

**DATE: 8TH OCTOBER 1999**

**NAME: EDWARD ALLAN PEARCE**

**DAY : 9**

-----CHAIRPERSON: Morning everybody. Yesterday when we adjourned, Mr Dehal indicated that Mr Pearce would be testifying today.

MR DEHAL: Thank you, Mr Chairperson. Mr Chairperson, this morning we had time, and I'm indebted to you for that time, endeavours were made by Mr McBride to meet, I think with Ms Welgemoed. Mr Richard has been talking with them with a view to facilitating that. I don't think that has happened as yet. Perhaps we can take it up later. We thought it prudent to begin first.

CHAIRPERSON: Yes, thank you.

MR DEHAL: Ms Kooverjee is going to lead Mr Pearce and after him out other client, Mr Andrews, and then I would address you, Mr Chairperson, on the future witnesses. Thank you.

CHAIRPERSON: Thank you.

EDWARD ALLAN PEARCE: (sworn states)

CHAIRPERSON: Mr Kooverjee?

MS KOOVERJEE: Thank you, Mr Chairperson. I have prepared statements of Mr Allan Pearce. May I have leave to hand them

in?

CHAIRPERSON: Yes, thank you, that will be Exhibit Q.

MR DEHAL: Correct.

CHAIRPERSON: Yes, thank you.

EXAMINATION BY MS KOOVERJEE: Thank you, Mr Chairperson.

Mr Pearce, is it correct that you have brought about an application for amnesty?

MR PEARCE: Yes, it is.

MS KOOVERJEE: I refer you to bundle A1, on page 187 to 189. Is that your application for amnesty?

MR PEARCE: Yes, it is.

MS KOOVERJEE: Okay. Will you please explain to this Committee, was this application completed by yourself?

MR PEARCE: Yes, it was.

MS KOOVERJEE: Were you assisted in any way?

MR PEARCE: No.

MS KOOVERJEE: Okay. I refer you now to your statement. Will you please read from Annexure Q on your general background.

CHAIRPERSON: Mr Pearce, if you can just bear in mind that the interpreters will be translating simultaneously when you're reading, so if you can just read slow enough for them to keep up with you. Do they have a copy of the statement? Thank you.

MS KOOVERJEE: Sorry, Mr Chairperson.

MR PEARCE:

"I am presently employed as a security officer for the African National Congress and still a member of the ANC.

I have been convicted of all the acts/operations that I seek amnesty on and have served an effective sentence of three years, six months.

During the course of operations I acted as a combatant with comrade Robert McBride. Robert and I grew up together in the Wentworth area and we got to know each other well. As we grew up we became increasingly politicised. Our people in Wentworth and generally in South Africa were suffering. There was either no education or very poor education, jobs were scarce. Many of the comrades in my area who suffered as I did, shared the same political perception and we generally met in Ogal Road on numerous occasions and held discussions about our plight."

MS KOOVERJEE: Sorry, Mr Pearce, is Ogal Road in Wentworth?

MR PEARCE: Yes, it is in Wentworth.

MS KOOVERJEE: Please go on.

MR PEARCE:

"Some of those who attended these meetings were Matthew Lecordier and Antonio du Preez, Naziem Kassiem and Marson Sharpley. Robert also attended these discussions and supplied us with political material, which I read."

CHAIRPERSON: Sorry, Mr Pearce, just before you proceed. During what period would this be, more-or-less?

MR PEARCE: 1985.

"In 1986, Robert invited me to join his unit and informed me that in the near future he will arrange for me to be trained outside the county as an MK cadre.

In our various discussions we discussed the various ways and means that we could use to get back at the then government for the way they were oppressing us and our people. One such idea was to burn down schools in Wentworth, so that bigger and better schools could be built. I was frustrated at the inequalities in this country and the impoverished state we were in."

JUDGE PILLAY: Mr Pearce, were you trained as a cadre eventually?

MR PEARCE: No, Sir.

MS KOOVERJEE: Mr Pearce, you now go onto the arson attack at Fairvale Secondary School, which is referred to in bundle A1, page 6, item 4, being an incident which occurred on the 3rd of September 1985. Is that correct?

MR PEARCE: That's correct.

MS KOOVERJEE: Okay, will you please read on.

MR PEARCE:

"The attack on Fairvale Secondary School was an idea that Robert up, with which we agreed. Matthew Lecordier and I were doing night school at the time at the same Fairvale School. The school was falling apart. This was a prefab building.

Robert and another comrade, whose name I cannot recall, earlier left petrol on the school premises. That evening Robert, Matthew Lecordier, Naziem and Marson Sharpley and I got together and went to the school to carry out the operation.

Whilst Matthew, Marson Sharpley and I kept guard, Robert and Naziem broke the window of the school with a view to entering the classroom. I'm not too sure who entered. After the petrol was spilled we left Naziem who was to have lit the match and to have thrown it into the classroom to set it alight. He was chosen as he was the fastest and the fittest and could run away easily.

The next day I learnt that the school had suffered damages arising from the arson, but they were superficial burns only."

MS KOOVERJEE: Mr Pearce, you now go on to the attack on the industrial water supply pipe in New Germany. That is referred to in bundle A1 on page 10, item 21. Do you confirm that?

MR PEARCE: Yes, I do.

MS KOOVERJEE: Okay, please go on.

MR PEARCE:

"Robert and Matthew Lecordier advised me that they would pick me up at 1 o'clock in the morning as there was something we needed to do. They picked me up and drove me to New Germany. We operated on a strictly need-to-know basis. This was discipline explained to me by Robert and we had to strictly adhere to this.

The reconnaissance of the area was first carried out and the route was checked out and it was established that there were no roadblocks. We then returned to Wentworth, where Robert picked up two limpet mines.

The arranged plan was that Robert would stop on the freeway, whilst Matthew and I would get out and climb up the bank. Matthew and I carried a limpet mine each, given to us by Robert. It was arranged that Robert would go to the next turnoff and return to the other side of the freeway.

Matthew and I got out and went to the pipes. We had some difficulties with the pipes and Matthew suggested that we place the limpet mines on the valves itself. We did so. We pulled the pins and left and returned down the bank, where Robert met us and we left.

The next day I learnt that the limpet mines had exploded. There were no persons injured or killed in this operation."

MS KOOVERJEE: Mr Pearce, is it correct that you were charged with illegal possession of arms and ammunition?

MR PEARCE: That's correct.

MS KOOVERJEE: And you were sentenced for this.

MR PEARCE: Yes, I was.

MS KOOVERJEE: Okay, will you please explain this.

MR PEARCE:

"If I can correctly recall it was shortly after June 1986, that Matthew gave me two limpet mines and one handgrenade and requested that I should keep it safely. He said he would later discuss with me as to what I was to do with it. I was subsequently arrested during 1986. The handgrenade and limpet mines were buried behind a shopping centre. These were all later discovered by the Security Police and taken away by them."

MS KOOVERJEE: Thank you. Mr Pearce, there was some suggestion made about, at the time when the book "Until Babylon Falls" was discussed, that you were a member of the Vultures Gang. Can you please explain that?

CHAIRPERSON: A member of? I didn't catch the ...

MS KOOVERJEE: The Vultures Gang.

CHAIRPERSON: The Vultures Gang.

MS KOOVERJEE: That is correct, Mr Chairperson.

MR PEARCE: I was never a member of the Woodstock Vulture Gang. I lived in that area and the reason why I left was because there was a lot of violence there. And as far as the statement in this book, I never met this author, I never read the book. So I don't know how he got this information.

CHAIRPERSON: Mr Pearce, you said the Woodstock Vultures Gang, is that Woodstock down in Cape Town?

MR PEARCE: No, in Wentworth.

CHAIRPERSON: Oh, Woodstock in Wentworth.

MR PEARCE: Wentworth, yes.

CHAIRPERSON: Okay.

MS KOOVERJEE: Mr Pearce, during the course of your operations, was anybody injured?

MR PEARCE: No.

MS KOOVERJEE: Thank you, Sir, that is the evidence.

NO FURTHER QUESTIONS BY MS KOOVERJEE

CHAIRPERSON: Sorry, Mr Pearce, just before I ask people if they want to cross-examine you, illegal possession of arms and ammunition you're applying, from the statement it would appear that you're applying in respect of those limpet mines which Mr McBride left to you some time in June 1986. When you were convicted of for instance, this pipeline incident, were you also convicted of being in unlawful possession of limpet mines?

MR PEARCE: All acts ...(intervention)

CHAIRPERSON: So you apply - you don't restrict your application for illegal possession of weapons, to ...(intervention)

MR PEARCE: I was convicted and sentenced for the act.

CHAIRPERSON: For the act and also for being in possession of limpet mines.

MR PEARCE: Yes.

CHAIRPERSON: So you're applying for that, yes. Thank you.

Mr Berger, do you have any questions you'd like to put to Mr Pearce?

MR BERGER: Just one, Chairperson.

Mr Pearce, you said that you didn't receive any training outside South Africa as an MK cadre, but would it be correct to say that you did receive training inside South Africa as an MK cadre?

MR PEARCE: Yes, I did.

MR BERGER: And from whom did you receive that training?

MR PEARCE: From Matthew Lecordier.

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

NO FURTHER QUESTIONS BY MR BERGER

CHAIRPERSON: Did that include how to use a limpet mine?

MR PEARCE: A limpet mine and handgrenades, yes.

CHAIRPERSON: Mr Dehal, do you have any questions that you'd like to put to the witness?

CROSS-EXAMINATION BY MR DEHAL: Not so much a question, but simply to clarify the following point.

Mr Pearce, the Woodstock Vultures is a gang - sorry, is a gang that is reputed to be in Wentworth and operates from Wentworth and has the name Woodstock Vultures.

MR PEARCE: Yes.

MR DEHAL: And what you've said is you've never had anything to do with it.

MR PEARCE: No.

MR DEHAL: Inasmuch as you've said you had not met the author, I think his name is Mr Brain Rostrin of the book "Till Babylon Falls", had you ever been interviewed by any other person indirectly for the purposes of that book?

MR PEARCE: Not at all.

MR DEHAL: Thank you. Thank you, Mr Chairperson.

NO FURTHER QUESTIONS BY MR DEHAL

CHAIRPERSON: Thank you, Mr Dehal. Mr Richard, do you have any questions you'd like to put to Mr Pearce?

CROSS-EXAMINATION BY MR RICHARD: A number.

You say you received, that you met and discussed various matters with various people, and in paragraph 3 you say -

"Some of those who attended these meetings were Matthew Lecordier, Antonio du Preez, Naziem Kassiem and M Sharpley."

Now when did these discussions take place?

MR PEARCE: In-between the period of 1986/1986.

MR RICHARD: So did they continue until about June '86?

MR PEARCE: Could be, I'm not too sure.

MR RICHARD: Now do you recall discussion at those meetings about the plan to plant a bomb at a hotel or pub in central Durban?

MR PEARCE: Not at all.

MR RICHARD: Did you recall the idea being debated that handgrenades should be thrown at targets? I'm not interested in what sort of targets yet.

MR PEARCE: No, not at all.

MR RICHARD: So the question of throwing handgrenades at any police station, motor vehicle or individuals was never discussed, is that correct?

MR PEARCE: It could have been discussed, but there was no specific target.

MR RICHARD: The next question is, while you might have not discussed specific targets, was there any discussion as to what sort of targets handgrenades might be thrown at?

MR PEARCE: At Security personnel and collaborators.

MR RICHARD: And what were collaborators within the context of those discussions?

MR PEARCE: People who worked closely with the Security Force and also people who were members of the Labour Party.

MR RICHARD: When you say "closely with the Security Forces", what does the word "closely" mean to you?

MR PEARCE: They could be reservists.

MR RICHARD: Now training. You say Mr Lecordier trained you.

MR PEARCE: Yes, he did.

MR RICHARD: What training did he give you, what did he teach you to do?

MR PEARCE: He first taught me how a handgrenade works, how to detonate it, after pulling the pin, how long it would take before the handgrenade would explode when you let got the device on it, a handle and he also taught me about limpet mines, how to put a detonator into it, how to put a timer into it.

MR RICHARD: Who else was trained with you?

MR PEARCE: It was just me and Matthew, Matthew and myself.

MR RICHARD: Did he give you any training as to what casualties were permissible or not permissible?

MR PEARCE: It could have been discussed, but I'm not too sure.

MR RICHARD: When you say joined, do you mean that you were recruited into the group known as Special Operations?

MR PEARCE: No, we were a group that stayed together, we didn't go, we only took instructions.

MR RICHARD: Apart from the Fairvale School operation where, from what I gather, it was a group discussion and decision, did you ever conduct an attack on any target where it was simply you that chose the target?

MR PEARCE: No.

MR RICHARD: No further questions.

NO FURTHER QUESTIONS BY MR RICHARD

CHAIRPERSON: Thank you, Mr Richard. Mr Prior, do you have any questions?

CROSS-EXAMINATION BY ADV PRIOR: One question.

Did you ever receive any training from Mr McBride, whether military or political?

MR PEARCE: Political, yes. We had discussions and he did give me political material.

ADV PRIOR: Thank you, Mr Chairman.

NO FURTHER QUESTIONS BY ADV PRIOR

CHAIRPERSON: Thank you, Mr Prior. Ms Koooverjee, do you have any re-examination?

MS KOOVERJEE: None, thank you, Sir.

NO RE-EXAMINATION BY MS KOOVERJEE

CHAIRPERSON: Adv Sigodi, do you have any questions you'd like to ask Mr Pearce?

ADV SIGODI: None, Chairperson.

CHAIRPERSON: Judge Pillay?

Thank you, Mr Pearce, that concludes your testimony.

MR DEHAL: Sorry, Mr Chairperson, Mr McBride has asked me to clarify an aspect.

CHAIRPERSON: Certainly.

MR DEHAL: Could I just confer with Mr McBride quickly?

CHAIRPERSON: Certainly. Sorry, while you're conferring, if I could just as a question.

You say that you were recruited. Prior to that were you a member of the ANC or just a supporter, or what was your political standpoint?

MR PEARCE: I used to attend UDM meetings, UDF meetings, the United Democratic Front Meetings and I used to help in the Wentworth youth projects. There were student bodies there and we would make T-shirts, I would help them.

FURTHER CROSS-EXAMINATION BY MR DEHAL: May I proceed, Mr Chairperson. Thank you.

Mr Pearce, just to clarify. Mr McBride sitting on my right has indicated to me that you referred to the period '86 to '86, could you be mistaken? It was in fact as I understand it, 1984 to 1986.

MR PEARCE: Could be, yes, I must have made a mistake there.

MR DEHAL: Thank you. And secondly, in the command structure that you belonged to, between Mr Lecordier, yourself and perhaps other persons, I think you referred to yourself as having been the Commander of that unit - sorry, bear with me ...(intervention)

CHAIRPERSON: He said that they were group, would stay together and he basically acted on instructions.

MR DEHAL: I'm sorry, Mr Chairperson, I misunderstood that, perhaps I'll rephrase that question.

Mr Pearce, in regard to the taking of decisions, when you were cross-examined by Mr Richard you talked about individuals taking the decision, is it not correct that you jointly, with Matthew Lecordier and others who featured in that unit, made joint decisions after joint discussions?

MR PEARCE: Yes, we did.

MR DEHAL: Thank you, that is all.

NO FURTHER QUESTIONS BY MR DEHAL

CHAIRPERSON: Yes, sorry, Judge Pillay has indicated that he wished to put a question.

JUDGE PILLAY: Mr Pearce, what's your date of birth?

MR PEARCE: The 1st of January 1961.

JUDGE PILLAY: And what's your educational qualifications?

MR PEARCE: At the stage when we burnt the school I was doing night school, standard eight.

JUDGE PILLAY: At that school?

MR PEARCE: At the same school, yes.

JUDGE PILLAY: And did you attend the same school when you were attending normal school?

MR PEARCE: Yes, Sir.

JUDGE PILLAY: Were you part of the student politics while you were at school?

MR PEARCE: No, not while I was at school.

JUDGE PILLAY: Thank you.

CHAIRPERSON: Any questions arising?

MR DEHAL: None from me, thank you.

CHAIRPERSON: Thank you, Mr Pearce, that then concludes your testimony.

MR PEARCE: Thank you.

WITNESS EXCUSED

**NAME: MARCEL TREVOR ANDREWS**

-----MS KOOVERJEE: Thank you, Mr Chairperson, I'll call the next applicant, Mr Marcel Trevor Andrews. Sir, may I have leave to hand over the statement that I've prepared for Mr Andrews.

CHAIRPERSON: Yes, certainly, Ms Kooverjee, that will be Exhibit R.

MARCEL TREVOR ANDREWS: (sworn states)

CHAIRPERSON: Thank you. We've received a statement now, which we will call Exhibit R. Yes, Ms Kooverjee.

EXAMINATION BY MS KOOVERJEE: Thank you, Mr Chairperson.

Mr Andrews, I refer you to bundle A1, page 190 to 194, is that you application for amnesty?

MR ANDREWS: Yes, it is.

MS KOOVERJEE: Have you been assisted in the completion of this application?

MR ANDREWS: Yes.

MS KOOVERJEE: Okay. You have a statement before you, would you please read it to the Committee.

MR ANDREWS:

"My name is Marcel Trevor Andrews. I was born in Wentworth on the 3rd of February 1970. I spent most of my life in the working class township of Wentworth. I completed matric at Fairvale Secondary in 1988, and that school at a stage was in a dilapidated condition.

Immediately after I left school I was employed by Sasol at Secunda in the Eastern Transvaal. I encountered serious problems with white employees as they were forever wanting to oppress me. I observed how oppression and apartheid dominated my life.

I got involved in the Congress of South African Students, together Gasta(?) Sharpley at the beginning of 1984. At that time COSAS was an affiliate of the United Democratic Front.

We went around the Wentworth area to try and politicise the students to join the Congress of South African Students.

During January/February 1985 (that should read '86) ..."

CHAIRPERSON: You say that should be 1986?

MR ANDREWS: Yes.

CHAIRPERSON: So that's

"During January/February 1986"

MR ANDREWS:

"... I was recruited by comrade Vincent James to become an active member of the African National Congress, within a unit under Commander Robert McBride.

At that stage we assisted in politicising the students in the area. I received ANC material, which I read. I often listened to Radio Freedom and participated in political discussions at the Allan Taylor residence.

I refer to my amnesty application. I have applied for amnesty in respect of Item 13, referred to in bundle A1, page 8, referred to as "Grenade Attack on School Principal Leaf's House", which occurred on the 8th of April 1986.

I was arrested for this incident and was to have been a State witness. However, since both Vincent James and Kevin Curtis pleaded guilty, no evidence was taken from me. I have not been indemnified for this act, nor have I as yet been charged for it.

A day or two before the 8th of April 1986, Vincent trained me in the use of handgrenades. This was theoretical training. On the day in question and ...(indistinct) 9.30pm, Vincent James, Kevin Curtis and I left the Allan Taylor residence to go to Mr Leaf's house. I knew Mr Leaf as a member of the Labour Party and also as a police reservist.

Two handgrenades were used. I carried one and Vincent James carried the other. We approached Mr Leaf's house from the back and threw the handgrenades to the front of the house. There were no injuries and minimal damage to his property.

I confirm comrade Robert's submissions on this operation. We were at that stage concerned the Labour Party supported a State of emergency and cross-border raids. We understood Mr Leaf as a legitimate target."

Thank you.

MS KOOVERJEE: Thank you, Sir, that is the evidence.

NO FURTHER QUESTIONS BY MS KOOVERJEE

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

MR BERGER: No questions, Chairperson.

NO QUESTIONS BY MR BERGER

CHAIRPERSON: Mr Dehal?

CROSS-EXAMINATION BY MR DEHAL: Thank you, Chairperson, just to clarify one aspect.

Mr Andrews, Mr McBride tells me that the general understanding amongst the comrades in Wentworth and in political circles around Wentworth was that in human rights trials, political trials like the one you were involved in when you became a state witness against your comrades, it was generally done not freely and voluntarily, but under pressure at the hands of the Security Police.

MR ANDREWS: That's correct.

MR DEHAL: Is that how you elected - well elected would be the incorrect word, is that how you came to be the State witness in this matter against Vincent James and the other?

MR ANDREWS: Well there wasn't like any physical pressure, but I can just maybe explain the circumstances.

MR DEHAL: Briefly.

MR ANDREWS: Okay. I was held alone at Brighton Beach Police Station, in single cells and not being able to communicate with other people and this constantly playing on my mind. That's exactly the circumstances under which I agreed to lead evidence for the State.

JUDGE PILLAY: Do I understand you correctly that in return for becoming a State witness you would be relieved of the burden of doing solitary confinement? Was the promise made to you?

MR ANDREWS: Yes, and subsequently being released.

JUDGE PILLAY: And that you would be released from any incarceration?

CHAIRPERSON: Prosecutions.

MR ANDREWS: Yes.

JUDGE PILLAY: And you would not be held under the specific law under which you were being held at the time?

MR ANDREWS: Yes, that's correct.

MR DEHAL: Thank you, Judge.

Just briefly again, how old were you at the time?

MR ANDREWS: At the time of the Leaf incident I was 16 years old.

MR DEHAL: And when you were in detention you were just slightly over 16?

MR ANDREWS: That's correct, Sir.

MR DEHAL: And how long were you in detention for?

MR ANDREWS: I was held in Brighton Beach for over, a little bit over three months.

CHAIRPERSON: In solitary confinement you say.

MR ANDREWS: Yes.

MR DEHAL: And was it also widely understood and accepted amongst the comrades that when you participated at the level that you did, openly being seen to be a Security Police witness or a State witness at the behest of the Security Police, that when you are released

from custody and you get back to the township you are ostracised, you are rejected by your own people? And indeed, the accused when they come off, like Mr McBride and his family would have rejected you?

MR ANDREWS: Yes.

MR DEHAL: Yes. And that you also feared for your life because when you get back to the township, in those volatile days, death would have appeared to you to have been inevitable, perhaps at the hands of the comrades as well.

MR ANDREWS: Yes, I did consider that.

MR DEHAL: And was it not understood that the Security Police were playing this political game where witnesses or comrades are put one against the other and when they are finally released they are killed by each other?

MR ANDREWS: Yes. If I could just state something further on that.

MR DEHAL: Yes.

JUDGE PILLAY: Mr Dehal, what's the relevance of all this?

MR DEHAL: Simply to indicate ...(intervention)

JUDGE PILLAY: What the South African Security Police used to get up to?

MR DEHAL: Sorry, two reasons, Judge. The first is that when Matthew Lecordier comes in there will be much to be said about his involvement as a State witness in the McBride trial and I was just setting this as a background record to show there's some level of corroboration in that regard. And whilst the opportunity was here I thought I'll use it.

JUDGE PILLAY: Carry on. For what it's worth, carry on.

MR DEHAL: Sorry, you were saying something.

MR ANDREWS: This is what I had thought at the time, that at the end of trial I did not lead evidence. The Security Police had some difficulty in letting me, in releasing me at the end of the trial. So as a result, when I got back to the community I was not really ostracised by all the comrades and if I could say, I was accepted and embraced by some of them.

MR DEHAL: And lastly, the McBride family, especially Robert McBride and you, have reconciled, you have been forgiven and you are all friends again?

MR ANDREWS: Yes, that's true.

MR DEHAL: Thank you, very much. Thank you.

NO FURTHER QUESTIONS BY MR DEHAL

CHAIRPERSON: Thank you, Mr Dehal. Mr Richard, do you have any questions you'd like to put?

CROSS-EXAMINATION BY MR RICHARD: Yes, Chairperson, a few.

At paragraph 1 or section 1, in the second paragraph, you say you attended discussions at the Allan Taylor residence. My question is, at the age of 16, how did you come to attend those meetings?

MR ANDREWS: Well I was an active member of the Congress of South African Students, I was also an active supporter of the Unit Committee of Concern and the United Democratic Front and as a result we often held meetings at the Allan Taylor residence.

MR RICHARD: During the period late '85, early '86, were you at meetings there then?

MR ANDREWS: Yes, that's correct.

MR RICHARD: Now what was discussed at those meetings?

MR ANDREWS: Well I was involved in a number of organisations at that time and we attended meetings there frequently, almost on a daily basis, so I can't really ...

MR RICHARD: Do you recall discussions concerning targets, potential targets?

MR ANDREWS: No, we did not discuss anything of that sort.

MR RICHARD: Did you ever discuss places where there might be concentrations of Security personnel?

MR ANDREWS: No, we did not.

MR RICHARD: Now you say you joined a unit under the command of Mr McBride, did he give you any training?

MR ANDREWS: Mr McBride did not give me any training.

MR RICHARD: Now when it comes to training, what training did you receive with regard to weapons?

MR ANDREWS: I only received theoretical training from my comrade, Vincent James.

MR RICHARD: And what did he ...

MR ANDREWS: In the use of handgrenades.

MR RICHARD: Any other weapons?

MR ANDREWS: No.

MR RICHARD: Did you ever discuss with him or get taught by him as to what sort of targets you might throw handgrenades at?

MR ANDREWS: We discussed it, yes.

MR RICHARD: What was the discussion?

MR ANDREWS: Well we discussed that we should attack Labour Party members or police reservists, or any other possible target of which we just discussed.

MR RICHARD: Within the context of those discussions, would a person who had been a police reservist but no longer be active, be considered as a legitimate target?

MR ANDREWS: I don't know if I understand you correctly. A person who was no longer active in the police reservists?

MR RICHARD: Someone who had been for a while a police reservist but had stopped being active, would such a person be still considered a legitimate target?

MR ANDREWS: I would have considered that person a legitimate target.

MR RICHARD: Now if someone's involvement with the Labour Party at the time had insisted on putting up posters during 1983 and been associated with Labour Party members, what would you consider that person to be?

MR ANDREWS: I would have also considered that person to be a collaborator.

MR RICHARD: And the family of such a person, would they also be considered collaborators?

MR ANDREWS: Had they supported the Labour Party and their policies, yes, I should think that they should also be collaborators.

MR RICHARD: And if all they had to connect them with the Labour Party was the fact that they were married to somebody who was perceived to be a supporter of the Labour Party, would that be enough to make you consider them to be a collaborator?

MR ANDREWS: Is that now being based purely on the fact that the person was married to a member, or ...(intervention

MR RICHARD: That's the only factor that you've got.

MR ANDREWS: I'm not sure.

MR RICHARD: Now when you threw the handgrenade at the Leaf house, did you know who was inside the house?

MR ANDREWS: No, I did not.

MR RICHARD: Did you know the Klein family?

MR ANDREWS: Yes, I knew the Klein family, I was a personal friend of the son of Mr Klein, we grew up together.

MR RICHARD: You grew up with Mr Klein's son, is the import of your answer?

MR ANDREWS: Yes.

MR RICHARD: Yes. Now does that mean you were often at their house?

MR ANDREWS: Yes, I visited their house.

MR RICHARD: Now during which period was it that you visited the Klein house as a friend of their son's?

MR ANDREWS: From childhood as I should say.

MR RICHARD: Until when?

MR ANDREWS: I should think that at the time I became politicised and realised, Mr Klein being a member of the Labour Party and a police reservist and his role in the community, I stopped.

MR RICHARD: When was that?

MR ANDREWS: At about late '83, beginning '84, when I became politicised and joined the Congress of South African Students.

MR RICHARD: Would you have been aware that inasmuch as Mr Klein was a police reservist, he stopped participating in whatever activity sometime around 1984?

MR ANDREWS: I was not aware of that.

MR RICHARD: Now prior to 1984, what sort of reservist duties did he undertake? Do you know?

MR ANDREWS: I'm not sure.

MR RICHARD: Now what did Mr Klein do, to your knowledge, to support the Labour Party?

MR ANDREWS: All I know is that Mr Klein was an active member of the Labour Party.

MR RICHARD: Would the act of putting up posters to assist the Labour Party in their campaign in 1983 be considered in your mind, to make him an active participant, member?

MR ANDREWS: I didn't see Mr Klein putting up posters or anything like that, but I knew that he was a member, an active member.

MR RICHARD: Do you know what he did in and about the Labour Party's activities?

MR ANDREWS: No, I do not know.

MR RICHARD: Now when you were trained, were you given any criteria as to how to select a target?

MR ANDREWS: Well we just discussed it, myself and Vincent and Kevin. As I said earlier on we discussed amongst ourselves.

MR RICHARD: Was the topic of what civilian or other injuries that you could cause by going on an attack, discussed?

MR ANDREWS: Yes, we did discuss that.

MR RICHARD: And what was the content of the discussion?

MR ANDREWS: Well we discussed as to whether we would want to severely injure someone who could have been at the target and we decided no, we did not want to do that because had we wanted to do that we most probably would have went up to the house and threw a grenade right into, through a window or something like that.

MR RICHARD: So am I correct in deciding that when you threw the grenade you deliberately didn't throw it through a window so as not to cause personal injuries?

MR ANDREWS: That's correct.

MR RICHARD: And that was in line with and consistent with what you had discussed with Mr James?

MR ANDREWS: That's correct, Sir.

MR RICHARD: Now when it comes to Mr McBride, was he ever party to those discussions?

MR ANDREWS: No, he was not.

MR RICHARD: Now before you went on that attack, did you discuss the plan of the attack with anyone else besides Mr James?

MR ANDREWS: No, it was only discussed amongst ourselves.

MR RICHARD: And "ourselves" means?

MR ANDREWS: Myself, Mr James and Mr Curtis.

MR RICHARD: Are you aware whether they discussed it with anyone else?

MR ANDREWS: No, they would not have discussed it with anyone.

MR RICHARD: Who obtained the handgrenades?

MR ANDREWS: Mr James obtained the handgrenades.

MR RICHARD: No further questions.

NO FURTHER QUESTIONS BY MR RICHARD

CHAIRPERSON: Thank you, Mr Richard. Mr Prior?

ADV PRIOR: I have no questions, thank you.

NO QUESTIONS BY ADV PRIOR

CHAIRPERSON: Mr Koooverjee, do you have any re-examination?

MS KOOVERJEE: None, thank you, Sir.

CHAIRPERSON: Adv Sigodi, do you have any questions?

ADV SIGODI: No questions, Chairperson.

CHAIRPERSON: Judge Pillay?

JUDGE PILLAY: What are your academic qualifications?

MR ANDREWS: Well I matriculated at Fairvale, I studied electronics at Durban Technical College.

JUDGE PILLAY: And at the time of the offence?

MR ANDREWS: At the time of the offence I was in standard nine and the Fairvale Secondary School.

JUDGE PILLAY: When that handgrenade was thrown, what did you think you wanted to do? What did you want to attain? Or why did you throw it there, what were your intentions?

MR ANDREWS: At that stage the Labour Party was ...(intervention)

JUDGE PILLAY: I can understand the political motive.

MR ANDREWS: Okay.

JUDGE PILLAY: Did you throw just to burn the door, did you want to kill somebody or? What offence did you intend? Because it's not clear from your documents.

MR ANDREWS: Okay. We wanted to show, I wanted to show the Labour Party that their participation in the tricameral system was unacceptable to the people.

JUDGE PILLAY: Thank I can understand.

MR ANDREWS: Okay, we wanted to frighten them and to ...(intervention)

JUDGE PILLAY: You were unaware whether there were any occupants in the house?

MR ANDREWS: No, I did not know if there was anybody in the house.

JUDGE PILLAY: You nonetheless threw the handgrenade.

MR ANDREWS: Yes.

JUDGE PILLAY: Did it matter whether there was somebody in the house at the time, who would possibly be hurt or killed? Or would you still in any event have thrown the handgrenade?

MR ANDREWS: We would have thrown it in any event, yes.

JUDGE PILLAY: Now something of - I just want to know, you and Mr Pearce testified that your attacks would be directed, amongst other people, the Security personnel etc., and members of the Labour Party. Was your attacked confined to the Labour Party? - when we're talking about collaborators.

MR ANDREWS: Well being in Wentworth we could have, anybody who belongs to any other political organisation that supported the tricameral system ...(intervention)

JUDGE PILLAY: Would be a target?

MR ANDREWS: Yes, I should think so.

JUDGE PILLAY: Yes, thank you.

CHAIRPERSON: Mr Andrews, when you threw that grenade, where did you throw it, did you throw it against a wall or on the roof or in the garden, down the driveway? Where exactly did you aim the grenade that you threw?

MR ANDREWS: We threw in the direction of the front, to the front of the house.

CHAIRPERSON: What, in the garden, to land on the yard?

MR ANDREWS: Ja, most probably in the yard.

CHAIRPERSON: You said at the time that you were 16 years of age, still very young, was Mr James and Curtis of the same age as you at the time?

MR ANDREWS: There was a year apart between us. Mr Curtis was 17 and Mr James was, I think, 18.

CHAIRPERSON: And who chose the target, who suggested that Mr Leaf's house become the target?

MR ANDREWS: We decided collectively that, Mr Chairman, that Mr Leaf's house should be the target because of where his house was situated. That was one of the deciding factors.

CHAIRPERSON: Yes, thank you. Are there any questions arising out of questions that have been put by Members of the Panel?

MS KOOVERJEE: None, thank you, Sir.

NO RE-EXAMINATION BY MS KOOVERJEE

CHAIRPERSON: No questions. Thank you, Mr Andrews, that concludes your testimony, you may stand down.

MR ANDREWS: Thanks.

WITNESS EXCUSED

MS KOOVERJEE: Thank you, Mr Chairperson, I believe Mr Dehal will now address you with regard to further applicants.

MR DEHAL ADDRESSES: Mr Chairperson, you will notice from the list of witnesses and applicants that Ms Kooverjee and I represent, that what has happened today is I have decided to represent Mr Lecordier and the reason is simply that he falls within the purview (purview) of the broader spectrum of acts which covers Mr McBride and Ms Apelgren. Ms Kooverjee has therefore represented Mr Allan Pearce.

Now insofar as the remaining persons we represent are concerned, Janet Apelgren who Ms Kooverjee represents, is in Australia. You heard from Ms Narkedien that she's not here. Then we've got Derek McBride, who has handed us a statement which Ms Kooverjee intends to read. We were hoping to do that at the end so that it facilitates the terminal end.

Mr Lecordier is here, unfortunately as we all know, he's been in custody. We've had some difficulties in finalising, I've had difficulties in finalising his statement, principally because we have difficulties in accessing him at prison. When I got there on various occasions we met with him briefly, but the prison authorities have given us lots of problems, too numerous to mention.

I'm hoping that I'd have this weekend to finalise his statement. We have a broad statement, it's multi-paged but I would like to sit with him properly and canvass that so that we don't have any problems when I lead him. That's really the last witness, apart from everybody else.

And on Antonio du Preez, Ms Kooverjee has a statement to read out, like with Derek McBride, but that would be very brief.

With Gordon Webster, I will address you later at the end, but I'm making certain endeavours to contact him again. He's been in touch with me, but unfortunately he's got no funds to be here. His friends have been phoning me from time to time. He would have liked to have been here, but I'm now out of touch with him. I've tried to raise him, I failed to. I don't know where he is anymore, but I'm hoping that I can raise him this weekend, I've sent messages to him. And that's where we stand.

CHAIRPERSON: So are you saying that, with regard to getting in touch with Mr Webster, you may or may not call him as a witness?

MR DEHAL: Sorry, correct.

CHAIRPERSON: Yes, so basically what you're saying is you want an adjournment now until Monday morning.

MR DEHAL: Insofar as Matthew Lecordier is concerned, yes, otherwise we could round up the rest of the witnesses. Sorry, with Matthew Lecordier, I would like to consult with him in prison this weekend, settle his statement and then start on Monday morning and I'm pretty sure we'd be over with him by Monday.

CHAIRPERSON: So what would you propose to do today then?

MR DEHAL: For present we cannot take the matter any further insofar as Ms Kooverjee and I are concerned. I would be not be objectionable to any witnesses testifying at this stage, if the rest of the Panel Members and the parties are agreeable.

CHAIRPERSON: Witnesses not called by yourself?

MR DEHAL: None by myself, yes. But insofar as I am concerned, yes it would be correct that if any witnesses or other persons are not called, I will seek an adjournment till Monday morning, thank you.

CHAIRPERSON: Yes. Mr Berger?

MR BERGER: Chairperson, we would have no problem if some of the victims wanted to testify now and perhaps we could save some time, instead of adjourning early.

CHAIRPERSON: But you don't intend calling any further witnesses yourself?

MR BERGER: No, we have no further witnesses.

CHAIRPERSON: Ms Kooverjee, do you just associate yourself with what Mr Dehal has said, or is there anything further you'd like to add?

MS KOOVERJEE: Nothing further, thank you Mr Chairperson.

CHAIRPERSON: Mr Richard?

MR RICHARD: I've no problem with what's been said, but my clients have always indicated that they would like to give evidence at the end.

CHAIRPERSON: Yes, well we're not going to force anybody to give evidence when they don't want to give evidence and it's usual that they give evidence at the end, although if they want to give evidence now that would also be acceptable.

MR RICHARD: I will canvass their point of view, Chairperson.

CHAIRPERSON: Mr Prior?

ADV PRIOR: Mr Chairman, I don't at this stage have any specific witness in mind. There are a few loose ends dealing with statistics and other information that if there's no agreement thereto, I might have to lead some evidence. In principle I have no objection to the proposal

of Mr Dehal, save to possible say while Mr Lecordier is here, he could properly use the ... (intervention)

CHAIRPERSON: Use the time here rather than battling with, as you said you have in the past, the prison authorities in prison.

MR DEHAL: I'm indebted to you. In fact we managed to get five minutes yesterday afternoon and then the prison authorities vehicle arrived and they were husked away. I presume if we adjourn at about this time or shortly hereafter, I'd be able to get the time. Remember it's a Friday and ... (intervention)

JUDGE PILLAY: Well perhaps you can have longer because 4 o'clock seems to be significant to prisons.

MR DEHAL: I agree. Except today is Friday and I think the prisons have something about Friday and closing early as well.

CHAIRPERSON: In any event, I'm sure an arrangement can be made because we are in the middle of the hearing and we don't need their red tape or bureaucracy or whatever to interrupt it, there must be a little bit of flexibility.

ADV PRIOR: Then I'd propose that if the Panel made a ruling in a sense, that Mr Lecordier be available for the rest of today until whatever time to consult.

CHAIRPERSON: Certainly, I'd go along with that, I think that would be the most convenient. Because I presume Mr Dehal, you've reserved the day for this matter. Mr Lecordier is here, it's probably a better situation, better circumstances to consult in in this environment rather than in prison. I would therefore direct that you be given an opportunity to consult with Mr Lecordier at least up until 4 o'clock in the afternoon.

MR DEHAL: I'm indebted, Mr Chairperson.

ADV PRIOR: Mr Chairman, sorry, there's one other matter. Whilst in the past we've allowed statements to be read out, it's also proper I think that copies of those statements be circulated, particularly through the Evidence Leader, that we can assess the information in that statement before it's actually just read out onto the record without any particular warning.

CHAIRPERSON: What do you mean "to assess"?

ADV PRIOR: ... (inaudible) to know whether that information is going to assist the hearing or contribute to the applications serving before you.

CHAIRPERSON: What do you mean, statements from applicants?

ADV PRIOR: It was indicated that Mr Derek McBride's statement was going to be read out, we don't know what it says ... (intervention)

CHAIRPERSON: Oh sorry, I thought you meant like Exhibits P, Q and R, which is basically the evidence that they're leading.

ADV PRIOR: No, I'm referring to persons not appearing before the Committee and wish to have statements read out to them. I'm simply asking Mr Dehal that we have sight of those before that stage, or ample sight so that we can also consider what information they seek to place before the Committee.

MR DEHAL: I have no difficulty with that, Mr Chairperson. My only difficulty is, I'm waiting for it to be finalised and properly signed etc.

CHAIRPERSON: Thank you, Mr Dehal. What I'd suggest now is perhaps we can take an adjournment, I see it's nearly tea time. Mr Richard, you can speak with your clients, find out if anyone wishes to give any evidence now or make a statement, they may do so. If they prefer to do so later, after the evidence has been led by all the applicants, then that is quite acceptable. You can also indicate to them that the victims have a choice, they can either decide to give evidence, take the oath, in which event the other legal representatives will be given an opportunity to put questions if they want, or else to just come and make a statement as such, in which event they'll just make their statement without being subjected to questioning.

MR RICHARD: I will convey they have the options of giving evidence under oath and being questioned, or making an ...(intervention)

CHAIRPERSON: A statement or whatever.

MR RICHARD: What I was going to add on, and it's for the benefit of the victims as well, there is a process going on and I would like the opportunity right now to discuss with them the further continuation of what is afoot.

CHAIRPERSON: Yes, thank you very much, Mr Richard. So at this stage we'll take the an adjournment and then if you can just let us know what's going to happen, then we'll come in very briefly. If nothing further is going to happen, if there's not going to be any statements or evidence, then I will formally postpone the matter to Monday, but we'll come in and do that here or else we'll come back to hear evidence or a statement, whatever the situation. Thank you. We'll now take the tea adjournment.

## COMMITTEE ADJOURNS

### ON RESUMPTION

ADV PRIOR: Mr Richard has asked to be excused. He's with the victims at the moment. What's been decided is simply we're going to adjourn now, just the adjournment, and he's asked to be excused. I said I would convey anything that arose here.

CHAIRPERSON: Yes, thank you, Mr Prior. So then is it agreed we'll adjourn until Monday when we expect the evidence of Mr Lecordier to be proceeded with.

MR DEHAL: Correct.

CHAIRPERSON: Thank you.

MR VAN DEN BERG: Mr Chairperson, before you proceed. Mr Berger and I had raised with you in chambers yesterday whether we might be excused. The arrangement I have with Mr Prior is that this matter will be argued on Wednesday and we ask that we might be excused until then.

CHAIRPERSON: Yes.

MR VAN DEN BERG: ...(inaudible - no microphone)

CHAIRPERSON: Yes, I don't know how long it's going to take, but if it's going to be Wednesday, that would be fine.

JUDGE PILLAY: Perhaps you'd better prepare for Tuesday also. I don't see Mr Lecordier being longer than the day.

CHAIRPERSON: But we don't know whether or not there's going to be any witnesses or victims. What happens if Mr Lecordier's finished, let's say by lunchtime or whatever, you know if evidence is finished early?

ADV PRIOR: Mr Chairman, my sense of it is that Mr Lecordier plus whoever might give evidence after, will take a day, which leaves us basically a day, Tuesday, to consider all the evidence, prepare Heads of Argument and argue the matter. Obviously I'm open, if the Committee says we do it on - I'm just thinking of the preparation time, that one's not rushed.

CHAIRPERSON: Mr Prior, there's no other witness besides any victims that might be giving a statement or evidence?

ADV PRIOR: I'm not anticipating it at this stage. Well, as I indicated we're still getting the list and that information, but I'm sure we can, between the parties, come to some arrangement as to background information. No, so from the Commission's side I don't intend calling anybody, it's just the victims who are presently engaged with ... I understand from Mr Richard, and I was with them at the adjournment, that several of them wanted to address the Committee and give evidence.

CHAIRPERSON: Yes. Mr van den Berg, would it be possible that if there was some sort of communication with you on Monday, that you could be here Tuesday afternoon sort of thing?

MR VAN DEN BERG: Yes certainly, Mr Chairperson, we would be ready to argue as soon as whatever statements and evidence has been adduced on behalf of the victims, be that Monday afternoon or Tuesday morning. We're in your hands.

CHAIRPERSON: Yes. No well I think if we can do it on that basis because it might well be Wednesday, depending on how long we take and also there might be a bit of time required to finish off the preparations for argument or whatever. But then on the other hand, if it does occur a bit earlier, if Mr Prior could communicate with you and give you of course reasonable notification of when we'll proceed. But from what it sounds like it will in all probability be Wednesday. Thank you.

So at this stage then, Ladies and Gentlemen, because we're not in a position to receive any further evidence now - as you heard Mr Dehal has to finalise his consultations with the next

applicant who's giving evidence, namely Mr Lecordier, he's asked for an adjournment until Monday, everybody's in agreement with that adjournment, so we will then adjourn until Monday morning at this venue at 10 o'clock. Thank you.

COMMITTEE ADJOURNS