?

MR McBRIDE: So it cannot be defused.

MR RICHARD: Now in the case of the Pine Street Parkade, did you also use epoxy?

MR McBRIDE: Yes.

MR RICHARD: What would have been the object of putting epoxy on the outside if it couldn't go off?

MR McBRIDE: So they can think that it's one of the same type that will not be defused.

MR RICHARD: In fact to leave your trademark not on. It's not incorrect.

MR McBRIDE: In a way, yes. I met the guy who used to try to defuse ...(indistinct) things at a later stage, not under very pleasant circumstances.

MR RICHARD: Now one of the statements made was to the effect that on other occasions you had left a vehicle packed with equipment for another unit to collect. Now when you say another unit, was it another Special Operations unit or was it another MK unit?

MR DEHAL: Just to correct the record, that's not what Mr McBride said, he said that is what was believed, he thinks by Greta Apelgren and Matthew Lecordier, in that within the confines of their belief, not knowing the target, not knowing the car bomb, they perceived this as being an operation where a car was being delivered to another unit. That's different from the present proposition.

CHAIRPERSON: You said in another part of your statement, what were you referring to, Mr Richard?

MR RICHARD: My question is, did you supply equipment to other units?

MR McBRIDE: No, we were in the process of doing it, in which Greta and Matthew were involved in, when we prepared a DLB as per instructions and to answer your other question, for another unit that would have infiltrated at a later stage.

MR RICHARD: Now would it be ordinary to leave a car full of equipment, explosives, guns, parked outside a beachfront pub?

MR McBRIDE: I don't know where you are getting that perception from, I certainly haven't created that perception.

MR RICHARD: Well if people with you had the impression that that was happening, my question is, is it a reasonable act to do, to have that as the drop-off point for the vehicle?

MR McBRIDE: I don't know from whose point of view. As an operative you can leave it anywhere. You're working underground, you can leave it anywhere, in a public place, in a - I mean it's speculative.

MR DEHAL: Mr Chairperson, I also don't see the relevance of this line.

CHAIRPERSON: I think it comes from the fact that Mr McBride mentioned that at one stage Ms Apelgren and Mr Lecordier were under the belief that they were going to leave the car to be picked up. And the question was whether that would be a reasonable place to leave the car. But we've got the answer, any place, it could be left anywhere.

MR DEHAL: But in any case, what's more common cause is that there was a bomb, there was an explosion.

MR RICHARD: It goes to the question of knowledge, but I don't take the point further. It was a question that arose out of the statement.

Chairperson, my position is, what I would like to do is have an opportunity to consider a number more of the volumes of the record. I don't believe I will need to ask more questions, but I would like to reserve my rights and I would also like to consider what the book ... (intervention)

CHAIRPERSON: Those extracts, yes. So would you like a temporary suspension to your cross-examination at this stage?

MR RICHARD: I believe that provided it's no prejudice to anyone, if I would so to speak have a second bit at the cherry after Mr Prior has finished.

NO FURTHER QUESTIONS BY MR RICHARD

CHAIRPERSON: Yes. Mr Prior, do you have any questions?

CROSS-EXAMINATION BY ADV PRIOR: I have one or two questions.

Mr McBride, in respect of the Edendale matter, the fact that you took weapons into the, firearms into the hospital local, you anticipated some resistance from the guards that you knew were there.

MR McBRIDE: Yes, I anticipated some resistance. I'll give you an example. If I'd expected to be in a shoot-out, I would have taken extra magazines and so on with me. I only had one magazine, which was used to threaten people.

ADV PRIOR: And on your intelligence there ought to have been no or few civilian people in the immediate area of the intensive care ward where Gordon Webster had been lodged.

MR McBRIDE: That's correct, because it would have been easier to effect the operation with fewer people around.

ADV PRIOR: When you fired the shot in the direction of Const Ngcobo, disarming him and as you indicated, effectively putting his weapon out of action, were there any other persons with weapons that you saw in the immediate vicinity of Const Ngcobo?

MR McBRIDE: Specifically with a weapon, no, but I believed the deceased' and the people injured with him were police and were armed.

ADV PRIOR: Is that what you believed?

MR McBRIDE: Yes.

ADV PRIOR: Were they in uniform?

MR McBRIDE: No, they were not, but they were sitting on the bench that the police used to sit on, which was provided specifically, according to my belief, for the police to use.

ADV PRIOR: And is it your recollection that when they dived to the floor, did they dive under any object, a table, a bench?

MR McBRIDE: I just out of the corner of my eye, they were further down the passage, saw them move and I immediately fired at them because they moved off the bench where the police normally sat on. That's the only reason why I fired at them.

ADV PRIOR: Would you say that was an instinctive reaction on your part?

MR McBRIDE: Yes, and also out of fear that I'm going to be shot.

ADV PRIOR: Could you just give us an indication possibly of the distance between yourself and where Mr Khumalo was? - sorry, not Khumalo, Buthelezi. I beg your pardon. Just a rough estimate from where you are seated, anywhere in the chamber.

MR McBRIDE: I can't recall correctly now, but it was some distance down the passage. The length, it would be the length, half the length of the ward, from the door of the ward to the steps.

ADV PRIOR: Would it be longer than the width of this stage on which we're sitting?

MR McBRIDE: It could be about from that curtain to the translators, perhaps even more, perhaps even more.

ADV PRIOR: I'd estimate about 30 paces, 35 paces.

CHAIRPERSON: 20 paces.

ADV PRIOR: 20 to 30 paces.

MR McBRIDE: Yes.

ADV PRIOR: And was it early evening?

MR McBRIDE: Ja, I think it was half past eight, around half past eight, yes.

ADV PRIOR: I have no questions relating to any of the other events regarding your amnesty application, I think those have been adequately canvassed, other than the Why Not bar and the next few questions will be directed in that respect.

Mr McBride, after listening to the evidence thusfar, I'm still in some doubt as to why the particular Why Not bar was chosen. Now is it correct that any area where there was a, within a civilian context, for example the Marine Parade of the CBD area, would have been a legitimate target as a result of the presence of a high concentration of Security Force personnel. In other words, my question essentially is that what made it a legitimate target in line with the policy after Kabwe, was the fact or the presence of a high concentration of military, Security Force personnel.

MR McBRIDE: Yes.

ADV PRIOR: And we hear what you said, that pre-Easter and subsequent to your return, your belief was that the Why Not bar was frequented by Security Force personnel.

MR McBRIDE: That's correct, yes.

ADV PRIOR: And I think you made the concession properly when you said that you had no guarantee of knowing on the 14th of June, whether any Security Force personnel were in fact on the premises or not.

MR McBRIDE: That's correct, yes.

ADV PRIOR: If I may just refer you to the criteria which led you to conclude that this bar, Why Not bar, was a legitimate target. We have the information that you received in passing, general terms at the Allan Taylor residence, we have the report of Gordon Webster that this place was infested with Security personnel, we have the casual comment "May the force be with you" and we have the one evening where you reconnoitred and followed two groups of people, one group not going to the Why Not and the other group going to the Why Not, and you said also, apart from general knowledge. Were those basically the factors which you took

into account in determining, as the Commander of your unit, that the Why Not bar was a legitimate target in line with ANC/MK policy?

MR DEHAL: Sorry, before the question is answered, I think it would be unfair to have to confine it to just those aspects ...(intervention)

CHAIRPERSON: He's asking the question. If not, then Mr McBride can say so.

MR DEHAL: Except that the evidence on record shows otherwise. I mean, it shows that Mr Gordon Webster had also reconnoitred ...(intervention)

CHAIRPERSON: He said ...(intervention)

MR DEHAL: He simply put it on the basis that he had a report from Gordon Webster that it's infested, but the evidence shows that Mr McBride was also ...(indistinct) on a social occasion.

CHAIRPERSON: Yes, no, that is fair.

ADV PRIOR: ...(indistinct) where he heard the comment "May the force be with you".

CHAIRPERSON: Yes.

MR DEHAL: No, but there was ...(intervention)

CHAIRPERSON: I think what Mr Dehal is saying is the talk at Allan Taylor's, all the criteria you mentioned plus also that he had done some reconnaissance work in that area with Mr Webster, beside Mr Webster's statement that it was infested with ...(intervention)

MR DEHAL: And apart from Mr Webster's independent recall(?), also on one occasion Mr McBride said he was on a social outing and he happened to pass this place and he had his eye on the Why Not as well.

ADV PRIOR: Yes. Is that the full extent of your intelligence?

MR McBRIDE: I can put it this way, all those aspects you mentioned played a part in deciding on the possibility of Why Not as a target.

ADV PRIOR: I also understood when Mr Ismail gave evidence as well as Mr Mnisi and Pule and Dumakude, that it would have been an unacceptable ratio, in other words in the light or against, whether it was a legitimate target to have, on the hypothetical position put by Mr Richard, that it would not have been justifiable if you only had five policemen for example in a crowd of a hundred civilians.

MR McBRIDE: I did not know that. And there's also other evidence, I mean one of the people you mentioned ...(intervention)

ADV PRIOR: Sorry, my question is, do you accept that opinion of theirs or do you ...

MR McBRIDE: Well one person had two opinions on the same thing. One person said if it's five people going into, who are targets and they go into a place where then other people are

not targets and the place becomes a target. So I mean, it's just opinions we're dealing with at this stage.

ADV PRIOR: But ultimately your objective was to kill as many Security Force personnel as possible and not civilian population.

MR McBRIDE: Yes, yes, that's correct.

ADV PRIOR: Because although Kabwe had changed what the approach would be to some extent, you were still admonished and cautioned and advised, as was the evidence of Mr Pule, that you had to still act within the guidelines and within the policy ...(intervention)

MR McBRIDE: Sorry, Sir, can you just, when you say "you" meaning me, are you meaning me, "were admonished and advised"?

ADV PRIOR: Well he said that ...(intervention)

MR McBRIDE: He never gave such evidence that I was admonished on anything.

ADV PRIOR: Before you went or were sent back with the material they were at pains to explain that one couldn't act out of anger.

MR McBRIDE: He did mention that he was not dealing with me specifically, he was dealing with a hypothetical statement. I've never been admonished, ever. I was a disciplined soldier.

ADV PRIOR: Now I mean one knows from experience that venues change as the attraction may differ, for example a certain group of people may frequent a certain place and may move on to a different drinking place. Now the bulk of your intelligence was gained pre-April, sorry, pre-Easter, before your visit to Botswana.

MR McBRIDE: Yes, that's correct.

ADV PRIOR: Anything that - it's put at the level that in June, sorry, when you returned on the 12th of April, from that time until the 14th of June - sorry, I'm getting confused, he returned in? On the 12th of June. From the 12th to the 14th of June, what further reconnaissance did you do to verify that the Why Not bar was still a venue for a high concentration of military personnel or Security Forces?

MR McBRIDE: Well just to answer your question, from 1984 already the rumour was there that there's a high concentration, by '86 we have Gordon saying it's infested. Over that period it was still being frequented by Security personnel. But to answer your question, I went once there after - bearing in mind that it was not my operation until I took Gordon Webster out towards the end of May. The middle of May towards the end of May I took Gordon Webster out of the country. It then became my operation and I had to come and carry it out on the 12th of June.

CHAIRPERSON: After the end of May you went once back to the site?

MR McBRIDE: Yes, that's correct.

ADV PRIOR: What did you see when you got there? Was it in the day or the night?

MR McBRIDE: It was in the night. It's - as the one you referred to as the comment of "May the force be with you".

ADV PRIOR: And you were unable to see how many people were in the bar.

MR McBRIDE: No, it was full.

ADV PRIOR: So it was full?

MR McBRIDE: That's what they said to me, why I couldn't go in.

ADV PRIOR: Yes, but you never saw who was in the premises?

MR McBRIDE: No, Sir.

ADV PRIOR: Mr McBride, do you accept that - the evidence seems to suggest that the magoo's bar, being an action bar, was frequented by a younger clientele, younger people?

MR McBRIDE: I'm not in the position to comment either way on that.

CHAIRPERSON: Are you talking about magoo's now, because I think the target was the Why Not.

ADV PRIOR: Yes. Yes, the target was Why Not, but magoo's was a few paces away. And obviously, I think from the questioning of Mr Richard, injury to persons in that area was contemplated.

MR McBRIDE: Yes, that is why I went back to my Commander and asked about it.

ADV PRIOR: And all those people, on my understanding of your evidence, were, it was an acceptable risk? In other words, they were people that as you explained in your evidence, you'd say were caught in the crossfire. They were an expendable casualty, or expendable civilian casualty in the sense that although they weren't your specific target, if they got caught in the crossfire, that was acceptable within the policy of MK.

MR McBRIDE: I wouldn't use the exact words that you are using, "expendable casualties".

ADV PRIOR: Well acceptable casualty.

MR McBRIDE: Yes, I would use that.

ADV PRIOR: Would I be correct in suggesting that your intelligence did not confirm that Security personnel frequented the magoo's bar?

MR McBRIDE: You would be incorrect.

ADV BOSMAN: You said magoo's bar.

ADV PRIOR: That's what I said, yes.

MR McBRIDE: Could you just repeat your question.

ADV PRIOR: Would I be incorrect to suggest to you or to state that your intelligence, because it hasn't been said thusfar, was not that Security personnel frequented the magoo's bar? Your intelligence suggested that they frequented the Why Not bar.

MR McBRIDE: That's correct, yes. Not that there was no Security personnel in magoo's.

ADV PRIOR: Well you never knew that.

MR McBRIDE: That's correct, yes.

ADV PRIOR: It as not your intelligence.

MR McBRIDE: That's correct, yes.

ADV PRIOR: And it was never in the greater plan of things to target magoo's bar.

MR McBRIDE: The place we had in mind was Why Not. Whether Gordon's unit had a plan is another matter altogether.

CHAIRPERSON: I don't know if you can answer this, Mr McBride. This Why Not and magoo's bar at the time, okay we've heard they're action bars and there's some jazz music and background music and that sort of stuff, would one have to pay a cover charge to get into one of the bars? In other words, if I went in those days to the Why Not bar, could I have a beer there and then walk across the passage and mingle in the magoo's bar and come to and fro, or would I have to pay a cover charge each time?

MR McBRIDE: No, Sir, you'd be able to go on both sides.

CHAIRPERSON: So it's effectively - so somebody going to the Why Not bar may well spend time in magoo's bar and vice versa?

MR McBRIDE: Yes, Sir. Yes, that's correct.

CHAIRPERSON: Thank you.

ADV PRIOR: Was there any room in your equation that there might well be underage persons on the premises when you detonated your bomb?

MR McBRIDE: Well as I said earlier, the only equivocation given to me by Rashid was that there should be absolutely no chance of children being killed. I would imagine that people under age would not be allowed into a bar.

ADV PRIOR: Was that never even contemplated? Did you do any checking on whether underage people frequented that particular action bar, magoo's?

MR McBRIDE: I've just given you the answer to this question you're asking now.

ADV PRIOR: Yes, but that's - you imagine that that wouldn't happen. I'm asking you whether you took any concrete steps, any objective steps to make sure that that wasn't the case.

MR McBRIDE: Sir, it's difficult to follow all children, it's easier to follow police and find where they go.

MR DEHAL: Sorry, Mr Chairperson, it's not - sorry, the list of victims does not include any children and I think that's common cause.

CHAIRPERSON: But I think the question may be asked.

ADV PRIOR: Well the list is silent. My understanding is that there was a matric, people from a matric class that were celebrating a midyear exam that they had completed.

MR DEHAL: I've never heard that before and during the trial it never emanated.

JUDGE PILLAY: The question is simple ...(intervention)

CHAIRPERSON: The questions stands, I mean I don't think it was an unfair question. The question was, did you take any positive steps to establish whether or not any children were in the bar at the time of, or the night of the explosion.

MR DEHAL: At that level I accept it's a fair question, but I don't think the aspect relating to a matric student ...(intervention)

CHAIRPERSON: No, no, we were not regarding that as any evidence.

MR DEHAL: Thank you.

ADV PRIOR: I think he's answered it.

CHAIRPERSON: I think what Mr McBride has said is that he didn't expect any children to be there because it was a pub and they had no place to be there, but didn't actually take any positive steps to establish that.

ADV PRIOR: What steps were taken to safeguard the safety, if at all, of passers-by, civilians, vendors, hawkers, who were prevalent in that area?

MR McBRIDE: My recollection is that that was part of the crossfire and the acceptable, if you want to use a modern word now, collateral casualties.

ADV PRIOR: But by the nature of your bomb it was, you couldn't, for example like with a radio control or remote control, if there were - for example we believe that, we understand that there was a flower seller, a Rajesh Dalturan(?), a 15 year old boy, who was in the immediate vicinity when the bomb detonated.

MR McBRIDE: Yes, he gave evidence in the trial.

ADV PRIOR: Once you had obviously detonated or activated the bomb, it would have killed anyone - obviously the inference is that anyone in the immediate vicinity would have been either killed or injured?

MR McBRIDE: That's correct.

ADV PRIOR: Did I understand your evidence that the Why Not bar had been, it was in your mind as the target for the car bomb that you were about to construct on your return to Durban from Botswana?

MR McBRIDE: Yes, specifically because I had something to do with the reconnaissance.

ADV PRIOR: By that stage, after you had spoken to Mr Ismail and the others and had received your training in car bomb manufacture, although your evidence is that you did not tell him anything about the identification of the target, at that stage in Botswana you knew that the car bomb would be placed at or near the Why Not bar.

MR McBRIDE: That's correct. Unless there would have been a police presence that evening, or undue police presence, unusual police presence in the area.

ADV PRIOR: That you couldn't get there.

MR McBRIDE: Well that I couldn't get there, yes, and that it was ...

ADV PRIOR: Did you at any stage say to Mr Ismail that the target selection had been complete and that an alternative target had been decided upon by yourself, other than the Natal Command objective, because that had fallen away.

MR McBRIDE: That had happened at an earlier stage. I mean, I think we went over Natal Command again. I mean if on the occasion I went out the last time to Botswana and Rashid said look, I want you to fight your way into Natal Command, place the car bomb and retreat, I would have done that.

ADV PRIOR: Yes. It's just that that stage, Easter, May/June, your overall Commander was still insisting that a purely military target was to be hit.

MR McBRIDE: No, the difficulties were raised earlier on, before Easter already, as I've said.

ADV PRIOR: If you had already completed the target selection in your own mind - I just have difficulty with the evidence of Mr Ismail on this aspect, paragraph 4 of his affidavit in bundle A1, at page 76, that during that meeting in Botswana you had indicated to him that a number of possible targets frequented by off-duty Security Force members had been identified and you were then instructed to complete reconnaissance with regard to a final selection of target.

MR McBRIDE: I can't recall the exact circumstances there, but I only had two days in which to purchase the vehicle, put everything together again. Realistically there was no way I could conduct additional intelligence at that stage, impossible.

ADV PRIOR: My difficulty is, it seems that Mr Ismail certainly was not under the impression from you that a target had been finally selected. He certainly left us with the impression, or me with the impression from his statement, that when you left Botswana you were to make a final reconnaissance, to complete your reconnaissance in order to finally select your target.

MR McBRIDE: I think it's fairer to put that question to Rashid, not to me. I had a few hours in which to put the operation together, almost an impossible task.

ADV PRIOR: Let's accept for the moment Why Not on your intelligence was a legitimate target, but equally so there was an appreciation that many, many civilians could have been killed or injured in that explosion.

MR McBRIDE: Yes, that's why I raised the issue.

ADV PRIOR: Yes. And as we have heard in other hearings, simple military action always had to be finely tuned with the political objective, is that correct? In other words, it had to achieve some political purpose or objective and it could not have been seen simply as random violence. Would you agree with that statement?

MR McBRIDE: That's correct, it's armed propaganda.

ADV PRIOR: Yes. The very fact that a car bomb would have been placed in the position that you placed it at the Why Not bar, would have had serious repercussions, not only nationally but also internationally.

MR McBRIDE: Yes.

ADV PRIOR: Vis-à-vis the ANC.

MR McBRIDE: That's correct, yes.

ADV PRIOR: And those were also within your contemplation.

MR McBRIDE: Well I can only speculate at this stage what the political leadership had decided. Do you want to hear my speculation?

ADV PRIOR: No, no, no, you've answered for purposes of my next question.

Is there any reason why you did not raise this with Mr Ismail, that your target was in fact the particular Why Not bar in the Parade Hotel, there was a great chance of substantial civilian casualty and whether in the light of those specifics you still could go ahead?

MR McBRIDE: No, I - if you read my first statement, if you recall it, that I read out, I did all my anguishing and discussions before I accepted recruitment. I was asked - I was told that at some stage I'm going to be asked to get involved in operations where people, where the military or otherwise will get killed and that I may also die in the operations.

ADV PRIOR: Yes, I ...(intervention)

MR McBRIDE: Allow me to finish. And it was then that all my anguishing and whatever problems I might have had where taking the decision from non-violence to violence was taken. That's the understanding under which I came into Special Ops. I cannot whenever it suits me, decide no, I've got some problems with this operation. I was acting in a military situation. I'm not suggesting either way that I was forced or undue pressure was put on me, I'm saying that I did all of those discussions about killing with myself before I entered Special Ops.

ADV PRIOR: Mr McBride, I hear you, my question is more specific than that. On the information before us you joined MK Special Ops round about November 1985 ... (intervention)

MR McBRIDE: October.

ADV PRIOR: ... October 1985, and by June of 1986 you already had been heavily involved in many operations ... (intervention)

MR McBRIDE: Yes, Sir.

ADV PRIOR: ... which in effect was aimed at the power grid of the country at the time.

MR McBRIDE: Well at least in two operations people died prior to that.

ADV PRIOR: Yes, but that was ... (intervention)

MR McBRIDE: And people were injured in the ... (indistinct) incident also.

ADV PRIOR: Yes, but the planting of a car bomb was now a very clear departure from the type of activity that you had been involved in, was it not?

MR McBRIDE: I think the very nature of a car bomb indicates for itself what it's about.

ADV PRIOR: And also the identification of the target had now changed, to the extent that what had been originally ordered, an attack on Natal Command Headquarters of the Army base, was no longer possible, but an alternative target had been selected by yourself, which you said you'd already decided upon at the time that you were in Botswana, between the 6th and the 11th of June. Is that correct?

MR McBRIDE: As one of the possible targets, yes.

ADV PRIOR: My question is simply, bearing in mind that the impact that that particular action or operation would have had, here you had your overall Commander with you in Botswana, during the time that you were being trained to construct the car bomb, I would have thought that it would have been the easiest thing in the world to discuss with him whether the risk of substantial civilian casualty was still acceptable and in line with policy.

MR McBRIDE: In answer to your question, Sir, I was aware of Kabwe policy before that day, I raised it again myself, what is the policy. I'm sure ... (intervention)

JUDGE PILLAY: With whom did you raise it?

MR McBRIDE: With Rashid, Sir. I also - I'm sure that the political leadership to whom Rashid reported directly were aware of the operation that was going to take place, and who would have considered these consequences you now mention.

ADV PRIOR: Is it your evidence that only the Barn and the Why Not bar were frequented by large concentrations of off-duty Security Force personnel?

CHAIRPERSON: No, the evidence was that those are the two places that they did reconnaissance work on. I don't think there was suggested that those were the only two places in the whole of Durban which were frequented by members of the Security Force.

ADV PRIOR: Thank you, Mr Chairman.

Did you have any - can you identify any other places that you had gathered intelligence on?

MR McBRIDE: I can't remember them now, Sir.

ADV PRIOR: Were they also pubs or restaurants or hotels?

MR McBRIDE: They may have been, I can't remember them now, Sir.

ADV PRIOR: Were they in the Marine Parade area or elsewhere?

MR McBRIDE: I can't recall that specifically now, Sir.

ADV PRIOR: You said you considered the barracks at the CR Swart Square Police Station.

MR McBRIDE: Yes, it was something we had discussed and considered at some stage, when we were in the area.

ADV PRIOR: Those are the single quarters, is that correct?

MR McBRIDE: I wasn't sure which quarters they were, but single men unaccompanied by women came out of them.

ADV PRIOR: And you considered that too dangerous to get a car bomb close enough?

MR McBRIDE: It wasn't a viable option in terms of the retreat after the operation and gaining access to it.

ADV PRIOR: It was put to you that there was in Ridge Road, on the corner of Ridge Road and Oakley Drive, on North Ridge Road, just after the tollgate, a substantial block of flats which housed the married police personnel.

MR McBRIDE: I was unaware of that.

ADV PRIOR: Excelsior Court I understand is the name.

MR McBRIDE: I was unaware of that one.

ADV PRIOR: Would you agree that there were many other suitable targets where high volumes of Security personnel would have been present at any particular time, day or night.

MR McBRIDE: I'm not sure that the last one Sir that you mentioned would have been suitable in line with Rashid's equivocation that no kids should be injured. It's a residential place.

ADV PRIOR: So strictly a residential cluster of buildings or a block of residential flats was not part of, or would have fallen outside the guidelines as you ...(intervention)

MR McBRIDE: Ja, if you are using a car bomb, where kids can get injured. If the instruction is "Kill them as they come out of there", the policemen that is, it would be a different case, if you want to shoot them or whatever, but given a car bomb ...

ADV PRIOR: As much as there's been some difficulty raised about the list of victims, injured people, apart from the three exhibits that you've tendered J, K and L, do you have any other information that suggests unequivocally that there was a large concentration or even some concentration of Security Force personnel at the Why Not bar on the evening when the bomb detonated?

MR McBRIDE: Ja, it's Mr Davidson's conversation he had with my lawyer ...(intervention)

ADV PRIOR: Sorry, what was that? That there were police ...(intervention)

MR McBRIDE: It was a place for police to come and military personnel.

CHAIRPERSON: I think the question being asked by Mr Prior is, do you yourself have any knowledge as to whether Security Force personnel were in fact injured on the night of the 14th of June, as a result of the bomb blast?

Is that the question?

ADV PRIOR: That's the question, thank you.

MR McBRIDE: No, Sir, I don't.

ADV PRIOR: When you finally activated the bomb, that was round about quarter past nine on the Saturday evening, can you say whether the people at both bars, that's the Why Not and the magoo's bar, was full to the extent that patrons had spilled out into the foyer area of the hotel? In other words, it was a very busy night.

MR McBRIDE: That is possible, I don't recollect clearly now anything like that.

ADV PRIOR: Mr Chairman, if I may be permitted to just look at the extracts.

JUDGE PILLAY: Mr McBride, what day of the week would this have taken place?

MR McBRIDE: The Saturday, Sir, Saturday evening.

JUDGE PILLAY: Saturday. Ja, but what time? Would you have ...(intervention)

MR McBRIDE: Half past nine.

JUDGE PILLAY: You would have planted that bomb to explode at half past nine?

MR McBRIDE: Between half past nine - from half past nine onwards.

JUDGE PILLAY: And have you any idea when it in fact did?

MR McBRIDE: I think quarter to ten.

ADV PRIOR: Thank you. I understand part of the explanation why the 14th of June was chosen, why not the 16th of June?

MR McBRIDE: Because the ...

ADV PRIOR: Wouldn't that have been a more fitting or an appropriate time to commemorate the 10th anniversary of June 16?

MR McBRIDE: Well I think it's more in line with the Kabwe Conference and the previous attack by the apartheid regime's Forces in Botswana, which brought about, which really precipitated the policy change by the ANC, and it was more a commemoration of that at that stage, but since June the 16th was two days away it was combined as, with the same objective.

ADV PRIOR: Would it have made any difference whether it went off on June the 16th?

MR McBRIDE: Well I think I'd answer the question a different way. If there wasn't this attack two days before the Kabwe Conference, it might have been different.

ADV PRIOR: No irrespective, was the order that it had to - was your instruction that it had to be detonated on June the 14th?

MR McBRIDE: June the 14th, that's correct.

ADV PRIOR: And that came from Mr Ismail?

MR McBRIDE: That's correct, yes. As much as was viably possible.

ADV PRIOR: Mr Chairman, there's just two aspects, but they relate to the book. Possibly we can deal with ...(intervention)

CHAIRPERSON: I see it's past 4 o'clock. We'll adjourn now until tomorrow morning at half past nine.

MR DEHAL: Mr Chairman, could I ask for an indulgence to begin at ten tomorrow, I have a prior commitment which I hope will finish by nine thirty.

CHAIRPERSON: Yes.

MR DEHAL: Thank you.

CHAIRPERSON: Right, we'll adjourn until 10 o'clock tomorrow morning.

COMMITTEE ADJOURNS