

TRC Amnesty hearing

DATE: 5TH OCTOBER 1999

NAME: ROBERT JOHN McBRIDE

APPLICATION NO: AM7033/97

DAY: 6

ADV PRIOR: ... attend the hearings because of some problem with the State attorney. His instructions were therefore not to appear and therefore Mr Baker would also not be appearing at these proceedings. He regretted ...(intervention)

CHAIRPERSON: Because we did in fact lose some time because of that, but thank you for placing that on record.

MR MALL: Thank you Mr Chairman. I represent three of the victims of the Chamberlain Road explosion. One of my clients has raised a concern this morning and has asked me to put it down on record and to place it on record, when he arrived at the centre, there were a number of very heavily armed people who are the bodyguards or security personnel for some of the applicants. These people were carrying heavy calibre firearms and weapons. My client, and I were not here last week, we understand that there was some type of arrangement or agreement that was reached between the Commission and the applicants regarding protection and bodyguards and for the sake of my clients who were not here, we would like the Commission basically, if possible, to clear up what the position is with regards the use of firearms in and around the vicinity of the building. Thank you.

CHAIRPERSON: Thank you Mr Mall. I am aware that when this hearing proceeded, that certain arrangements were made. We will take a look into the matter and keep in touch with you and the other applicants in this respect.

MR MALL: Thank you.

CHAIRPERSON: When we adjourned yesterday, I mentioned that I at the start of the proceedings now, will make a ruling relating to the Section 29 proceedings. Like the previous ruling we made, the full reasons will be contained in our decision in the matter at the end of the hearing, but the ruling after having considered the submissions, we arrived at the following unanimous ruling and that is as follows - it is ruled that the document marked Exhibit C which is a transcript of the proceedings of an enquiry held in terms of Section 29 of Act 34 of 1995, concerning the fifth applicant, that is Mr Robert McBride, which was held at Durban on the 21st of April 1997, is admissible as evidence in respect of the fifth applicant's application only and may accordingly be used for purposes of cross-examining the fifth applicant at this hearing.

ADV PRIOR: As the Chair pleases.

MR RICHARD: As the Chair pleases.

MR DEHAL: As the Chair pleases.

CHAIRPERSON: Mr Dehal?

MR DEHAL: Thank you Mr Chairperson. Mr Chairperson, I would have Mr McBride now testify.

CHAIRPERSON: Yes, thank you. Just before we proceed, I just remind the people that these proceedings will be simultaneously translated and if you wish to benefit from the translation, please obtain one of these devices from the sound technician.

ROBERT JOHN McBRIDE: (affirmed)

CHAIRPERSON: Thank you. Mr Dehal?

EXAMINATION BY MR DEHAL: Thank you Mr Chairperson. Mr McBride, may I show you A1, you have that on the left of you, that is the bundle A1. If you would look at pages 103 to 112, do you confirm that that is your application for amnesty?

MR McBRIDE: Yes, that is my amnesty application.

MR DEHAL: Is it correct that in categorising the matters, you deal firstly with the acts as contained in your trial record and the charges therein contained?

MR McBRIDE: That is correct.

MR DEHAL: I show you page 104 of bundle A1.

MR McBRIDE: I have that.

MR DEHAL: Do you see that at the bottom under paragraph 9(a), you have (iv) and then on the next page, page 105, (c), (d), (e) and on the following page, 106, (f), (g) and (h), correct?

MR McBRIDE: Yes, I have that.

MR DEHAL: Would those be acts for which, in regard to which you were not charged and not convicted, but acts that you are now talking freely of?

MR McBRIDE: That is correct.

MR DEHAL: And then in paragraph 9(b) on page 106, continuing over onto page 107, is it correct that you deal with three incidents relative to the deaths resulting, sorry injuries and deaths resulting from the above and here you deal firstly with the Klein household, secondly with the Edendale aspect and thirdly with the Why Not bar operation, correct?

MR McBRIDE: That is correct.

MR DEHAL: Mr McBride ...

JUDGE PILLAY: Mr Dehal, just to avoid any confusion, what is the position about acts for which he was not charged or convicted, does he make application for that as well?

MR DEHAL: He does indeed in the interest of full disclosure. Thank you Judge. Mr McBride, is it correct that you have prepared a statement of your own, which you want to begin by reading out. I show you this brief statement, Mr Chairperson, I have copies for all persons. May I cause them to be distributed?

CHAIRPERSON: Thank you Mr Dehal.

MR DEHAL: Mr McBride, I hand this statement to you. Perhaps before you begin reading it, would you mind if I just arrange for these copies to be handed over.

CHAIRPERSON: Mr Dehal, we can mark it Exhibit F.

MR DEHAL: As it pleases you, Mr Chairperson. Thank you.

MR McBRIDE: Sorry, we will just wait for everybody to have their copies.

MR DEHAL: I think everybody has their copies. Mr McBride, you may begin reading your statement. If I may just say to you, perhaps you should leave ...

JUDGE PILLAY: Mr Dehal, could you just help me. The indictment referred to in paragraph 9(a)(i), I don't recall having seen that, where would I find that?

MR DEHAL: Judge, thank you for pointing that out to me. Unfortunately I didn't anticipate that as being a problem. I will arrange for copies to be made of that indictment. I think it is a good point, it will be necessary and wise for us all to have copies of it.

CHAIRPERSON: Is it not contained in bundle A2?

MR DEHAL: May I just look Mr Chairperson.

CHAIRPERSON: There is an indictment on pages 1 through to 33, that is in the case of Mr McBride and one Antonio du Preez?

MR DEHAL: That appears to be so Mr Chairperson, and then what follows is the summary of substantial facts relating to that.

CHAIRPERSON: Yes, then there is a further indictment also on pages in the other volume, 1 to 63 in the case of S v ...

MR DEHAL: Antonio du Preez and Derrick McBride?

CHAIRPERSON: No, No, Robert John McBride and Greta Margaret Apelgren.

MR DEHAL: Sorry Mr Chairperson, I don't follow. I think that is the only indictment relating to Robert and Greta.

CHAIRPERSON: Yes.

MR DEHAL: McBride and Apelgren, that would be pages 1 to page 63 and on bundle A2, under paragraph 3 of the index, you will see reference to the indictment relating to S v Antonio du Preez and Derrick McBride.

CHAIRPERSON: Yes, sorry, that is my mistake. It is pages 1 to 63?

MR DEHAL: Correct.

CHAIRPERSON: That is the indictment.

MR DEHAL: Thank you, I confirm that that is the indictment. Thank you. Mr McBride, if I may take you to your statement, now marked Exhibit F, when reading the statement will you please pause wherever you wish to add anything in addition to the typed print and simply indicate that so that the parties here present would be able to mark that and record what you are saying verbally, thank you.

MR McBRIDE: Thank you.

CHAIRPERSON: When you read it Mr McBride, if you can just bear in mind the Interpreters please, that they've got to simultaneously interpret.

MR McBRIDE: Before I read out my statement, I wish to state that I have already served a sentence for most of the activities detailed in the amnesty application, almost seven years, considerably longer than any apartheid Minister.

Secondly, since 1987 when I was convicted and sentenced to death for activities on behalf of the ANC, MK, these activities have been in the public realm and there has been no further legal action initiated against me all this time. I come before this Commission in the spirit of reconciliation, I live reconciliation every day in my life and for me, it is not just a buzz word. I also wish to clean the slate and put the conflicts of the past, behind me, hence I have included relatively minor incidents such as the burning of Fairvale High School. I have also included activities for which I was acquitted at the time of the trial. I place my trust in this Committee that it would treat my case fairly. Other than reconciliation, I have nothing to gain from applying for amnesty. For my activities to liberate myself and my fellow oppressed South Africans from apartheid, I have been scorned and insulted by a small minority of South Africans, as well as by that section of the media which is white owned and controlled. This hearing will also give them an opportunity, the last one, to learn the facts about me and my opposition to apartheid. I now turn to my formal statement.

"I was born on the 6th of July 1963 as a second class South African citizen, an oppressed person. I was born in a ghetto, a product of apartheid. I received inferior education. My rights as a citizen were denied to me for the benefit of a small minority. I have experienced since childhood every possible form of racial insult. The State classified me as coloured, a term I have always detested as it infers being lessened by my black South African blood. As a result of this, I have developed political consciousness during my early years and I was involved in various non-violent activities directed against apartheid until 1984. In 1984 I assisted a number of ANC members in the distribution of pamphlets and ANC literature.

However, I soon realised that the South African government and its surrogates, would not be persuaded to end racism through moral persuasion. I accepted at this stage that violence was necessary. The evidence for me of the correctness of this part was that before I was born ..."

CHAIRPERSON: ... the?

MR McBRIDE: That is correct sir.

"... The ANC initiated a limited armed struggle hoping to persuade the racist government to change. They did not change and throughout that period, continued to oppress black people. This oppression increasingly included mass murder and cross-border massacres. The government did this with ever increasing ...(indistinct) support from the white community. My sense of anger, frustration and helplessness in the face of this injustice, came to an end when I was formally recruited to MK Special Ops. For the first time in my life I was able to do something against the system. For the first time in my life, I was regarded as a South African, full status, without racial categorisation. This elevation in my status was for me the most empowering moment of my life.

For this I thank the ANC and all those in the movement, that I have had the honour to work with. For this I will always remain loyal to the ANC. When I joined Special Ops, I decided to give myself completely to the ANC. I broke off my relationship with a woman I was in love with and with whom I was discussing marriage. I also decided not to complete my final year of my Higher Diploma in Education for the sake of pursuing the struggle on a full-time 24-hour basis.

I joined MK Special Ops in 1985. I was recruited by Gordon Webster. On recruitment I was told that I would be part of Special Ops. It was emphasised that Special Ops was separate from the provincial machinery. Our Overall Commander was Aboobaker Ismail or Rashid as we knew him, who reported directly to the NEC and in particular to the then President, Oliver Tambo.

On recruitment I was also told I would not be given medals or money for my work, and that in all likelihood I would be killed in action. I would also participate in actions where people would be killed. I was given two weeks in which to think about this and after two weeks, I accepted and became a full member of Special Operations. I was 22 years old at this stage. I was told that I must be true to the Organisation and its leadership and also told never to volunteer information to the enemy.

This in short was the understanding under which I formally joined the armed struggle against apartheid. At the time I joined MK Special Ops, the ANC had more diplomatic missions abroad than the then South African government and was recognised as the most effective liberation movements against the apartheid regime. The ANC was part of an internationally recognised and legitimate liberation movement. I carried out all my operations under the auspices of the ANC and at all times, under the instructions of the ANC. I did this to the best of my ability and with great risk to myself and my family.

I have served almost seven years as I have said earlier, in prison for my activities on behalf of MK Special Ops and the ANC and four of these were on death row. I was released as a political prisoner in September 1992 as a consequence of negotiations between the ANC and the National Party. I have had no gain whatsoever in material terms from my contribution to the struggle to rid South Africa of racism. On the contrary, I and my family lost everything that we have built up over many years of hard work. For this I have no regrets, South Africa is free. I am no longer a second class citizen and my children will never be classified in this way. We now have one of the best constitutions and Bills of Rights in the world. However, I am truly sorry that in my quest for this freedom, I have caused the deaths of other South Africans. Of this I am not proud. This is the tragedy of the civil war that South Africa experienced as a result of apartheid.

I also cannot isolate the sadness I feel at those deaths, from the sadness I feel about the countless number of South Africans who died because the apartheid regime wanted to perpetuate itself.

At this stage I want to turn to another matter. I would like this Committee to help ascertain a list of precisely who Mr Richard represents as this was repeatedly requested of Mr Richard by your Committee and in as much as Mr Richard says he has the list, he has not yet produced it. This list will assist me for purposes of reconciliation, to amongst other things, understand precisely who opposes my amnesty application and in regard to which count this relates.

More importantly I would like to know before I begin to traverse the details of my application, as to whether the victims Mr Richard represents, still persist in the denial of all matters relative to my application for amnesty as Mr Richard indicated, or do they now, having had the benefit of Mr Ismail's testimony, admit any aspect. This enquiry is important as I and my legal representative can then know precisely what I am not required to prove or not. Thank you."

CHAIRPERSON: Thank you Mr McBride. Mr Richard concerning the list, I know that you did indicate previously that there was a list which certain names had been marked, etc, has that been finalised now?

MR RICHARD: I handed my list to the logistics person who is not in the corner at the moment. I have not had the list back yet, but nothing has changed. However, I don't seriously believe it is for the applicant to challenge my *locus standi* to present the victims.

CHAIRPERSON: I don't, well perhaps Mr McBride can correct me if I am wrong, I didn't understand that he is challenging the *locus standi*, I understood that he would like to know the list of the people who are opposing because as he mentions here, for purposes of reconciliation maybe, if we can make an endeavour to...

MR DEHAL: May I just confirm Mr Chairperson, that is the correct view.

MR RICHARD: My instructions are not to give the list, I don't see on what basis Mr McBride can have the list at this stage.

JUDGE PILLAY: Mr Richard, I asked for the list and you promised to give it long ago.

MR RICHARD: I did give the list.

JUDGE PILLAY: Well, you didn't give it to me.

MR RICHARD: I gave it to the Logistics Officer.

CHAIRPERSON: I see there is the Logistics Officer. You needn't clarify, I don't think. Perhaps we can sort this out during the tea break. Just one point, Mr McBride, you are talking in your statement of what you have to, what you require to prove or not. This is not really a question of proving like in a court case. What is required here is for us to receive your evidence, and then to determine in terms of the criteria contained in the Act, whether what you have told us, suffices to make a decision on your applications in so far as the incidents in which you, for which you apply for amnesty. The main criteria, and there are various other criteria which Mr Dehal knows is that whether your actions at all times in respect of each of the incidents, were performed in furtherance of a political objective, committed during the conflict of the past and secondly whether there has been a full disclosure in our view as to what role you played in respect of each of the incidents. Whether a victim, any victim in any amnesty application is opposing or not opposing, does not really have a major impact in regard to the satisfaction by the applicant of those criteria contained in the Act.

MR McBRIDE: Thank you Honourable Chairperson, it is just that Mr Richard representing the victims had indicated nothing is admitted, that is I don't know at which point that begins and at which point it ends, whether I am a South African, whether I was born here, whether I am an ANC member, whether I worked for Special Ops. I ask this because at some stage relatives or the family of the victims had indicated that they had information that I was not a member of the ANC. It is on this basis that I am asking you know, where are the problems.

CHAIRPERSON: Yes, well, Mr Richard isn't obliged to indicate exactly what is admitted and what is not. As I said, it is not as if we are in some litigation in a court here, where all the matters have been put in issue that every single one has to be proved. I mean the fact that - if you say that you are a South African citizen, we I can assure you as a Panel, don't expect you to now go and call somebody from the Department of Home Affairs and prove your birth certificate and that sort of stuff. We will just listen to the evidence and make findings on that.

ADV PRIOR: Mr Chairman, may I assist. At page 3 of bundle A1 the Evidence Analyst extracted a list of victims in respect of the Why Not bar, so from the Amnesty Committee's side, we have 74 names. Unfortunately there are no addresses, but as a starting point, these have been gleaned from the various documents that the Commission had possession of, so possibly it could assist to some extent the applicant's enquiry.

CHAIRPERSON: Thank you Mr Prior.

MR RICHARD: At this juncture Chairperson, with your leave, there is a procedural matter I would like to put on record. As will appear from the record, since last week I have repeatedly been requesting access to the transcript of the trial record of the prosecution against Mr McBride. While true it has been brought to this hearing, it is important to put on record that to date I have not been given those volumes which contain the indictments and the ancillary supporting documents, the admissions or the evidence of Mr McBride. I still, when I received

documents over the weekend, those volumes were missing. I raised this point and it was not corrected. It must be seen against the context that the strenuous opposition to Volume C, Exhibit C was a topic of argument yesterday.

During that argument mention was made of other documents referred to in Exhibit C, it seems as if there is only one consistent inference to be drawn from this refusal or failure to get the documents into my possession. We know and I think it is now important to put it on record, that there are various contradictory and conflicting versions of various incidents contained in all three documents and I think that there is a constructive effort underway to prevent access to the contradicting documents so as to prevent cross-examination on them, but I will leave the point till later, I have put it on record, and I will deal with it in cross-examination.

CHAIRPERSON: Yes, sorry, on that point Mr Prior, what is the position relating to the trial record and Mr Richard's concerns, why hasn't he received the relevant volumes. I can answer the question, there is only one extant copy that we can locate and that is in Mr Dehal's possession.

ADV PRIOR: Mr Chairman, yes, I may be able to assist. In the preparation of this hearing, it was discovered that the Commission did not have a full copy of the record. Strenuous efforts were made around the country to obtain such a record, even the appeal record was not, had been unbundled and - we then made enquiries from Mr Dehal at a very early stage and he indicated that he did have an archive of documents at the trial, but that he would also require, because they weren't specifically at his office, he had to also make time to go through them and satisfy which was reasonable in the circumstances, given the extent of time that had elapsed. We did indicate in writing that any documentation to be used, we would welcome at an early stage, and I understand when we got into Durban, enquiries were made for access to the record. I understood that Mr Richard and Mr Dehal were in contact with each other as was the case with other legal representatives, and because we did not have a pre-hearing, it was agreed that the legal representatives would be able to communicate formally with each other and obtain whatever documents, and I think at the beginning of the hearing it was also raised, and there was an indication from Mr Dehal as I recall, that he would make the relevant documentation available to Mr Richard, that we could at least, from the victims' side at least, that he could prepare himself on that evidence. I cannot take the matter any further than that.

CHAIRPERSON: Thank you Mr Prior. What is the position relating to the trial record, Mr Dehal?

MR DEHAL: Thank you Mr Chairperson, for raising it with me. There appears to be a number of issues. I want to begin at this level - I take ...(indistinct) negative aspersions on my professional calibre, attitude, etc. I do not like it. I think it must be addressed correctly, he started this - forgive me - irresponsible attitude and accusations towards me some time ago, and I think it must stop right here and now, I am fed up of it. I must place on record quite correctly that I am the only person who would appear to have a record. I told Mr Prior on the telephone when first I spoke to him and he enquired about the trial record, that I thought and I still know that copies of all the bundles are available at what is commonly termed death row, that is Maximum Security Prison. I know that they are still there, he is the Evidence Leader. I have a copy. I managed to extract it from the archives late on Thursday, Friday was a holiday.

Mr Richard has said I have failed, I have refused, he has constantly asked, he has not had it, this is a lie. He has had it. I have given the document to Mr Paddy Prior, he was the custodian at the time. A weekend passed, that was Friday last week or Thursday last week and then Mr Richard had it with him. The following Monday he mentioned to me and I say this in his favour, that he had not had the time to read them all and I accept that. There is no difficulty about that, but against the background of him having had all those two Volumes of photographs and all the Volumes in the transcript, he cannot now say he has never had it. This weekend he has called me personally to deliver these documents to him. That means the trial transcript. I went out of my way as to drive from a place outside Verulam, some 42 kilometres away and deliver it to him at the place he is presently resident. I agree I did not give him all the Volumes, but that is principally because I am leading Mr McBride, I had to prepare. Now I have been disadvantaged by giving him my Volumes, he is not the person who has to have all the Volumes all the time, I am also a legal representative in this matter and I have a duty to Mr McBride and I am endeavouring as best I can, to deliver that duty. I am being prejudiced, Mr McBride is being prejudiced by me delivering those to him.

Yesterday he phones me just as I begin my consultation to say now these are the Volumes I have and these are the Volumes I don't have, when are you delivering them to me and I was equally fed up with that, and I told him that I am being prejudiced by not having some Volumes, I need what you had and seriously you need what I have. Can we not approach Mr Prior and make some copies of these and let's put to rest this whole issue about whether I ought to deliver them to you or not. I am trying as best I can, I am not the Evidence Leader.

CHAIRPERSON: Yes, I can see the difficulty of having only one record which is required by more than one party. I must say to me it is surprising that there is only one record available, one would have thought that there would be various records, it is I take it fairly voluminous Mr Dehal?

MR DEHAL: Mr Chairperson, there are 15 Volumes and may I just say whilst it is fresh in my head, the inference that we are specifically refusing or failing to give to Mr Richard these Volumes containing Mr McBride's evidence so that he could not cross-examine etc, and find contradictions, is false. He has had them. I will make them available again as soon as I am over with Mr McBride.

CHAIRPERSON: Yes. Mr Prior, this trial, was it held in Durban in the then Supreme Court?

ADV PRIOR: Mr Chairman, yes. Mr Chairman ...

CHAIRPERSON: Is there not any ...

ADV PRIOR: Mr Chairman, the enquiries made by the Investigating Unit of the Amnesty Committee as well as the Evidence Analyst and myself, we were unable to obtain any copy, full copy of the record at the Durban archives, the Durban court. We were informed that the Maximum Prison had a copy, we made enquiries there, we never got it. Short of personally going to the prison which I understood an Investigator did, I cannot explain why there wasn't a copy given.

CHAIRPERSON: So at this stage we are stuck with just one copy.

ADV PRIOR: We are stuck with Mr Dehal's copy which miraculously survived after all the years. May I simply say that the court records were destroyed after I think four or five years. They don't keep records beyond five years. We also tried to track down from the Indemnity Committee in Pretoria, and we came out blank. We were also informed that Gen Staedtler may have had a full copy of the record when he wrote his book, that also drew a blank. So a number of enquiries were made, all drew a blank.

CHAIRPERSON: I am satisfied from what you have told me that steps have been taken to get a copy, unsuccessfully. Mr Richard, from what I have heard, it would seem that there is a difficulty. I certainly wouldn't express the view that there has been a deliberate sabotaging of your preparation in this matter. I think we've got to be tolerant here, it might have unfortunately cost us more time in the future, but if we can make some sort of arrangement that this Volume, this one copy of the various Volumes be shared. There is nothing else that we seem to be able to do, maybe copies can be made, depending - of certain parts of it. I don't think there will be sufficient time to make copies of all 15 Volumes, but of the very important aspects which I am sure you might be able to identify and Mr Dehal might, we can make copies of that.

MR RICHARD: Another inference which is also apparent is that we are both pursuing the same Volumes at the same time.

CHAIRPERSON: Yes.

MR RICHARD: But as I have said earlier, I put it on record, I haven't yet read certain segments of the record. I have done my best with the time available, but I will go through the others.

CHAIRPERSON: We understand the difficulty and we are not going to come hard down on anybody if somebody requires a bit of time to read some documentation, then so be it. It will have to be done because of the circumstances. There cannot be any blame apportioned to anybody.

MR RICHARD: Thank you Chairperson. I suggest we proceed.

MR DEHAL: Mr Chairperson, just two aspects incidental to the issue. The first is for the correction of the record, we did have a meeting, Mr Prior I think repeats that we did not have a pre-trial meeting, no, but in as much as we did not have a pre-trial meeting for good reasons. We had a meeting which was held upstairs in these premises. Mr Berger was present, his Instructing Attorney and all of us and at that meeting we discussed Volume A1 and Mr Richard did not at that stage say I want the trial record for he had it at the time.

CHAIRPERSON: Well, we know there is a difficulty and let's hope that we can just sort it out and share the record. If there is any difficulties from anybody, if you could please just revert to us and we can see if we can smooth them over and let's get this done in the best way and the smoothest way, possible.

MR DEHAL: I agree Mr Chairperson. Mr Chairperson, the second thing that I want to raise is Mr McBride raised the question of this list, I did not hear what the lady who came in, said. I had my headphones on. I don't know whether the question of that list has been appropriately addressed. Sorry, Mr McBride is aware of pages 3 and 4 and the list of those persons. As I

have mentioned earlier, we take issue with that list because it differs in number and names from the earlier list, but the basis for the request is to establish who in fact is opposing as opposed to the full list.

CHAIRPERSON: Well, Mr Richard has handed a list over to the Logistics Officer who stated that in her view, she's got difficulty in compiling I take it, it was handed to her to compile a list of those persons being represented. What I would suggest is that perhaps during the tea time, if she can come and see me and I will identify exactly what those problems are and how extensive they are and we will make all effort to get that list out, because we as a Panel, would also like to know that.

MR DEHAL: Thank you Mr Chairperson. I think if that list pursuant to Judge Pillay's request is handed in, then that becomes a part of the record and Mr McBride would like to see it. Mr Chairperson, I see it is five past eleven or thereabouts, should we take the short recess at this stage?

CHAIRPERSON: Yes, this might be a convenient time. We will take a short tea adjournment and we will recommence at half past eleven.

COMMITTEE ADJOURNS

ON RESUMPTION:

ROBERT JOHN McBRIDE: (affirmed)

MR RICHARD: Chair, before we commence, Mr Dehal and I started talking over the tea adjournment. Where we got to, results in this - any implication or inference that there was anything more sinister than us both needing the same Volume at the same time, is withdrawn and I apologise for casting any aspersion or suggesting that anything else could be inferred. May I ask Mr Dehal whether that satisfies?

MR DEHAL: Mr Chair, he has tendered this to me, it is now on record, I accept that.

CHAIRPERSON: Thank you gentlemen, I am pleased that that has been ironed out.

MR RICHARD: The second point is as yet unfinalised, the discussions had broken off because of other events, we were discussing lists, numbers and all the rest. We will pursue that over lunch which is as I see it, not far away and I think let's proceed.

CHAIRPERSON: Yes, I did have a word with the Logistics Officer and my Secretary about the list and also, I can just put on record that we did discuss the question that was raised earlier this morning, relating to security which will also be addressed by the legal representatives and others at lunch time.

MR RICHARD: Thank you Chair, nothing further at this point.

CHAIRPERSON: Mr Dehal?

EXAMINATION BY MR DEHAL: (cont)

Thank you Mr Chairperson, may I proceed with Mr McBride's evidence. Mr McBride, you have been through Annexure F. I now hand to you a more detailed statement which you have formulated and I hand copies to the respective parties present.

CHAIRPERSON: We will call this statement Exhibit G.

MR DEHAL: Thank you Mr Chairperson. Mr Chairperson, may I just refer to Exhibit G and place the following on record, it is a document that was hastily finalised late last night into the early hours of this morning and caused to be typed within the short time available this morning, so it may well have some spelling errors and typographical errors, I apologise if there are some. I see that page 11 is duplicated in as much as the contents are not the same, so what I have done is caused one page to remain as page 11, with the number thereof at the bottom, and the next page to be numbered 11(a), if you don't mind. I apologise for that.

CHAIRPERSON: Yes, thank you Mr Dehal, and we will not be too critical about spellings and obvious typing errors.

MR DEHAL: I am indebted to you, thank you. Mr McBride you now have Exhibit G before you, perhaps if you can have the microphone on. May I just begin by asking you to look at A1, pages 6 to 9, sorry 6 to 10. Do you see the list of incidents as it is called on page 6, recorded thereunder enumerated 1 to 21 ending on page 10?

MR McBRIDE: Yes, I have that.

MR DEHAL: And is it correct that Exhibit G seeks to address each of those acts, operations in the order in which it is found on pages 6 to 10?

MR McBRIDE: Yes, to the best of my knowledge, this is all the operations I have been involved in.

MR DEHAL: And of course in Exhibit G, you address the operations that relate to you for example incident 1, 2 on page 6 and indeed item 3 does not relate to you?

MR McBRIDE: That is correct yes.

MR DEHAL: And the first operation that you were involved in, would be loosely the Fairvale Senior Secondary School, arson attack, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: Now, let's begin with Exhibit G.

MR McBRIDE: I just want to add on Exhibit G, the first incident, Fairvale Senior Secondary School, arson attack, was not part of Special Ops operations, it was before I was formally recruited into Special Operations.

MR DEHAL: Thank you. I take it that the content of Exhibit G relative to this count, deals with that aspect?

MR McBRIDE: Yes, that is correct.

MR DEHAL: Thank you. Now Mr McBride, I don't know whether you want to read the document, Exhibit G, perhaps you should and wherever you wish to add things, again as indicated previously, if you could please just stop and indicate that you are now adding aspects additional to things typed within Exhibit G.

MR McBRIDE: Thank you, I prefer to read it in total.

CHAIRPERSON: Sorry Mr McBride, just before you proceed, was your recruitment into MK simultaneous with your recruitment into Special Ops? When you say that you were not a member of Special Ops at the time of the commission of this, were you a member of MK at that stage, or was it prior to that as well?

MR McBRIDE: I was a - I assisted an MK unit in the distribution of pamphlets. They did not issue directives in regard to this. This unit was formed in response to instructions given by the ANC to the general public of South Africa who regarded themselves as patriots.

CHAIRPERSON: Thank you.

MR DEHAL: Thank you. Mr McBride, if you will then look at Exhibit G on paragraph 1, is it correct that you now deal in paragraph 1 with the Fairvale Senior Secondary School, arson attack?

MR McBRIDE: Yes, that is correct.

MR DEHAL: And this incident is dealt with just for the purposes of cross-reference in your amnesty application, on page 106 of bundle A1, paragraph (g)?

MR McBRIDE: Yes, that is correct.

MR DEHAL: And for the sake of completeness and cross-reference, it is dealt with on page 6 of bundle A1 as item 4?

MR McBRIDE: That is correct.

MR DEHAL: Yes, you may now read that paragraph.

MR McBRIDE:

"This is an incident that I believe occurred on or about the 3rd of September 1985. There were no injuries to any persons in this operation. The persons involved in this operation with my unit were Naziem Cassim, Alan Pearce, Matthew Lecordier, Marson Sharply and myself."

MR DEHAL: Sorry Mr McBride, if you will go a little slower because it is being interpreted.

CHAIRPERSON: Sorry Mr McBride, Marson Sharply, we have heard the name Sharply before, is that ...

MR McBRIDE: No, this is Marson, Gastor's brother.

CHAIRPERSON: A different person, okay.

MR McBRIDE:

"As far as I can recall these are the only people who were involved in that incident. At the time of this operation, I was not formally recruited by Gordon Webster, however I was actively engaged in assisting and working with an ANC MK unit in Wentworth, the area I lived in since 1984. I understood the ANC as having then issued instructions to all people who regarded themselves as patriots. Such instructions were amongst others to carry out acts of political or revolutionary violence. In consequence various persons, including myself in Wentworth, formed our own combat unit.

The first operation (and I should add in here the last one, there wasn't any other that I was involved in according to my recollection) was the arson attack on the Fairvale School. I say this because shortly thereafter I was recruited by Gordon Webster. By coincidence within the matter of a week or so, after then. The object was in the main to highlight the inferior and dilapidated condition of the school, a complaint that we had tirelessly taken up till then. We hoped that this long standing issue would now be addressed.

My own activity in the operation was that I poured petrol into the school and threw a match in which caused the petrol to ignite and thus caused the arson. The school was partly damaged, however at a very superficial level. This is not an aspect ..."

ADV SIGODI: Please go slowly, Mr McBride.

MR McBRIDE: Sorry.

MR DEHAL: Mr McBride, you have been asked to go slower.

MR McBRIDE:

"This is not an aspect or an operation that I have been charged with, nor convicted of. I speak of it freely in my own desire to express full disclosure."

MR DEHAL: If you will pause there, Mr McBride.

CHAIRPERSON: Mr McBride was Fairvale Senior Secondary School a government school?

MR McBRIDE: That is correct.

CHAIRPERSON: Was it your alma mater?

MR McBRIDE: That is correct, yes.

MR DEHAL: I now take you to the item enumerated 5 on page 7 of bundle A1, which deals with the incident of supplying weapons, it says to Robert McBride, from Botswana. That is weapons supplied to you in Botswana and to be brought into the country, do you see that?

MR McBRIDE: Yes, I have that.

MR DEHAL: You did not have within your amnesty application, in bundle A1 from page 103 to 110, any aspect specifically enumerated as per this incident, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: However you deal briefly on page 106 of the bundle under paragraphs (f) and (h) with the recruitment, training and the supply of weapons to a combat unit in Taylorshof, Macabisa?

MR McBRIDE: That is correct yes.

MR DEHAL: If you would go to Exhibit G and deal with paragraph 2, which deals with the supplying of weapons to yourself in Botswana and read those paragraphs 1 and 2 slowly please.

MR McBRIDE:

"This is dealt with as item 5 on page 7 of bundle A1. This is also referred to in my application for amnesty. At the time all such weapons and arms and related material, were supplied to me and brought into the country by myself. (Just to add that all weapons used by the Gordon Webster Unit and the unit of which I was a Commander, were brought into the country by myself."

MR DEHAL: Sorry, then you say you have been recruited into Special Operations by comrade Gordon Webster?

MR McBRIDE: That is correct.

MR DEHAL: Then you go on to say that you were so recruited during October 1985, do you see that?

MR McBRIDE: That is correct.

MR DEHAL: Continue from there.

MR McBRIDE:

"All such material was brought into the country with a view to carrying out the directives of Special Operations. The persons who supplied these weapons to me were my seniors in Special Operations. I refer in this regard to the applications for amnesty by the first four applicants in this matter and their support of my application."

MR DEHAL: Thank you. Mr McBride, the next paragraph deals with the attempted sabotage of the Cato Manor substation. This you would agree is dealt with at item 6 on page 7 of bundle A1, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: Will you please read that into the record?

MR McBRIDE:

"This is an operation that I was not involved in by prior planning. Comrade Gordon Webster and Naziem Cassim were to have carried out this operation, but as a result of Naziem Cassim having not arrived, comrade Gordon Webster called on me in the last minute to come in and assist him in the operation. I got to the substation with comrade Gordon Webster, and on his instructions, cut a hole in the fence and both of us entered the inner premises of the substation. A ladder was also used. I understand that this ladder was placed there on some earlier occasion.

In the course of our activity, an alarm went off and we had to abandon the operation. We observed an armed security guard with a dog, a short distance away from us. I do recall that on an earlier occasion, I dropped both comrade Gordon Webster and Naziem Cassim close to this place. In as much as I did not know what the purpose thereof was at the time, in retrospect it is clear that they were carrying out their reconnaissance mission in the substation."

I just want to add I was convicted and sentenced for this.

MR DEHAL: Thank you.

MR McBRIDE: As with incident 2 on page 2.

MR DEHAL: That would have been a conviction within the trial that you so often referred to, especially in your application for amnesty, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: I now take you to bundle A1, page 7, item 7. You see that deals with the substation explosion at Wentworth, but it has come to be loosely termed the Chamberlain Road substation explosion, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: Now you deal with this in your amnesty application, on page 104 of the bundle in sub-paragraph (a). I point that out to you.

MR McBRIDE: That is correct.

MR DEHAL: Before we begin to read what you have recorded in Exhibit G, may I just take you back to page 7 of the bundle.

MR McBRIDE: Yes, I have it.

MR DEHAL: You see the victims injured there are Mervyn Dunn, Mr Zimmerman, Mr van der Merwe and Mr - or D.A. Booyens, is that correct?

MR McBRIDE: That is correct, yes.

CHAIRPERSON: Sorry Mr Dehal, we have heard that there was also Mr Baker that was injured there, I believe?

MR DEHAL: Thank you Mr Chairperson, yes, that is correct. I just want to deal with that aspect. You see that in as much as Mr Baker is not referred to in page 7, in item 7, we have heard of Mr Baker that was injured in this incident, do you remember?

MR McBRIDE: Yes, I just want to mention this is the first time I have heard of a Mr Baker, at all, related to this incident. Not in the trial court or in subsequent appeal hearings or anywhere else has a Mr Baker been referred to. Neither was this name included in the summary of substantial facts of the indictment, neither in the further particulars requested by my legal team at that stage. My Baker is a completely new aspect of this incident.

MR DEHAL: When we dealt with, sorry when within your trial, we dealt with the question of sentence, and the number of victims in each of the incidents, is it not correct that the name Baker had not featured at that level as well?

MR McBRIDE: Yes, that is correct, it did not feature at all.

MR DEHAL: Okay, I now take you to Exhibit G, do you mind reading those respective Roman numeral paragraphs. Slowly again please.

MR DEHAL:

"This operation was a follow up from the failure at Cato Manor. Comrade Gordon Webster and I decided to carry out the sabotage at Chamberlain Road substation. Gordon and I prepared the limpet mines at my father's workshop which was within walking distance to the substation. My recollection is that we intentionally provided for a delay in between the expected explosion times so as to injure or kill possible Investigators from the Security Branch when they arrived to inspect and investigate the first explosion. My recollection is that the operation was also intended to be a response, that is the first response from the January 8, statement by President Oliver Tambo."

MR DEHAL: Mr McBride, if you will just pause there. Is it correct that the President of the ANC, whilst the ANC was in exile, had always made his statement on the 8th of January of each year?

MR McBRIDE: That is correct, the 8th of January, the significance of the 8th of January is, it is the day on which the ANC was founded in 1912. So every year the President makes a policy statement as to the direction and evolution of policies of the ANC at that particular time, so it is one of the most important statements of the ANC, every year.

MR DEHAL: And this operation you say took place on the day following this policy statement of January 8, 1986?

MR McBRIDE: Yes.

MR DEHAL: And therefore took place on the 9th of January in that year, is that correct?

MR McBRIDE: That is correct.

MR DEHAL: You say then it was intended to serve as propaganda for the residents of Wentworth by yourselves, exhibiting the capabilities of Umkhonto weSizwe, correct?

MR McBRIDE: That is correct.

MR DEHAL: Will you then deal with the next paragraph?

MR McBRIDE: Yes.

"Sadly and unfortunately Col Robert Wellman of the Durban Security Branch was badly injured and later died. Others injured were a Mervyn Dunn, P. Zimmerman and I think it was Sgt R. van der Merwe, D.A. Booysens and now we hear of a Mr Baker. The first limpet mine was intended to damage the transformer only. The second one was to damage the second transformer and injure or kill Security Branch personnel who would come to investigate the first explosion."

MR DEHAL: A little slower Mr McBride.

MR McBRIDE:

"The purpose then in total of this operation was economic sabotage, armed propaganda and also to kill and injure enemy personnel. I was neither charged for this operation, nor did the police know that I was involved in this operation. I applied for amnesty here out of my own free will and for full disclosure."

MR DEHAL: Thank you. Then Mr McBride, you deal with the Huntley's Hill incident, which is referred to in your application for amnesty on page 105 under paragraph 9(a) where you deal with the acts under (iv)(c), is that correct?

MR McBRIDE: That is correct.

MR DEHAL: As mentioned earlier, this is an incident that again, you were not charged with, nor convicted of and you simply refer to it for the purposes of full disclosure?

MR McBRIDE: That is correct.

MR DEHAL: It is referred to in bundle A1 on page 7 as item 8, is that correct?

MR McBRIDE: I have that, yes.

MR DEHAL: Thank you. This is an operation that took place on the 18th of January 1986?

MR McBRIDE: That is correct.

MR DEHAL: It is almost the same as the Chamberlain Road, Wentworth substation explosion?

MR McBRIDE: That is correct yes.

MR DEHAL: Will you please then deal with paragraph 1 and 2 and 3 of this paragraph 5?

MR McBRIDE:

"In the Huntley's Hill operation, the target was definitely not enemy personnel or any other persons, it was purely intended to damage the transformers at the substation. Gordon Webster and I prepared the mines and both of us entered the substation and lay the charges and retreated."

MR DEHAL: Sorry may I just deal with this aspect in the preceding sentence. You say the objective in (i) of this operation was of power grid disruption, economic sabotage and armed propaganda as the key intentions?

MR McBRIDE: That is correct, yes.

MR DEHAL: Thank you. Carry on.

MR McBRIDE:

"This is also an operation that the police were unaware of, that I had been involved in. I was neither charged nor ever suspected of it. I again bring this before the Commission out of my own willingness and desire for the purposes of full disclosure. As far as I know, there were no injuries in this operation."

MR DEHAL: And of course in A1, page 7, there are no injuries recorded relating to this incident?

MR McBRIDE: That is correct.

MR DEHAL: We now deal with the Carrington Heights pylon operation, opposite Rossborough testing grounds on the 20th of January 1986, do you confirm that this is the incident and operation referred to on page 7 of bundle A1, as item 9?

MR McBRIDE: That is correct.

MR DEHAL: And in your application for amnesty on page 105 of the bundle, under paragraph 9(a)(iv)(d), correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: Will you please then deal with the content of paragraph 6?

MR McBRIDE:

"This operation is very much similar to the one on Chamberlain Road ... (indistinct) substation of the 9th of January. (I just must mention here, the date I am not hundred percent sure, I just go according to as I remember).

MR DEHAL: Certainly.

MR McBRIDE:

"Carrington Heights took place on the 20th of January. Gordon Webster and I prepared many limpet mines, four of them, for each of the legs of the pylon. Again the intention was to disrupt the power grid, economic sabotage, armed propaganda, a booby-trap in the form of a delayed timed limpet mine was left there. The fifth one was intended to injure or kill members of the Security Forces investigating the attack. To my knowledge, there were no deceased and no persons were injured. This operation was also one of those where the police were unaware that I was involved and I was neither charged nor suspected of it."

MR DEHAL: So Mr McBride what you are saying correct me if I am wrong, is that the four limpet mines for each of the legs of the pylon, were set to go off at once, whereas the fifth had a delay in it intended to be a booby-trap directed at Security Police personnel or Security Forces whom you anticipated would have come in to investigate the first explosion?

MR McBRIDE: That is correct, yes.

MR DEHAL: And did the fifth attack go on, did it explode?

MR McBRIDE: Yes, it exploded.

MR DEHAL: Thank you. May I then take you to the next page, wherein you deal with the explosion on the water pipe near Lion Park turn off on the N3, near Pietermaritzburg, do you see that?

MR McBRIDE: Yes, I see that.

MR DEHAL: Is that dealt with in your application for amnesty on page 105, as subparagraph (b), right on the top?

MR McBRIDE: Yes, that is correct.

MR DEHAL: This is an operation, the precise date of which again you are not aware of, you refer to this in your amnesty application as an operation that took place during the first quarter of 1986, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: And this incident is referred to in bundle A1 on page 8, as item 10, correct?

MR McBRIDE: No, that is not correct.

MR DEHAL: You see item 10 deals with limpet mine explosion at substation in Umlaas Road near Pietermaritzburg.

MR McBRIDE: It is not the same one.

MR DEHAL: Is it not the same one?

MR McBRIDE: No.

MR DEHAL: Forgive me. Okay, in any case, this is an aspect that you deal with as an operation that you have never been charged with, nor convicted with, but one that you simply want to talk about for full disclosure, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: Will you please then deal with the content of paragraph 7?

MR McBRIDE:

"Another incident where the police were unaware of my involvement was an attack on the water pipe near the Lion Park turn off on the road to Pietermaritzburg, just off the N3. According to my knowledge, the limpet mine caused damage to the (this should read) pipe, resulting in water leaking out, but other than that, there were no injuries or death to anybody. I am unsure of the exact date on which this occurred, but it would probably have been around January or February. We were under the impression that the pipe was an oil pipe which pumps oil and fuel to the Reef. However, subsequently we found out that it was not an oil pipe, but a water pipe."

I must just add here as I remember certain things, we were instructed at some stage to reconnoitre the area between Durban and Pietermaritzburg to find this oil pipe. It was part of that instructions received from the Commander, to find an oil pipe.

"This is also a count I was not convicted of, nor charged of. I make this application for amnesty mainly in the interests of full disclosure and out of my own desire."

MR DEHAL: Thank you. Mr McBride, we then continue onto the second Chamberlain Road Osterville substation explosion, which took place on the 21st of March 1986, where four limpet mines were used. This is dealt with in bundle A1 on page 8 as item 12, do you see that?

MR McBRIDE: That is correct, yes.

MR DEHAL: If I may just deal with item 11 and item 10, you will see that item 10 has as the applicants Mr Ismail and not yourself, item 11 as Mr Ismail and not yourself, so those two incidents don't relate to you, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: Now, we go to item 12 on page 8, this would be the second Chamberlain Road incident?

MR McBRIDE: That is correct, yes.

MR DEHAL: You say that this operation is similar to the other operations of disrupting the power grid, economic sabotage and armed propaganda?

MR McBRIDE: Yes, that is correct.

MR DEHAL: You say you were convicted of this operation and you were sentenced to a number of years of imprisonment for it?

MR McBRIDE: Yes. Just to add this operation was also add to frustrate the enemy in that it was the second time that this substation had been hit. They had just repaired and imported very expensive transformers and refitted them into the substation, and we hit it for the second time.

"The intention of this operation was also to commemorate Sharpeville Day. As far as I am aware, there were no injuries or deceased as a result of this operation."

MR DEHAL: Thank you. I take you now to the handgrenade attack on the school principal, Leaf's house, that is an aspect you deal with in paragraph 9. Is it item 13 on page 8 of bundle A1?

MR McBRIDE: That is correct.

MR DEHAL: And again here there were no persons injured and there were no deceased persons?

MR McBRIDE: That is correct, yes.

MR DEHAL: You apply for amnesty on this count, this incident, on page 105 of the bundle as per sub-paragraph (e)?

MR McBRIDE: That is correct, yes.

MR DEHAL: You say that this is an incident that took place in the first half of 1986 as per your application for amnesty?

MR McBRIDE: Yes, that is correct.

MR DEHAL: But I see in Exhibit G you deal with it as being on the 8th of April 1986, is that a date that you have taken from A1, page 8?

MR McBRIDE: That is correct, yes.

MR DEHAL: Carry on.

MR McBRIDE: I am not sure where I - I probably got the date from one of the records, where it is mentioned, I cannot remember where I got it from.

MR DEHAL: Thank you. Now, will you please deal with the content of this paragraph?

MR McBRIDE:

"In this operation, I was unaware of the target, however my understanding is that Mr Leaf was also a senior member of the Labour Party in the area."

The Labour Party - I am just indicating what I remember now, some of the discussions going on then - had supported the state of emergency in some parts of the country and had supported cross-border raids at this stage. He was also a police reservist. Of course as we know the Labour Party participated in the discredited tricameral system also.

"Whilst I personally did not know the target of the house, in terms of the guidelines of the ANC and the policy at that stage, it would have been an appropriate, legitimate target."

MR DEHAL: And then thereafter I see you repeat that the Labour Party supported the state of emergency and the cross-border raids?

MR McBRIDE: That is correct, yes.

MR DEHAL: This is an incident that you personally did not participate in?

MR McBRIDE: Yes, I did not participate in this incident. Just to add, I don't think that I was charged with this particular incident also.

MR DEHAL: Yes. Well, it falls under page 105 of your amnesty application, as sub-paragraph (e) and this falls within the realm of the counts that you were not charged with, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: Yes. Okay, then you say in (ii) that your involvement in this incident is that you trained and supplied Vincent Churchill James with handgrenades for such types of operations, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: Will you continue?

MR McBRIDE:

"This operation was also intended as part of arming the masses and as an operation whereby collaborators or people viewed by us as collaborators, would be attacked. This is also in terms of the explicit instructions that is specific instructions by Rashid to me, on the arming of the masses and for the attacks on collaborators."

MR DEHAL: May I just stop you there, I think it is common knowledge now that the Rashid that you refer to here, is Mr Ismail, the first applicant in this matter?

MR McBRIDE: That is correct, yes.

MR DEHAL: Thank you.

MR McBRIDE:

"However, other than the supply of weapons and the training of the people, I was not personally involved in this incident. However, I was the Commander of this unit operating at that time, and therefore I accept full political and general responsibility for this operation."

CHAIRPERSON: Mr McBride after the operation when you learnt of the target, was it in Durban or whereabouts was, where did the handgrenade take place?

MR McBRIDE: It took place in Wentworth, Durban, sir.

MR DEHAL: Mr McBride, you lived in Wentworth at the time, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: And Mr Leaf had lived in Wentworth at the time?

MR McBRIDE: That is correct, yes.

MR DEHAL: You are aware of the place he lived in, correct?

MR McBRIDE: Yes, I am aware of it.

MR DEHAL: You were also aware at the time that he was indeed a police reservist and a member of the Labour Party?

MR McBRIDE: That is correct, yes.

MR DEHAL: But you say that you did not personally hand-pick Mr Leaf's house for the purpose of carrying out this operation, it was attended upon by other persons within the purview of your unit?

MR McBRIDE: That is correct, yes.

MR DEHAL: Thank you.

CHAIRPERSON: Was he the principal of Fairvale?

MR McBRIDE: No, he was not the principal of Fairvale.

MR DEHAL: That is, sorry that is Mr Klein. Thank you.

MR McBRIDE: Sorry, that is not Mr Klein, Mr Klein was the principal of another school which I never attended.

MR DEHAL: Thank you. Is there anything else you wish to add on this grenade attack on the school principal, Leaf's house?

MR McBRIDE: What I can only add in recollection now at this point is that this incident and the one I would speak to after, concerned people who were part of the Labour Party and who were police reservists and on a number of occasions had also harassed activists in the area, in particular I remember an incident where activists who had UDF banners near if my memory serves me correct, Christ the King Church, and one of the associates were also a police reservist, and a senior member of the Labour Party, Mr Clyde Pearce, chased one of the people, I think it was Greta Apelgren's brother into the church and there were a number of other reports of harassment by the same group of people. They were viewed in terms of loose talk at that time, as the armed wing of the Labour Party, that is how people spoke of them. But I mention, it is neither here nor there, I just mention it for the sake of completeness, in this operation I was unaware of the target before, other than that, I have no problem with the target.

MR DEHAL: So for the purposes of the record, you regarded it nonetheless as a legitimate target?

MR McBRIDE: That is correct, yes.

MR DEHAL: For the reasons you have outlined, namely not least he is a police reservist, his being a police reservist and his being a member of the Labour Party?

MR McBRIDE: That is correct, yes.

MR DEHAL: The Greta Apelgren that you referred to, is she the applicant Zahrah Narkedien in this matter?

MR McBRIDE: Yes, that is correct, yes.

MR DEHAL: I then take you to the next operation, which is a handgrenade attack on the house of Mr Peter Klein on the 1st of May 1986.

JUDGE PILLAY: Mr - these two handgrenade attacks occurred after you became a full member of the ANC and MK?

MR McBRIDE: That is correct sir.

JUDGE PILLAY: Are these the only two attacks that you were involved in as against members of the tricameral system, etc?

MR McBRIDE: As far as I can recall, yes sir.

JUDGE PILLAY: Why weren't there more, there were surely many more of these characters in Durban or in the area at that time?

MR McBRIDE: Sir, I think we got arrested before we could carry out more operations.

MR DEHAL: Thank you. Thank you Judge. Mr McBride, the handgrenade attack on the house of Mr Peter Klein is dealt with in bundle A1 on page 9 as item 15. Do you see that? Sorry, item 15, yes.

MR McBRIDE: That is correct.

MR DEHAL: Now, this is an item, this is an operation that you were charged for, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: In the trial that we talk about?

MR McBRIDE: Yes.

MR DEHAL: And therefore you do not refer to it in your application for amnesty specifically, but in paragraph 9(a)(i) as a part of all the acts listed in your indictment, correct?

MR McBRIDE: Yes, I endeavoured, I don't know if I succeeded completely in putting all the counts from my indictment, under one section and referring the Committee to the indictment, so that I didn't, I was not aware of all the aspects as I did not have the record of the charges, but I wanted to get amnesty on the basis of the indictment, whatever it was.

MR DEHAL: Thank you. You see that the persons injured here are Mr Peter Klein, Brenda Klein as per page 9 and there were no persons that were deceased, correct?

MR McBRIDE: That is correct yes.

MR DEHAL: In the content of Exhibit G on paragraph 10 you say that this operation is similar to the operation where there was a handgrenade attack on the school principal, Leaf's house?

MR McBRIDE: That is correct, yes.

MR DEHAL: You also say that you were convicted of this operation on the grounds of having supplied training and material to the comrades who were involved in this operation?

MR McBRIDE: That is correct, yes.

MR DEHAL: Would these comrades have been persons who worked under you within the cell that you operated?

MR McBRIDE: Yes, that is correct.

MR DEHAL: You also say that you did not give any specific personal instructions for the Klein attack and the Klein house as a target?

MR McBRIDE: Yes, that is correct.

MR DEHAL: If I may take you to (ii), here you deal with the intention nonetheless, can you deal with that?

MR McBRIDE: Yes.

"However here again Mr Klein was a police reservist closely associated with the Labour Party. At that stage police reservists were viewed as collaborators and this was compounded by the fact that Klein was an influential member of the Labour Party and that this Party participated in the tricameral system which was perceived by the ANC as being illegitimate and supporting the concept of apartheid and racism in South Africa.

Furthermore I repeat the Labour Party supported the state of emergency and cross-border raids. In this operation there was serious injuries to Mr and Mrs Klein. However, the sum total of my involvement in this operation was training and arming people in accordance with the instructions that I had received from my Commander, Rashid, and also the general instructions from the ANC to attack collaborators and police."

MR DEHAL: Mr McBride, you do take responsibility for this incident, do you not?

MR McBRIDE: Yes, I take responsibility for this incident.

MR DEHAL: You have no difficulty with Mr Klein's house as having been a legitimate target?

MR McBRIDE: No, I have no difficulty with it.

CHAIRPERSON: Do you know who carried out the attack?

MR McBRIDE: Yes, the attack was carried out by one of my co-applicants, Matthew Lecordier and Antonio du Preez, who was a co-accused of my father in the trial that took place simultaneously with mine in 1987.

MR DEHAL: And Mr du Preez was charged for this incident as well?

MR McBRIDE: He was charged and sentenced to 15 and a half years, which he served some of the time on Robben Island.

MR DEHAL: Thank you.

CHAIRPERSON: Sorry Mr McBride, these two, you say that you were unaware of the target before the attack. Was that how you operated in your unit?

MR McBRIDE: That is correct.

CHAIRPERSON: You were the Commander even at that stage?

MR McBRIDE: That is correct yes.

CHAIRPERSON: And did you give instructions to your members to identify targets or did you, did they know what sort of targets to identify? If you could just expatiate on that a bit?

MR McBRIDE: Thank you Mr Chairperson. Yes, I told them that they should attack enemy personnel, there was a casspir also they were told to attack. For both the handgrenade attacks, army, police, collaborators, that is as far as I can remember. I can just add also, I had given them instructions that they should not throw the grenade against the house, because there are incidents where it bounced back and injured them. I instructed them specifically to throw the handgrenades into the window, to stand close by. The purpose of the attacks was to kill or injure enemy personnel or collaborators.

CHAIRPERSON: Just to get clarity on how it worked. Would you have been informed prior to the attack, that they were going to carry out an attack or did you only sort of learn *ex post facto* that the attack had taken place and that was the first time that you were aware of an attack?

MR McBRIDE: I would know that an attack would take place within the next few weeks or the next few days, because I have issued the weapons to them. I wouldn't know specifically the day the attack would take place on, or the specific intended target.

JUDGE PILLAY: Would you know in giving or providing the equipment the details of the plan?

MR McBRIDE: Not specifically sir, no.

JUDGE PILLAY: On what basis would you then approve of a planned attack?

MR McBRIDE: Well, that it would be against enemy personnel and collaborators, as I mentioned, that is all.

JUDGE PILLAY: Not who and where?

MR McBRIDE: No, I would not give a specific name, no. I would not give a specific name or where.

CHAIRPERSON: In this case that you have just mentioned now, the Klein's, I am not sure how they pronounce their name, you said that Mr Klein was considered to be a collaborator in that he was a police reservist and a member of the Labour Party. What about Mrs Klein?

MR McBRIDE: Well, Mrs Klein fell into the same category as being in the crossfire and going after enemy personnel and collaborators.

MR DEHAL: Mr McBride, you addressed Mr Klein in this incident on the basis that he was the police reservist and the person who participated in the Labour Party activities, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: As I understand it, the handgrenade attack, you say was designed and directed at Mr Klein?

MR McBRIDE: That is correct, yes.

MR DEHAL: Mrs Klein unfortunately got caught in the crossfire?

MR McBRIDE: That is correct yes.

MR DEHAL: You mentioned something about how the handgrenade attacks were to be carried out. You spoke about the difficulty that if it were thrown without the glass of the window being broken first, it may bounce back?

JUDGE PILLAY: No, what he said Mr Dehal is that his instructions were to see to it that it was thrown through a window of the house, rather than against the wall, to avoid it bouncing back and injuring themselves. That is how I understood it.

MR DEHAL: Thank you Judge, thank you. Is there anything that you wish to add to that?

MR McBRIDE: At this stage I just wish to add that as with the other incident where there were injuries in the Chamberlain Road, I am sorry for the injuries and in the first incident, the deaths I have caused in these operations.

MR DEHAL: Thank you, you deal with that aspect I see, later in your statement.

MR McBRIDE: Yes, I do.

MR DEHAL: But for the time being, we will just confine ourselves to the operations.

MR McBRIDE: Okay.

MR DEHAL: Thank you. We now go to the Edendale Hospital escape of Gordon Webster, which took place on the 4th of May 1986. This is an aspect that you were charged with and the trial dealt at length with this incident, do you recall?

MR McBRIDE: Yes, that is correct.

MR DEHAL: And it is actually item 14 on page 8 of bundle A1, do you see that?

MR McBRIDE: That is correct, yes.

MR DEHAL: Sorry, it has come now to be colloquially termed the Edendale Hospital saga, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: This operation you say took place on the 4th of May, but its planning was well before that?

MR McBRIDE: That is correct yes.

MR DEHAL: Can you then deal now with the content of Exhibit G, relative to this?

MR McBRIDE:

"Some time during the end of April, I obtained knowledge that Gordon Webster who was my Commander at first, but who had not separated into another unit, had been arrested and injured by police, and was held at Edendale Hospital in Pietermaritzburg. As a soldier of Umkhonto weSizwe, the first thing one does in captivity is to try to escape. I, myself, escaped from detention when I was in detention as my first sign of resistance to my capture. I was shot and then recaptured. Secondly, if one of your comrades are captured as a soldier, it is your duty to help them escape. Any soldier does that anywhere in the world. On these grounds alone, I initially decided that a rescue operation should be mounted."

I just want to add if there is ever the contention that I did it because Gordon Webster was my friend and close associate, yes, he was my friend and close associate, but that was not the reason why I decided on the operation.

"Gordon was really my senior although now in a different command. The moment he was captured, I assumed command of both units. I then assembled both units and put a plan into place to attempt a rescue. The reconnaissance took place on a daily basis at the hospital and over a lengthy period."

JUDGE PILLAY: What would that lengthy period be?

MR McBRIDE: I cannot remember exactly sir, but it would be from the time I first found out and the time I first decided to carry out the operation, until the day, even the day just before the operation.

JUDGE PILLAY: Approximately how many days between your obtaining this knowledge and the operation?

MR McBRIDE: I would say anything between seven and ten days.

"People involved with me in the operation were Matthew Lecordier, Greta Apelgren, Thembawelile Khumalo who was from Gordon's Pietermaritzburg unit, Antonio du Preez and my father, Derrick McBride who volunteered to be part of the operation when Naziem Cassim refused to assist. This is the second time Naziem was not available for an operation to which he had previously agreed to be involved in. The comrades in Pietermaritzburg were contacted about the proposed operation (I am sorry, this is not correct), the comrades in Botswana were contacted about the proposed operation and gave us the go-ahead."

CHAIRPERSON: We delete the word Pietermaritzburg and substitute it with Botswana?

MR McBRIDE: That is correct sir.

MR DEHAL: I apologise Mr Chairperson.

MR McBRIDE:

"They also gave us the go-ahead to use material which was in the possession of Gordon Webster's unit, to help us effect the attack.

The attack was planned to take place after visiting hours, so that there would be a minimal number of civilian visitors at the hospital. The reason was that it would have been easier to effect the operation with the least number of people around.

The initial plan of the operation was that a hole would be cut out in the fence at the back of the hospital so as not to attract attention. The getaway car would be parked next to the fence with its hazard lights on and its bonnet up to indicate that it might be broken down. We would enter from the back, go the second floor where Gordon was being kept, hold up the police, subdue them and lock them in the laundry room around the corner. The information we received from contacts in the hospital was that Gordon was able to walk. This information was later proved not to be true, he was unable to walk.

Having subdued the two policemen, we would have taken Gordon out, loaded him into the van which was the getaway vehicle, dress him up and take him, exchange cars (I think there might be a grammatical error there) and he would be in a car with Greta Apelgren, a different car who would then drive him back to a designated spot. The weapons that were used in the operation, would be handed over to Themba Khumalo who would have already dug a hole in preparation for putting the weapons in there and covering them up. His job also included as part of the operation, detonating two handgrenades in the vicinity of a police station in the opposite direction to which we were travelling, so as to draw the police to that area and to enable us to effect a getaway. The reason why Themba was the person instructed to do this was that he was from the area."

MR DEHAL: Sorry, you mean from the Pietermaritzburg area?

MR McBRIDE: Well, from the Edendale area, yes from Macabisa.

MR DEHAL: Thank you.

MR McBRIDE:

"Furthermore if we had been walking around that area which because of the peculiarities of apartheid, most people had darker skin, we would have stood out like a sore thumb and hence the reason to use him to effect a decoy. The reason behind this was that when people left the scene, no one would have any weapons on them and the getaway vehicle would be left in the Pietermaritzburg town, wiped down for fingerprints and people would make their way by public transport to the designated meeting spot which I think was my father's workshop in Durban.

During the operation we entered the hospital as planned, after visiting hours and made our way up to the second floor where Gordon was. My father entered ahead of me to see whether the situation was as we had planned it to

be. After approximately 30 seconds, he came back and told me that we would have to abort the situation because there were a number of civilians around. On attempting to confirm that this is indeed the case, I was confronted with a policeman who was armed with his weapon pointing at me. (I would just remove "out" sir) I was armed with an AKMS assault rifle placed under a coat."

MR DEHAL: Sorry Mr McBride, what coat was that?

MR McBRIDE: It was a white coat, we were disguised as if we were doctors.

MR DEHAL: You were disguised as a doctor for easy access to Edendale Hospital?

MR McBRIDE: That is correct.

MR DEHAL: To carry out the operation? Your father, Derrick McBride, how was he disguised?

MR McBRIDE: I cannot remember now, but he could have been...

MR DEHAL: Did he have a dog collar on?

MR McBRIDE: Yes, it was a religious, he was disguised as a priest.

MR DEHAL: Yes, and you had this firearm you say beneath this white coat?

MR McBRIDE: Yes, that is correct.

MR DEHAL: You had to remove the firearm and take off the safety you say, in order to fire the policeman before he had fired at you?

MR McBRIDE: That is correct. I just want to add that I could not remove the safety to a single shot position as I would have preferred, because the folding butt of the AK does not allow you to do it when it is folded. You are only able to push it down if the butt is open and hence it was on automatic when I used it. I fired at him and as, if I recall correctly, subsequent evidence indicated, I actually struck his weapon itself, putting it out of order.

MR DEHAL: And here Mr McBride, when you talk of subsequent evidence, is this evidence at the trial, at your trial in this matter?

MR McBRIDE: In this particular case, yes, I think that is where I got it from.

MR DEHAL: Thank you.

MR McBRIDE:

"I did not immediately see what had happened to him after that. I was not aware who the civilians were that my father referred to at that stage as people were sitting on the bench normally used by the police to play cards. They immediately dived for the floor and moved in such a way that I believed they

were police, taking up positions to counter attack or return fire. I then fired a burst at the group. It was probably during this burst at the group that is the second burst, that Mlungize Buthelezi was killed and his friends who were with him, waiting for their mother who was a nurse, were injured.

As I entered the ward and shouted Gordon's name, I came under fire from a policeman, Johannes Hendrik Visagie. I returned fire and struck him on the hand. He retreated to a room within the ward. I then noticed Gordon Webster in the bed."

At this stage I must say that my recollection is not very clear and my recollection of the sequence of events are a bit jumbled. I just want to add an example to illustrate. In subsequent discussions afterwards I had asked, I remember saying to Gordon in the ward that he should move, he should move, because he was laying on the bed looking at me. He said to me there is a policeman and I responded by saying which policeman and this is after I had fired at Visagie. I am not sure as to why I said which policeman, when I knew there was a policeman firing at me, so my recollection of events in the ward at that stage, are quite jumbled. I am not sure if it is of any significance, I am just saying that I cannot remember clearly. I just assimilated events as things happened.

MR DEHAL: Mr McBride, as to Mr Visagie, you did not know his name at the time when you fired, you got to know this name during the course of your trial?

MR McBRIDE: That is correct yes.

MR DEHAL: You then say you apparently also fired two more shots at Visagie after he had fired at you through the door from the room?

MR McBRIDE: Yes, this is another incident, I don't recall this clearly. If I did, I wouldn't have any problem with it, he is a policeman, he is keeping my comrade in captivity, I would shoot at him, there is no problem with that. I just don't recall it clearly.

MR DEHAL: This room that you talk about, is the room adjacent the passage, somewhere near the ward in which Mr Gordon Webster was?

MR McBRIDE: Yes, if I am facing the bed where Gordon was laying, from the door, this room which was referred to as a slush room, would be on the left side of me from where I was standing. Gordon would have been on the right side of the ward if I was facing down, facing the slush room, facing towards Gordon.

CHAIRPERSON: Was he the only patient in the ward or was it a public ward?

MR McBRIDE: No Mr Chairperson, there were other people in the ward also.

JUDGE PILLAY: Other patients?

MR McBRIDE: Yes, that is correct, and nurses also.

MR DEHAL: It was a general ward, is it?

MR McBRIDE: It was a - I forget the name for it, but seriously injured people.

MR DEHAL: ICU?

MR McBRIDE: That is correct, yes.

MR DEHAL: And the slush room that you talk about, was reference made to the slush room in the trial and is this how you familiarised yourself with it?

MR McBRIDE: That is correct, yes.

MR DEHAL: Yes, continue Mr McBride.

MR McBRIDE:

"Anyway Gordon Webster was wheeled out of the hospital on a laundry trolley and during the wheeling of him out, he had possession of the AK. At some stage I gave him the AK to enable me to push him easily. It is believed that he may have fired, but I cannot remember very clearly at this stage what took place in the exit from the hospital. However, we managed to get him out of the hospital, whilst a crowd of people had gathered and were cheering us on."

I seem to remember at this stage that the crowd of people on the second floor, were holding back the policeman, I saw him if I can remember at the back of the crowd and urging him not to engage in combat with us.

"Gordon was successfully loaded onto the getaway car and we made off towards town, that is Pietermaritzburg. On arrival we found that the second car was not at the agreed spot. We then proceeded to Wentworth without changing cars. At Wentworth we contacted a relative of Gordon's family."

CHAIRPERSON: Sorry, just before you proceed Mr McBride, you said that there was a hole dug for weapons to be buried. What happened with the weapons once he got into the car?

MR McBRIDE: We continued with them all the way through. Apparently for as yet unknown reasons, Khumalo did not prepare the hole and he had instructed Greta Apelgren to leave the spot.

CHAIRPERSON: So did you go to that spot, but there was nothing there?

MR McBRIDE: There was nobody there, yes.

CHAIRPERSON: So you just carried on?

MR McBRIDE: Yes.

MR DEHAL: Yes, please continue?

MR McBRIDE: The person's name I think is Pam Cele.

MR DEHAL: Not Ann Cele?

MR McBRIDE: No, I think it is Pam.

MR DEHAL: Shall we delete Ann and write Pam instead?

MR McBRIDE: Yes sir.

MR DEHAL: Thank you.

MR McBRIDE:

"... who was a nurse and would be able to administer medical assistance to him as he had been severely injured. Gordon was kept in a number of places during the next week for his own safety and when it became known that the police were aware of his correct name and by inference, anyone who was at college would have linked him with me, because we are very close, we decided to take him out of the country into exile. We did this. The exact date I cannot remember, but this was on or around the 10th of May 1986."

MR DEHAL: Sorry sir, can I just confer with my lawyer just for one second? Thank you Mr Chairperson.

MR McBRIDE: I just want to mention that during the Section 29 investigative hearing, I handed in my passport to the Panel and they made photostats of it, so the exact date can be determined then.

"We effected the escape and smuggled him through the border together with his girlfriend, by means of a caravan in which special storage places were prepared for them. We then took him out of the country and handed him over to the ANC who then sent him off to Moscow for treatment."

CHAIRPERSON: Where did you take him to, Mr Webster, Swaziland, Botswana?

MR McBRIDE: Botswana sir.

ADV SIGODI: Sorry, you say you went through the border, which border did you use?

MR McBRIDE: That was Ramatlabana border post.

ADV SIGODI: Ramatlabana?

MR McBRIDE:

"The deceased person in this operation was Mlungize Buthelezi and the injured persons were Cons Edward Ngobo, Cons Johannes Hendrik Visagie, Simpiwe Shange and Nkosinathi Nkabini."

MR DEHAL: And indeed Mr McBride, you were convicted of this incident, and sentenced to imprisonment for a number of years?

MR McBRIDE: That is correct.

MR DEHAL: Did you receive the death sentence for the death of Mr Mlungize Buthelezi?

MR McBRIDE: I was acquitted of that, I was acquitted of the charge of murder for Mr Buthelezi.

MR DEHAL: Thank you. Let's deal with the Pine Parkade bomb, it has been loosely termed a bomb, I see in Exhibit G you talk about it as a hoax-bomb? It was not really a bomb in the true sense of the term?

MR McBRIDE: That is correct, yes.

MR DEHAL: This is an incident that you were charged with in the trial that we so often talk of and you were convicted of this incident, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: But of a lesser competent verdict?

MR McBRIDE: Yes, if my memory serves me correct it was ...

MR DEHAL: You deal with that I see, subsequently, we will get to that.

MR McBRIDE: Thank you.

MR DEHAL: It is in bundle A1 on page 9, item 16, do you identify that?

MR McBRIDE: Yes, I have that.

MR DEHAL: Do you see under item 16, there is the words "defused by the police" in the first line?

MR McBRIDE: That is correct yes.

MR DEHAL: This bomb, would it have exploded had the police not defused it, firstly?

MR McBRIDE: I would use "defuse" as I did in Exhibit G, the bomb could have stayed there for the next 100 years, it would not have exploded.

MR DEHAL: Was it intended to be such?

MR McBRIDE: Yes, it was intended to be such. Just for the record, none of the explosive devices I put together, ever, and if they were meant to explode, did not explode. Every one of them exploded, and none of the explosive devices I put together, could ever be dismantled. They had to go and invent something later on, to try and dismantle them.

MR DEHAL: What was the intention in placing this device at the Pine Parkade?

MR McBRIDE: It was to bring attention to the ANC and I go through it in the statement here.

MR DEHAL: Yes, perhaps you should, thank you.

MR McBRIDE: "During May 1986 ..."

MR DEHAL: Perhaps you should deal with the first aspect as well.

MR McBRIDE:

"This was not a bomb as is evident from the transcript. This was defused by the police, there was no detonator placed in this explosive device, on purpose.

During May 1986, the Eminent Persons Group of the Commonwealth visited South Africa in the hope of brokering a negotiations deal between the liberation movement and the South African government, then headed by P.W. Botha. If my memory serves me correct, the Head of the delegation was the present President of Nigeria, Mr ...(indistinct). In an attempt to scupper the possibility of a deal, P.W. Botha sent South African Security Forces to attack a number of targets in the neighbouring States simultaneously. P.W. Botha did this, it was widely believed at the time, to set about a negotiations process which excluded the ANC. This I understand was the message he had given to the Eminent Persons Group.

At this stage I decided as Commander of my unit, that it was important that the ANC's presence be felt at that specific time so that the ANC can be regarded as an integral part of any lasting solution to the then conflict. A device was then put together, consisting of explosive charges which on their own are inert, for example it can be thrown from a building or it can be put in a fire, but will remain harmless. These devices were camouflaged with paper, electric wire, aerosol spray to make them appear to be more sinister than they actually were.

Together with Jeanette Apelgren, who was subsequently a State witness against me in the trial, who is the sister of Greta, I proceeded to the Pine Parkade as a central location in Durban and placed the "bomb" under (it should be under, not on), under one of the cars. This was intentionally done at the Pine Parkade, as this was known as one of the most secure parking garages in the city at the time and in full knowledge that the parcel would be found very quickly. The parcel was found and the police attempted to "disarm" or "defuse" the "bomb". The remainder of the so-called bomb which was thought to contain a detonator, was taken away in a bomb disposal vehicle and by ten o'clock the following morning, had not exploded clearly indicating that there was no detonator in there."

I must just mention here that the Security Police at the time went together with the media, went on a long song and dance about how terrible the ANC is, placing such a device there, and neglected to mention that the device did not explode and would not have exploded.

"For this incident I was convicted of the lesser offence of causing a public disturbance under Section 52 of the Terrorism Act. I was sentenced to, if my memory serves me correct, to two years. The police themselves added

additional explosives to what was left of the parcel after it had been dismantled and detonated themselves. That was after more than 12 hours."

MR DEHAL: Thank you. Mr McBride - sorry, bear with me. Mr Chairperson, I see it is one o'clock, can we perhaps take the long adjournment at this stage?

CHAIRPERSON: Yes, it is one o'clock, we will now take the lunch time adjournment.

COMMITTEE ADJOURNS

ON RESUMPTION:

ROBERT JOHN McBRIDE: (affirmed)

CHAIRPERSON: Yes, thank you. Mr Dehal?

EXAMINATION BY MR DEHAL: (cont)

Thank you Mr Chairperson. Mr McBride, you had just finished before the lunch recess, with the operation dealing with the Pine Parkade hoax-bomb. May I just take you back to the operation that was commonly called the Chamberlain Road incident. This you deal with in paragraph 4 of Exhibit G.

MR McBRIDE: Yes, I have that.

MR DEHAL: I show you (iii), you will recall that you dealt with the list of persons who were injured and a Mr Zimmerman who is now being represented by Mr Mall who is present here and you talked about how you did not hear of Mr Baker during the trial and that he features for the first time only now?

MR McBRIDE: That is correct, yes.

MR DEHAL: Do you want to add anything further to that?

MR McBRIDE: Just to add that I have spoken to the legal representative of the people injured and killed at the incident, none of those given instructions recall, who were injured, recall a Mr Baker anywhere near the scene. We have also found out that there is - a Mr Baker featured in this docket of this and there is some medical records of this. As to why it was not placed before the Court and after requests for further particulars by my legal team in 1987, I can only speculate that it is because he was a Security Policeman and it would affect statistics if his name is included in there.

MR DEHAL: It was a secret they kept from us in the trial?

MR McBRIDE: That is correct, yes sir.

MR DEHAL: And you say that Mr Mall's clients have confirmed through Mr Mall that they had not known of Mr Baker at the time?

MR McBRIDE: That is correct. It is the first time they heard about him today, when they were here.

MR DEHAL: Thank you. If I may now take you to paragraph 13 of Exhibit G.

MR McBRIDE: I have that.

MR DEHAL: You see this deals with the Why Not bar, commonly known as the Magoo's incident which took place on the Marine Parade here in Durban on the 14th of June 1986. This is an incident which would fall within the ambit of those charges that were preferred against you in the trial in this matter, correct?

MR McBRIDE: That is correct.

MR DEHAL: And is dealt with by you in your application for amnesty on paragraph 9(a)(i), correct?

MR McBRIDE: That is correct yes.

MR DEHAL: And of course features in the preliminary pages to the bundle, bundle A1? Sorry, if I may just find this. Yes, it is number 17 on page 9 of the bundle?

MR McBRIDE: That is correct, yes.

MR DEHAL: Thank you. If you will just go through this slowly, beginning with paragraph (i) and then you come to the paragraph dealing with the reconnaissance and Intelligence gathering and go through that slowly as well.

MR McBRIDE:

"Persons involved in this operation were myself, Matthew Lecordier who was unaware of what was taking place, Greta Apelgren who was also unaware of what was taking place and my Commander Rashid Aboobaker Ismail who gave the command."

MR DEHAL: If I may just stop you there. It is not contended by you at all that Mr Rashid, that is Mr Ismail, the first applicant was ever aware of Why Not itself as being the target in your discussions with him outside South Africa, correct?

MR McBRIDE: That is correct. He did not know of the specific target.

MR DEHAL: If you will then proceed, you say others were Mnisi.

MR McBRIDE: "Others were Mnisi, Dumakude and Pule."

MR DEHAL: Those would be the other three applicants, that is the 2nd, 3rd and 4th applicants in this matter?

MR McBRIDE: Yes. I knew them as Vic, Chris and Oupa.

MR DEHAL: Sorry, that is their code names, correct?

MR McBRIDE: That is correct yes.

JUDGE PILLAY: Did they train you specially for this, to commit offence in this incident?

MR McBRIDE: Yes, I was trained specifically for their car bomb. I use the word "their" and not "the" because they were aware that a car bomb operation was to be carried out by my unit. At the stage when I was given the instruction, I had not been, yet been instructed in a car bomb, I did not know how to go about it.

JUDGE PILLAY: And this operation would not be, you would not be able to carry it out without their contribution, is that what you are saying?

MR McBRIDE: That is correct, yes.

MR DEHAL: Proceed Mr McBride. You were at the point where you said others were Mnisi, Dumakude and Pule whom you knew by their code names, Vic, Oupa and Chris.

MR McBRIDE:

"They were involved in training me, giving me political education and also were involved in the guidelines and policies and guidance and selection of targets. Three persons died and it was reported that 69 were injured in the operation. The deceased were Angelique Pattendon, Julie van der Linde and Marchelle Garrard. The purpose of the operation was to commemorate the raid on Gaberone in which 12 people were killed, including ANC members, women, that is plural, and a child. None of the people were military personnel of the ANC at that time. It was also intended to commemorate the massacre of school children on the 16th of June 1976. This was the 10th anniversary. It was also intended as an operation of taking the struggle into the white areas as per ANC policy.

The material supplied by the ANC for this operation, was material (I am deleting in part), material to be used in the car bomb. (I cannot recall at this stage why it is in part there.)

MR DEHAL: Isn't that because you had kept one of the SZ6's?

MR McBRIDE: That is correct, I will come back to that later on.

"The instructions were that the car bomb be used against Security Force personnel wherever they might be, whether in uniform or out of uniform, on duty or off duty. In this operation instructions were received by me from comrade Rashid, that I should not make use of all SZ6 charges for this operation."

CHAIRPERSON: Sorry Mr McBride, before you proceed, what is an SZ6 charge?

MR McBRIDE: It is a demolition charge. I think replica's of them were pointed out by Mr Richard to comrade Rashid.

CHAIRPERSON: In those photographs?

MR McBRIDE: Yes.

CHAIRPERSON: Those sort of square or rectangular devices?

MR McBRIDE: Yes sir.

CHAIRPERSON: Thank you.

MR McBRIDE:

"As it was anticipated that there would be retaliation against perceived ANC bases in the neighbouring States and that we then should be in a position to be able to respond similarly in South Africa without having to come out to Botswana again for more material for this purpose."

I can just elaborate my perception at this stage was that response to retaliation would serve as a deterrent on the South African regime at that stage, for attacking perceived ANC bases in the neighbouring States.

"In this regard only one SZ6 charge was kept for retaliation for example by an attack on a police station, which we had reconnoitred previously. In this particular case the Wentworth police station. Intelligence gathering for this operation was thorough, unambiguous and over a long period of time by myself and others, in particular by Gordon Webster and his unit. Gordon Webster was first given instructions to prepare a car bomb."

JUDGE PILLAY: Mr McBride, can you perhaps remember over what period you took particulars in preparation for this operation, reconnoitred and that type of thing?

MR McBRIDE: From the very beginning.

JUDGE PILLAY: Yes, how this plan evolved, over what period?

MR McBRIDE: From before Easter, I can only remember it like that. Before Easter 1986 because the car bomb instructions were during the period we left, which I think was the Easter weekend when we were all in Botswana and that is how I remember it, and from then onwards, we had started working on it. It was some time before Eastern because by the time, the last time I was together with Gordon, Vic, Chris and Oupa, already at that stage, a target including a bar, was discussed. My recollection, already at that stage it was, had been reconnoitred and Intelligence had been gathered.

JUDGE PILLAY: By the time you went to Botswana?

MR McBRIDE: Before Easter, yes. The last time, I cannot remember exactly when it was, where all of us were together in Botswana.

JUDGE PILLAY: Over what period would you have taken to gather all this information in order to make that decision?

MR McBRIDE: It is about six weeks, a month to six weeks from the first one. That was before my personal involvement for the operation.

JUDGE PILLAY: From that time till the eventual execution of the plan is about three to three and a half months?

MR McBRIDE: That is correct, yes.

JUDGE PILLAY: Yes, thank you.

MR DEHAL: Sorry Mr McBride, may I just deal with something in that regard. You had returned into the country with the necessary explosives for the car bomb operation on the 12th, correct, the 12th of June 1986?

MR McBRIDE: Yes, the purpose for going out during that week was to go and pick up weapons for a car bomb specifically, and secondly for some weapons to prepare a DLB for another unit coming into the country. I prepared the car specifically to receive the SZ6 charges for the car bomb.

MR DEHAL: And Mr McBride in as much as you returned on the 12th, this operation was carried out on the 14th?

MR McBRIDE: That is correct yes.

MR DEHAL: Did you do additional reconnaissance work between the 12th and the 14th or had you set your mind on the target by then?

MR McBRIDE: Well, the target was already, my mind was set on it already, that is why I discussed it with the Commander when I went back to receive the formal instructions. There was no change or regard to any other target at that stage, once the go-ahead was given and I think it is better if I read through it.

MR DEHAL: Yes, sorry before you do. In paragraph 3 you deal with the Gaborone raid. May I show you the annexures, sorry that is on paragraph 13 in (iii), Annexure G which contains a letter but in particular the Setchaba aspect, is that the raid?

MR McBRIDE: That is correct, yes. In fact this house, I was shown this house by I think it was Chris, the very same house that is photographed here.

MR DEHAL: You recall that in his evidence he confirmed that?

MR McBRIDE: That is correct yes.

MR DEHAL: He also said that he showed you other premises as well?

MR McBRIDE: That is correct yes.

MR DEHAL: Mr Chairperson, may I hand in these copies. Thank you.

CHAIRPERSON: Are they copies of photographs?

MR DEHAL: Sorry Mr Chairperson, they are copies of in the first place, a letter from the African National Congress which I will deal with much later, but in particular it has a photograph of the Botswana massacre as it is entitled and it deals with in part as victims who were very soft targets, the South African raid in Botswana.

CHAIRPERSON: So but they all go together, we will call that Exhibit J, we won't have an I. How many pages are there, J1, J2, J3?

MR DEHAL: Ten pages Mr Chairperson.

CHAIRPERSON: J1 through to J10. Sorry, did we have an H.

MR DEHAL: I don't think ...

CHAIRPERSON: H, H1 through to H10.

MR DEHAL: Thank you. Thank you, Mr McBride you had gone on to paragraph, the top of page 11(a) where you dealt with the middle of that part, you talked of only one SZ6 charge was kept for retaliation and then you dealt with the attack on the South African regime. Can you continue?

MR McBRIDE: Yes, just to add on, on the police station, the idea was to overrun the police station and leave charges behind so that it would be damaged and policemen would be, of the Wentworth police station, would be killed, killed and overrun, yes.

MR DEHAL: But that operation was not carried out?

MR McBRIDE: It was not carried out.

MR DEHAL: Then you say Intelligence gathering for this operation was thorough, unambiguous and over a long period of time by myself and others. Do you see that?

MR McBRIDE: Yes, that is correct.

MR DEHAL: Can you continue?

MR McBRIDE:

"In particular by Gordon Webster and his unit. Gordon Webster was first given instruction to prepare a car bomb for the same period in which it took place. He approached me to assist with the choice of targets and reconnaissance of the ...(indistinct) Military base."

MR DEHAL: Now I see you turn to reconnaissance and Intelligence gathering, relating one pointedly to the Why Not operation?

MR McBRIDE: That is right, yes.

MR DEHAL: And you have broken that up into sub-paragraphs (a), (b), (c), (d) and (e)?

MR McBRIDE: That is correct yes.

MR DEHAL: Will you read those?

MR McBRIDE:

"I would like to begin by recording that the TRC report records that my reconnaissance of this bar to ascertain whether it was frequented by enemy personnel, had been conducted in an extremely amateurish and naive manner."

MR DEHAL: Sorry, that is a quotation from the report itself where it says his claim, meaning your claim ...

MR McBRIDE:

"His claim that the Magoo's bar was targeted because it was believed to be a rendezvous for SADF members, could not be substantiated. None of those killed or injured, had any link to the military or SAP. This was recorded pursuant to my Section 29 evidence and is incorrect for amongst other things, I was not questioned on an in depth level at the Section 29 enquiry about reconnaissance. It was a very superficial questioning with regards to this. I simply answered the questions asked of me.

The above TRC report was not confirmed by me, nor was I given the opportunity to respond to the opinions there recorded as for example former President F.W. de Klerk was. I never stated specifically at any point that the SADF was a target. During the early part of 1986 before Easter, Gordon Webster was tasked with looking into the possibility of carrying out a car bomb attack on Natal Command Military Base on the Marine Parade. He approached me to assist in the reconnaissance in this regard.

On numerous occasions we reconnoitred the place and placed it under surveillance. We looked at alternatives of the type of attack that can be used, we then came to the conclusion that a car bomb would not be appropriate for the Military base, mainly because of the openness of the area and secondly because no private cars were allowed to park close to the premises of Natal Command. During this period I also explained to Gordon my information, which was discussed during 1984 and 1985 of the general belief amongst activists at that time, when I frequented the Alan Taylor residence, that the Why Not bar was frequented by large numbers of police and military personnel. I also explained to Gordon the conversation I overheard during an unconnected court appearance in which police were discussing visiting the Why Not bar. Gordon then noted this information and said he would carry out further reconnaissance and Intelligence gathering on the matter."

I would just like a moment to confer with my ...

CHAIRPERSON: Yes, sorry before you do that, just for my own information. The Why Not bar, was it just a bar, a drinking place or did it have dancing and music, cabaret, would you go and eat? What was it exactly?

MR McBRIDE: My understanding, I am not sure at which state I received the information was that on Why Not there was a bar and there was live music on the other side, Magoo's. I attempted to enter the bar at one stage and I was told it was full when clearly it was not full. So I was not allowed to get in there.

CHAIRPERSON: Yes.

MR McBRIDE: Thank you sir.

"At this stage Gordon indicated to me that he would continue with the reconnaissance and Intelligence of the Why Not bar to see if it was frequented by Security Force personnel. He subsequently reported to me that the place was indeed frequented by Security Force personnel and said it was infested with police from C.R. Swart Square. (That is the word he used - infested)."

CHAIRPERSON: Sorry, Mr McBride, once again, if you could just for my own information, whereabouts is C.R. Swart Square?

MR McBRIDE: It is within walking distance.

CHAIRPERSON: Of the Why Not bar?

MR McBRIDE: That is correct, yes.

CHAIRPERSON: A long walk, a short walk, is it in that vicinity?

MR McBRIDE: It is not a short walk, but it is in walking distance.

CHAIRPERSON: Okay.

MR McBRIDE:

"He further invited me to personally show me what he was speaking about. These are my own personal observations confirmed that this was indeed a place popular for Security Force personnel. On one occasion in the evening, we followed two groups of people from C.R. Swart and one of the two groups, one group went directly to the Why Not bar and for me this was clearly evidence that this place was frequented by Security Force personnel. This together with the fact that Gordon had said he had completed his reconnaissance and used the word "infested with police", was sufficient evidence for me that this was a legitimate target. This information was conveyed to the Sub-Command in Botswana on or about the beginning of the month of April to the end of March."

JUDGE PILLAY: What is that supposed to mean? On or about the beginning of the month of April to the end of March?

MR McBRIDE: I think it should be the other way around, sir, the end of March to the beginning of April. I am indicating before Easter, really.

JUDGE PILLAY: I see, okay.

MR McBRIDE: I want to indicate at this point in the interest of full disclosure a telephone conversation which I overheard on Friday between my lawyer and the then owner of the Why Not bar Parade Hotel, Mr Russel Davidson. Mr Davidson was asked by my lawyer whether to his knowledge his place was frequented by Security Force personnel from C.R. Swart and from the military, what I can recall from the conversation was that he confirmed this, he mentioned C.R. Swart, he also mentioned something like Dunnitor Boys Army Pilot, he also indicated that at some stage he was accused of some crime, I think it was selling drugs and the same police who frequented the place, assisted him in getting rid of the charge. He also added that at one stage one of the police who frequented the place, he met whilst in uniform at a race course and this guy even gave him a tip to place a bet on something, which won, I think he said Jamaican Music. In short, the conversation I heard from the manager of the Parade Hotel confirms that indeed the place was frequented by a large amount of Security Force personnel.

"Several discussions were held during political education with amongst others Lester Dumakude, Lekote Pule, Johannes Mnisi on the possibility of attacking such places frequented by Security Force personnel. During these discussions it was indicated to us that this would be in line with ANC policy and ANC guidelines on the attacks of Security Force personnel. That we had reconnoitred such a place, a bar, was conveyed to the Sub-Command.

Myself and Gordon were instructed by Rashid at that stage then to separate into two different units. My understanding then was that if the car bomb was to take place, Gordon's unit would carry it out at that stage. Unfortunately within the next month or so, Gordon Webster was injured and captured and a member of his unit killed, and he was later rescued by us and taken out of the country. I immediately assumed command of his unit at this stage. During the period in which I took him out to Botswana, I was then informed that a decision was made that the car bomb should go ahead, but that I should prepare a vehicle."

JUDGE PILLAY: By whom?

MR McBRIDE: By the Sub-Command. Rashid was not there at that stage, I did not see Rashid on that occasion.

CHAIRPERSON: The Sub-Command you are referring to, Vic ...

MR McBRIDE: Vic, Oupa and Chris.

CHAIRPERSON: And Oupa?

MR McBRIDE: Yes sir.

"I was then informed that the decision was made that the car bomb should go ahead, but that I should prepare a vehicle to receive the weapons from Special Ops unit there and to receive the formal instructions from Rashid during the week, in June.

On arrival in Botswana during June, I met with Rashid, explained to him the situation, explained to him the reconnaissance conducted by Webster, the fact also that I had conducted further reconnaissance personally (that is what I want to add there), but that there was some problem with the operation in that civilians would definitely be hurt in the operation if we did carry it out. Rashid explained to me the Kabwe Conference and the change of policy and amongst other things, that the ANC would not be too careful any more in going after Security Force personnel. I was told that the injury to civilians was a secondary consideration at that stage and that the main concern was to go (it should say here Security personnel) wherever they may be on duty or off duty. The only equivocation given to me was that there should be absolutely no chance of children being killed in the operation.

It was on the basis of the sum total of all Intelligence information gathered, ...(indistinct) the fact that the problems I expressed of civilians being part of the casualties and which was carefully considered by my seniors and the fact that in spite of this I was given the go-ahead for the operation, that I agreed to go ahead with this operation. I left Botswana on the 11th of June and I arrived on the morning of the 12th with the specific instruction to carry out the operation on the 14th of June, a Saturday. I was given funds for the purchase of a car under a false name, and for additional material which could be used in preparing the car bomb.

I cannot recall the sequence of all the events very clearly, but what I can say is that the people who assisted me within the country with the operation were not aware that the car bomb operation was to take place. We all operated on a strictly need to know discipline."

CHAIRPERSON: Sorry Mr McBride, sorry, when you went to Botswana on the 11th, you had in your mind you say the target, the Why Not bar?

MR McBRIDE: Yes.

CHAIRPERSON: Did you have alternative targets, had you reconnoitred, when I say you, you and or members of your unit, reconnoitred alternative targets?

MR McBRIDE: There was the place The Barn, but it had not been reconnoitred to the extent of the Why Not and also I felt uneasy in the place.

CHAIRPERSON: So if you knew when you were in Botswana at that stage, that your target was going to be the Why Not bar, was there any particular reason why you should not mention that to Mr Ismail, your Commander?

MR McBRIDE: Yes, one of the very obvious reasons was that when Rashid came into the room, he looked around for bugs immediately. If I had given him the specific target and named it, if there were any bugs in there, it would obviously have gone to the Security Police.

CHAIRPERSON: Sorry, what sort of room were you in, were you not in an ANC stronghold or stronghold or whatever?

MR McBRIDE: A hotel. No, as far as I can remember, we were in a hotel room.

CHAIRPERSON: A hotel room?

MR McBRIDE: I remember Rashid putting on the airconditioner to cause a disturbance with noise if there was any listening devices.

CHAIRPERSON: Yes, thank you.

ADV SIGODI: Sorry, but then you discussed that the car bomb would go on the 14th of June specifically?

MR McBRIDE: That is correct.

ADV SIGODI: But you didn't discuss the specific venue?

MR McBRIDE: I am not sure I understand you Ma'am?

ADV SIGODI: That it was going to be the Why Not bar, but you discussed that a car bomb would go?

MR McBRIDE: We discussed the bar as I mentioned earlier, but not the Why Not bar or any other particular bar.

JUDGE PILLAY: I think the question is if your fear that the Security Police in South Africa may overhear you by virtue of the bugs, and that is the reason why you did not mention the name of the bar, or your target, how come that you discussed some other details with regard to the operation in those same circumstances?

MR McBRIDE: Well, they would know that there is an operation that is about to take place, they wouldn't know where it is. They wouldn't be able to ...

JUDGE PILLAY: It would be easy to look out for you and then arrest you?

MR McBRIDE: I would concede that is a possibility, that is why I took care when approaching the place also, to do, to check if there were any roadblocks around the place when I approach it later on.

CHAIRPERSON: Yes, thank you.

JUDGE PILLAY: Another issue I just want to raise with you. You say the people who assisted you with the operation, were not aware of the car bomb operation and that it would take place?

MR McBRIDE: That is correct, yes.

JUDGE PILLAY: What did they do, how did they contribute to the operation then?

MR McBRIDE: Well, I required a driver of one car to secure a spot as close as possible to the target, that is the Why Not bar, and the person I chose was Greta Apelgren.

JUDGE PILLAY: She went to create a parking space as near as possible to the Why Not?

MR McBRIDE: Under my instructions, direct instructions, I was sitting next to her in the car.

JUDGE PILLAY: But she didn't know that you were going to plant a car bomb there?

MR McBRIDE: She could not have known as I did not tell her.

JUDGE PILLAY: Okay. And the other person?

MR McBRIDE: The other person was Matthew Lecordier, who is one of the co-applicants, who was also under the impression I would leave the car for comrades to pick it up later. He was only told of the operation as we entered into town. I don't even remember if I told him specifically of the operation, but I did indicate to him as we came off the southern freeway, I see it is changed now, we hit a bump, there was a bump as you came down, and stopped just before you enter Durban and I indicated to him that there was 60 kilograms of explosives in the boot. Even at that stage, I don't think I told him what the operation was.

JUDGE PILLAY: What was his contribution to the operation?

MR McBRIDE: He would give me cover while I am initiating and he would watch out for me while I am busy initiating the explosive device in the car.

JUDGE PILLAY: Although he wouldn't know what you were actually doing?

MR McBRIDE: He didn't know. What I told him was that we were leaving the car for some other comrades in town.

JUDGE PILLAY: Carry on.

MR McBRIDE: Just to add, it is not the first time we operated in that manner in the unit.

MR DEHAL: Mr McBride, I don't know whether you dealt with this on the preceding page, I see you are now on page 14.

MR McBRIDE: Yes sir.

MR DEHAL: But you all operated on a strictly need to know discipline?

MR McBRIDE: That is correct.

MR DEHAL: Okay, now just to dwell briefly on a need to know discipline, can you explain why there was such a discipline necessary and how it was put into operation, you being the Commander of your cell?

MR McBRIDE: One of the things you are taught when you are recruited is what we call Military Combat Work, MCW, which involved knowledge about codes and how you would operate. For example not asking unnecessary questions, not speaking loosely about operations you were involved in, forgetting operations after you had done them, which we refer to it as a dream. It is a dream, it never happened, we would say. General stuff that any guerrilla organisation does to survive, to prevent police tracking it down and compromising it. I don't think it is any different to any other organisation. An example is Jeanette Apelgren with the Pine Parkade hoax-bomb, she didn't know why I picked her up. She didn't know why I told her to park next to the car, she didn't know why I told her to drive off. She followed my instructions, occasionally there would be some tensions. In particular Greta didn't like to be just told what to do, although she followed it. There would be tension, but she followed my instructions, that is the way we operated.

MR DEHAL: Was this not also obviously because of the reason that if the operation had not successfully gone off and if any person was arrested, then the person who operated within the ambit of the need to know discipline would not be able to give information to the police?

MR McBRIDE: Yes, exactly. For example, many of the operations that I was not convicted of or was not suspected of, the only reason why is I never spoke to anybody about them, and that is why the police did not know about it and could not question me on it. For that reason, it is obvious to me.

MR DEHAL: I see that in some, whilst you deal with that now, perhaps we should just deal with this, in some of those operations in regard to which you were not charged, Naziem Cassim had featured at a level, he was a State witness in your trial, had there been no need to know discipline, he would have known it all and told the police about it, and you obviously would have been charged, correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: And on the same lines, when Rashid was in the hotel room and switched on the airconditioning unit so that there would be disturbance you said, the reason you did not speak of the Why Not bar was if you were to have talked about it you said, the police could have pinned you down at the Why Not bar and the operation would probably not have gone on?

MR McBRIDE: That is correct yes. There was also an element of distrust. If one remembers that at that stage a number of ANC people had been - supposedly blown themselves up with their own - in fact the unit I had worked with in Wentworth, some of the guys were killed with a premature explosion at a white school in the Bluff, that was to be used for electoral purposes before I joined Special Ops. So there was always this paranoia about infiltration, fiddling with the weapons and so on. So yes, we were careful because we were at war and we would always say to ourselves, these guys work 24 hours a day to nail us therefore we must be extra careful.

MR DEHAL: What about infiltration within the ANC in exile?

MR McBRIDE: That is a well known fact, a well documented fact, there was infiltration.

MR DEHAL: And for these reasons there was a need for that discipline?

MR McBRIDE: Yes, that is correct.

MR DEHAL: Thank you. If you could then go to page 14, you are at (vi) which begins with "Greta Apelgren was acquitted".

MR McBRIDE:

"Greta Apelgren was acquitted of any involvement in the Why Not incident. She had to secure a parking place as close as possible to the Why Not bar and she did this on my instructions at the closest possible place one could get to the bar. Matthew Lecordier also assisted. He only became aware that this was a car bomb operation once we had reached the town. He was there to give me cover. Both Greta and Matthew were under the impression that we were going to leave the car for other comrades of another unit. This other unit they believed was there and would take delivery of the vehicle."

I just want to add in here that at some stage prior to this, before going out to Botswana for the last time, we had prepared if my memory serves me correct, a DLB, to be filled later on with weapons I would bring out and Matthew and Greta assisted me in preparing the DLB which was not to be used by us, but by another unit.

MR DEHAL: Mr McBride, sorry, just for the purpose of all persons present, can you just explain what is a DLB.

MR McBRIDE: It is actually the incorrect terminology, it is a Dead Letter Box, in underground ...(indistinct), this would be where you leave messages, but we began to refer to it where we kept arm caches.

MR DEHAL: Yes?

MR McBRIDE:

"The car bomb was manufactured in the following way - a car was purchased using a false ID number."

CHAIRPERSON: Sorry, what sort of car did you purchase or who purchased it, Mr McBride?

MR McBRIDE: I purchased the car sir.

CHAIRPERSON: What sort of vehicle was it?

MR McBRIDE: A sedan.

CHAIRPERSON: Sedan?

MR McBRIDE: A blue Cortina.

"The car was then loaded with explosives, that is ten SZ6 charges. One was left behind because it was going to be used in case there was retaliation for the operation. It was going to be used for an additional response in an attack possibly a police station, which we had reconnoitred earlier. As per instructions, detonators were added to all SZ6 charges, so as to give the explosion a greater impact. In other words you would have simultaneous detonation of all charges. If my memory serves me correct, it was Oupa who gave me the instruction to use detonators in each SZ6 charge so that all aspects of the explosion was simultaneous.

Also as per instructions, I added shrapnel to the explosive charges. Those I was able to get from for example cutting old burglar guards in my father's workshop and placing it amongst the shrapnel.

All these activities were in accordance with how I was instructed and taught on how to make a car bomb. This is the only way I knew how to make a car bomb and the only way explained to me on how to do it."

MR DEHAL: Mr McBride, did you use any nails as shrapnel?

MR McBRIDE: No, I don't think so.

MR DEHAL: Thank you.

CHAIRPERSON: Mr McBride, whereabouts in the vehicle did you put these explosive devices? Were they all together in a big pile in the boot, or were they distributed throughout the vehicle from front, back, in the engine space, wherever?

MR McBRIDE: No, they were placed in the boot, that is the way I was instructed. They were placed in the boot and secured so that they don't move around, because you have detonators in each one of them. If you hit a bump and they move, it would go up prematurely.

CHAIRPERSON: And you estimated, you mentioned earlier, 60 kilograms?

MR McBRIDE: That is correct.

CHAIRPERSON: Is that your estimate?

MR McBRIDE: Yes, yes, that is my estimate.

CHAIRPERSON: Okay, you have said it was your first bomb, but where would 60 kilograms rate?

MR McBRIDE: It is a small car bomb. It is a small car bomb, other car bombs generally in the region of 200 kilograms.

CHAIRPERSON: Yes.

ADV SIGODI: Mr McBride, you say you took these cut burglar guards and then you put them amongst the shrapnel and you go on to say that all these activities were in accordance with how "I was instructed and taught how to make a car bomb"?

MR McBRIDE: That is correct, yes.

ADV SIGODI: Who taught you to put in burglar guards, was it part of the training, who taught you that?

MR McBRIDE: That is correct.

ADV SIGODI: Who taught you that?

MR McBRIDE: It was, I think it was Oupa at that stage, Oupa and at an earlier stage, Chris also had explained using shrapnel in explosive devices. But if I can remember correctly, it wasn't specifically at that stage for a car bomb. At the time of being given instructions specifically for June the 14th car bomb, Chris was not around. I last saw Chris when I dropped off Gordon Webster, he was arrested the day before the May 19th raid into Botswana. I didn't see him again until here at this hearing.

CHAIRPERSON: Yes, thank you, you can continue.

MR DEHAL: Mr McBride, you recall the person you refer to as Chris was one of the applicants in this matter?

MR McBRIDE: That is correct.

MR DEHAL: That when he testified, he talked about how he trained you in the use of shrapnel in the car bomb operations?

MR McBRIDE: Yes, but my memory is that all three of the proceeding co-applicants all trained me in various aspects of explosives, including car bombs and including the use of shrapnel.

MR DEHAL: Chris in particular talked about aerosol, shrapnel, etc? What he referred to there, was gas ...

MR McBRIDE: Canisters to give it an extra charge, if you wanted to make it bigger.

MR DEHAL: But you had no used any gas canisters?

MR McBRIDE: No, I did not.

MR DEHAL: Thank you. Paragraph 9?

MR McBRIDE:

"When the explosive device in the car was ready, I then sought assistance of Matthew Lecordier and Greta Apelgren. Greta was used in securing the exact spot that I required at the Why Not bar and Matthew served to give me cover.

Both Matthew and Greta were unaware that this was a car bomb operation as already mentioned. We proceeded.

I am not sure who followed who and the exact sequence of events there from Factorama, but we went to West Street. As this was during the state of emergency, I expected to have roadblocks in town. As a result, I parked the car containing the bomb in the upper end of West Street, to enable me to do (this should be) reconnaissance further down, closer to the target. Here I am referring to reconnaissance of possible roadblocks or anything that looked suspiciously like a trap."

MR DEHAL: Sorry Mr McBride, whilst you are there, you talk of the state of emergency, is it correct that the national state of emergency was then just declared, a day or two old?

MR McBRIDE: That is correct, it was declared on the 12th.

MR DEHAL: That is the day you entered the country?

MR McBRIDE: Yes.

MR DEHAL: And this happened two days thereafter?

MR McBRIDE: Yes. I must just also mention, this also made me suspicious at the time, that it was declared, perhaps I became suspicious wrongly after having given an instruction to plant a car bomb.

"Together with Greta and Matthew, both under my instructions, we proceeded down to the beachfront area in which I was able to do some reconnaissance. At that stage I did not want to be transporting a car with the explosive in it, down to the beachfront to the target of the Why Not, without knowing where roadblocks were present further down West Street. Hence I decided to carry out reconnaissance and Greta on my instructions, drove where I directed her to. When I was satisfied that no roadblocks or no unusual (it shouldn't be political, it should be) police activity was present at the end of West Street, I then returned to the upper end of West Street where we picked up the other car and drove as close as possible to the other target.

We left the bomb and left Matthew in the car together with Greta to try and secure a parking place. Although there were other parking places around the Why Not bar, I chose the place most appropriate, which was the closest and right at the corner. After the place closest to the Why Not was secured, I then walked back to where Matthew was and came with the blue Ford Cortina, which had the explosive device in the car. I indicated to Greta to move out and then parked the blue Ford Cortina in the designated place. I then activated the explosive and left the scene. I then got into Greta's car and we proceeded.

As I had not filled up petrol in the getaway car, I then decided to do this. This was normal procedure for Special Ops to fill petrol before any operation and I had neglected to do this. The reason I was taught this for was that at some previous stage comrades had effected an attack, retreated and ran out of petrol

during the retreat and were later killed. We took it as an axiom, always fill up the car with petrol. On this occasion I forgot to do it. I think we did fill petrol in Petrus Street or close to that area. Immediately after filling up petrol, I realised that the bomb must have already exploded, because I set it only for 15 minutes.

I then proceeded to the Durban Flying Squad area on Ridge Road, where I expected to hear police sirens as this would have indicated to me whether the bomb had already gone off and whether a Security cordon had already been thrown around the city. I was concerned that we might have trapped ourselves in the cordon by setting the time too short. After sitting on the Ridge Road for approximately five minutes, we then left the area and drove home. I dropped off Greta and Matthew."

CHAIRPERSON: Mr McBride, could you just indicate perhaps a distance, approximately how far that vehicle with the bomb was parked from the nearest point of the Why Not bar to it?

MR McBRIDE: It is difficult to say at this stage, because I have gone passed the place recently and it seems to be a change of the pavement there where it is. But I indicated using the police exhibit, at the TRC hearing, there should be an exhibit somewhere here.

CHAIRPERSON: Yes. But could you not just point out a distance, was it for instance the car further away from the Why Not bar than what Mr Richard is away from you at the moment, or was it hard up against it, close?

MR McBRIDE: About from here to where the Translators are.

CHAIRPERSON: Yes. So that is about what would you agree to...

MR McBRIDE: It wouldn't be further than that. Under 10 metres.

CHAIRPERSON: That is about 12, it can be paced off.

JUDGE PILLAY: About 15.

CHAIRPERSON: Yes, it is about 15 paces, that distance I would estimate, I don't know what counsel thinks.

MR McBRIDE: Yes, it was the closest, I couldn't have come any closer by parking the car.

MR DEHAL: Mr McBride, when you say you couldn't have come any closer, are you saying that there were no parking bays closer to the Why Not bar, or is it because the pavement was wide enough away from the entrance to the Why Not to the road, where the cars are parked?

MR McBRIDE: I can explain it this way, if I had gone on the pavement and parked right next to it, it would have been the closest, but I probably would have attracted attention and been arrested.

MR DEHAL: So the car, sorry the blue Ford Cortina in which the bomb was, was right next to the pavement, which pavement was closest to the Why Not bar?

MR McBRIDE: That is correct yes.

MR DEHAL: Not the opposite pavement or the adjacent pavement on the side road?

MR McBRIDE: That is correct yes, that is correct.

MR DEHAL: Thank you. Sorry, just bear with me.

CHAIRPERSON: Sorry, just while we are waiting for Mr Dehal, when you were there, when you put the car with the bomb there, did you see any activity at the Why Not bar and that area, what was happening people wise?

MR McBRIDE: I didn't see any big amounts of people, I didn't notice people. I didn't notice people. I think when I got out of the car, there were some people near the entrance.

CHAIRPERSON: Approximately what time of the evening would it have been?

MR McBRIDE: It was, as we had reconnoitred, it would have been about half past nine, if I remember correctly. That is the same, a similar time to when we followed the people from C.R. Swart.

CHAIRPERSON: Mr Dehal?

MR DEHAL: Thank you Mr Chairperson, I am indebted to you.

CHAIRPERSON: We have just been handed some photographs here of the place.

MR DEHAL: Oh, I see, those are the photographs I presume from the trial exhibits.

CHAIRPERSON: ... numbers 95 through to 97. Mr Dehal, you can continue if you want.

MR DEHAL: Thank you Mr Chairperson. Mr McBride, I now take you in regard to the Why Not incident, through the trial transcripts. I have before me some excerpts from the trial records. May I just show you three pages of the trial transcripts, enumerated page 761, 762 and 763 being an extract of the evidence of a witness, a State witness in that trial, the witness being Mr B.R. Erasmus. In particular I show you page 762. Would you care to read the relevant aspects thereof relating to his testimony wherein he alludes to his police activity, training, experience. Mr Chairperson, before Mr McBride does so, may I just hand these in to yourself and the honourable members and my colleagues on the other side.

CHAIRPERSON: Thank you. This will be Exhibit J. We will leave out the I. This is Exhibit J.

MR DEHAL: Thank you.

MR McBRIDE: Before I read this out, I must state that this was as per my instructions to my legal team as to the questions asked of witnesses. This is how the questions went.

"Have you done any service in the Police Force? Yes, I have. When? I left in either 1981 or 1982. You left in 1981 or 1982? Correct. But for how long were you there? Three, three and a half years approximately."

MR RICHARD: Chairperson, Mr Mall and I haven't got copies of the exhibit yet.

CHAIRPERSON: Sorry, I couldn't find the spot where you are reading from Mr McBride, are you reading from page 762?

MR McBRIDE: 762. Do you have it Mr Richard?

MR DEHAL: Sorry, I sent copies around.

MR RICHARD: I have nothing at all, I think there weren't enough to go around. Mr Mall and I didn't get our ...

CHAIRPERSON: I think they will make other copies, but if you can perhaps use that one in the meantime and ...

MR DEHAL: I apologise Mr Chairman, I thought I handed over sufficient copies, it was not intended. May I just look to see if I've got more copies. Yes, I have additional copies.

CHAIRPERSON: Yes, we've got extra copies here, if you can just send them around, thank you.

MR DEHAL: I think two copies are needed. Sorry Mr Chairperson, we are dealing with the second page, there are three pages there, from about line 6 downwards from where the words start with "yes, have you done any service in the Police Force" and the answer there is "yes, I have." The next question is "when" and Mr McBride was at that stage.

CHAIRPERSON: Yes.

MR McBRIDE: The person responded -

"I left in either 1981 or 1982. You left in 1981 or 1982? Correct. For how long were you there? Three, three and a half years approximately. From about what year? From about the end of 1978. Where were you stationed? I was stationed in the Drakensberg district, Bulwar to be exact."

In effect, this is the questions that were asked of all the witnesses who testified as victims. That was my instructions to them. I am not sure whether all of them were asked this question, but I know at least three were.

MR DEHAL: And this witness, Mr Erasmus, testified in the trial relating to the Why Not explosion as a person who was there?

MR McBRIDE: Yes, that is correct yes.

MR DEHAL: There, I mean at the Why Not?

MR McBRIDE: For example a further question in the same vein is -

"And I assume you had many friends among the Police Force at the time?"

The person answers -

"In the Bulwar area I had friends yes, friends and associates."

And the Advocate says -

"Even in the Durban area?"

And he says -

"I don't know many policemen in the Durban area".

That was the train of questioning there, and one of the co-applicants, Matthew Lecordier who was a witness, was also asked questions relating to this, as to information he subsequently picked up about the operation, which was the most popular bar for Durban police at the time.

MR DEHAL: Yes. Mr McBride, I now take you to another witness who testified during your trial in Pietermaritzburg, and this is the witness who talked about the Why Not incident as well. The same type of questions were asked of him, will you please go through that but before you do, will you please allow me to hand over copies.

CHAIRPERSON: What is the name of this witness, just for my notes?

MR DEHAL: Mr Chairperson, the next witness will be Mr Engelbrecht.

CHAIRPERSON: Mr Engelbrecht, extract from trial record, Mr Engelbrecht, and that will be Exhibit K.

MR DEHAL: Thank you Mr Chairperson. Mr McBride, if I may just take you to just below the middle of that extract, from about the lines 18, 19, 20 downwards, do you see the part where I think Mr Morane the junior counsel in this matter, was cross-examining this witness, Engelbrecht and said -

"... yes, well Mr Nel told His Lordship and the learned gentlemen assessors, that for some years, he was a member of the Police Force. Did you do any service in the Police Force? (And then he answers) - yes, I did a year."

Do you see that?

MR McBRIDE: Yes, I see that.

MR DEHAL: The Nel here referred to is the Nel, the previous witness whose testimony and extract of which we dealt with just now, in Exhibit J.

CHAIRPERSON: That was the extract from the evidence of a Mr Erasmus, not a Mr Nel.

MR DEHAL: I beg your pardon, thank you.

CHAIRPERSON: I see from this extract Mr McBride, Mr Engelbrecht says yes, he was in the police for a year before he went to university in 1966 and he was stationed in Elliot. Now, would you at that stage have regarded him as a Security Force legitimate target, because he had been in the Police Force, 20 years prior to the incident?

MR McBRIDE: No sir, the point I am making here is that those were the questions that I instructed my lawyer to ask.

CHAIRPERSON: Yes, okay.

MR DEHAL: And Mr McBride, is it not true that this, these extracts show that these were persons who were present and I deal with another extract shortly, that is Mr Nel, persons that were present in the Why Not bar at the time the operation was carried out, and these were persons who had either been policemen at some stage or had association with them or both?

MR McBRIDE: Yes, that is correct.

MR DEHAL: Sorry, I think we have finished with that extract. Thank you. I now show you the said Mr Nel's evidence, an extract thereof, on page 677 of the transcript. If you will bear with me, I just want to hand over copies again.

CHAIRPERSON: It will be Exhibit L.

MR DEHAL: Thank you Mr Chairperson. Mr Chairperson, we deal here from lines 8 downwards, Mr McBride, do you see line 8 says - "now was this ..." - or firstly before we begin with that. You recall this person Mr Nel, who testified in the trial, and he testified to the effect that he was at the Why Not bar at the time that the operation was carried out, he was a State witness at the trial, correct?

MR McBRIDE: He had actually just left. In fact only one of the people who, two of the people who were actually in the bar at the time, one who was injured, the other was Mr Davidson, actually testified at the trial.

MR DEHAL: Correct.

MR McBRIDE: I don't know why only two of those were in.

MR DEHAL: Yes. Now, Mr Nel dealt with the Why Not bar operation at line 9 he says -

"now was this in the army ..."

... sorry, perhaps we will deal with the sentences before that.

"Are you a South African citizen?"

"I am."

He says.

"Have you completed your military training?"

He says -

" Yes, I have My Lord"

Do you see that?

MR McBRIDE: That is correct, I have that.

MR DEHAL: Can you read the rest of it.

MR McBRIDE:

"Now was this in the army or did you have to do police duties? I did police duties. Where and when? From 1959, in fact I was a member of the South African Police from 1959 until about 1968. Where were you stationed? I was stationed at the Criminal Bureau in Pretoria. What rank did you achieve in the South African Police? I was a Detective Sergeant. What actually did you do at the Criminal Bureau? I was a fingerprint expert and also a draughtsman/photographer. During your years at the police, did you by any chance meet up with Capt de Beer? I have never met him in my life before, My Lord."

MR DEHAL: Yes. There ends the extract relevant to these proceedings, is that correct?

MR McBRIDE: That is correct.

MR DEHAL: Sorry, if you will bear with me. Sorry Mr Chairperson, if you will please bear with me. Thank you Mr Chairperson. Mr McBride, may we now turn to the next operation, that is the Umlaas Mobil Oil pipeline explosion, or sorry, perhaps before we deal with this, you have heard - sorry we have dealt at some length with the evidence you had given in the Section 29 enquiry, do you recall that and we have heard that you may be cross-examined thereon?

MR McBRIDE: Yes, that is correct.

MR DEHAL: Do you have any difficulties with that transcript?

MR McBRIDE: No, none whatsoever.

MR DEHAL: Thank you. Now, let's turn to the Umlaas Mobil Oil pipeline explosion of the 21st and 22nd of June.

CHAIRPERSON: Umlaas, is that "aa"?

MR DEHAL: I agree, thank you very much, I apologise. This is contained in bundle A1 on page 9 as item 18. Do you see that?

MR McBRIDE: Yes, I have that.

MR DEHAL: There were no deceased persons, no injured persons reported in this matter?

MR McBRIDE: That is correct yes.

MR DEHAL: Matthew Lecordier, you and Mr Ismail are the applicants?

MR McBRIDE: That is correct yes.

MR DEHAL: I see you deal with this count very briefly. Can you please read that.

MR McBRIDE:

"There were three operations on this night. The others were the mini-limpet mine explosion, the vegetable oil tank storage facility in Chamberlain Road and the third one was the limpet mine explosion outside (it should be mini-limpet mine) outside the Copper Shop in Brickhill Road. For these acts I was convicted and sentenced for all three of them. These were done on the same day, although some exploded before the others, they were actually - charges were laid sometimes last, because the first ones in some cases, had the longer timing devices. Matthew Lecordier, myself and Antonio du Preez carried out these operations. Antonio drove. He dropped us off as if we were fishing or we were going to go fishing. This oil pipe is the same oil pipe that goes out to the Reunion terminal for tankers, that comrade Rashid referred to earlier, that another unit was tasked to sabotage this terminal. We had found the pipe that leads to the terminal, to the oil refinery. It is right next to the sea, hence we would not have been out of place if we pretended we were going fishing. Myself and Matthew went and (it should be) placed the charges on the oil pipes, two charges, two limpet mines. We walked off and Antonio came back and picked us up."

CHAIRPERSON: Did the mines go off, do you know?

MR McBRIDE: Yes, they went off, I think sometime in the morning. I think we set a longer delay on them, than for the others, so although they were placed first, they went off last. That is my recollection.

CHAIRPERSON: Do you know what damage if any, they caused, the extent of it?

MR McBRIDE: Yes, information which I received days after and at a later stage, was that there was, the two oil refineries contacted each other and the one indicating to the other, that there is an explosion at the feeder pipe, and that they should close off the valves, and I think it was Engen informed BP ...(indistinct), no, it is not ours, so there was a dispute. The result was that a lot of oil leaked out and burnt. The canal was then destroyed also, from the heat it

cracked up and they had to fly in a special chemical to put out the fire. It burnt for about 12 hours anyway, it was quite substantial. I think in the trial they said R1 million, or something like that. But I imagine it might have been more.

MR DEHAL: Mr McBride, if I may just take you back to A1, pages 9 and 10, when you talk of the three operations, do you mean operations enumerated incidents 18, 19 and 20 because all three of those are operations that took place on the same date and here they are recorded as being 21/22 June, correct?

MR McBRIDE: That is correct.

MR DEHAL: You now deal with the next incident, which in that bundle is enumerated 19, and which is the mini-limpet mine explosion at the vegetable oil tanker at the corner of Lawley and Chamberlain Road.

MR McBRIDE: Yes.

"The same *modus operandi* here was carried out as per the preceding operation, except that I got out of the car alone and placed the charge myself."

CHAIRPERSON: Sorry Mr McBride, what is a vegetable oil tanker, is this cooking oil tanker?

MR McBRIDE: Sir, at this stage I understand that is what the police information was, but subsequent damage indicated that this was quite a corrosive chemical, because a number of the drainage pipes out to the yacht basin were damaged, including some of the yachts that were moored there. It couldn't have been ordinary oil.

CHAIRPERSON: This says vegetable oil tanker, so was it a vehicle, a lorry, a tanker, a tank?

MR McBRIDE: No sir, it was a storage facility.

CHAIRPERSON: So we call it a tank, not a tanker?

MR McBRIDE: That is right, sir.

CHAIRPERSON: Why did you choose that as a target if it was vegetable oil?

MR McBRIDE: I didn't choose it because it was specifically vegetable oil, I chose it because it was in the heart of an industrial area, in Jacobs. It was in close proximity to Wentworth.

CHAIRPERSON: Would you have classified that as a propaganda operation?

MR McBRIDE: Propaganda and economic sabotage.

CHAIRPERSON: Okay.

MR DEHAL: Mr McBride, may we now lead to item 20 on page 10 of A1, which is the limpet mine explosion outside the Copper Shop in Brickhill Road on the same date?

MR McBRIDE: That is correct yes.

MR DEHAL: You deal with that under paragraph 16.

MR McBRIDE: That is correct. This was regarded by us as an unsuccessful operation.

"The target was originally a police vehicle that parked almost on a permanent basis at the bottom of Point Road. This is Point Road I think Smit Street intersection. Matthew's task was to place the limpet mine in this vehicle and we would pick him up afterwards. On his way to the vehicle, after being dropped off, he became scared because he was under the impression that he had been spotted by the police and he panicked and dropped the explosive device into a refuse bin. In all three incidents carried out on 21/22 June, there were no injuries and no one was killed. The three operations were all intended to continue the sabotage campaign, disrupt the oil supplies as in the first one - the economic sabotage and armed propaganda. This as per instructions and policy of the ANC then."

MR DEHAL: You see on page 10 of bundle A1, item 21?

MR McBRIDE: Yes sir.

MR DEHAL: That deals with the sabotage of the water pipeline?

MR McBRIDE: That is correct.

MR DEHAL: Do you recall that operation?

MR McBRIDE: Yes, I remember that.

MR DEHAL: This is an aspect that you must have been charged with?

MR McBRIDE: Yes, I was charged for this. Convicted and sentenced.

MR DEHAL: Do you mind dealing with the content of paragraph 17 relating to this?

MR McBRIDE:

"Alan Pearce, Matthew Lecordier and I were involved in this operation."

MR DEHAL: A little slower Mr McBride.

MR McBRIDE:

"At the stage this took place, Alan Pearce had been recruited by Matthew Lecordier into the cell that was made up of him and Antonio du Preez. As an operation which was in line with the disruption of industrial water supplies to the New Germany/Pinetown area and which sought economic sabotage and armed propaganda on behalf of the ANC. This operation was also planned as

an initiation operation for Alan Pearce and he and Matthew and Antonio would be working together. The *modus operandi* was the same.

I dropped off Alan and Matthew. The intention being that they must get confidence of placing charges without me. I then picked them up after about five minutes, and they placed the charges and drove off. The pipes were damaged and the water supply to the industrial area, was disrupted for a few days. There were no deceased and no persons injured. I was convicted and sentenced for this operation also."

MR DEHAL: Thank you. That concludes the list of incidents recorded on A1 from pages 6 to 10. I may now take you to your application for amnesty, particularly to page 106. Do you see item (f) and (h) there?

MR McBRIDE: That is correct, I see that yes.

MR DEHAL: Now, can we deal with item (f) first, because it was not enumerated in those pages we have just dealt with and deals in part with other aspects possibly? You say there you recruited, trained and supplied with the weapons, a combat unit in Taylorshof, Macabisa area of Edendale, Pietermaritzburg. You say you do not know the names of the persons you trained. Can you tell us a little bit about that count for which you seek amnesty?

MR McBRIDE: Yes, after I had been instructed by or given the go-ahead to use material from Gordon's unit for the Edendale operation, I had to pick up what was left of the cache. Apparently the unit had panicked and had dropped, had left a number, some of the material in dangerous places. In one incident, a child I think had a hand badly injured, after picking up one of these devices. The result was that the weapons were then left at some sympathetic comrades' homes. When I went there to pick up the weapons, they then requested of me, to train them in the use of some of the weapons, as they were under attack from Inkatha on a regular basis at that stage.

CHAIRPERSON: Mr McBride, can you give us any indication, how many people did you train, two, three?

MR McBRIDE: Four. Four people sir.

CHAIRPERSON: Four people?

MR McBRIDE: Yes.

CHAIRPERSON: Was it just what you would call a crash training course?

MR McBRIDE: That is correct yes.

CHAIRPERSON: Just one session?

MR McBRIDE: It was maybe about three hours in total, and Welile Khumalo at that stage, initially would continue the training after the Edendale operation with them, because he knew them.

CHAIRPERSON: And you say you supplied them with weapons? What type of weapons would that have been?

MR McBRIDE: I cannot remember now, sir, but it included handgrenades.

CHAIRPERSON: Firearms and handgrenades?

MR McBRIDE: I don't recall firearms specifically, but handgrenades, yes.

CHAIRPERSON: You can definitely recall handgrenades?

MR McBRIDE: Yes. And with regard to (h) ...

MR DEHAL: We will deal with that shortly. Mr Chairperson, are there any further questions from the Chair on this, on (f)?

CHAIRPERSON: I don't think so, no.

MR DEHAL: Thank you. Mr McBride, if I may take you again, sorry, now to (h), on page 106. Again, this is not a count which was dealt with in the preliminary proceeding pages in bundle A1, that we have now traversed and completed. May I just question you on this, you say here - "in line with ANC leadership decisions and the provisions of the National Peace Accord" you refer to attached documents. We don't have that attached document, but you say "I was involved in the training, organising and political education of Self Defence Units. I was also tasked with the responsibility of supplying weapons and communication equipment such as two-way radio's to Self Defence Units. I was also involved in assisting SDU's with reconnaissance of potential attackers." Do you recall that aspect in your amnesty application, that you seek amnesty for?

MR McBRIDE: Yes.

MR DEHAL: Can you deal with that briefly?

MR McBRIDE: Yes. When I was released from prison in September 1992, I was instructed to work on the ANC's Peace Desk for the Gauteng Province. I dealt with violence and violence monitoring and the training of paralegals who would monitor violence and take note. It was at the stage where the apartheid Stage had used its surrogates to massacre township residents. At that stage, I had witnessed the terror being visited upon the communities by people from the hostels, who identified themselves as Inkatha. Inkatha members had also said they want to take over the East Rand, the area I was active in and make it their base. The result was that people were killed every day. I could not stand by and allow this to happen.

JUDGE PILLAY: Which people were killed every day?

MR McBRIDE: Township residents were killed by the hostel dwellers. Every day we would pick up on average 20 bodies, every day. I could not stand by and let this continue, so I went to a number of comrades including comrade Rashid, comrade Ronnie Kasrils and others, to request weapons and to be given the go-ahead to train people and set up the defence units in the area. They all agreed and I worked closely with the political leadership in the area, and trained people and armed people to defend themselves.

CHAIRPERSON: Was this mainly in the East Rand, Tokoza, those, Vosloorus, those type places?

MR McBRIDE: In particular those areas. The whole of Gauteng was my responsibility.

CHAIRPERSON: And for how long were you involved in this sort of activity? You have mentioned 1992?

MR McBRIDE: Well, I was mentioned till after the ANC came into power.

CHAIRPERSON: So from 1992 through to 1994?

MR McBRIDE: 1994, for example I was involved together with the South African Police Services in negotiating an amnesty to hand in weapons, which took place on October the 16th for all defence units, together with former Justice Minister, Omar. That is the extent. Until such time that the presidential project was kicked off, it was taken over by the communities themselves, and then I left.

JUDGE PILLAY: Mr McBride, you say you make application for amnesty for matters raised in paragraph (h)?

MR McBRIDE: Yes sir.

JUDGE PILLAY: What offences would that be?

MR McBRIDE: Possession of weapons and supply of weapons to defence units.

JUDGE PILLAY: So it will be strictly in terms of the Arms and Ammunitions Act that you apply?

MR McBRIDE: Yes sir.

CHAIRPERSON: And those weapons would include what, firearms, grenades, what sort of weapons?

MR McBRIDE: Yes, mainly grenades, firearms and ammunition.

ADV SIGODI: Sorry, do you know if any of those firearms and ammunition were used by the Self Defence Units that you trained?

MR McBRIDE: Oh, they were definitely used, definitely used. In fact, if it was not for those firearms, the place would have been overrun by the hostel dwellers. Those firearms helped in defending the community, I am hundred percent sure of that. In fact President Mandela, when he was briefed on this matter, in and around July 1993, praised the Self Defence Units in speaking at Huntersfield Stadium in Katlehong, for the good work they did in defending communities.

CHAIRPERSON: Thank you. Mr Dehal?

MR DEHAL: Thank you Mr Chairperson. Mr McBride, may I now take you to page 107 of your application for amnesty, perhaps you can look at that bundle.

JUDGE PILLAY: Before you get there, Mr McBride, paragraph (f), would that be the same?

MR McBRIDE: Sir, the difference between paragraphs (f) and (h) is in (f) people were being recruited for Umkhonto weSizwe, it was during, this was during the 1980's, before I went to prison sir.

JUDGE PILLAY: I was just wondering what offence would that constitute today? I don't know, but that is not your problem, that is mine. I have to see what offence that would be.

CHAIRPERSON: Supply of handgrenades.

MR McBRIDE: Terrorism, is it?

MR DEHAL: It was terrorism in those days.

MR McBRIDE: Yes, I have page 106, 107.

CHAIRPERSON: You can continue.

MR DEHAL: Thank you. Yes, Mr McBride, if I take you now to page 107, you see below (iii) you say "for the injuries, deaths, sadness", do you mind reading that paragraph? If you will bring it here, I will just show it to you. From here onwards.

MR McBRIDE:

"For the injuries, deaths, sadness and loss of life that I have caused people through my participation in the struggle to liberate our country, I am truly sorry. I hope that through this amnesty application, I am able to in some way contribute towards the very long and painful process of reconciliation and healing."

MR DEHAL: Is it correct that you featured prominently in government, in parliament, when the TRC Act was being voted, that you participated actively in voting in the TRC Act?

MR McBRIDE: Yes, as a legislature in national parliament, as a legislator in national parliament, I voted for this particular Act, sometime during September/October 1995.

MR DEHAL: And then on page 107 you continue with your political objectives sought to be achieved by all of these acts. Do you mind reading that paragraph?

MR McBRIDE:

"All the operations detailed above, were carried out in accordance with the aims and the objectives of the African National Congress. As a member of Umkhonto weSizwe, my objective was the furtherance of the armed struggle against the apartheid State, with the intention of overthrowing the State and replacing it with a democratic one. All my actions were geared towards the

undermining and weakening of the State, so that it would be forced into a peaceful negotiated settlement with the ANC and other liberation movements."

MR DEHAL: If again, if now you will deal with the justification for regarding such acts operations associated with a political objective, you talk of the operations being detailed in this application for amnesty, as having a political motive, carried out within the context of the liberation struggle, aimed at our political opponent and committed under the orders of your Commanders and with the approval of the organisation, the ANC, do you see that?

MR McBRIDE: Yes, I see that.

MR DEHAL: Confirm that as correct?

MR McBRIDE: That is correct, yes.

MR DEHAL: Then on page 108 if you will please go slowly, because the Interpreters are having some difficulties, start on the top with "it was accepted both during the trial ..."

R McBRIDE:

"It was accepted both during the trial and later during the hearing held in terms of the Indemnity Act, that the motives for my involvement in all operations for which I was charged, were political, not personal. At trial I was charged and convicted of attempting to overthrow or endanger State authority in the Republic and to achieve, bring about or promote constitutional, political, industrial and or economic change in the Republic. The Why Not car bomb operation was carried out on the 14th of June 1986, during a period of extreme political upheaval in South Africa, which had culminated in the declaration of a nation wide state of emergency on June the 12th. Among other things, the declaration of the state of emergency was an acknowledgement by the then government of the extent of the turmoil in the country. State of emergency granted unlimited powers to the Security Forces and indemnity from prosecution for acts carried out during this period. The operation also took place within the context of the ANC's organised political uprising against the minority government of the day. Within this, it is important to look at the following factors - one year previously to the day, the Security Forces had raided Gaborone in Botswana, killing 12 people, two Botswana citizens, one Somalian, one six year old child from Lesotho and eight South Africans. Of the South Africans, eight were ANC members, none of them were MK combatants. The addition of the Setchaba following this attack, the editorial stated the following - the struggle of the people of South Africa will be intensified at all costs. The time has come when we should avenge our martyrs. In addition the 1985 conference of the ANC held in Kabwe had decided that the distinction between soft and hard targets should disappear. An article from Setchaba at the time, outlines some of the reasoning behind this."

MR DEHAL: And then you quote an excerpt from that article?

MR McBRIDE: Can I just confer with my lawyer at this stage?

MR DEHAL: Sorry. Mr McBride, if you will continue.

MR McBRIDE:

"The ANC conference which took the form of a Council of War ..."

CHAIRPERSON: Sorry, what you are reading now is a quotation from the Setchaba?

MR McBRIDE: Setchaba.

CHAIRPERSON: Yes. If you can just start again.

MR McBRIDE:

"This ANC conference which took the form of a Council of War, decided that a distinction between hard and soft targets should disappear. The attack on South African refugees in Botswana by the racist Forces, just before the conference, emphasised the need for our movement to bleed the enemy. On the same theme, the then President of the ANC, Oliver Tambo stated the following in an interview - I will summarise the position taken by the conference in these terms - the struggle must be intensified at all costs.

Over the past nine to ten months at least, at the very least, there have been many soft targets hit by the enemy, nearly 500 people had died during that period. That works out to about 50 per month, massacred, shot down, killed secretly. All those were very, very soft targets. They belong to the sphere of the intensification of the struggle. The distinction between soft and hard targets is going to disappear in an intensified confrontation, in an escalating conflict.

The detonation of a car bomb outside the Why Not bar took place within this context, both as a commemoration for a brutal attack on civilians in Gaborone one year previously and the commemoration of the 16th of June 1976 when hundreds of innocent school children were killed by the Security Forces."

MR DEHAL: Mr McBride, on page 111 you deal with the sentence imposed on you at the trial. Is it correct that arising from many of the acts, sorry is it correct that arising from many of the acts, operations, carried out, for which you were tried, three death sentences were imposed on you, which were later commuted to life?

MR McBRIDE: That is correct, yes.

MR DEHAL: You actually had gone off to what was commonly known as Death Row in which you languished for quite some time?

MR McBRIDE: That is correct, yes.

MR DEHAL: In September 1992, you were released in terms of the Record of Understanding reached between the ANC and the then government, correct?

MR McBRIDE: That is correct yes.

MR DEHAL: This agreement was reached to expedite the release of remaining political prisoners, to enable political negotiations to proceed without any impediment?

MR McBRIDE: That is right, yes.

MR DEHAL: Mr McBride, if I may take you back to Exhibit G, I see that in paragraph 18 you made some general submissions. Will you deal with those?

MR McBRIDE: Yes.

"For all of the above operations, I accept political and general responsibility for them. For people who acted under my command, whether they carried it out without my assistance or specific instructions. They were people who were trained and educated in the policies of the ANC, by me, and hence I take responsibility for these actions and support their respective applications for amnesty on these operations. On behalf of all those who acted under my command, and on behalf of the ANC, I wish to state on record that I truly regret the injury and death that I have caused during the pursuance of the armed struggle, whether directly or indirectly.

An issue appeared to have arisen during the evidence given during this hearing, as to why two operations are placed in chapter 5 of the ANC submissions, namely the Klein incident and the Pine Parkade incident. The explanation *inter alia* is that all the incidents for which I have been convicted, I had applied for amnesty for. I did not state these specifically in my application form, but rather refer to my indictment. Hence, during the compilation of the ANC submissions, the ANC was unable to ascribe responsibility mainly because they did not have my trial records, which included the indictment and wherein these cases were outlined. Hence, as an administrative error, these were placed elsewhere.

In any case, all these acts, including these two have been supported by my Commander, Aboobaker Ismail, comrade Rashid. As will clearly be noted, the versions and attitude on all these operations in my trial evidence, differs from my present evidence. One of the main reasons for these differences is that during the trial, I was really being tried for my life, and I was facing four charges of murder, five of attempted murder and various other serious charges.

My being an ANC member would in itself have aggravated my position in the eyes of the Trial Bench. If I had testified that I was instructed to carry out the Why Not operation, as now testified by my Commander, comrade Rashid, it is obvious that there would have been no extenuating circumstances found as premeditation would have been common cause, previous MK guerrillas who were tried for cases of murder in which it was established that instructions were given, were convicted and sentenced to death. They usually were hanged. In one such case, a person was sentenced to death for what is tantamount to Contempt of Court charge, he had not killed anybody and here I speak of James Maunge. This was the atmosphere in the country at that time. I also

wanted to protect my organisation by not talking about them and their instructions to me. Hence I did not refer to instructions during my trial with regard to this operation.

In addition to this, I as an oppressed person did not feel that there is any moral imperative or onus on me to have to be truthful or honourable with the regime that oppresses me and uses its judiciary to perpetuate discrimination and oppression against me, with unjust laws and unjust people trying me. The situation is different to the situation I now face in this hearing. All these operations took place a long time ago. My recollection therefore suffers as a result. These operations were carried out under tense conditions and were akin to warlike operations. For this reason as well, my exact recollection is not always precise."

MR DEHAL: Mr McBride, thank you. May I now take you to some copies that you wish to hand in which deal broadly with the various counts, the political background at the time, the raid by South African Forces on the ANC in exile and the reports in that regard. Mr Chairperson, I have two sets of documents, one which has three pages, the other which has six pages.

CHAIRPERSON: We will call the one with three pages, M. Are they three continuous pages, or three pages each dealing with a different article or whatever?

MR DEHAL: Mr Chairperson, three individual pages stapled together in one bundle, and six in one bundle.

CHAIRPERSON: But is it one story in one bundle, or is each page self-contained information?

MR DEHAL: Each page is separate from the other.

CHAIRPERSON: Okay, M1 to M3.

MR DEHAL: Thank you.

CHAIRPERSON: And the other one N1 through to N6.

MR DEHAL: Mr Chairperson, whilst those are being handed around, could I just quickly confer with Mr McBride? May I continue, Mr Chairperson? Thank you.

CHAIRPERSON: Is that, have you finished now?

MR DEHAL: Sorry, no. Mr McBride, these copies, Exhibits M and N have been handed in. Can you tell us briefly why you sought to have these included? Sorry, we are having some problems in getting Mr McBride's microphone on.

CHAIRPERSON: Just try putting yours off first and then try putting it on while - let me get mine off as well.

MR DEHAL: Thank you.

MR McBRIDE: Yes, the main reason I wish to hand these two exhibits in is to show that different criteria are applied by the same people, in particular in this case, the media which was regarded as the mouthpiece of the government in those days, which was actually started up by stolen government funds when dealing with my case and when dealing with activities of the apartheid Forces in which people were killed.

MR DEHAL: Thank you. Mr McBride, you want to now refer I understand to the injured and deceased persons generally and I believe you want to make a statement in that regard. May I help you, if you look at 6 or 7 and 8 of A1, therein lies the names.

MR McBRIDE: At this moment I particularly want to speak to the families of the people whose deaths I have caused, in particular Ms Buthelezi, the mother of Mlungize Buthelezi and the Buthelezi family, the family and relatives of Angelique Pattendon, the family and relatives of Julie van der Linde and the family and relatives of Marchelle Gerrard and the family and relatives of all people of who I had caused injury to. I am truly sorry for causing the deaths of your loved ones, I had nothing personal against them. It was in a quest for my own freedom and a quest to unshackle myself from the apartheid system that I brought about the deaths of your loved ones. For this I am sorry. Thank you.

MR DEHAL: Mr Chairperson, that would appear to conclude Mr McBride's evidence. I see it is about three minutes to four, there may be aspects that I have omitted, I have various annexures that were photocopied, could we perhaps adjourn at this stage and I could confer with him, than wasting any more time?

CHAIRPERSON: Yes, I think it would be a convenient time to adjourn and Mr Richard would it be possible for you to get those missing volumes that you require. Mr Dehal, would you still require them, but perhaps if Mr Richard could get what he requires from the trial record which was mentioned earlier for this evening?

MR DEHAL: I have no difficulties.

CHAIRPERSON: Thank you. Mr Richard, would you just link up with Mr Dehal? Thank you. Yes, we will now adjourn until half past nine tomorrow morning.

MR RICHARD: I may mention, it seems as if Mr Dehal went and did the homework I wanted to do.

CHAIRPERSON: Thank you, so we will adjourn until half past nine tomorrow morning, when we will continue with the evidence of Mr McBride, commencing with giving Mr Berger an opportunity to put questions.

COMMITTEE ADJOURNS