

**DATE: 29TH SEPTEMBER 1999**

**NAME: JOHANNES MNISI**

**APPLICATION NO: AM7096/97**

**MATTER: WHY NOT BAR - CAR BOMB**

**DAY: 4**

-----JOHANNES MNISI: (sworn states)

CHAIRPERSON: Mr Berger.

MR BERGER: Thank you, Chairperson.

EXAMINATION BY MR BERGER: Mr Mnisi, is it correct, you have made an application for amnesty and that your application appears at pages 97 to 102 of bundle A1? The bundle is in front of you, if you can just check that.

MR MNISI: Yes, that's correct.

MR BERGER: You have ...(intervention).

CHAIRPERSON: Sorry, before we proceed, Mr Berger, Mr Mnisi, are you also known as Mr Molefe?

MR MNISI: My name is Johannes Mnisi, my MK name is Victor Molefe.

CHAIRPERSON: So you used you, in making the application you used your MK name, but you confirm that that's your application?

MR MNISI: I used Johannes Mnisi. If you can look on my statement at the end, just towards the end, I signed my real name.

CHAIRPERSON: Thank you. I'm looking at page 97 Mr Berger, my document says Molefe.

MR BERGER: Yes, Chairperson, what Mr Mnisi is referring to is, if you have a look at page 102, he has signed the application as J Mnisi.

CHAIRPERSON: Yes. No I was just clearing it up for record purposes, I'm not disputing that this is his application, but I just wanted to clear that confusion.

MR MNISI: Yes, that's correct.

MR BERGER: So for the record Mr Mnisi, you confirm that the document from page 97 to 102 is indeed your application for amnesty?

MR MNISI: Yes, that's true.

MR BERGER: You have also made a statement which has been handed in as Exhibit B3. Do you confirm that that is your statement?

MR MNISI: Yes, that's correct.

MR BERGER: And in that statement, in paragraph 1, you say that your MK name was Vic or Victor and that you were also known as Johannes Molefe, is that correct?

MR MNISI: Yes, that's correct.

MR BERGER: Now, your application for amnesty deals with a number of different operations. You have already given evidence on another operation, the Voortrekkerhoogte operation, in another hearing, is that correct?

MR MNISI: Yes, that's correct.

MR BERGER: As well as the Pretoria Church Street car bomb. Am I correct?

MR MNISI: Yes, that's correct.

MR BERGER: Now, you were a member of Special Operations from 1980 until 1991?

JUDGE PILLAY: Can you just tell us, what are you applying for amnesty for firstly?

MR MNISI: In this hearing I participated in giving Mr McBride the material.

JUDGE PILLAY: For what? That's why I'm asking, which offences are you applying for? Or Mr Berger, maybe you can help us.

MR BERGER: Judge, for the purposes of this application, it's Mr Mnisi's interaction between himself and the unit operated by Mr McBride and Mr Webster and in particular the provision of material.

JUDGE PILLAY: What offence are we talking about?

MR BERGER: We're talking about a co-conspirator in the murder of certain people, attempted murder of other people, the delict of...

JUDGE PILLAY: I'm just confining myself to offences. You say murder and attempted murder. Any particular murder you're talking about, or murders?

MR BERGER: Well in particular, it would be the car bomb placed outside the Why Not Bar.

JUDGE PILLAY: And attempted murders in respect of the same incident.

MR BERGER: The same people, yes.

JUDGE PILLAY: Was that all? Anything else?

MR BERGER: Judge, it doesn't appear that there are any more specific incidents as far as this hearing is concerned.

CHAIRPERSON: Sorry, Mr Berger, you put a question and I didn't catch the dates. You said that he was a member of Special Operations from?

MR BERGER: From 1980 until 1991. Thank you Chair. Is that correct, Mr Mnisi?

MR MNISI: Yes, that's correct.

MR BERGER: The detail in paragraph 2 of your statement, how you moved from Mozambique to Zambia and how you travelled between Botswana and Zambia in the execution of your duties.

MR MNISI: Yes, that's correct.

MR BERGER: Could you briefly elaborate for the Committee, what work you did during that period, particularly the work that you did in moving between Botswana and Zambia?

MR MNISI: At first I was based at Mozambique. I left Mozambique in 1984. I went to Zambia. This was after the Nkomati Accord. I was working between Zambia and Botswana. I was the co-ordinator, I was sending messages and other materials which were used. I was transporting this between Zambia and Botswana. We had people in Botswana, Tommy and Vusi. I used to meet them there when I left Zambia. The person who used to send me to Botswana was Rashid.

MR BERGER: Can I ask you just to speak a little louder and a little slower? The person that you used to report to was Rashid?

MR MNISI: Yes, that's correct.

MR BERGER: And that would have been in Zambia, is that correct?

MR MNISI: Yes, that's correct.

MR BERGER: And that was until July/August 1987?

MR MNISI: Yes.

MR BERGER: After that, comrade Rashid was promoted and then to whom did you report?

MR MNISI: Lester Dumakude, Kgatle ...(indistinct).

MR BERGER: And when you spoke about Vusi, who was that?

MR MNISI: Vusi was someone who was working with Tommy in Botswana, he was also a comrade.

CHAIRPERSON: That's Mr Pule?

MR MNISI: Pule.

MR BERGER: How did you assist the comrades in Botswana?

MR MNISI: I used to work with them when I was in Botswana.

MR BERGER: Doing what?

MR MNISI: Most of the time when I arrived there, I would find that people were there with them and I would meet these people and sometimes I would go there to give them money. I would bring money to Botswana and sometimes I will arrange transportation for them.

MR BERGER: Now, when did you meet, if you can remember, comrade Robert or comrade Gordon for the first time?

MR MNISI: comrade Gordon I met him in Zambia. I don't remember which year, but he was the first person I met and comrade McBride, I met him later and also I can't remember the year.

MR BERGER: Now, there is an occasion that you refer to in paragraph 4 of Exhibit B3, when you assisted in packing certain materials into comrade Robert's vehicle. What I want to ask you is, was that the first time that you had met comrade Robert, or had you met him prior to that?

MR MNISI: It wasn't the first time. I don't remember how many times I met him before I met him there. I think meeting him there was the last time. The person who was supposed to work with Vusi, was Tommy and Tommy had been arrested at the time, therefore I was assisting Vusi to pack the material in comrade McBride's car.

MR BERGER: Before we get to that incident, on the previous occasions when you had met comrade Robert, had this been in Botswana?

MR MNISI: Yes.

MR BERGER: And how had you assisted comrade Robert on those occasions, if at all?

MR MNISI: Before I don't remember assisting him because the comrades who were in Botswana, used to assist him, that was Lester and Pule.

MR BERGER: Alright. And on this particular occasion, this is now in June of 1986, is it your evidence that you specifically assisted comrade Robert because comrade Chris, that's Mr Dumakude had been arrested?

MR MNISI: Yes.

MR BERGER: Now what do you remember of this incident when you assisted comrade Robert? Do you remember why you were assisting him or what you were assisting him with?

MR MNISI: I was in fact helping Pule to pack the material in comrade McBride's car because comrade McBride had a job to do inside the country.

MR BERGER: Who told you that?

MR MNISI: It was a known thing to us, we knew that if we give someone material, that person was supposed to come back to the country and do a certain job, even though we did not know what type of a job, but we knew that.

MR BERGER: Who gave you the instructions to pack the material into comrade Robert's vehicle?

MR MNISI: As I've already indicated that the people who were responsible for this were two people, Lester and Pule, therefore Lester was no longer there since he was arrested, then I was just helping Pule so that McBride could drive back with the material, back to South Africa and the instruction came from Rashid that the comrades were going to be given the materials.

MR BERGER: You then assisted in packing the material into the vehicle and then comrade Robert left, is that correct?

MR MNISI: That's correct.

MR BERGER: Subsequently did you come to know about the operation that comrade Robert had carried out?

MR MNISI: Later, after the operation, in fact if I'm telling the truth, it was after he was arrested.

MR BERGER: You heard that comrade Robert had been arrested?

MR MNISI: I think it was after a week, he had been arrested, I don't remember quite well.

MR BERGER: Did you hear why he had been arrested?

MR MNISI: The information that I received was that it was the operation which he conducted on the 14th at the Why Not Bar.

MR BERGER: And also that it was a car bomb?

MR MNISI: Yes.

MR BERGER: Subsequent to that operation, you say you didn't see comrade Robert again?

MR MNISI: No, I didn't.

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

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

MR DEHAL: Thank you Mr Chairperson. May I have leave to confer with my client briefly?

CHAIRPERSON: Yes, certainly.

MR DEHAL: Thank you Mr Chairperson, I'm indebted to you. Mr Mnisi, were there ever discussions between McBride, yourself and perhaps with Gordon Webster about ANC policies and guidelines?

MR MNISI: I don't remember because this was Dumakude's job.

MR DEHAL: And were there any discussions in which you were involved with McBride and perhaps Pule as well, relating to targets in South Africa?

MR MNISI: I don't remember.

MR DEHAL: Mr Mnisi, would you regard yourself, at that time, as having been Mr McBride's senior in the structures?

MR MNISI: Yes, at that time.

MR DEHAL: And I take it you'd agree that you're familiar with Mr McBride's application for amnesty, which has been discussed with you and you support it?

MR MNISI: Yes.

MR DEHAL: I have no further questions, thank you.

NO FURTHER QUESTIONS BY MR DEHAL

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

MS KOOVERJEE: None, thank you, Mr Chairperson.

CHAIRPERSON: Mr Richard, do you have any questions you would like to put?

MR RICHARD: Very few.

CROSS-EXAMINATION BY MR RICHARD: Mr McBride's legal representative put this question and correct me if I noted it wrongly, were there ever discussions regarding ANC policy and guidelines with Mr McBride and the reply I noted was:

"I don't remember. It was Lester Dumakude's job."

Was that your answer?

MR MNISI: Yes, I'm saying I don't remember, but what I can remember is that we used to discuss things, but then I cannot be specific about what you want to get from me as to guidelines or whatsoever, but I do know that we used to discuss matters.

MR RICHARD: Thank you. Now, on what basis did you believe that Mr McBride was under Mr Dumakude's command, or control, or accountable to him?

MR MNISI: These two comrades in Botswana, they were responsible strictly for those things.

MR RICHARD: You say there were two comrades in Botswana responsible for those things. My first question emanating from that, is what do you mean by those things?

MR MNISI: I'm referring to, they were receiving people who infiltrated Botswana, people who came from South Africa going to Botswana, they would be received by Pule and Dumakude, those were the people who were giving them guidelines.

MR RICHARD: Now, so it was, my next question was who were they? So you say it was Mr Dumakude and Mr Pule.

MR MNISI: Yes.

MR RICHARD: Now within the context of the time and in the situation in Botswana, would it be appropriate for somebody on the level of Mr McBride or Mr Webster, to report to persons above them, the two individuals you've just mentioned?

MR MNISI: Yes, they were reporting to them, but most of the reports were directed to Rashid, but some of them, they used to give to Pule and Dumakude, but the person whom they used to report to was Rashid.

MR RICHARD: I realise that your involvement was very short lived. Now when, at that time, ordnance, materials was given to an operative such as Mr McBride or Mr Webster, were they ever required to account for the use of their ordnance?

MR MNISI: Would you please repeat the last part of your questions?

MR RICHARD: Would they ever be required to explain what they used the equipment or materials they were given? In other words report back on what happened to the weaponry?

MR MNISI: I don't think they were supposed to explain to us because it went this way. The Commander will give instructions to them, therefore they will know what operations they are going to do. There was no need for anyone to tell them.

MR RICHARD: Now, I'm summarising it and I'm compressing the earlier part of your evidence. From what you said, I understand and I'd like you to confirm it if I understand it correctly. You had no idea what the materials being packed into Mr McBride's vehicle were going to be used for?

MR MNISI: Yes, I didn't know.

MR RICHARD: Now, what sort of vehicle did you pack them into?

MR MNISI: I think it was an old Ford.

CHAIRPERSON: A sedan, a motor car, or was it a panel van or a bakkie?

MR MNISI: A bakkie, an old bakkie, Ford.

MR RICHARD: Thank you. Now was there anything particular about where weapons could be stored in that vehicle?

MR MNISI: Would you please repeat, I can't hear.

CHAIRPERSON: I think there's a problem with the equipment again. Let's try again repeating, Mr Richard, and see if it's in fact an equipment problem.

MR RICHARD: Was there anything particular about that vehicle into which you packed the weaponry as to where you could pack it?

MR MNISI: There was a space where we could fit in the materials, it's just that I don't remember which side where we fitted but there was a place where we could hide it there, so that no one could see.

MR RICHARD: So it was a concealed compartment?

MR MNISI: Yes.

MR RICHARD: How big was that compartment in length and breadth and depth?

MR MNISI: I cannot say exactly, but it was a much spacious compartment. There was enough space for the material.

MR RICHARD: It's difficult to guess, but do you recall what, difficult to remember, but do you recall what you packed into that compartment that day?

MR MNISI: What I can remember, I think there were extended charges and concentrated charges.

MR RICHARD: What are extended charges?

MR MNISI: These are bombs.

MR RICHARD: What are they used for?

MR MNISI: It depends on the person who is going to use them. You can manufacture a car bomb, or you can place it somewhere. It's almost the same as a limpet mine. You can place it wherever you choose to place it, it's up to you.

MR RICHARD: Is it more or less powerful than a limpet mine?

MR MNISI: Extended charges are more powerful than limpet mines.

MR RICHARD: What does the term "extended connotate" and mean?

MR MNISI: I don't know how I can explain this, but it depends on the kilograms in that extended charge.

MR RICHARD: And now you mentioned some other category of...

CHAIRPERSON: Concentrated charges.

MR RICHARD: What are concentrated charges?

MR MNISI: The kilograms in the concentrated charges are smaller than the extended.

MR RICHARD: And what are they used for?

MR MNISI: You can still use them the same way, it depends on the type of the operation that you want to conduct, therefore you will manufacture it according to the operation. It depends on the kilograms.

MR RICHARD: Do you remember approximately, how many kilograms of such equipment was packed?

MR MNISI: No I don't remember.

MR RICHARD: Was it a lot or a little?

MR MNISI: No I don't remember exactly how many.

MR RICHARD: Now, when you said you cannot remember exactly, but matters were discussed, what did you mean by you cannot remember exactly? You cannot remember exactly when what matters were discussed, or you cannot remember what was discussed, which is it that you meant?

MR MNISI: There were times when people came who came from South Africa. We used to ask them about life in South Africa, that's why I said we used to discuss matters, I mean things, many thing.

MR RICHARD: Now I gather then that there were discussions between you and either or both of Mr McBride or Mr Webster?

MR MNISI: I used to discuss with Webster quite a long time because I used to be with him outside the country because he was also trained outside of South Africa, but McBride, I think our conversations were minimal.

MR RICHARD: The impression I get from your answer is that it was more generalities and matters of interest, it wasn't specific, in relation to operations or MK's affairs, that you had discussions about?

MR MNISI: Most of the time our conversation would be general.

MR RICHARD: Did you ever discuss any operations with them?

MR MNISI: I don't remember.

MR RICHARD: And you certainly didn't discuss any of the operations that either Mr Webster nor Mr McBride had carried out, or were about to carry out?

MR MNISI: I don't remember very well, but maybe when I met Webster in Lusaka, we talked about those operations, but I don't remember really.

MR RICHARD: When would you have met Mr Webster in Lusaka? After his escape?

MR MNISI: Yes, after his escape.

MR RICHARD: Now, do you have any experience in the manufacture and the putting together of the car bomb?

MR MNISI: I trusted and I believed that any trained MK member can manufacturer a car bomb, because this is one of the things that you are trained with in our general courses.

MR RICHARD: If the equipment that you packed into that Ford was made into one car bomb, what sort of car bomb would it be, a small one, or a big one?

MR MNISI: This depends on the operative himself. If that person decides to make a car bomb, then it depends on him, solely on him.

CHAIRPERSON: I think the question put by Mr Richard was, if all the material that was packed into the vehicle, the Ford, was used in the manufacture of a car bomb, would that be a big car bomb or a small car bomb, can you say if that material was used, all of it?

MR MNISI: It can be a big car bomb, because extended charges have big kilograms and it also depends whether he has other material to add on top of it.

MR RICHARD: What sort of other material would you add on top?

MR MNISI: I'm talking about material in other occasions when he used to go to Botswana and Dumakude and Vusi will give him.

MR RICHARD: So you know that he was given other equipment as well?

MR BERGER: The witness is talking about other occasions.

CHAIRPERSON: Yes, that's what I understood by it.

MR RICHARD: Mr Mnisi, my question is very simple. You helped pack the equipment into this particular Ford on that day and from your previous answer I gathered that you were aware that on other occasions in the past, Mr Webster or Mr McBride had received equipment, is my impression correct, that you were aware, that's all?

MR MNISI: Yes.

MR RICHARD: And when you speak of adding material on top, you were saying that some of the other equipment that they had received on other occasions, could have been added to what they got from you that day? Have I understood it right?

MR MNISI: I was trying to answer your question because you asked me that the charges which we gave Mr McBride, was he going to make a strong and powerful bomb, or a smaller one, now I answered your question by saying this was going to depend on him. If he wanted to make a powerful bomb, he was going to do so, but if he wanted to make a less powerful bomb, he was going to do so.

JUDGE PILLAY: As I understand you, Mr Mnisi, or let me ask you this. The material you provided to him, was that sufficient for him to have built a powerful car bomb, on its own?

MR MNISI: Yes, it was enough.

JUDGE PILLAY: And whether it was a powerful car bomb, or not so powerful, depended on what he himself decided to use and if he wanted to build a very powerful bomb, he could have, if he had other material, have used it in addition to what you provided for him?

MR MNISI: Yes, that's correct.

MR RICHARD: Thank you, Chair. Now in the manufacture of a car bomb, was it taught that you could add things like nails or pieces of metal, or cut up reinforcing steel?

MR MNISI: I wasn't part of the people who trained him, therefore I don't know how far he was trained.

MR RICHARD: When you were trained to make car bombs, or trained others besides them, did you ever suggest to them that they could add that sort of stuff into a car bomb?

MR MNISI: As I've already mentioned, that if one is a trained MK member, you are trained by so many things, including a car bomb. You are trained by everything in manufacturing a car bomb, but at the end of the day it relies on the person who is making it, if you want to add on other pieces of metal, then you will.

MR RICHARD: So from your training you were taught that you could make the car bomb more effective by adding shrapnel, or pieces of metal into it.

MR BERGER: Chairperson, the witness never said that.

CHAIRPERSON: I think if you can just rephrase your question because he didn't say that he was taught that.

MR RICHARD: Sorry. Mr Mnisi was it ever the practice to teach person being trained that should they want to make a car bomb, they could add pieces of metal such as nails, cut up pieces of reinforcing rod and such-like, to the bomb?

MR MNISI: When one is trained they show you how to manufacture a bomb and how to place it. As I've already answered before, I said it depends on the person whether you put nails and everything. I don't know how he was trained, Mr McBride, therefore I don't know whether he was trained in putting nails or whatsoever, in the making or in the manufacturing of the car bomb.

MR RICHARD: My question was not whether Mr McBride was trained to put in additional pieces of shrapnel to a car bomb, my question is whether trainees were told and trained to put extra bits of shrapnel into car bombs, should they want to.

MR MNISI: I personally in my training, I don't remember anyone telling me to put nails in the manufacturing of the car bomb.

MR RICHARD: One last question on that point, if they did do that, what would be the purpose of doing that?

MR MNISI: When one places a bomb in a certain place, that person has a reason for placing that bomb there. At the time the situation was very bad, therefore putting a bomb, you had reason of why you're putting the bomb where you've put it.

MR RICHARD: I'll leave that point. Now from your evidence-in-chief, we heard that you did have some experience of car bombs and that you were and have given evidence in the Pretoria car bomb incident. Now you have been present during Mr Ismail's evidence. I'm not sure whether you were or you weren't.

MR BERGER: Chairperson, I'm not sure that Mr Mnisi said in his evidence-in-chief that he had experience of car bombs.

CHAIRPERSON: No, he didn't say he had experience, he mentioned that he had made application and had appeared in hearings involving inter alia the Pretoria car bomb.

MR BERGER: Indeed.

MR RICHARD: Were you the party to the construction of that bomb?

MR BERGER: Chairperson, that is the subject matter of another hearing. It's not relevant for the purposes of this hearing.

CHAIRPERSON: What is the relevance of whether Mr Mnisi made another car bomb for this particular hearing, Mr Richard?

MR RICHARD: The relevance is that I'm about to go into his opinions as to whether the Parade Hotel was a legitimate or inappropriate target.

CHAIRPERSON: Can you just ask him whether he knows about car bombs, rather than whether he took part in building the Pretoria car bomb, or any other one, because then we're going to get into that.

MR RICHARD: Well, I'll leave the point, it doesn't take us ...(intervention)

CHAIRPERSON: Because he did say that he was trained in making a car bomb. I'll put the question this way. Do you have any knowledge of the effects of the car bomb?

MR MNISI: Yes, I do know.

MR RICHARD: What are the effects of the car bomb?

MR MNISI: If you've placed it in a building, it demolishes the building.

MR RICHARD: And if you placed it in a crowded street, what would happen?

MR MNISI: If there's no building in that street, then it will just damage where you've placed it.

MR RICHARD: And if the street is crowded with people near the car bomb?

MR MNISI: They will get injured if there are people.

MR RICHARD: Will few or many people get injured if the street is crowded?

CHAIRPERSON: Mr Richard, I can assure you that we won't have to rely on the evidence of Mr Mnisi to be able to find that if a bomb goes off in a crowded place that many people might get injured. I think you can accept that we would accept that a car bomb placed where there's a huge crowd of people, it's going to injure people.

MR RICHARD: Now from your experience of car bombs, if and I use the word if, a car bomb is placed on the corner of a street outside two pubs or restaurants which are busy, where lots of people are enjoying themselves, what would the consequences be? But I believe the question has been dealt with by the Chair. Would you have anything to add?

MR MNISI: As I've already said, it is obvious that people would get injured.

MR RICHARD: Now, in the ordinary course, from your training and experience, would two pubs with people in them and busy at the time, without anything else being said about it, be a legitimate target?

MR MNISI: Yes, that's correct.

MR RICHARD: So that means you are saying that it was in accordance with the African National Congress's policies and guidelines to place car bombs outside two crowded pubs, without knowing anything more about it?

MR MNISI: If you are trained, you know exactly where to place the bomb, you won't just put a bomb among innocent people, you will put it where you know and to the people you are fighting with, not just innocent people.

MR RICHARD: Now, who would the people you would be fighting with be?

MR MNISI: Soldiers and police.

MR RICHARD: Now, if out of 100 people that would be affected, 10 or 5 were soldiers and police, would it be legitimate to put the bomb there?

JUDGE PILLAY: Mr Richard, can you just me something please? If you get a different answer to what Mr Ismail has given to that same question, who are you going to ask us to believe? Who are you going to argue is giving the proper answer?

MR RICHARD: Chair, the question put to me is if I get contradictory answers as to what is legitimate and inappropriate, what my argument would be. It would be dependent on the answer. If one says to kill one soldier it's legitimate to blow up 100 civilians or 10 civilians and another says to kill 50 soldiers it's legitimate to blow up 50 civilians, I will say very clearly that there was no clear policy at all.

JUDGE PILLAY: I would have thought that you got the answer already, if that's the line you're taking, proceed.

CHAIRPERSON: You can put the question.

MR RICHARD: My question was, hypothetically, if there were two crowded restaurants in which there were 100 people and that being for the hypothesis a crowd, and of those 100, 5 were Security Force personnel, would that be a legitimate target?

MR MNISI: In every operation where you go to participate, you do your reconnaissance therefore you know your target, you don't just go to kill innocent people.

MR RICHARD: Is your answer to my question that in the case of the example I have outlined, that would be not a legitimate target and you would be killing innocent civilians?

MR BERGER: No, that wasn't the answer.

MR RICHARD: I said, is that the answer?

JUDGE PILLAY: Well maybe we must allow him to answer the question instead of it being suggested to him.

MR RICHARD: He did not answer my question and I'm asking him what his answer is.

CHAIRPERSON: Yes, he answered the question about 5 out of 100 being Security Force personnel. The answer was in every operation you do your reconnaissance, therefore you know your target. Now the question is, you can repeat it, Mr Richard.

MR RICHARD: In the example that I've outlined, if your reconnaissance reveals that there are 5 out of 100 and that's merely a hypothetical example, would that target be legitimate?

MR MNISI: As I've already mentioned that before you conduct any operation you do your reconnaissance first to make sure that your target is there. If you choose a place and you realise that your target is not there, then you won't go there, you only will go there when you know that that place is your target and you don't just do a reconnaissance for one day, you do for days to make sure, to be 100% sure that that's a legitimate target.

MR RICHARD: And if after making 100% sure by doing a thorough, detailed, careful reconnaissance, you find out that your target will consist of 5 out of 100 Security Force personnel, would you proceed or not?

MR MNISI: There I think it depends on the person who is going to participate in the operation.

MR RICHARD: So that means it would be up to the individual to decide whether to proceed or not, not up to an interpretation or the application of a policy or a guideline?

MR MNISI: You will follow the guidelines of the ANC. First if you're trained, you know that you won't attack any place if it's not a target place. It depends on the person who's going to take part, or who is going to participate in the operation.

MR RICHARD: What would the guidelines require you to do in the context that I've outlined, the hypothetical test case that I've put to you?

MR MNISI: It depends on the objective.

MR RICHARD: Now I don't understand what you say, on the objective. You've said to me that it would not be permissible to bomb 100 civilians. All I've changed now is that there are five Security Force personnel of no particular importance or rank, which is added into this proposition at this stage. Would that now make it legitimate?

MR MNISI: Would you please repeat your question?

MR RICHARD: If I took 5 ordinary Security Force personnel of no particular importance into a place where there are 100 civilians, so that means we have now a 5% concentration of Security Force personnel, would that make bombing that place, or those two places, legitimate or not?

MR MNISI: Why place 5 people among the innocent civilians, when you know you have enemies who are after you? You put the 5 people among the innocent civilians because you want your enemy to be scared of attacking them. You know you have an idea, why put those 5 people there? It is because of you who sent the 5 people among the innocent people, it is you who are actually killing them or betraying them, the person who sent the 5 people to the 100 innocent people.

MR RICHARD: Sir, you've changed the proposition.

MR MNISI: I thought I was following you, the way you're questioning me. You told me that if you put 5 people among innocent 100 people, you ask me...(intervention)

MR RICHARD: Let me go through it again before I push it harder. You, as an experienced operative, who had been a member of the MK for many years, do a reconnaissance. As a result of your reconnaissance, which you've done carefully, methodically and rechecked everything that you know, you discover a place where you are going to put a car bomb and from your intelligence gathering exercise, you know that there will be approximately 100 people in that place and I repeat, of that 100 people, which is a hypothetical figure as well, 5% of those might or are Security Force personnel, would you proceed to bomb that target with a car bomb? It's you who is putting the car bomb, they don't know the car bomb is going to be there.

MR MNISI: As I've already mentioned that in each and every operation you do your reconnaissance first, in order to identify a target that's what you do, that's the first step. You try your level best not to injure civilians, that's why any soldier has to do a reconnaissance before the operation.

MR RICHARD: We're not getting anywhere, you're avoiding answering the question.

MR MNISI: I thought I was answering you, I don't know.

MR RICHARD: You haven't given me an answer even though I believe you've understood the proposition as to whether you would go ahead with the operation or not in the example that I've given you, but now, I'll phrase it slightly differently. On the hypothetical example that I've given you, and taking into account that you know all about the Kabwe decisions and resolutions and all the rest of it, would that hypothetical situation that I've outlined, when you apply the Kabwe tests and factors, constitute a legitimate target?

MR BERGER: Chairperson, with respect...

CHAIRPERSON: I think it's the same question as before because...Are you saying, Mr Richard, in your first proposition when you said would 5% Security Force Personnel amongst 100 people be a legitimate target, now you've moved on, now you're saying, bringing in the Kabwe principles, you're asking exactly the same question, obviously by using the word legitimate target, you're incorporating the policies that existed at the time, including Kabwe.

MR BERGER: And further, Chairperson, there is no Kabwe test. Kabwe is just a decision taken by the ANC that now the struggle is going to be intensified and less regard is going to be paid to avoiding civilian injuries, that's what Kabwe decided. No test.

MR RICHARD: I have here a situation where I think I've put a very, very simple proposition in very plain language to a very experienced operative and I haven't got an answer. In fact the witness, in my submission, has declined to answer the question. I think I'll leave it there on the basis that the only inference that can be drawn from the answers that we have received, is that it was not within the ANC's...

CHAIRPERSON: I think that's for argument.

MR RICHARD: The witness has heard my proposition and I put it to you that I'm correct, that that would not have been a legitimate target.

MR MNISI: I don't know whether you want me to answer you.

MR RICHARD: I would like you to give me either a yes or a no, nothing more complicated.

MR MNISI: If a place is being frequented by your target, that place it's a target place.

MR RICHARD: Thank you. So we now know that in accordance with your training and expertise and experience as an MK member of many years standing, you would have believed that to kill 95 civilians for the sake of 5 Security Force personnel, was legitimate.

MR MNISI: I don't know how to answer you. If I may say it is so very easy for him to say what you're saying to me because you were not affected like I was in those days, we were in war.

MR RICHARD: It is the rules of war that we debate. No further questions.

#### NO FURTHER QUESTIONS BY MR RICHARD

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

ADV PRIOR: Thank you Mr Chair, there are just two areas I'd like some clarification on.

CROSS-EXAMINATION BY ADV PRIOR: Mr Mnisi, in response to one of Adv Sigodi's questions, Mr Pule, well first the question was, how, as Command structure, were you able to ensure that the guidelines were carried out and that the material supplied was used for legitimate purposes, in other words a legitimate target destruction and so forth and in summary the answer was really there was no way to ensure that it could be done, but the best in the circumstances was to keep reminding the operatives who were going out of Botswana back into the Republic, was to keep reminding them of the political objectives, that there operation should fall within the guidelines set out by the MK Command, is that correct?

MR MNISI: Yes, that's correct.

ADV PRIOR: And I just want your response to what he added to that. He said because of the situation in the Republic, or in the country, where the government of the day and he used the word Boers, the type of atrocities that they were committing, he indicated that there was the possibility or there was some indication that the operatives going back could have, for example, placed a limpet mine in a crèche and the impression that I gained from Mr Pule is that they didn't want that to happen, so in order to maybe calm things down, they impressed on the operative to operate within the guidelines. Can you comment on that response of Mr Pule from your own perspective?

MR MNISI: Yes, people were taught and they were reminded by the guidelines of the ANC and they were told that they mustn't go and do as they pleased, they must do exactly as the guidelines required of them and yes, some people were angry but they were taught and they were told to follow the guidelines of the ANC.

ADV PRIOR: Did it sometimes appear to you in Botswana that the operatives moving back into the country may have been motivated by feelings of anger towards the situation in the country? In other words, there was a desire to take revenge on one or other group within the country, as a result of what was happening in the country at the time.

MR MNISI: All the cadres who were coming to South Africa, they were briefed first, they were not allowed to do as they pleased.

ADV PRIOR: It's not quite an answer. For example, in your inter-relationship with Mr McBride at the time when you were packing these explosives in his vehicle, did you gain the impression that he was particularly angry at the situation in South Africa, the emergency, the various attacks by Security Forces on black civilian populations and so forth, or did you not get that impression?

MR MNISI: No I didn't get that impression with Mr McBride because what I realised is that he knew, he was briefed and I think even today he knows the guidelines of the ANC.

ADV PRIOR: Yes, one last matter. Your amnesty application, the application form 1, did someone assist you with that form, in other words to complete the form?

CHAIRPERSON: This is the form that appears on page 97 *et seq.*

ADV PRIOR: Did someone assist you to fill in the form? Was it a colleague, or was it an attorney or somebody else?

MR MNISI: I think my lawyer.

ADV PRIOR: I just want to refer to page 99, paragraph 4 under the heading Car Bomb Blast - Why Not, Magoo's Bar. If I may Mr Chairman, just read out the brief description and I'll come to the question.

"I was involved in the preparation of materials for the car bomb later used in the bombing of Why Not Magoo's Bar on June 14th 1986. I assisted in the procurement of the materials and with the packing of the vehicle, which transported the materials into the country from Botswana."

Do you confirm what is there in your application?

MR MNISI: When I filled the application form, I was told already that that material that I packed in McBride's car was the one which was used for that bomb.

ADV PRIOR: I was coming to that because there just appears to be a contradiction from the statement B3 that you tendered today. Are you saying that that information was supplied to you by your attorney, that's after the fact, in other words?

MR MNISI: There on the other statement, I didn't know, but when I filled in this one, then I had already been told. On the other one I didn't put it because I didn't know, but then when I filled the other statement, I had already been told.

ADV PRIOR: There's not trap or trick, I just want to clarify it.

MR BERGER: But Chairperson, with respect, this statement doesn't say that Mr Mnisi knew at the time.

CHAIRPERSON: No, I think it creates - it might be ambiguous, I think he's just clearing it up, I think it's quite clear from what Mr Mnisi has said that what's contained in the application form that the material that he packed was used in the operation, he learned after the event. Is that correct, Mr Mnisi?

MR MNISI: Yes.

ADV PRIOR: Yes, I needed to clarify that. Thank you Mr Chairman, I have no other matters.

NO FURTHER QUESTIONS BY ADV PRIOR

CHAIRPERSON: Thank you. Mr Berger, do you have any re-examination?

MR BERGER: Just very briefly, Chairperson.

RE-EXAMINATION BY MR BERGER: Mr Mnisi, is it correct that when you packed the explosives into comrade Robert's vehicle, you knew that that material could be used to manufacture a car bomb?

MR MNISI: Yes.

MR BERGER: No further questions, thank you.

NO FURTHER QUESTIONS BY MR BERGER

CHAIRPERSON: Thank you Mr Berger. Adv Sigodi, did you have any questions you'd like to put to Mr Mnisi?

ADV SIGODI: Just one aspect, to clarify. How many training camps were there in Botswana?

MR MNISI: We didn't have camps in Botswana, we used residential places.

ADV SIGODI: But I mean groups for training. How many people were responsible for training people in the making of car bombs in Botswana?

MR MNISI: I wouldn't know about other units, but in our unit it was Vusi and Dumakude.

ADV SIGODI: Were there many units that perhaps you didn't know of?

MR MNISI: Yes, when I'm saying units, I'm talking about other departments, there were others.

ADV SIGODI: No, I'm referring to, in particular, to units where people would be trained in the making of car bombs. Do you know?

MR MNISI: No.

ADV SIGODI: Was it possible to know each and every unit that was in existence in Botswana and/or Lusaka?

MR MNISI: No, I will only know people who were in the Special Operations, the others I wouldn't know.

ADV SIGODI: The reason I'm asking you this is because you were asked about whether in the training of people in the making of car bombs, you knew if people would be taught to put in shrapnel and nails into car bombs, is it possible that there was a unit that would teach people to make car bombs in this way, or is that something out of your knowledge?

MR MNISI: No, I don't know.

CHAIRPERSON: Judge Pillay, do you have any questions you'd like to ask?

JUDGE PILLAY: No.

CHAIRPERSON: Thank you Mr Mnisi, sorry - are there any questions arising out of questions put by Adv Sigodi? Any questions arising?

MR BERGER: None Chairperson.

CHAIRPERSON: Thank you Mr Mnisi, that concludes your testimony, you may stand down.

WITNESS EXCUSED

CHAIRPERSON: Mr Berger.

MR BERGER: Chairperson, the next witness is Mr Lester Dumakude.