

TRC Amnesty hearing

ON RESUMPTION 7TH OCTOBER 1999 - DAY 8

CHAIRPERSON: Yesterday it was indicated by Mr Richard that he would like to put some further questions to Mr McBride.

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

MR McBRIDE: That's correct.

ADV PRIOR: Mr Chairman, with leave of the Panel, may I complete my questioning and then I do have a few other aspects.

CHAIRPERSON: Sorry Mr Prior. Yes, perhaps that would be better if you finish yours first and then Mr Richard can continue.

ADV PRIOR: Thank you, Mr Chairman.

CROSS-EXAMINATION BY ADV PRIOR: (cont)

Mr McBride I need to, just for the sake of completeness, refer to the book "Till Babylon Falls". Possibly at the end of the day nothing much may turn on it, but there is information I think which requires possibly a comment from you or an explanation from you. You indicated yesterday that you had the book. You had consulted with the author on many occasions. Did you ever at any stage bring to his attention, or to anyone's attention that some of the material in the book was erroneous, factually incorrect, or just purely fiction?

MR McBRIDE: No I didn't bring it to his attention.

ADV PRIOR: I see you have the book in front of you.

MR McBRIDE: That's correct, Sir.

ADV PRIOR: Mr Chairman I have provided a bundle of extracts to all the interested parties and I do have a photocopy version. There is one before the Panel.

MR McBRIDE: Sorry Sir did you include page 271 in that?

ADV PRIOR: Yes, 271 is also there.

MR McBRIDE: Thank you.

ADV PRIOR: Obviously, feel free to refer to any other pages in the extract that you would want to bring to the Panel's attention. At page 225, about half-way through the page - I do apologise, there were only four copies made - there's a portion in quotation marks, it is after the paragraph that says:

"Robert could not shake off this feeling of horror. I was in a state of shock. Before I was just carrying out an operation. The

effects only hit me later when I was not hyped up, then the emotions came in and I felt bad. I felt terrible, I felt disgusted with myself and ashamed. I felt I would never be forgiven."

Have you got that portion?

MR McBRIDE: Yes, I have that, Sir.

ADV PRIOR: Do you wish to comment on that?

MR McBRIDE: That would sum up the feelings I felt after realising the enormity of what happened.

ADV PRIOR: And that's what you conveyed to the author?

MR McBRIDE: I'm not sure if I conveyed it or someone else conveyed it.

ADV PRIOR: Then the portion in quotation marks:

"Before I was doing it for the army, for the freedom of the people. The very planning and the act of placing the bomb distanced me. It was mechanical. It was like the bomb did it and I only pulled the pin. At the time it was quite practical, something to carry out. Afterwards I realised the enormity of the whole thing. The humanness of the suffering came to me. If they had been soldiers, it would have been a legitimate target. Civilians were not a legitimate target. Because they were women, I felt it all the more. I felt I was stooping to the same level as the enemy. I was worried all the time. I was irritable and upset."

MR McBRIDE: I think there are subtle differences and nuances in the semantics there, which are different to what I am saying now.

ADV PRIOR: But the ...(intervention)

CHAIRPERSON: Sorry Mr McBride, before you answer the question, I see from what Mr Prior has read out, that this is put in quotation marks. Was that a quotation given by you to the author?

MR McBRIDE: I don't recall giving the author such a quotation.

ADV PRIOR: Alright. There's just one other portion I wish to refer to, that was at page 134. It regards the Klein Attack. The second paragraph on page 134 of the extract from the book is as follows:

"Discussing potential targets, Robert had suggested the Casspir, a squat armed patrol vehicle which passed down Oval Road at 10.30 every night. Instead Matthew and Antonio decided to

attack the home of Mr Klein, a local headmaster, whom they regarded as an apartheid stooge."

and so on. Would you agree with that passage?

MR McBRIDE: Which particular part? There's a number of statements made.

ADV PRIOR: Alright, shall we dissect it and break it up?

MR McBRIDE: Yes, please.

ADV PRIOR: Alright the first portion:

"Discussing potential targets, Robert had suggested the Casspir."

MR McBRIDE: The Casspir was one of the targets which we had discussed about.

ADV PRIOR: The spin that's put on it is that instead of the Casspir, which you had suggested, they chose the Klein household?

MR McBRIDE: That is not 100% correct. There were a number of targets.

ADV PRIOR: Would you agree with this proposition that Mr Klein could have been attacked at any stage when he was alone? There were probably numerous situations on which Mr Klein would have been alone, not with his wife and he could have been safely attacked in that situation.

MR McBRIDE: Yes, the difficulty I have with answering that is I could envisage a situation where someone shoots at him, where the people carrying out the attack would be known to the general community in which Mr Klein moves and operates. They will therefore not be able to retreat successfully after completing the operation. They were issued with hand grenades, that's what they were given.

ADV PRIOR: There's just two last aspects I need to get clarity on. I understand fully the evidence you gave yesterday that there were cogent reasons why certain statements and certain evidence was tendered during your criminal trial. If I may just get clarity on the following aspect. Was it your own decision to indicate to the court that the initial target was the Hyperama House and Home building and at that very late stage, you had been persuaded to bomb the Why Not bar on the suggestion of Matthew Lecordier?

MR McBRIDE: What I had known was that, in order for us to stand a chance of winning on extenuating circumstances, firstly I had to discredit Matthew and whatever he was saying and I knew he was under pressure, I knew he wanted to get the thing over with, so I instructed the lawyers to ask him certain questions and asked him in a particular way, so that he would agree, because I noticed he never looked at me in court at all, he was almost like an automaton. At one stage we even discovered that one of the counsels for the State was visiting the day before and gave him a statement again, even though he was under cross-examination, so I realised that Matthew was telling the story as had been suggested to him, so he wouldn't apply his mind carefully to questions given by my counsel.

ADV PRIOR: I hear what you're saying. I just, more specifically the version that your initial target on the evening was the Hyperama...(intervention)

MR McBRIDE: Oh yes, that came from me, all of that, Sir.

ADV PRIOR: And that was not - was that before you went into the trial, or was that on the spur of the moment while Matthew was being cross-examined that was put to him?

MR McBRIDE: From the time I came out of solitary confinement in November, I had requested a number of books from my lawyer, dealing with legal precedents, what is involved in such a case. I'd never faced such a case before and the legal principles behind that. During November I started issuing instructions.

ADV PRIOR: Yes, I'm just trying to understand why ...(intervention)

CHAIRPERSON: You say that November ...

MR McBRIDE: 86, Sir.

CHAIRPERSON: That's before the trial?

MR McBRIDE: Yes, that's right.

ADV PRIOR: I just need to understand. Was it your belief that, if you could attempt to persuade the court to accept that it was Lecordier who had ultimately chosen or persuaded you as the Commander of the unit, to choose the Why Not as a target, then you stood a better chance of escaping the death sentence, is that what...?

MR McBRIDE: Well it would bring other aspects in regarding extenuating circumstances.

ADV PRIOR: Alright, in other words ...(intervention)

MR McBRIDE: In terms of the test then for extenuating circumstances, with the premeditation involved in any instructions given, there was no chance I would get it and so I had to use resources available to me and one of them was Matthew, was a witness under stress.

ADV PRIOR: Alright. And for those reasons, you have already conceded that certain distortions of facts and of the truth were presented to the Supreme Court?

MR McBRIDE: Yes, that's correct.

ADV PRIOR: Mr Chairman, with your leave, just one other aspect. I know I indicated that I was not going to ask on any other aspect, but there is an interest from the Commission's point of view in special regard to the East Rand events. Mr McBride, there's just a few matters surrounding that particular aspect of your amnesty application. You said arms, weapons, ammunitions were supplied to SDU by yourself. Where did you draw these from? In other words, who supplied them to you?

MR McBRIDE: I got them from Rashid and from Ronnie Kasrils.

ADV PRIOR: And was there any record kept of precisely what you drew from them and what was handed over?

MR McBRIDE: No Sir, my previous experience showed me quite clearly, you keep records, that's evidence against you in future, so I didn't keep records.

ADV PRIOR: Are you able to tell the Committee more or less, or an estimate of the quantity of munitions, equipment, material that you supplied to the SDU's on the East Rand?

MR McBRIDE: I've got an idea. It's about between 20 and 40 AKs, I think it's about 6 Makarov pistols, hand grenades, about 50 and ammunition for all of that, yes.

CHAIRPERSON: And Mr McBride you said that you were also later involved during the amnesty relating to the possession of firearms in collecting back firearms. What sort of success rate, bearing in mind these numbers you've given now? Obviously you couldn't collect back an exploded grenade, but in regard to the AK47s, the Makarovs and perhaps any grenades that weren't actually used, how many?

MR McBRIDE: Yes, if I remember correctly, it wasn't as successful as we had wished it to be, but a significant amount of the stuff that was handed out by us, was handed in to the police. On one occasion, I went and collected stuff myself from people and took it to the police station in Katlehong.

ADV PRIOR: Thank you. What you recovered, was it in any way near what had been handed out? In other words, what I'm asking is, does there remain a substantial amount of weaponry in the hands of former SDU members?

MR McBRIDE: Well, just to explain it to you so that you understand how the amnesty went on. The amnesty was that everybody had to report to the nearest police station and hand over the weapons and they could send somebody else to hand it over, so I didn't keep records of serial numbers, so I don't know at which stage the guys I worked with handed over or if they gave it to somebody else and handed stuff over to them.

ADV PRIOR: Do the names Pungose Ceba, or that name, does that mean anything to you?

MR McBRIDE: Yes, that is one of the apartheid spies who influenced one of my SDUs to - well at that stage I was in prison still, but I'd got to know the guy who was part of the SDU command and I met him in prison, he influenced him to carry out an attack. Ceba was never found or charged by the apartheid government.

ADV PRIOR: Michael Phama?

MR McBRIDE: That's the man I'm talking about, I met him in prison. When the attack was carried out, I was in jail.

ADV PRIOR: And the Khumalo gang?

MR McBRIDE: The Khumalo gang is an Inkatha aligned gang that reigned terror upon the community of Thokoza and possibly were involved in the killing of Sam Ntuli.

ADV PRIOR: And were, was part of the arming of the SDUs by yourself, to negative that influence, the Khumalo gang in particular?

MR McBRIDE: Yes, to counter that because you see there's a trial going on today where Temba Khosa was one of the people issuing weapons to people at that stage, or at least that's the reports we received from Eugene de Kock and yes, that's why I supplied the weapons.

ADV PRIOR: Thank you, Mr Chairman.

NO FURTHER QUESTIONS BY ADV PRIOR

CHAIRPERSON: Thank you Mr Prior. Mr Richard.

MR RICHARD: Thank you. Thank you to the Chair and the Committee for letting me continue my examination today.

FURTHER CROSS-EXAMINATION BY MR RICHARD: *Vis a vis* the Klein family, as you know from Exhibit A7, the affidavit of Mrs Klein, her particular question ...(intervention)

MR McBRIDE: Can I just find it please, Sir?

CHAIRPERSON: What's the reference, Mr Richard?

MR RICHARD: The reference is Volume or Exhibit A7. It consists of a one page affidavit by Mrs Klein, to which is attached various medical records.

MR McBRIDE: Is that the one with the hand-written note at the bottom, Sir, saying: "I would like a private hearing, not a public one?"

MR RICHARD: Correct.

MR McBRIDE: Thank you.

MR RICHARD: Now, if you read that, you will note that her particular interest is, why was she a target? In Exhibit D, I understand what you have said. You say that you supplied the weapons but did not know of the target that was to be attacked. Is that correct?

MR McBRIDE: Yes and I also said that if I knew the target, it would have been a legitimate target.

MR RICHARD: Now, my question was, you didn't know the target, or did you know the target? Your answer is: "No, I didn't know the target." Now my next question is: Was there any discussion of the type of target that your co-applicants for amnesty might have attacked that time when you gave them the weapons?

MR McBRIDE: Yes.

MR RICHARD: To what effect was that discussion?

MR McBRIDE: Collaborators, Security personnel.

MR RICHARD: Did they describe the category of collaborator that they might be planning to attack?

MR McBRIDE: I think we discussed people who were in the police reservists, Labour Party stooges and things like that.

MR RICHARD: Now did you ask them whether they had conducted a reconnaissance, whether they had investigated what sort of - the target that they were going to attack?

MR McBRIDE: I don't recall asking them. I probably would have discussed something and gone over the care that should be taken, to make sure they get away safely.

MR RICHARD: Would you have said something like: "If you are going to attack a member of the Labour Party, be careful not to attack his children." Something like that?

MR McBRIDE: In that regard, I don't recall having said that. I may have said it, I can't remember now. The only equivocation for me where children were involved, came at a very later stage in my operations.

MR RICHARD: So that means, if you had known, what you say you didn't, that the grenade or grenades was going to be thrown through somebody's bedroom window, it wouldn't have mattered whether it was his wife or his children that were in that room with him?

MR McBRIDE: According to the policy there's unfortunate casualties of cross-fire.

MR DEHAL: Sorry, Mr Chairperson, I don't understand the relevance. There were no children involved in this operation.

CHAIRPERSON: No, but I think what Mr Richard is getting at is Mrs Klein was involved, who wasn't a target. I think he's generally talking about care taken in cross-fire, whether they knew children were there or not.

MR DEHAL: Thank you.

MR RICHARD: Thank you, Chair, I did not say that children were involved, I said "if". So the impression I gain and I ask you this question: What guidelines of target selection did you give your subordinates in your unit?

MR McBRIDE: I gave them exactly the same guidelines that Rashid had given me when he said we should move towards arming the masses and attack collaborators.

MR RICHARD: Did you give them any guidelines as to how they should attack collaborators?

MR McBRIDE: They should kill them.

MR RICHARD: Did you give them any direction as to when and when not collateral casualties, as is now the term, would be permissible or not permissible?

MR McBRIDE: I don't recall that. If I remember correctly, the targets they mentioned that they would attack would all be armed people, including Mr Klein and that they should be careful that they can retreat without injury to themselves. I remember also saying "Don't throw it on the wall because it will bounce back at you and you'll get hurt". Those are the most important things that stick out in my mind now.

MR RICHARD: Did you give them any criteria as to how they should select their target?

MR McBRIDE: If I did, it would be just in line with what Rashid had said, I don't recall specifically anything different, which I added to the instructions and guidelines to them.

CHAIRPERSON: But you did say earlier that you said that they should attack Security Force personnel and collaborators.

MR McBRIDE: Yes, Sir, that's correct and they were given hand grenades.

MR RICHARD: Did you know Mr Klein?

MR McBRIDE: Yes, I knew Mr Klein.

MR RICHARD: Did he know you by name?

MR McBRIDE: Yes, he knew me. I was a student teacher at his school for about 3 weeks at some stage.

MR RICHARD: Now we know that you did not know that your subordinates were going to attack Mr Klein, but if you had known what sort of attack they intended, would you have had anything to say to them?

MR McBRIDE: Well, with regard to the people we called the military wing of the Labour Party, I would have expected they would have gone for Clyde Pearce first, because he was the most aggressive of the lot.

JUDGE PILLAY: Did the Labour Party have a military wing?

MR McBRIDE: That's how we called them, because they walked around with guns and terrorised people.

JUDGE PILLAY: How many were there?

MR McBRIDE: Well it was that group, there were about 5 of them, but that's what we referred to them as, because of the way they terrorised people.

MR RICHARD: Was Mr Klein one of those 5?

MR McBRIDE: Oh definitely so. Mr Klein, for example, would fire, do target practice in his back yard, so that everyone knows he's got a gun and they're armed, that's in a build-up area.

MR RICHARD: Now to Mrs Klein when she asks the question: "Why me?"

MR McBRIDE: I think she's being a bit naive there really.

MR RICHARD: Is that what you would like to say to her?

MR McBRIDE: I'm saying yes, if that's her attitude, then she's naive.

MR RICHARD: Other specific victims. One victim of the Parade Hotel event was Rajess Dalcurren. He was a young man then, walking in the street at the time and was not in either of the hotels or restaurants but crossing the road and he was injured. His question is, did you take people like him into account when you set the bomb to go off outside the Parade Hotel?

MR McBRIDE: I'm not sure what he means by that, if there's a difference between him and anybody else injured in the cross-fire.

MR RICHARD: Like him, not him specifically, in other words ...(intervention)

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

MR RICHARD: He is saying that he was a pedestrian in the street, walking around in that area at the time. Did you take that factor into account when you set off the bomb?

MR McBRIDE: I've already testified to that and I said I went back to Rashid and asked him about that. I think it's about maybe the 10th time now I've said this in this hearing.

MR RICHARD: Now ...(intervention)

JUDGE PILLAY: Tell me, that incident,

MR McBRIDE: Yes.

JUDGE PILLAY: Was that the first time you embarked or proposed to embark on an operation where civilian life was threatened?

MR McBRIDE: Yes, Sir.

JUDGE PILLAY: And that is why you discussed it with...(intervention)

MR McBRIDE: That's correct.

MR RICHARD: We go to another group who were in the Magoo's as opposed to the Why Not portion of the establishment known as the Parade Hotel. There, one Paula Harvey, was sitting at a table together with other classmates of hers who had recently completed an exam. They were still in matric at the time. Did you foresee that someone like this particular person, who was one of the most seriously injured of all the injured, in fact nearly died, might be inside the Magoo's part of the complex when you set the bomb?

MR McBRIDE: Sir, I think my answer is the same as the previous - is the same as the answer I gave for the previous one.

MR RICHARD: Well, what is the answer? Yes or no?

MR McBRIDE: The answer is yes and you've heard it.

MR RICHARD: So your answer is yes, you did foresee that ...(intervention)

MR McBRIDE: Yes, I did and that's why I was sentenced to death.

MR RICHARD: Now, there's another document where I have a G turned to an H, it's a letter from the African National Congress to the Chairman of the Indemnity Committee dated 25 April 1991 and it's signed pp Alfred Nzo, the then General Secretary. It was distributed a few days ago by your legal representative.

MR McBRIDE: Yes, I have that.

MR RICHARD: Now, that letter says: "This is to confirm that Robert John McBride is a member of Special Ops, Umkhonto weSizwe". Then it goes on in the second paragraph to say: "At all material times hereto Mr McBride acted under the command and instructions of his superiors in Umkhonto weSizwe." So now that means, I am correct in saying that even as early as 1991 it was on record that your version, as put up in the trial, that you acted on your own was not so and that, in fact, you were acting under instructions. Am I correct in making that statement in relation to this?

MR McBRIDE: I think there's a bit of a jump in logic there. If you would say to me that they were aware that the operation was an MK operation, I'd say yes. If you say as a result of it, that my trial version was not correct, they knew, then it's a different question.

MR RICHARD: Now ...(intervention)

CHAIRPERSON: This letter is a little bit confusing standing alone, because it's just two paragraphs and it says that "all times material hereto" and you don't know what times those are referring to, because normally when that phrase is used, it means the times or the occasions referred to in the same document, which don't exist.

MR RICHARD: Do you know at whose request this letter was prepared?

MR McBRIDE: Yes, it was prepared at my request for my indemnity application. I think if I remember correctly I'd just come off death row and there was the Indemnity Act and I'm not sure if the Further Indemnity Act was out already.

CHAIRPERSON: I think that was the first one. I think, as far as I can recall, the second one came in 1992.

MR McBRIDE: Yes, so we were still applying for amnesty and in the whole agreement, what had happened was they did not take into account people on death row in the agreement that was signed and therefore there were problems at a later stage.

MR RICHARD: Did this letter, Exhibit H, form part of your application for indemnity?

MR McBRIDE: Yes, that's what it's meant for and you can see who it's addressed to.

MR RICHARD: What act were you applying for indemnity for?

MR McBRIDE: For all aspects relating to my activities on behalf of the ANC.

MR RICHARD: Was the Parade Hotel event included in that application?

MR McBRIDE: Yes.

MR RICHARD: Did this letter refer to all the acts, or only to the Why Not/Magoo's events?

MR McBRIDE: It referred to all what I applied for, I can't remember now. I just want to remind you, this is 1991, I don't think even Rashid was back in the country then, people were still scattered all over the world as a result of apartheid. People hadn't come back yet, so if you're going to look at this letter by itself to give you any indication of whatever you want, it's ... (indistinct) really old water.

CHAIRPERSON: But as far as you can recall, Mr McBride, you applied for indemnity in terms of the Indemnity Act in respect of ...(intervention)

MR McBRIDE: Everything, Sir.

CHAIRPERSON: All the operation, all your operations and activities.

MR McBRIDE: I think I listed them count for count for the indictment. There was still at this stage, there was still an arms struggle. There was still, it had only have been suspended, in fact there was still a war. We had only had just a truce with the government. Please bear in mind all those things when you ask questions about this.

MR RICHARD: When did the African National Congress first acknowledge that you were acting under direct orders to carry out the event that has now become known as the Why Not/Magoo's car bomb?

MR McBRIDE: When it became necessary for whatever reason or reasons of negotiation, to do so.

MR RICHARD: When was that?

MR McBRIDE: I cannot remember, probably during the same period. Before then, the ANC was banned and I was in death row. They wouldn't do anything to endanger my life.

MR DEHAL: Sorry Mr Chairperson, I'm at a loss to understand what the relevance of this is.

CHAIRPERSON: Mr Richard?

MR RICHARD: Yesterday in his evidence, Mr McBride made the comment in relation to page 76 and page 77 of bundle, or volume A1, that the affidavit filed by Mr Ismail was the first time, the fact that he was acting under direct orders, been acknowledged, if I recall correctly.

MR McBRIDE: Let me just remind you about something which might help you. In 1987 or 88 the ANC was negotiating with the Zimbabwean government for exchange of prisoners. Myself, including Sharpeville 6 were on the list and three other comrades who were on death

row with me, to be changed for the apartheid spies who were sent over to do sabotage in the neighbouring states, so that is an indication the ANC was already embracing me at that early stage, when I was on death row, as one of their own.

MR RICHARD: I then ...(intervention)

JUDGE PILLAY: Does it matter, Mr Richard, when that acknowledgement was made, unless you're saying it was never made?

MR RICHARD: When it comes to argument as to the value and relevance of the various reports, including the evidence referred to by Mr Dehal yesterday at the Armed Forces hearing, to have the chronology is correct is of importance in the argument, but I have the information that I need. So, my next point related to the Edendale Hospital escape. I don't think we understood each other clearly yesterday. The situation that we find ourselves in there can be summed up this way: There's a conflict between the factual versions put up by you and by Mr Visagie. Now I outlined Mr Visagie's version yesterday. Now, Mr Visagie's attitude is simple. He wanted me to make sure that his version was put into the record of these proceedings, this Hearing and to see whether we could resolve the conflict between your version and his version. My question there is: If Mr Visagie's attitude to amnesty is as outlined, would your opinions of his version of the facts change?

MR DEHAL: Mr Chairperson, I did not want to object earlier. My difficulty is whenever I do, Mr Richard says I should have rather waited until he finished his question. I've heard his question now fully. This morning when Mr Richard and I talked, he explained to me that he had approached the Panel in chambers and sought permission to have a second bite at the cherry. He led me to believe that this would be confined to the Klein issue. I see that he's traversed on the Why Not aspect and now on the Edendale aspect. A level of latitude I concede is necessary, but I think this is now getting a little too far. The Edendale aspect, pertinently to this question, was raised yesterday, answered yesterday. I in fact objected at some level even yesterday to this aspect and I think this is now the third, perhaps the fourth bite to the cherry.

CHAIRPERSON: We've had that exact question already put I think, Mr Richard.

MR RICHARD: I have done what Mr Visagie wanted and put his version to the witness and asked for comment and I think we have the answer.

CHAIRPERSON: Because yesterday Mr McBride disputed Mr Visagie's version about him not having yet drawn his arm before he was shot.

MR RICHARD: Thank you Chairperson, no further questions, if I'm not going to go down the Edendale conflict of fact.

NO FURTHER QUESTIONS BY MR RICHARD

CHAIRPERSON: Thank you.

MR RICHARD: I don't think it will take us any further to really go any further than I've done.

CHAIRPERSON: You did place on record that there is that conflict. So have you finished now?

MR RICHARD: I have, Chairperson, thank you, I am indebted for the indulgence.

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

MR DEHAL: Yes, Sir, but very briefly. Thank you.

RE-EXAMINATION BY MR DEHAL: Mr McBride, yesterday you talked about your politicisation within Wentworth, you refer to Allan Taylor and you refer to Setchabas that you received, you listened to Radio Freedom, etc. Would you explain what Radio Freedom is and how these aspects, all three put together, politicised you?

CHAIRPERSON: Also, just for record purposes, Allan Taylor's residence, was that a students' hostel at the Medical Faculty of the Natal University?

MR McBRIDE: Yes, Sir, first year and at a stage previously second year medical classes were held there also.

CHAIRPERSON: Yes.

MR McBRIDE: But students from other faculties lived there also.

CHAIRPERSON: Yes, thank you, I just wanted that for record, so it wasn't confused with a Mr Taylor's house, or something like that.

MR DEHAL: And Radio Freedom?

MR McBRIDE: Radio Freedom was with - the official policy release of the ANC which was broadcast from various neighbouring countries.

MR DEHAL: Known as the Voice of the ANC in Exile?

MR McBRIDE: That's correct. It was quite militant, it usually started off with automatic weapon firing.

MR DEHAL: Thank you. Yesterday you were questioned in regard to the Chamberlain Road incident, about the photograph of the person, the injured person, who arrived here, with whom you've reconciled and whose photo features on a newspaper cutting.

MR McBRIDE: That's correct.

MR DEHAL: Now you were questioned about whether there were any contacts with journalists etc. Can you venture a reason, or some explanation, how that photo might possibly have come in?

MR McBRIDE: Well, as I already have said ...(intervention)

CHAIRPERSON: I think he said that already, he said that journalists sometimes had illegal access to the police radios and they often followed police when they were on the go, but if there's anything you wish to add.

MR McBRIDE: I just will add that perhaps the police themselves took the photo, because they usually went on investigation with video cameras and still cameras.

MR DEHAL: And in this case, in the Chamberlain Road Issue, the first explosion had gone off and the Security Police had arrived at the scene, surely with those cameras and video cameras, you say?

MR McBRIDE: I would imagine they would have had it with them.

MR DEHAL: Your question at length by Mr Richard about various categorisation and groupings of the incidents, you mentioned in your testimony that you would regard them all as MK operations. Apart from that general categorisation, would you be able to categorise them any differently, or venture to categorise them as Mr Richard suggested?

MR McBRIDE: They were all legitimate targets and all carried out under the instructions and auspices of the ANC and Umkhonto weSizwe Special Operations Command.

MR DEHAL: Thank you. In so far as the Why Not operation is concerned, is it correct that when you got to Botswana to obtain all the bomb material for this operation, you knew and had settled in your mind that the intended target was Why Not bar?

MR McBRIDE: It was not finalised until the stage where Rashid gave formal instructions after I discussed with him, so if Rashid had said "No, don't go ahead with it because of the problems you'll raise", I would not have gone ahead with this.

JUDGE PILLAY: I think the question is designed to establish whether the idea of bombing of the Natal Command had already been abandoned by then.

MR McBRIDE: Yes, it had been abandoned very early on, although it was re-discussed at a later stage again.

JUDGE PILLAY: And at that stage, when you collected the material, that the Why Not Bar was a prospective target.

MR McBRIDE: Yes, that was quite clear.

MR DEHAL: Thank you, Judge. And at the time you collected all the stock for the car bomb, the command, the persons in command in Botswana knew that it was a car bomb that it was intended to be used for, that it was intended for a bar, that it was intended to go off on the 14th of June, but did not know of Why Not as the target?

MR McBRIDE: I'd agree except to re-emphasise a bar frequented by Security Personnel.

MR DEHAL: Thank you. To some extent you were questioned by Mr Richard about, again on the Why Not Operation, the occasion when you caused the blue Ford Cortina to be parked outside Why Not and whether you had looked up to see who was walking about, the people

on the street, etc. You said you were too busy, you did not. Now even if you did look and let's presume you saw plain clothed people, would you have known whether they were police persons in plain clothes?

MR McBRIDE: No, I wouldn't have.

MR DEHAL: And you mentioned something to the effect that you had placed the bomb in your vehicle, closest to the Why Not. Can you explain that?

MR McBRIDE: Well, in the bigger picture, I don't know if it makes much difference, I placed it on the left side so the centre of the explosion would be as close as possible, the closest possible position to the Why Not.

MR DEHAL: And the left-hand side would have been closest to Why Not?

MR McBRIDE: That's correct, I have already said so.

MR DEHAL: Thank you. Now this explosion occurred on Saturday night, you said at about 9.45 p.m.

MR McBRIDE: That's correct, yes.

MR DEHAL: From your experience of the Marine Parade and particularly that area where Why Not is, on a Saturday from about what time to what time would you estimate is the busiest period?

MR McBRIDE: Really, I don't even want to speculate on that. From what I recall is at a stage, it's normal in any country after a certain time people go home and it's not busy on the streets. The bar was usually busiest at that time with police from Intelligence Gathering, between quarter past, half past Nine, that's when the recces were held, between Nine, sorry and half past Nine.

MR DEHAL: And finally in regard to the 69 alleged injured persons, they had not testified in your trial, or 90 % or 99% of them had not testified in your trial, so you had not had the opportunity to test whether any of them are in fact Security Police personnel or civilians, is that correct?

MR McBRIDE: That's correct, yes.

MR DEHAL: Is it not correct that during your trial endeavours were made to look at the docket, to establish by looking at the statements of the injured, who they were, what the record was, but you failed?

MR McBRIDE: That's correct. If I recall those were my instructions to you then.

MR DEHAL: And you subsequently instructed me, prior to this TRC proceeding beginning, to try and obtain your docket, but we've learned that your docket has gone astray, it's missing.

MR McBRIDE: Well, the docket has gone missing, as, I think Mr Prior indicated at some stage.

MR DEHAL: Thank you. Thank you, Mr Chairperson, that is all.

NO FURTHER QUESTIONS BY MR DEHAL

CHAIRPERSON: Thank you. The Panel will now ask some questions. Yesterday I received a letter from the father of a victim who has asked me to put some questions, which I think I'll do. He says in the letter that, amongst other things, that he's attended here, but he's stopped attending the hearings and whatever we decide as to whether Mr McBride gets amnesty or not, he'll accept the decision, but the questions posed are, he's just summarised them and he says the emphasis has been placed on the fact that the bomb at the Why Not was detonated on the 14th of June 1986 because of the significance of the date, it being the anniversary of the raid carried out by the South African Defence Force in Botswana, which resulted in the death of a number of people who weren't combatants and also because of its proximity to June the 16th, now he asks: Does this not indicate that the bomb was a reprisal attack in the first instance and that the killing of Security Force Personnel would be nothing more than the cherry on the top, a bonus?

MR McBRIDE: To my knowledge that is incorrect.

CHAIRPERSON: Are you saying what - it would be a bit of both, or...

MR McBRIDE: I can only say, Sir, what I've been told and the instructions I'm aware of and the reasons given to me by my Commander. I'm not aware of anything else.

CHAIRPERSON: And then he asks: Was it ever considered to ambush Security Force personnel when they were returning from the pub back to their barracks at CR Swart, perhaps when their guard is down, when they're not alert, they're coming back? Was that ever considered, to ambush them?

MR McBRIDE: All of that was considered, the problem was I was given material for a car bomb and instructed to do a car bomb.

CHAIRPERSON: Yes. Or to put, and he goes on further, to place a booby trap vehicle with a car bomb in the parking area of the police residences at CR Swart?

MR McBRIDE: Yes, I've indicated all aspects have been looked at and all suggestions were made at various occasions. I was given a car bomb.

CHAIRPERSON: Yes, and lastly, he asked: Was it ever considered or was it ever taken into account that a state of, a national state of emergency was declared on the 12th of June?

MR McBRIDE: No, Sir, it could not have been because I was somewhere between Botswana and Durban when the national state of emergency was declared, it had nothing to do with my instructions.

CHAIRPERSON: Yes. No, no, but this question was, the fact that it was a national state of emergency, if your reconnaissance relating to the attendance of policemen going to the Why Not was done prior to that, would one not expect that because there was a national state of emergency, that Security Force personnel would be on duty, rather than in a bar? In other words, they would have been required to have been on duty, more of them would have been

required to be on duty, merely because it was a state of emergency and so the prospects of there being fewer policemen in the bar at that time, because of the state of emergency, was that a factor taken into account?

MR McBRIDE: I cannot recall it being a factor taken into account prior to the act.

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

JUDGE PILLAY: When last was the last bit of reconnaissance done in respect of the Why Not?

MR McBRIDE: Between the two trips, the last two trips, the one where I left off Webster and the one where I went to fetch material for the car bomb.

JUDGE PILLAY: Do you recall when the state of emergency was ...?

MR McBRIDE: 12th of June.

JUDGE PILLAY: After the 12th of June, was there any reconnaissance on the bar?

MR McBRIDE: Between the 12th and the 14? No Sir, I had absolutely no...(intervention)

JUDGE PILLAY: And you say it never crossed your mind to do so because of the state of emergency?

MR McBRIDE: I had two days in which to do it.

JUDGE PILLAY: No, I accept that. It just didn't cross your mind to ...?

MR McBRIDE: No. No, Sir.

JUDGE PILLAY: One of the applications for amnesty you make is in respect of possession of firearms that you produced and supplied to members of the self-defence Units in Gauteng. Do you know where these arms came from?

MR McBRIDE: The arms, as I understand now, it's information received over the years, the ANC had brought in a few tons of weapons which would be kept in caches under Operation Vula. The armaments that were used, they were from Operation Vula.

JUDGE PILLAY: And you were provided with some of these to distribute?

MR McBRIDE: That's correct, yes.

JUDGE PILLAY: And you say high ranking officials provided.

MR McBRIDE: Yes, the NEC of the ANC was aware of it also.

JUDGE PILLAY: Do you know if any of your seniors who provided the stock...(intervention)

MR McBRIDE: Yes.

JUDGE PILLAY: No, I'm not asking for names, whether they have made application for amnesty?

MR McBRIDE: Yes, the people who gave me the weapons...(intervention)

JUDGE PILLAY: In respect of those offences.

MR McBRIDE: They have applied for amnesty for those offences.

JUDGE PILLAY: Thank you.

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

ADV SIGODI: Yes there's just one aspect which I'd like to clarify with you. I don't know what the Why Not Bar looks like, but I get the impression that it was in Marine Hotel, is it?

CHAIRPERSON: Parade. Just the Parade.

ADV SIGODI: The Parade Hotel?

MR McBRIDE: Yes Ma'am.

ADV SIGODI: So the hotel was above the bar, that is where the residents would stay, above the bar?

MR McBRIDE: That's correct.

ADV SIGODI: Is it correct? What concerns me is, did you know how far the bomb would affect the building? When you made the bomb, did you know if it would go up and affect the hotel itself, or did you do it in such a way that it would only affect up to the first floor, or up to the Why Not bar?

MR McBRIDE: My understanding was that the way it was constructed with the limpet mine placed on top of the charges, most of the force would be blown downwards and to the left because it was packed on the side. A clear indication of this is the fact that there is a hole in the road, indicating the blast went down and towards the left and not up and any damage that occurred on top, would probably have been from shock waves or any shrapnel going up.

ADV SIGODI: So at the time that you made the bomb, did you consider that in your mind?

MR McBRIDE: Yes. That's why the limpet mine was placed on top of the rest of the charges, so in other words the blast, the explosion started on the top, the only other way it can go is downwards, where the rest of the explosives are.

ADV SIGODI: Okay thank, that's all.

CHAIRPERSON: Judge Pillay indicates that he wishes to put a further point.

JUDGE PILLAY: When this application first started last week, you were quoted in newspapers and some alleged victims were quoted in newspapers. The impression I got there

was that there was so much tension, specially in this area, as a result of the past history of this country. It's gone even to the extent of radio surveys being held as to whether you should be granted amnesty or not. Let us not debate the wisdom of newspaper articles and radio surveys, but in an attempt to stop this madness or hatred in this country, are you able, do you see yourself clear, to try to make peace with the victims?

MR McBRIDE: Yes, Sir, I want to do that. I've never been given an opportunity to do it.

JUDGE PILLAY: Are you willing to attempt that if the representatives are able to arrange it?

MR McBRIDE: Yes, Sir, 100% co-operation I'd give for that.

JUDGE PILLAY: Thank you.

CHAIRPERSON: Are there any questions arising, that have been put by the Panel.

MR BERGER: No questions.

NO QUESTIONS BY MR BERGER

MR DEHAL: I have none, thank you.

NO QUESTIONS BY MR DEHAL

MS KOOVERJEE: None thank you.

NO QUESTIONS BY MS KOOVERJEE

MR RICHARD: I have a comment to make, but no questions, but I'll reserve it until ...

NO QUESTIONS BY MR RICHARD

MR MALL: I'm not too sure of the procedure. Are the representatives going to address the Panel shortly?

CHAIRPERSON: What we're going to do is we're going to hear all the applicants first, before we hear submissions, but I'm just asking whether there's any questions arising out of questions that have been put by myself, Judge Pillay and Adv Sigodi.

MR MALL: No questions.

ADV PRIOR: Nothing arising, thank you.

NO QUESTIONS BY ADV PRIOR

WITNESS EXCUSED

MR RICHARD: Chairperson, with the leave of the Committee and yourself, at this juncture I must make a formal application for the recall of Mr Aboobaker Ismail. When I attempted to cross-examine him on references made to discussions between him and Mr McBride,

contained in the Section 29 Hearing transcript, such questioning was ruled out. However, the basis of those, the objection to that questioning can no longer stand. Mr McBride has now given *viva voce* evidence before us on all those matters. That is all now in the public domain. Whatever the status of the Section 29 transcript or information might or might not be, that certainly cannot play any role in a decision as to whether Mr Ismail should be cross-examined on what Mr McBride has now said.

Mr McBride's evidence is very pertinent and simple. He says to sum up, he was instructed as late as a few days before the bomb to go ahead with, what I say very specifically a car bomb, at a hotel, as described, the name might not have been mentioned. It was a specific instruction from him as the High Command of the ANC to carry out that attack and I believe that it is more than appropriate that he, at his level, should now be cross-examined on that aspect and be asked to give us evidence that might have been obtained, had we been able to cross-examine him on matters emanating from the Section 29 information. Thank you.

CHAIRPERSON: Mr Berger?

MR BERGER: Chairperson, might I take instructions. I have a response, but Mr Ismail is not here.

CHAIRPERSON: I see your client is here. We'll take short adjournment. We did start late, that's why we've gone through tea, but maybe we can have a late tea and just if you can let us know when you're ready. Thank you. We'll take a short adjournment now.

MR BERGER: Thank you very much.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: Yes thank you. Mr Berger?

MR BERGER: Thank you Chairperson. Chairperson in principle, I would submit that Mr Richard has not laid any basis for the recall of Mr Ismail. Firstly the Section 29 proceedings, the order of this Committee still stands that it would not be competent for Mr Richard to cross-examine Mr Ismail on the contents of the Section 29. Secondly, any differences that there may be between the evidence of Mr Ismail and Mr McBride are (a) quite possibly attributable to the passage of time and (b) are, in our submission, more apparent than real.

JUDGE PILLAY: Is it correct that he wants to cross-examine Mr Ismail on the contents of the Section 29 statement, because I thought he submitted that at the time of the ruling he was unable to refer to passages in that document, but since then Mr McBride has testified and he elucidated on certain aspects. He now wants to cross-examine Mr Ismail on those aspects as a result of the information gained from Mr McBride, nothing to do with Section 29 statement. That's how I understand it.

MR BERGER: Chairperson, that's like getting the Section 29 statement in through the side door, but because of what I have to say next, it's really going to be academic. We do not want there to be any suggestion from any quarter that we are holding back any information and

whilst I submit that Mr Richard has not laid a proper basis for the recall of Mr Ismail, Mr Ismail is here and prepared to answer further questions.

CHAIRPERSON: Yes, well thank you, we appreciate the approach taken. I don't think there's any need to respond, Mr Richard.

MR BERGER: Chairperson, as long as Mr Richard doesn't use the opportunity as a fishing expedition and tries to limit the questioning to what he perceives to be the real issues in dispute.

CHAIRPERSON: Yes, which he did basically suggest what he's going to be questioning on when he made his application.

MR RICHARD: In that regard, my reply is going to be the discussion between Mr McBride and Mr Ismail.

CHAIRPERSON: That's what I understood, relating to the car bomb. Yes. Thank you.

NAME: **ABOBAKER ISMAIL**

ABOBAKER ISMAIL: (sworn states)

FURTHER CROSS-EXAMINATION BY MR RICHARD: Thank you Chair. Thank you, Mr Ismail. We've heard that there were a number of discussions between you and Mr McBride during 1986. Do you have any memory of how many discussions there were?

MR ISMAIL: Mr Chairperson, I have no specific recall of the number of discussions we had. Whenever it was possible and when I was in Botswana, I would meet with operatives and in this case, I would have met with Mr McBride whenever I was there and whenever he would have been there.

CHAIRPERSON: Mr Ismail, during 1986 these discussions, were they all face to face discussions? You didn't have telephonic communication or anything like that?

MR ISMAIL: I did not deal telephonically with Mr McBride.

MR RICHARD: Thank you. Now when was the first discussion concerning a car bomb?

MR ISMAIL: The first discussion concerning a car bomb was actually held with Gordon Webster and this would have been earlier in the year, it could have been as early as March, April and I had, at that time, said to Gordon Webster to reconnoitre the Natal Command with a view to using a car bomb at the Natal Command, where there would be high concentrations of Security personnel.

MR RICHARD: Thank you. Now, when was your first discussion with Mr McBride concerning a car bomb?

MR ISMAIL: Mr Chairperson, the discussions were always held with Gordon Webster regarding this and when he had reported back about this, there may have been some time when Mr McBride was present. I don't recall exact dates and times when I was there etc and at that time I had said to them to do further reconnaissance but specifically I was directing myself at Gordon Webster as the Commander of the unit at the time, to say to him to do further reconnaissance on the possibility of using a car bomb against Security Force personnel.

MR RICHARD: So, what was the first report you got back from either Mr Webster or Mr McBride as to the viability of your idea of a car bomb attack on Natal Command?

MR ISMAIL: The report that they gave to me was or rather, that Gordon gave to me was that they could not carry out such an attack against Natal Command where there would be a high concentration, because all of that area had been marked as places where no cars could be parked and here we're talking specifically around the front, where the soldiers would enter and exit from the base, or where they may hang around in large numbers.

MR RICHARD: Now was it then that an alternative target was discussed?

MR ISMAIL: No. At that time we did not discuss any alternative targets, I had said to Gordon and Robert who may have been present, that they should do further reconnaissance and look for other suitable targets.

MR RICHARD: When you said other suitable targets, did you mean targets of the same nature and description as Natal Commands? In other words, a military police establishment?

MR ISMAIL: No, I'm talking about large concentrations of Security Force personnel, I did not specify where they had to be. I basically had instructed, wherever they occurred.

MR RICHARD: Thank you. Now when did the idea of placing a car bomb in a hotel first become a topic for conversation? Was it weeks or months before June 1986?

MR ISMAIL: There was no specific discussion about any hotel, because my instruction was, find Security Force concentrations. It was not reported to me that there is a concentration at a hotel.

MR RICHARD: So if I understand your answer correctly and correct me if I'm wrong, you never had a discussion with either Mr McBride or Mr Webster, concerning the placing of a car bomb outside a hotel?

MR ISMAIL: No.

MR RICHARD: Then, in your mind, what did you mean by a high concentration of Security personnel?

MR ISMAIL: Security Force personnel congregate at various points. In the case of the Church Street, they were concentrated outside of the Air Force Headquarters, there was a bus rank there, they were there in their hundreds. I'm talking of that kind of a concentration, where they would occur, wherever they would occur, but to my mind, wherever they would

occur, if they were off duty and they were sitting in a pub or whatever, that would still be a concentration of Security Force personnel.

MR RICHARD: Thank you. From what I understand your answer to imply is, as in the Church Street situation where there was transport to take Security personnel home, where people would be standing in a bus, there might also be other people in that area, but there would be a bus line of Security personnel, or a concentrated number of them, am I understanding you correctly?

MR ISMAIL: Yes, and I also added that if they were there sitting in a pub drinking, then that would also form a concentration of Security Force personnel.

MR RICHARD: How many would constitute a concentration?

MR ISMAIL: Well it depends, it could be 20, it could be 100, it could be 200.

MR RICHARD: Less than 20?

MR ISMAIL: Well, that could also be a concentration, yes.

MR RICHARD: Now, Mr McBride has given evidence that he raised the question of what now has become termed collateral civilian casualties. Do you recall him raising that issue?

MR ISMAIL: Yes and I did testify to that and I said he had raised it and I had said to him about Kabwe.

MR RICHARD: On how many occasions did he raise that topic?

MR ISMAIL: That would have occurred more than once, however, the last time when I met him, it was just before the incident we are dealing with, it was raised again and it was reiterated.

MR RICHARD: Now, on that occasion, other than outlining the nature and import of the Kabwe Conference's decisions, was there any contextual discussion about how they would apply in a practical planned operation that they were about to go on?

MR ISMAIL: Well, we did not discuss contextual discussions because that would depend on specifics.

MR RICHARD: Did you ever discuss the Kabwe principles in relation to a specific planned attack?

MR ISMAIL: No.

MR RICHARD: Did you discuss those principles in the context of a car bomb attack?

MR ISMAIL: Yes.

MR RICHARD: What was the content of that discussion?

MR ISMAIL: Well, basically it was what happens if there are civilians around, the possibility of civilian casualties and the discussion was, there's a high concentration of Security Force personnel, the movement's decision was that we were no longer to be that concerned about the possibility of civilian casualties, that that could or would be allowed and therefore we could go ahead with that.

JUDGE PILLAY: What was meant, or how would the words "high concentration" be defined?

MR ISMAIL: Judge, a high concentration can be, it's a relative term. You could see it as a small unit, it could be a very large unit and it depended on that. It's a question of inside of an entire context. If there are large numbers, the overwhelming number has to be Security Force personnel relative to other people around there. That is the issue.

JUDGE PILLAY: You see, why I raise that issue with you now, your last answer says, or said that the Kabwe decision was that where there was a high concentration of Security Forces, there would be a reduction of the duty of care in respect of civilians and the trend of cross-examination was how at one stage it dealt with percentages, I don't know what the relevance thereof is at the moment, but I think it then necessary, if you use the words "high concentration" in respect of the reduction of the duty of care, then we should define it somewhat, as far as we can.

MR ISMAIL: Basically Conference never spoke percentages. Basically Conference said we would accept civilian casualties in order to strike at Security Force personnel. Now that was left to Commanders or operatives to then deal with. To my mind, it had to be an overwhelming number of Security Force personnel.

MR RICHARD: Thank you, Chair. You've used the word overwhelming. In the sense that it does have a connotation of proportion, give me an idea of whether 50% would be overwhelming, or 80% would be overwhelming.

MR ISMAIL: I would say firstly, if those people are gathered in one place, then you already have them within a confined area and if there are civilians on the further perimeters of it, you find that those people are concentrated in a particular spot and then I would say 60/70%.

MR RICHARD: So to relate it to this specific event that we're debating at the moment, what it would mean is that, to use the hypothetical examples I've been on about before, if there was a table of 5 policemen, firemen, traffic police, soldiers at one table in a restaurant capable of seating a couple of hundred people or a place of entertainment, would that constitute a high concentration or not?

MR ISMAIL: No, it would not.

MR RICHARD: Now it goes further. You've heard the evidence of Mr McBride regarding what information gathering was conducted. If you had heard the following; Mr Webster says that he has information that a place is infested, factor 1, but that is hearsay, you've heard discussion from various people or a person at the Allan Taylor residence at the University that there are Security personnel concentrated at a particular place, the third factor was on a particular night and only one night, two trips were made when a group leaving the police barracks was followed to see where they went and one of the two groups went to a particular

venue and on that same night, the information gatherer heard somebody make a statement "may the Force be with you." Would you believe that in the context of an attack on a hotel situated on the Durban beach front in one of the busiest entertainment areas of the town, that was sufficient intelligence gathering?

MR ISMAIL: No, I would have attempted and here I'm talking of myself, to get further intelligence information. I would have tried to verify that more Security Force personnel frequented that place.

MR RICHARD: Now, taking into account that each one of those four factors can be isolated in time and certainly would not tell anyone as to who would be in that complex of entertainment venues on any particular night, do you think it was sufficient?

MR ISMAIL: Perhaps it was not sufficient, but again here I must state that they in their minds and here in this case in Mr McBride's mind, he thought he had verified it and he's also testified and has said he also relied on the previous information that had been gleaned by Gordon Webster, he didn't then test that further information. He was told it was infested by Security Force personnel. I, in my turn, did not test the information that they had because the specific target, the Why Not Bar, was not discussed with me and perhaps that is the mistake that I made, but they, or Mr McBride had thought that that place had a concentration of Security Force personnel and he acted on the basis of that.

MR RICHARD: Now, I'm going to give a more contextual proposition and again it relates to an objective opinion of the contextual situation, rather than a subjective belief that Mr McBride might have had at the time. If it is established that the following might have been the case, that firstly once in two years about 20 people from the Dunottar Air Force training base in Pretoria would come and hold a weekend holiday get-together at that specific hotel, the second point, that if one took a very imprecise survey, but the reliance of the bar staff's memory and said, of all the patrons who might come in and out of that establishment over an extended period, more than 6 months, there might have been a group of about 15 to 20 firemen, traffic police, policemen, soldiers that individually would come on odd occasions.

CHAIRPERSON: Sorry, I didn't quite understand that. A group that would individually come - do you mean a group of 20 coming at a time, or there being 20 but not as a group, but just - if you could just explain? I couldn't understand it.

MR RICHARD: It's the second proposition that I'm making. There were approximately 15 to 20 people who would not ever congregate there all at one time, but out of that group, individuals within that group, would periodically visit the venue, not as a group though. The next leg extends to that, that on no particular evening or afternoon, or day for that matter, would there ever be more than and then I'm using the words more than very deliberately, four or five individual members of that classification of people that fall within the broad definition of Security personnel, that's inclusive of traffic cops, firemen, police, soldiers etc. Now my question on that proposition is quite simple. If you had at the time been given those facts and were asked the question and the question that you're being asked is: We do not know who will be in the Why Not pub or in its neighbouring Magoo's bar on the night we intend effecting the attack and will have no idea as to who will be inside, should we or should we not go ahead with the attack? At that time in 1986, do you think you would have said, "Yes, carry on with the mission" or "No, stop"?

MR BERGER: Chairperson, before Mr Ismail gives an answer to that question and if he wants to he can, but after such a convoluted question, first of all, I don't know if one can be expected to answer that question clearly, but more as a matter of principle, Chairperson, my learned friend Mr Richard says, don't have regard to what Mr McBride had in his mind and the information he had and don't have regard to what you had in your mind and the information you had and then poses a specific question. The provisions of Section 20(ii) of the Act are very clear and that it is the person's state of mind that is the crucial inquiry at any particular stage of these Hearings. It's not some facts which, I don't know where Mr Richard gets the facts from in the first place because it's not evidence before this Committee, but it's the person's state of mind that is the relevant inquiry and so what Mr McBride had in his mind and what Mr Ismail had in his mind is the pertinent inquiry, not some hypothetical situation that Mr Richard might want to ask about.

MR ISMAIL: However, Chairperson, if I may just deal with it. Mr Richard, you started out by formulating a hypothetical proposition. You then go on to relate to a specific proposition and can I finish? We get to a position now, in the first proposition you do not contextualise any civilians and I don't know where that suddenly flew away to in your questioning. However you then come and make a supposition about the kind of information or intelligence that existed with regard to the Why Not bar. Now Mr McBride and previously Mr Gordon Webster have said they spoke to people and they had information from those people that Security Force personnel frequented that bar. My experience of Security Force personnel is that they usually go back to the same bars night after night. That becomes their watering hole. That's the first thing. To simply try to create some kind of theoretical perspective when we are dealing with specifics here, now we've got to decide, we can test a whole series of them from 0 to 100, we can talk in every percentage and we can go on for days like this. The issues before us are that Gordon Webster had obtained certain information, he had then said to Mr McBride it was infested with Security Force personnel. They then tried to check that out, perhaps inadequately, but in their minds, they understood that Security Force personnel frequented that place. They struck it, in the furtherance of a political motive. The African National Congress was asked this question and Mr Chairperson, if you'll bear with me, I'm now going to read this into the record with regards to this, because they say, the African National Congress said quite clearly, tactical intelligence was the responsibility of the units on the ground. Even if they did that reconnaissance badly, it is the way they did it. Unfortunately I, as Commander, may have failed in my duty to check out that information, to push them on it, but on the basis of all the operations that they'd carried out in the past where they operated meticulously, struck at all their targets etc, I accepted that when I was told there is a concentration of Security Force personnel, I accepted that and authorised the operation to go ahead and that is what is important to us, but I would like to read this into the record, Chairperson and this occurs on page 57 of the MK Hearing in Cape Town on day 1, that is the bundle that, I hope that now these bundles have been put before you, Chairperson. The question is then raised by Mr Valley and I quote:

"I just want to follow this thought through because I want to refer to the first submission of the ANC on page 60, the second last paragraph, left-hand column 60. "The much publicised case of the car bomb explosion at the Magoo Bar and the Why not Bar on June 14th 1986, provides another example of an operation in which civilians were victims in the context of the intensification of the armed struggle. Three civilians were killed, 69 injured" and it talks about McBride (that's Mr Valley

that says that). I want to go on to the next column, the second paragraph. "This attack was in line with the ANC's attempts to take the struggle out of the black ghettos and into the white areas."

Then he talks about the Why Not Bar.

"How does this accord with what you were saying? And I also defer to Dr Boraine now.

We then have a response from Mr Mac Maharaj and I'm quoting

him:

"I thought I had indicated that the enemy forces were often located in the commercial or civilian areas. In this particular case, whatever was the actual outcome, the fact of the matter was that the comrades who acted on this target, had intelligence, tactical intelligence, suggesting that the Security Forces, when off duty, congregated at this venue. So that was the basis on which they had acted and if they had acted on that basis, then they were in line with the practical problems that I had outlined that we were facing in the country."

And he goes on:

"The same problem, Chairperson, is highlighted in Church Street because it was the Air Force target. Had the bomb gone off at 16h30, it would have caught the majority of the people, the overwhelming majority would have been from that place, but it went off prematurely and it had been carefully reconnoitred, so there was our problem and the target was selected, not directed at the civilian population but at the Security Force members."

MR RICHARD: Thank you. Now what I did was outline evidence that I will lead in due course. Chairperson it's not usual for me to argue with a witness, because what I think the witness has largely read into the record is argument, not evidence. My reason for ascertaining and locating this evidence, is that we have this undercurrent going on that the figure of 69, 74 and 68 is some sort of propaganda figure which was created at the time to achieve some other purpose.

CHAIRPERSON: I wouldn't say that, that's not the impression that I got, the impression I got was that the figure, the exact figure is not known because various figures have been given at different times. I don't recall having heard any suggestions in the evidence that the figure was bloated for propaganda purposes. It was suggested that it has been fluctuating so therefore it's not certain.

ADV PRIOR: Mr Chairman, my impression from what Mr Ismail has now read out, that in the evidence tendered at the Security Force Hearings in October 97, the ANC's position was, civilian casualties were 3 dead and 69, that was the position they accepted.

CHAIRPERSON: But I'm just saying what Mr McBride said. He wasn't sure of the numbers, because he's seen so many different numbers in his trial, in reports etc, so I wouldn't go so far as to say that the suggestion here has been that there's been an over-bloated number given for propaganda purposes.

MR RICHARD: Thank you.

MR ISMAIL: Mr Chairperson, if I may. I think when we consider amnesty applications, one needs to understand intent. What was the intention of what anybody intended to do and what was the outcome? Mr Chairperson, we, in the African National Congress that fought for the liberation of this country, would rather nobody at all had died. We would rather that there wasn't any struggle to be fought, but when we engaged in the arms struggle, we accepted that there would be casualties. In this case, the intention was to strike at Security Force personnel and for me, even if the figures were 40/50 Security Force personnel and the remainder civilian personnel, to me it is still sad, it is unfortunate. Even if it was only 1 civilian person that died, it is sad and it is unfortunate. It is regretted. The African National Congress has said: "We never targeted civilians, but we accepted at some point in our struggle, that we had to act because the Security Force personnel were using the civilian population as a buffer" and I want to state and I'll quote you from page 59 of that Hearing, Mr Maharaj again says:

"In case there is any misunderstanding, the African National Congress unreservedly apologises to all civilians who lost their lives, whether in cross-fire or any other circumstances, as our aim has never been to attack civilians and whatever the intensity of the struggle where civilians have died, we believe that it is appropriate in our country today and in the interests of reconciliation and unity, that we should apologise and we do so, and that is done so unreservedly."

MR RICHARD: Thank you. I go back to the question I was asking you. I've outlined the factual situation at the time. Do you want me to outline it again?

MR BERGER: What was the question?

JUDGE PILLAY: Mr Richard, before we proceed. When you made an application to recall Mr Ismail, you solemnly undertook to deal with the conversation between Mr McBride and Mr Ismail regarding the planting of the bomb outside the hotel. Furthermore, can you tell me what the purpose is of this question and how it's going to help us, seeking an objective view from Mr Ismail?

MR RICHARD: My question is, taking into account the facts which I have outlined and which I will lead as evidence if I'm required to, as to what the real concentration of so-called security personnel might have been at that time, the question: On those facts would it be a legitimate target?

MR ISMAIL: No, on the basis of those facts not. However one must reiterate. In the minds of the operatives, they understood there would be Security Force personnel in that place. They could not say exactly how many, they understood that they congregated at that point, they understood it could be in large numbers and that is what is before us and on the basis of that, they acted. For that the African National Congress and I take responsibility.

MR RICHARD: I believe, in reply to Judge Pillay's comment, it's appropriate for me to say the questions arise out of the evidence that I've got. And then you've made reference in your statements this morning of a comparison between what is known as the Parade Hotel, which is a tourist come hotel venue on the Durban beach front and the Church Street attack on the Air Force's Headquarters and you've also referred to the other situation where, if I recall the incident without going back to my papers, there was an attack on a building where there was a Standard bank and a Security Branch office in that building and I think that's the attack where you put it under the category of a civilian buffer. My question, do you not think that an establishment such as the Parade Hotel is very different to either one of the other two situations that we've outlined in the bundles?

MR ISMAIL: Mr Chairperson, if there is a large concentration of Security Force personnel in the Parade Hotel, then it is not different because at that point that is where the concentration would be and that would then form a legitimate target.

MR BERGER: Chairperson with respect and I waited for Mr Ismail to answer, these questions do not flow from the conversation between Mr Ismail and Mr McBride in Botswana.

CHAIRPERSON: They're matters that can be raised in argument as well.

MR RICHARD: My next question is, none of these contextual possibilities were ever discussed with Mr McBride in the course of his discussions with you in 1986?

MR ISMAIL: No, but he often had discussions with some of the other sub-Commanders in Botswana.

MR RICHARD: Now, Mr McBride and I don't have notes to the answers to my questions, gave evidence to the effect that the timing and nature of this attack was premised on the fact that it was the anniversary of the SADF raid on Botswana in 1985 and two days before the June 16th events 10th anniversary. Now, taking into account that June 16 was 10 years before that and the SADF raid was a year before that, was this a retaliatory raid?

MR ISMAIL: No Chairperson, but I want to go further. The ANC has always marked many of the dates of operations. When we carried out the SASOL attack, we were hoping to carry it out on the night before Republic, unfortunately we only managed to carry it out on the night of the Declaration of Republic. That cannot by any stretch of the imagination be considered retaliatory. When an operation is carried out on January 12th, the anniversary of the ANC it cannot be considered retaliatory. A retaliatory attack for June 16 would be if the ANC went and massacred white school children in their schools. The ANC never did. We never gave such orders. I'm not finished Mr Richard. When innocent civilians are massacred, peoples of another country, Botswana citizens amongst them, unarmed people in their beds, we did not then order the massacre of white civilians in their beds. That is retaliatory. There was no personal gain, there was no personal motive. What does the Act say about it? There was no

retaliation in that sense. Now, when our people are massacred, we reserve the right to defend ourselves and to fight. We fought and we made the enemy bleed, that's what we were doing, we were fighting for the liberation of our people, there was no retaliation. We have said before, if we wanted to massacre whites, we wouldn't have bothered to come the full length and gone through a lot of pain in order to get into the bases and to strike at Security Force personnel. We could have massacred, we never did.

MR RICHARD: Thank you. Now, in the documentation alluded to in the various papers and there's the statement, revenge attacks, I presume your answer to the question whether this was a revenge attack or not, is the same as the one as to whether it was retaliatory?

CHAIRPERSON: Sorry, Mr Richard, I thought you were going to question about the discussion that took place in Botswana. Now we're going back to what we've already covered before.

MR RICHARD: I have one last question, with the leave of the Committee. Is it contested that the outcome, and this is with the Commission's leave and it's my last question, the outcome of this attack, is it seriously disputed that it was as an outcome, an attack, whatever the perception before the attack might have been, on civilians?

JUDGE PILLAY: Does that matter? It may be your last question but does it matter?

MR RICHARD: It is for argument at the end.

JUDGE PILLAY: Mr Richard we're not going(indistinct - mike off)

MR RICHARD: Yes.

JUDGE PILLAY: You prefaced your question, irrespective of the perceptions before the attack, isn't that the important issue?

MR RICHARD: That is the test in the Act. Mr Chairperson, no further questions.

NO FURTHER QUESTIONS BY MR RICHARD

MR ISMAIL: I would like to state that my examination of the outcome is that yes, perhaps the overwhelming numbers were civilian personnel, that is regretted. What comrade Robert McBride sought to do, what we sought to do, was to strike at enemy Force personnel. Sadly we may not have achieved the intention, the intended target and I want to turn again to all of the victims and the families and say to them, we are deeply sorry for that. We never intended to strike at you. Our intention was to strike at those Security Force personnel who upheld the apartheid State and I say to all of you, sorry from me personally for the hurt and the pain and from the African National Congress. We need to understand that all of these casualties were the casualties of a war that was foisted upon all of us, black and white, in this country by people who thought themselves superior beings. We had to get rid of that heinous enemy, that which was declared a crime against humanity, that which was equivalent to Nazism and I hope that all of us can walk together in the future to democracy and freedom and I hope that all of us will stand together and fight any attempt to impose any form of supremacy of one over another. I say to all of you, sorry for your hurt and your pain, for the loss of your beloved ones and I say to you, we are proud of the many cadres who have been ready to take

up the fight, many who have lost their lives, the many black civilians and white civilians who were the victims of apartheid. Until we recognise the humanity in every one of us, we cannot go forward. We must be ready to fight for our rights as people. I thank you.

CHAIRPERSON: Thank you. Mr Berger do you have any re-examination arising from the cross-examination?

MR BERGER: Chairperson, I don't know if Mr Prior has any questions?

ADV PRIOR: No questions.

NO FURTHER QUESTIONS BY ADV PRIOR

MR BERGER: Thank you Chairperson, I just have a few questions.

FURTHER EXAMINATION BY MR BERGER: Mr Ismail, you said, in answer to a question from Mr Richard that you did not discuss the Kabwe Conference with comrade Robert in the context of a specific operation. In case that is misconstrued, you're not, or let me ask you, are you seeking to change any of your evidence that you did discuss the Kabwe Conference and the decisions taken at Kabwe, specifically in the context of comrade Robert's next operation, which involved the car bomb?

MR ISMAIL: Mr Chairperson, so it is not misunderstood, I was saying in the context of that specific target, we did discuss the Kabwe Conference, we did talk about the possible loss, or the possible occurrence of civilian casualties, so I'm not changing my evidence, no.

MR BERGER: Now you also said that the decisions taken at Conference, at Kabwe, never spoke about percentages and you said that to you mind, to use your words, an appropriate concentration of Security Force personnel would be between 60 and 70%. Is it not correct, however, that the appreciation or the decision as to what would be an appropriate concentration was specifically left to the discretion of the Commanders on the ground?

MR ISMAIL: Absolutely, Chairperson and I have said I had full confidence in comrade Robert and that I believe he acted on the understanding that there would be concentration of Security Force personnel at that point. We have no reason to doubt it.

MR BERGER: Finally, Mr Ismail, I want to ask you a question which I believe goes to the nub of this whole matter and I want to go further than both you and comrade Robert have gone in your evidence. I want to say to you, if comrade Robert had come to you in Botswana and said: "I have, well we can't go ahead against Natal Command for the reasons already discussed, but I have done reconnaissance and I have information on a bar which is in an hotel on the Marine Parade in Durban, the bar is called the Why Not bar and is situated there", had shown you a photograph. "The intelligence that we have, gathered by me and comrade Gordon is that the place is infested with Security Personnel, but there is the real likelihood that if we put a car bomb outside that bar, that civilians are going to get killed. comrade Rashid, do I have your authority to proceed with this operation?" What would you have said?

MR ISMAIL: Mr Chairperson, had he reported the specific target, I would have then gone into the detail of it. I would have then discussed when those people were there, at what time,

how best could we have carried it out, were there any possible other things we could have done and at the end, having satisfied myself that a large concentration of Security Force personnel did indeed congregate at that point, I would have given him the go-ahead.

MR BERGER: Now, I want to go further. I want to say, comrade Robert reports to you that on his information there is a large concentration of Security Force personnel at that location. In other words, what I'm doing , what I'm saying is, he tells you that there is the Why Not bar where this concentration of Security Force personnel is to be found off duty, but within the context of a civilian population and he asks you, "Do I have the authority to proceed with the operation?" Do you give him the authority, or not?

MR ISMAIL: Yes.

MR BERGER: Yes, you give him the authority?

MR ISMAIL: Yes, I do.

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

NO FURTHER QUESTIONS BY MR BERGER

CHAIRPERSON: Yes thank you, Mr Ismail. That will then conclude your testimony for a second time.

WITNESS EXCUSED

CHAIRPERSON: Mr McBride I omitted to mention earlier that your testimony is now concluded.

MR McBRIDE: Thank you Sir.

MR RICHARD: With regard to these hypotheses of what and who was in the complex of the entertainment places at the Parade Hotel, I do have the witness available. Should we call the person involved at the end of the Hearing or ...?

CHAIRPERSON: Perhaps you can discuss that with Mr Prior, between you and the other legal reps when would be best, what would be most suitable.

MR RICHARD: Thank you Chair.

MR BERGER: Chairman, my ...(intervention)

CHAIRPERSON: It doesn't make a huge difference to us.

ADV PRIOR: Mr Chairman, I would propose that we simply complete the applicants.

CHAIRPERSON: Yes, the usual way is to complete the applicants, but as I say, if there's any need because of any circumstances that a witness has to be brought in, there's not a problem, but you can discuss it with Mr Prior.

MR BERGER: Chairperson could I just place on record that if Mr Richard is intending to lead any person, that he furnish us with a summary or an affidavit of that person's evidence before that person gives evidence?

MR RICHARD: There's no obligation on me to do that. The person is here and ready to give evidence.

CHAIRPERSON: Yes well we'll, if he gives evidence and you want a bit of time before, to take instructions before questioning, then that will be given.

MR BERGER: Thank you.

CHAIRPERSON: I see now it's past 1 o'clock. We'll take the lunch adjournment. Which applicant will be called next? Mr Dehal, would it be one of your clients?

MR DEHAL: Ms Narkedien otherwise known as ...(intervention)

CHAIRPERSON: Ms Narkedien. Thank you. And before we start, I'd appreciate it if the legal representatives could just briefly come and see us in our room, well perhaps now. Yes we can do it just before lunch. It's very briefly, it's nothing too important, but we just want to give notice about argument.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: I believe there's been some discussion between the applicants and some certain victims and I don't know of the outcome of those discussions, but I would just like to, on behalf of the Panel here, indeed the Commission, express our appreciation and gratification that such a meeting could take place. It's very important.

Mr Dehal.

MR DEHAL: Thank you Chairperson. Mr Chairperson and Honourable Members, before I begin to call Ms Narkedien, may I just raise the following aspect.

CHAIRPERSON: Sorry I see Mr ...(indistinct)

MR MALL: My mandate from my three clients I think, up to this stage I have fulfilled the mandate. It was to sit in on the applications for Mr Ismail and Mr McBride. My instructions are that as both these gentlemen have finished their evidence and the Commission has generally finished the evidence of these two gentlemen, I wish to seek leave from the Commission to place on record that my clients are not opposing the application for the amnesty of these gentlemen. They are satisfied with the disclosure that has been made by these two gentlemen with regard to the events of the Chamberlain Road blast and they accept the word of Mr McBride and Mr Ismail. In the circumstances, may I take leave of the Commission?

CHAIRPERSON: Yes, thank you very much for that Mr Moll and I'd like to thank you for the assistance that you have given in this Hearing. Thank you very much. You're excused.

MR MALL: Thank you, Mr Chairman. There's just one more point. For the record, yesterday Mr Ismail, Mr McBride and Mr McBride's legal representative, myself, Mr Zimmerman, Mr van der Merwe and Mrs Dunn, who's the wife of the victim Mr Dunn wasn't here, but those three of my clients met with Mr McBride and Mr Ismail. We met privately and we all spoke for about 20 minutes and I can safely say that there was reconciliation, as what I believe this whole process envisages and it has left my clients satisfied. If I may put that on record.

CHAIRPERSON: We're very pleased to hear that Mr Mall and again express my appreciation for your clients and the applicants concerned, for what they have done. I agree with you, we find it to be a very important aspect of this whole process and thank you very much.

MR MALL: Thank you.

MR DEHAL: Mr Chairperson, I confirm what Mr Mall said and we want to express our gratitude and indebtedness to him for having assisted as well.

CHAIRPERSON: Thank you very much Mr Dehal.

MR RICHARD: Chair, my report as to what occasioned the delay, is a process has started, it is not concluded yet, in fact I will be able to consult properly with people as to what the outcome so far is, after we've concluded this afternoon.

CHAIRPERSON: Yes, thank you Mr Richard, I did express our appreciation, I don't know if you were present then, at what has occurred, we think it's important. Thank you. Mr Dehal?

NAME: ZAHRAH NARKEDIEN (NEE GRETA APELGREN)

APPLICATION NO: AM4028/97

-----MR DEHAL: Thank you, Mr Chairperson. Mr Chairperson, sorry, the point I was going to raise earlier is that Ms Narkedien was otherwise known as Greta Apelgren, has a blood pressure problem. She has a low blood pressure. She has some lollies in front of her. She takes those just to keep her sugar level fine. I just didn't want that to sound disrespectful if she did so.

CHAIRPERSON: No and Ms Narkedien, if you need to have any break or whatever, just let Mr Dehal know and we can take any short break that you require.

MS NARKEDIEN: Thank you.

CHAIRPERSON: Do you wish to take the oath, or do you wish to make an affirmation?

MS NARKEDIEN: Affirmation, please.

MS NARKEDIEN: (affirms)

MR DEHAL: Thank you.

EXAMINATION BY MR DEHAL: Ms Narkedien, is it correct that you were previously known as Greta Apelgren?

MS NARKEDIEN: Yes, it's true.

MR DEHAL: Do you confirm your application for amnesty as contained in bundle A1 on pages 180 to 186?

MS NARKEDIEN: Yes, I do.

MR DEHAL: That application is brought in the name of Zarah Narkedien, correct?

MS NARKEDIEN: Yes.

MR DEHAL: I think you clarified in that application how your name came to be changed?

MS NARKEDIEN: I'm not sure.

MR DEHAL: Okay, we'll deal with that briefly. Ms Narkedien, is it correct that you have prepared a written statement and would like to read that into the record? Perhaps before we begin, if I may just give copies to everybody? Thank you. Do you mind?

CHAIRPERSON: Will this be Exhibit P I think. Exhibit P.

MR DEHAL: Thank you.

CHAIRPERSON: Thank you. Yes, we'll mark this Exhibit P and I think that that formerly should be "erly", rather than "ally".

MR DEHAL: I would think so, yes. I'm sorry.

Ms Narkedien would you read paragraph 1 which deals with identifying particulars, into the record?

MS NARKEDIEN: Okay.

My name is Zarah Narkedien, formerly Greta Apelgren. I was born in Durban on the 14th of August 1956.

MR DEHAL: Slower please. You see the interpreters would have to go through them and interpret them bit by bit. We've just handed a copy to them, so they would be able to do so easily. Let's just wait until they get it. Fine, you may proceed.

MS NARKEDIEN:

I spent most of my life in the working class township of Wentworth. I presently reside in Kimberley. I've been resident in Kimberley since December 1995, when I took up the position as Director of Welfare for the Northern Cape Administration.

I graduated from the University of the Western Cape in 1978 with majors in Social Work and Sociology. During the 1976 student protests, I learned the full realities of how oppressive and destructive apartheid was in the lives of black youth,

MR DEHAL: Sorry, slower.

MS NARKEDIEN:

particularly in terms of the old black education and the merciless violence of the previous government towards black youth, shooting children in the school yards and in the streets.

MR DEHAL: Ms Narkedien is it correct that your application for amnesty relates to simply four counts in regard to which you were convicted during the trial that we spoke of in which you were the co-accused with Mr McBride?

MS NARKEDIEN: Actually five counts.

MR DEHAL: Sorry, five counts. Thank you. And is it correct that you were acquitted of all the other counts that you were charged with?

MS NARKEDIEN: Yes, that is correct.

MR DEHAL: And you seek amnesty only in regard to those counts that you were convicted on?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: Sorry, before I proceed - and this application for amnesty is in your handwriting, correct?

MS NARKEDIEN: Yes, thank you, it is.

MR DEHAL: Were you assisted in completing this application by any attorney, advocate?

MS NARKEDIEN: No, I completed it myself.

MR DEHAL: Thank you. Now will you go to paragraph 2, which deals with your civic involvement?

MS NARKEDIEN: Okay.

From 1980 to 1986, I helped establish and manage the Wentworth Development Centre, which focused mostly on the social development needs of the youth of Wentworth. I was an executive member of the Board of Management of the centre. I was an executive member of the Local Civic Organisation. I was an active member of the local Catholic church, working mostly with youth programmes, I was an active member of the Natal Youth Organisation. Prior to my arrest, I was employed as a professional community development officer by the Durban Child and Family welfare Society, dealing mostly with issues affecting township women and children, impacted upon mainly by the inequalities of apartheid.

MR DEHAL: And the next paragraph in Exhibit P, your statement, deals with your political involvement. It's purely a very brief summation of your political involvement. Is it correct that you have precis'd it and brought it down as much as possible to what is now here?

MS NARKEDIEN: Yes, that is true.

MR DEHAL: Okay. Will you read that please? Slowly please.

MS NARKEDIEN: Okay.

During 1983 to 1985, I was an active member of the political organisation known as the United Democratic Front, UDF, as well as an active member of my local township branch of the UDF, referred to as the Wentworth United Committee of Concern, UCC. Through these structures, I campaigned actively against the tricameral elections because it deliberately excluded African people from that political dispensation. African people would continue to be denied their democratic rights to vote. Shortly after the unbanning of the ANC in 1990, I became an executive member of the Wentworth branch of the ANC, an executive member of the Provincial Natal ANC Youth League, an executive member of the Provincial Natal ANC Welfare Committee.

MR DEHAL: And the next paragraph of course deals with your recruitment into Umkhonto weSizwe, MK, the armed wing of the ANC. That again you have substantially precis'd.

MS NARKEDIEN: Yes, that's true.

MR DEHAL: Will you read what's recorded in paragraph 4, Exhibit P, into the record?

MS NARKEDIEN:

In January 1986, I was recruited by comrade Robert McBride to become a member of a Special Operations Unit of Umkhonto weSizwe, the military wing of the African National Congress. My role at that stage was only to provide support, example transport, money, screening of more women recruits and so on to the Commander and operatives in our unit. I was involved in this unit from January 1986 to July 1986, when I was arrested together with comrade Robert McBride and his father comrade Derick McBride.

MR DEHAL: Is it correct that you lived in Wentworth with Mr McBride, Robert and Mr Derick McBride in your neighbourhood?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: And you featured prominently in the social environment, social upliftment of Wentworth?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: The next paragraph deals with your amnesty application. Will you please read that into the record. That's paragraph 5.

MS NARKEDIEN:

I was arrested on the 17th of July 1986. I was detained under Section 29 of the Internal Security Act until early November, 1986 when I was transferred to Westville Female Prison and held in solitary confinement. I was charged with 15 counts of furthering the aims of a banned organisation, ANC, terrorism, murder, attempted murder, aiding a prisoner to escape and harbouring a terrorist. From February to mid May 1987, I stood trial at Pietermaritzburg Supreme Court. I was convicted of 5 of the 15 counts. 4 counts relate to the escape of Gordon Webster from the Edendale Hospital and one account relates to the reconnaissance I undertook of electrical substations, located between Nigel and Ladismith. I applied for amnesty for these five counts, that is aiding a prisoner to escape, harbouring a terrorist, assault with intent to do grievous bodily harm, as regards the two policemen, and terrorism.

MR DEHAL: And the two policemen you talk of are the policemen who featured at the Edendale operation?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: And the terrorism counts here dealt with, sorry and the terrorism counts together with all the acts on which you apply for amnesty are not acts of gross human rights violations?

MS NARKEDIEN: No.

MR DEHAL: Is it correct when you appeared at the Section 29 inquiry you were told by the persons there presiding that you would not be required to attend any Hearing and that your application for amnesty would be heard in chambers?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: But you were then served with a notice to attend here?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: And you're cited as an applicant?

MS NARKEDIEN: Yes.

MR DEHAL: Thank you. Now before you proceed, is it also correct, that you testified before the TRC Human Rights Violations dealing with torture in prisons and detention cells?

MS NARKEDIEN: Yes.

MR DEHAL: You dealt with your detention prior to your trial and thereafter?

MS NARKEDIEN: Yes.

MR DEHAL: That's contained in the TRC report in the 6th volume of 5 volume TRC report, correct?

MS NARKEDIEN: Yes it's true.

MR DEHAL: What we have here Mr Chairman, is only the one page from the report. Unfortunately it came to me about half and hour ago. I don't have copies made. I will arrange for those copies. Ms Narkedien, may I just take you firstly to paragraph ...(intervention)

JUDGE PILLAY: Ms Narkedien, can you explain something here? You formulate the one offence as harbouring a terrorist, would that be Mr Webster?

MS NARKEDIEN: Gordon Webster, yes.

JUDGE PILLAY: Is that the period where you assisted in getting him out of the country?

MS NARKEDIEN: Yes.

CHAIRPERSON: Sorry, Mr Dehal, do you intend to hand this in as an Exhibit? We'll call it Q.

MR DEHAL: Yes, I think that will be wise.

CHAIRPERSON: And then copies will be made and circulated to all concerned as soon as they're available?

MR DEHAL: Correct. Thank you.

MS NARKEDIEN: Okay, what I'm going to read is actually the effects of solitary confinement, when I spent 7 months in the basement at Klerksdorp Female Prison.

"I had to go down and live in the basement in isolation for 7 months".

MR DEHAL: You're reading an extract of your testimony then, which is contained in the TRC Report, correct?

MS NARKEDIEN: Yes.

MR DEHAL: It's on page 211 to 212, in Volume 4, chapter 7. Sorry Chairperson, this is contained in those volumes of TRC reports. They are not here. I don't think any of us have it. I had it here the other day, but I returned them, sorry.

MS NARKEDIEN: Okay.

"That was very, very painful. I don't even want to describe psychologically what I had to do to survive down there. I will write it down, I will write it one day, but I could never tell you, but it did teach me something and that is that no human being can live alone more than, I think, even 1 month, because there's nothing you can do to survive by yourself every single day. The basement was an entire wing of the prison, it was actually an entire floor. I felt as the months went by that I was going deeper and deeper into the ground. Physically I wasn't, but psychologically I was. I became so psychologically damaged that I used to feel that all these cells, because there were a whole lot of other cells that were empty but they were locked, that to feel all these cells are like coffins and there were all dead people in there. It was as if I was alive and all these people were dead. I was so disturbed but I would never, never let the wardresses know, but they did destroy me. My suggestion is that no prisoner, regardless of their crimes, should ever be in isolation *per se*, not even this Section 29 business for two weeks. I know it serves a purpose but ultimately when it's prolonged, I don't think anybody can handle it. I've been out of prison now for more than 7 or 10 years, but I haven't recovered and I will never recover, I know I won't." I have tried to. Sorry.

CHAIRPERSON: Would you like to have a short break?

MS NARKEDIEN:

No, it's okay. The first two years after my release I tried to be normal again and the more I struggled to be normal, the more disturbed I became. I had to accept that I was damaged. A part of my soul was eaten away as if by maggots, horrible as it sounds, and it will never get back again.

Sorry, this was the worst part of my life. I think I'll be okay later on.

MR DEHAL: Sorry. Ms Narkedien, is it correct that the preceding paragraphs, paragraph 40 and 41 which we are not going to deal with, dealt with equally horrific torture experiences you had, which you testified on, prior to your trial at the hands of the then Security Police.

MS NARKEDIEN: Sorry, where are you reading from? Oh yes, unfortunately I didn't photocopy the pages properly, but I had also testified about the torture during the first 7 days that I was arrested by the Security Police.

MR DEHAL: Thank you. If I may take you back to Exhibit P, we stopped at paragraph 5. We now go to paragraph 6, which deals with the escape of Gordon Webster, the Edendale Hospital Operation. You begin there by dealing with aiding the prisoner to escape. I see here you've dealt with each of the counts as you were convicted of and you have paraphrased it into each of those succeeding paragraphs, correct?

MS NARKEDIEN: Yes.

MR DEHAL: Now, let's deal with the first, dealing with aiding a prisoner to escape.

MS NARKEDIEN: Okay.

On the evening of the 4th of May 1986, I assisted Robert McBride, Derick McBride, Welile Khumalo, Antonio Du Preez and Matthew Lecordier to rescue our MK Commander, known to me by the name of Steve Mkhize, but later identified by the name of Gordon Webster. He had been in the intensive care ward at the Edendale Hospital under armed police guard at the time of his escape. My role was to wait under a bridge near the hospital to where Robert and others would bring Gordon and I then had to drive him immediately back to Wentworth, to Robert's father's workshop. I was unable to fulfil my actual role that evening because Welile had approached my car and insisted I drive him away from the scene, because of the presence of a traffic control officer further down the road, which made him very agitated. Robert and the other unit members drove Gordon to Wentworth.

MR DEHAL: You then deal with the next count that you are convicted of, namely harbouring or concealing a terrorist, namely Gordon Webster.

MS NARKEDIEN: Yes.

MR DEHAL: Will you read that please?

MS NARKEDIEN: Okay.

During the week of the 5th to the 8th of May 1986 I assisted Robert and others to move Gordon from the workshop to a house somewhere in the Umlazi township. On Friday the 9th of May 1986 I assisted Robert to transport Gordon Webster and his girlfriend Anne to Botswana where they were then transported by MK comrades to a safe-house in Gaborone.

JUDGE PILLAY: Mr Dehal, can you tell me what section of that Act this harbouring is a transgression of?

MR DEHAL: Judge, I would be able to tell you that. I have volume 1 here, shall we go through this and come back to that or shall I deal with it now?

JUDGE PILLAY: No, no you carry on.

MR DEHAL: Thank you. Ms Narkedien, we now deal with paragraph 8, assault with intent to do grievous bodily harm. Now before we begin with this, this is the assault in regard to which you were convicted based on the doctrine of common purpose on the Edendale operation relating to two policemen, correct?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: Before we begin, can I just get to that? Would this be - sorry that's the operation in which Mr Buthelezi died and the victims were Constable Ngcobo, Constable Visagie, Siphwiwe Shangeni, Nkosinati Nkabinde. Which would the two policemen be, do you remember?

MS NARKEDIEN: Yes. Constable Ngcobo and Visagie, Constable Visagie.

MR DEHAL: Thank you. Will you please read the content of that paragraph then into the record?

MS NARKEDIEN: Okay.

During the rescue operation at Edendale Hospital, two armed police officers on guard in the intensive care ward, were wounded during the shoot-out and returned fire inside and outside intensive care ward. Although my role and my position were situated approximately two kilometres from the scene, I was nevertheless convicted of the assault of these two police officers on the grounds of common purpose.

MR DEHAL: Thank you. Judge the aspect dealing with harbouring or concealing - Oh sorry, I see you've got some pages with you, it's dealt with on page 16 of the indictment, column 12, it's Section 54(iv) of Act 74 of 1982 and it's dealt with in the summary more fully from page 41 onwards.

JUDGE PILLAY: Why I asked is just that I thought it would be more pleasing on the palate to refer it to as a contravention of a section, rather than terrorists.

MR DEHAL: I agree. Thank you. Okay, Ms Narkedien, you're at paragraph 8, did you read that in? No sorry, I don't think you did that.

MS NARKEDIEN: Yes, I did.

MR DEHAL: Did you?

CHAIRPERSON: She's read paragraph 8. We're now going on to paragraph 9.

MR DEHAL: Thank you, Mr Chairperson. Paragraph 9 deals with the reconnaissance of substations. You were there convicted of terrorism, correct?

MS NARKEDIEN: Yes.

MR DEHAL: And you said during July 1986 on your trip from Johannesburg to Durban on Robert's instructions you recorded the positions of several electrical substations from Nigel to Ladismith?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: These were recorded on an envelope that you had on your person when you were arrested.

MS NARKEDIEN: Yes.

MR DEHAL: And when the Security Police saw this envelope, they questioned you about it.

MS NARKEDIEN: Yes.

MR DEHAL: All that was recorded on the envelope were positions from Johannesburg to here and different distances.

MS NARKEDIEN: Yes, that's true.

MR DEHAL: Is it correct that when you speak of Johannesburg to Durban, this was a return trip before your intention to finally depart from the country?

MS NARKEDIEN: Yes.

MR DEHAL: When I say yours, I mean yours and Robert McBride's.

MS NARKEDIEN: Yes.

MR DEHAL: And what was the purpose of doing this reconnaissance? Was it to take it out of the country or was it to carry out the operations?

MS NARKEDIEN: At the time Robert didn't explain to me why I should take down those notes, but I just assumed in my own way that if he's recording these substations, so many kilometres from this town to that town, that probably it could have been for sabotage, because at that time electrical substations were being sabotaged in different parts of the country, so I thought and we were leaving the country within a few days, perhaps he was going to give that to the MK Commanders or something.

MR DEHAL: But that didn't happen?

MS NARKEDIEN: No.

MR DEHAL: Yes. Now do you know of the discipline commonly referred to as need-to-know discipline?

MS NARKEDIEN: Yes.

MR DEHAL: Were you formerly recruited by Mr McBride into MK?

MS NARKEDIEN: Yes, I was formerly recruited by him.

MR DEHAL: And were you educated in the policies, guidelines, etc of the ANC, of MK?

MS NARKEDIEN: Yes, I was trained by Robert and by our Commander, Steve Mkhize, well Gordon Webster eventually, about the importance of, we actually used to call it military code words. In other words you could only be told what your role is. At that time there were so many police informers and so on and we were all so paranoid, so that any person could only be told exactly what you had to do, he could not be told everything, I mean it wasn't a social club that we were working in, it was a very strict unit.

MR DEHAL: And you understood this principle well?

MS NARKEDIEN: I understood it and I accepted it.

MR DEHAL: Is it correct that in the execution of that discipline, that principle, if you were told to do something, especially by a Commander in your unit, you were not allowed to ask questions, you were not expected to ask questions, you were simply required to follow them?

MS NARKEDIEN: Yes, I could not ask questions and I knew even if I did, people would be suspicious of me. Why do you want to ask questions, are you going to carry this information to somebody else. There was far too much paranoia at the time.

MR DEHAL: For good reasons.

MS NARKEDIEN: For good reasons, which I understood yes.

MR DEHAL: Before you - sorry - before you were recruited by McBride into MK, you were sufficiently active at the time though in Wentworth and about?

MS NARKEDIEN: Yes.

MR DEHAL: And you were familiar with Setchabas, Radio Freedom, Allan Taylor Residence?

MS NARKEDIEN: Yes. I had access to a lot of banned literature at that time, so I was well informed about what the ANC's policies were, what the Kabwe Conference was and all the needs for the codes of secrecy to be upheld at all times and the discipline of MK units, so I was well-informed, yes.

MR DEHAL: And I think it's fairly common knowledge by now that both you and comrade Robert had developed a personal relationship during the course of all these operations. Did that personal relationship in any way interfere with the code and the discipline of need-to-know basis?

MS NARKEDIEN: No, it didn't interfere at all because Robert and I were first and foremost revolutionaries and comrades. It was in this working together that we developed an intimate relationship but we didn't start off as intimate people.

MR DEHAL: The relationship was incidental?

MS NARKEDIEN: Yes.

MR DEHAL: Okay, I take you to paragraph 10 wherein you deal with the commitment to reconciliation. Will you please read that?

MS NARKEDIEN: Okay.

It is clear that I was associated in operations which resulted in injuries sustained by victims and the death of Mr Buthelezi. Despite the minimal role I played in these operations, I accept political responsibility for such injuries and death. I express my deep sorrow to the victims concerned and mostly to the parents and the family of the late Mr Buthelezi.

MR DEHAL: Thank you. Ms Narkedien, we dealt briefly with the other acts in regard to which you were charged but acquitted.

MS NARKEDIEN: Yes.

MR DEHAL: One of those acts is commonly known as the Why Not, or otherwise colloquially referred to as the Magoo's bar operation.

MS NARKEDIEN: Yes.

MR DEHAL: You have heard much testimony in these proceedings on that operation. To begin with you've heard Mr McBride's full disclosure on the Why Not operation. Do you agree with his disclosures relating to your role play on that operation, the Why Not operation?

MS NARKEDIEN: Yes, I fully accept what he said.

MR DEHAL: To deal briefly with the Why Not operation, is it correct that you drove the parties from Wentworth to the Why Not area and then back again? At some stage you drove one car and at other stages with them, correct?

MS NARKEDIEN: Yes.

MR DEHAL: But that you did not know of the car bomb and that this was the version in the trial and you were acquitted on it?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: In regard to the second Chamberlain Road incident, which comrade Robert deals with in Exhibit G in paragraph 8, is it correct that there as well in as much as you were charged, you were acquitted, but you had simply driven Robert and others away from that substation for about a kilometre away from that substation which is from his father's workshop?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: And that in that operation you had not known of the substation explosion either before or after it?

MS NARKEDIEN: Yes, I did not know before and after it, but subsequently I did discover it because the whole township lights went out.

MR DEHAL: And then there are those two DLBs, the Shangweni DLBs, which were termed as acts of terrorism in your trial. These are the two that you were acquitted of. Here again, all you did was support as per your role with an MK, in that you drove Robert and various persons in those two operations to the DLB, to the site of the DLB and back, correct?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: The Edendale operation of course, you were convicted on some counts. There are I think about five or six counts that you were acquitted on.

MS NARKEDIEN: There were four, four of the six.

MR DEHAL: Murder and the other things?

MS NARKEDIEN: I was acquitted yes, of the murder and attempted murder.

MR DEHAL: Yes. There again your role was purely a support role?

MS NARKEDIEN: Yes.

MR DEHAL: Now your sister, Jeanette Apelgren was a State witness in these trial proceedings at some stage. Do you remember that?

MS NARKEDIEN: Yes.

MR DEHAL: She suffered terribly as a result.

MS NARKEDIEN: Yes.

MR DEHAL: Both before she testified and after?

MS NARKEDIEN: Yes, that's true. Mostly psychological damage.

MR DEHAL: And she's now living in Australia in Victoria in Australia, correct?

MS NARKEDIEN: Yes.

MR DEHAL: You had facilitated the service of the notice in these proceedings that were addressed to Jeanette Apelgren sent to me and then I gave to you and you sent to Jeanette in Australia, correct?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: Now you've had discussions with her since, by E-mail and on telephone.

MS NARKEDIEN: Yes.

MR DEHAL: Is it correct that she cannot avail herself at these proceedings primarily because of the enormous costs for her to come here and she has no monies and none were offered to her?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: Secondly, is it correct that you have discussed with your sister Jeanette Apelgren the disclosures that McBride, comrade Robert has made here before this Commission and that which you intended to make?

MS NARKEDIEN: Yes, that's true.

MR DEHAL: And what is your sister's attitude to these full disclosures?

MS NARKEDIEN: Well she said she wishes us luck with our amnesty application. She supports our amnesty application and she would really like it if we do get that amnesty and though, I suppose to some extent she did express some anger still towards the system of apartheid, but yes, she fully supports it.

MR DEHAL: And has she any reservations, misgivings about your full disclosure, the version in your full disclosure and McBride's?

MS NARKEDIEN: No, she has no problem with that.

MR DEHAL: Thank you. Sorry, if you'll bear with me. Yes, Chairperson, that is all, thank you.

NO FURTHER QUESTIONS BY MR DEHAL

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

MR BERGER: Chairperson, we support Ms Narkedien's application for amnesty. We have no questions.

NO QUESTIONS BY MR BERGER

CHAIRPERSON: Thank you. Ms Koooverjee, do you have any questions that you would like to put?

MS KOOVERJEE: None, thank you Mr Chairperson.

NO QUESTIONS BY MS KOOVERJEE

CHAIRPERSON: Mr Richard?

MR RICHARD: A number, but I won't be that long though.

CROSS-EXAMINATION BY MR RICHARD: Now, in and during the months January to end of June 1986, ending at the time that you were arrested, did you travel to and from Botswana with Mr McBride on a number of occasions?

MS NARKEDIEN: Yes, that's true.

MR RICHARD: Do you recall how many?

MS NARKEDIEN: I can't recall how many, but I can just try to roughly count on my fingers. I think we went once in February and once again in March, in April, in June, possibly May as well. I think almost once a month virtually, so it was about four or five times.

CHAIRPERSON: And you would travel in a motor vehicle together by road?

MS NARKEDIEN: Yes.

MR RICHARD: Now when you went to Botswana, did you meet with the first applicant, Mr Ismail?

MS NARKEDIEN: Yes, I did.

MR RICHARD: Were you present at any discussions between him and Mr McBride?

MS NARKEDIEN: On the first occasion when I met him there were discussions with a lot of us sitting there. Robert and Rashid were present, but that was a social occasion, probably for just about 5 minutes or so.

MR RICHARD: Now did you know what the purpose of the trips to Botswana was?

MS NARKEDIEN: Well when Robert recruited me early in January 1986, he explained to me that he cannot explain the purposes to me. In fact he didn't even tell me that we were going to Gaborone. I discovered when we were in Mafikeng that we were now going - that's where we're actually going. All he could say was that he was a Commissar for the ANC, absolutely nothing else, so I never knew what the purposes really were.

MR RICHARD: Now in and during the same period, were you aware that there were various attacks on substations and other installations in and around Durban?

MS NARKEDIEN: Yes, I read about some in the newspapers.

MR RICHARD: Did you connect your trips to Botswana with the various attacks and various infrastructures?

MS NARKEDIEN: No. No, not necessarily.

MR RICHARD: Did you know you were bringing ammunition and weapons and equipment back into South Africa?

MS NARKEDIEN: No, he didn't tell me, he didn't show it to me, so I didn't know.

MR RICHARD: Now, you gave evidence concerning dead letter boxes. What's a dead letter box, do you know?

MS NARKEDIEN: Well I subsequently, when we were preparing for our trial, that it really mean caches of arms that would be stored in some remote place by person A or person B to come and collect.

MR RICHARD: But at the time, did you know what was being done?

MS NARKEDIEN: At which time?

MR RICHARD: At the time you transported Mr McBride and other members of his unit to various places?

MS NARKEDIEN: No it was not possible to know.

MR RICHARD: Now on the evening of the 14th of June, 1986 when you went towards the centre of Durban from Wentworth, were you aware that you were going on a mission?

MS NARKEDIEN: No, I wasn't aware, not at all.

MR RICHARD: Now, were you aware that two motor vehicles were involved in whatever you were doing?

MS NARKEDIEN: Sorry, that two vehicles were being used?

MR RICHARD> Yes.

MS NARKEDIEN: Yes, because we travelled in two vehicles.

MR RICHARD: Now when you arrived, in the centre of Durban, did you drive directly to where you parked the car, or was there a certain amount of driving around to different places?

MS NARKEDIEN: When I got to the centre of Durban, the city centre...(intervention)

CHAIRPERSON: Take it from when you left the - did you come down the southern freeway when you got off the southern freeway, I think, is that what you're asking?

MR RICHARD: Yes.

MS NARKEDIEN: Yes.

MR RICHARD: Did you drive directly to a destination or did you go to a number of places?

MS NARKEDIEN: No, we did go into the city centre round about the, what is it, house and home Hyperama, or something like that and then after that we did go directly down to the beach front area.

CHAIRPERSON: But Ms Narkedien, if one were coming from the Southern freeway and going to the beach front area, that wouldn't really be out of the way much, would it, to go past that Hyperama? Was that in West Street, or Smith Street or something?

MS NARKEDIEN: Yes, it's in West Street and you would come off the freeway into West Street and then we stopped there.

CHAIRPERSON: But what I'm trying to say, it wasn't a circuitous route to get to ...

MS NARKEDIEN: Oh I see, yes it was on the way, so to speak.

MR RICHARD: At what time did you leave Wentworth?

MS NARKEDIEN: I don't recall the time, but I would say it was very early evening.

MR RICHARD: Early evening on the 16th of June, 14th of June, is near as anything to mid Winter. At what time did it get dark?

MS NARKEDIEN: Maybe about seven or so. It was like dusk, just getting to dark.

MR RICHARD: I don't have an almanac with me at this ...

CHAIRPERSON: It's probably, I know where I live which isn't too far off the longitude of Durban, in mid-winter it's getting dark about half past 5, you're battling with light.

MR RICHARD: So you'd agree with ...(intervention)

MS NARKEDIEN: Sorry, I think I must just correct myself, I'm a bit confused now. I think it was much later than that. Dusk had already settled so it would have been much later.

MR RICHARD: So let's go back again. You left Wentworth. Was it dark?

MS NARKEDIEN: It was dark already yes.

MR RICHARD: Was it long after dark?

MS NARKEDIEN: Yes, I would say it was quite a few minutes after dark. I was confusing the dusk with some other time, I'm sorry.

MR RICHARD: Then you drove into Durban and you stopped outside the house and home complex. How long were you stopped there?

MS NARKEDIEN: A few minutes, maybe two minutes.

MR RICHARD: So what time about was that?

MS NARKEDIEN: No, I don't know.

MR RICHARD: Was it - if it got dark at half past five to six, quarter past six, was it hours after dark, or shortly after dark?

MS NARKEDIEN: I'm sure it was much later than us having left, than the times you mention, so what time we left House and Home, staying there for just a few, two minutes of so, I think it would have been quite late into the evening already. I don't know if I answered your question.

MR RICHARD: No, my time periods came from your statement, early evening.

MS NARKEDIEN: Yes, no I corrected it. I'm probably confused it with some other time.

MR RICHARD: I accept that. It's a long time ago. Now, once you left House and Home, did you go anywhere else, or did you drive directly to the Marine Parade?

MS NARKEDIEN: Yes, we drove directly to the beach front, the Marine Parade area.

MR RICHARD: And what did you do there?

MS NARKEDIEN: Well, just following Robert's instructions to drive along the Marine Parade, at that time we had Matthew with us as well. Well, I can't remember how we were driving, or where we were driving, but I do remember driving on the Marine Parade and then we drove back to town because we had left the Cortina there, so we had gone back to House and Home.

MR RICHARD: So, all three of you drove down to the Marine Parade. Now what was the traffic like on the Marine Parade, was it quiet or busy?

MS NARKEDIEN: I don't remember. Probably the normal Saturday evening.

MR RICHARD: Well Durban, a normal Saturday evening, it depends on what time of the year you are. Normal in December is crowded. Normal in September I suppose is less crowded.

MS NARKEDIEN: I didn't pay attention, so I can't give you an accurate answer there.

MR RICHARD: Now on that first trip to the beach front, where did you drive to?

MS NARKEDIEN: On the first trip to the beach front?

MR RICHARD: Yes.

MS NARKEDIEN: No we didn't stop anywhere, we just went onto the Marine Parade and came back into town.

MR RICHARD: Well to get onto the beach front you had to join up with the Marine Parade. Where did you join up with the Marine Parade?

MS NARKEDIEN: No, I don't remember what route we took. It could have been straight down West Street and straight onto the Marine Parade, that road that leads right down to the Marine Parade.

MR RICHARD: Now once on the Marine Parade, did you drive from one end of the beach front to the other?

MS NARKEDIEN: I don't know up to what point did we drive. I mean I should know, but I can't remember.

MR RICHARD: Now did you spend a long time driving along the beach front? Did you stop anywhere while driving?

MS NARKEDIEN: No, we didn't stop anywhere.

MR RICHARD: So, you drove along the beach front. Do you remember what part of the beach front you drove down?

MS NARKEDIEN: I know we drove on the Marine Parade itself, what do you call that road? Yes, I think it's called the Marine Parade, that road directly facing the beach and the hotels on the opposite side.

MR RICHARD: What I'm trying to ascertain is whereabouts on that road you drove. Did you drive down on the South Beach side, or the North Beach side?

MS NARKEDIEN: All I can remember that it was on that part of the beach where most of those hotels were, that I can remember.

JUDGE PILLAY: ...(indistinct) subsequently you know where the car bomb was placed. Did you drive in that vicinity?

MS NARKEDIEN: Well, I don't know if we passed that hotel, but I know we passed most of the hotels, so probably we did pass that one.

CHAIRPERSON: So you went that way rather than past Addington Hospital?

MS NARKEDIEN: Oh I see what you mean. Yes definitely in the direction of those hotels, towards the Why Not then.

MR RICHARD: So you would have drive past the Parade Hotel, is that correct?

MS NARKEDIEN: Most probably, yes.

MR RICHARD: Now, you drove back to where the blue Cortina was?

MS NARKEDIEN: Yes.

MR RICHARD: Now, once you got to the blue Cortina, what happened? There were three of you in the car, what happened?

MS NARKEDIEN: Okay. Once we got back there, the two of them just jumped back into the Cortina and Robert said, "Follow me", so I followed them. Then we drove the two cars to a place in Pine Street, I don't know what route we took, but we got there to Pine Street and then Matthew stayed in that Cortina and Robert came into my car after that.

MR RICHARD: And then what did Robert say to you or instruct you to do?

MS NARKEDIEN: He asked me to drive back to the beach front, back to the Marine Parade.

MR RICHARD: And ...(intervention)

CHAIRPERSON: Just for record purposes, I think Pine Street is a street that runs parallel with West Street, is it, I think it might be the next to West Street.

MS NARKEDIEN: Yes, we would have had to turn and go back into West Street.

CHAIRPERSON: Yes. No I just wanted to put that on.

MR RICHARD: So from the Pine Street stop, you drove back to the beach front. Did Robert, sorry, did Mr McBride tell you where to drive on the beach front?

MS NARKEDIEN: I just drove until he wanted me to stop somewhere or whatever he wanted, then when we got to the Parade Hotel, he did ask me to stop the car there.

MR RICHARD: On which side of the road were you, on the left or the right? Which way were you going, better still?

MS NARKEDIEN: We were driving down towards, like maybe the snake park if I can put it like that, so we would be on the left-hand side of the road?

MR RICHARD: So you were driving from Addington side to the snake park side, which is in a northerly manner. Now you said, when you got to the Parade Hotel, what were you told to do?

MS NARKEDIEN: What he asked me to do was, there was a parking space that he saw there on the corner, so to speak and he asked me to drive the Mazda into that corner, ag, into that space.

MR RICHARD: Now did you observe anything about what was going on at the Parade Hotel?

MS NARKEDIEN: Actually it was very quiet, if I can recall. It was very quiet in terms of, I didn't see any people at that time. I did notice that corner bar, whatever it's called, that it had tinted glass, but I couldn't see anybody in there. There was no one walking in and out of the hotel. It actually was just quiet, I would say.

MR RICHARD: You didn't hear music, people going in and out?

MS NARKEDIEN: No, my windows were all closed, so I didn't hear music.

MR RICHARD: Now was parking a problem in that area, or not?

MS NARKEDIEN: How do you mean a problem?

MR RICHARD: Was the traffic busy, was it easy to find parking?

MS NARKEDIEN: Well I wasn't the one looking for parking, so...

CHAIRPERSON: When you went there, Ms Narkedien, did you have to go around the block until a parking space became available, or did you, when you got to the vicinity of the hotel, find an open space in which the vehicle was parked?

MS NARKEDIEN: Yes, as we got near to this hotel, he did point out a parking space to me, so it was there just as we arrived.

MR RICHARD: Now on the Marine Parade in general that particular night, when you drove up and down, were parking spots easy to find and many parking spots available, or was the parking congested.

MS NARKEDIEN: As I say, I was not looking for the parking, I simply drove with him and waited for each instruction, so we drove down that road, as we got to that hotel, there was a parking, you could actually see it as we were coming up, so we didn't drive around.

MR RICHARD: And that was on your first attempt to find parking in that area or going past that place?

MS NARKEDIEN: No, the first time we went past, I actually didn't notice any parking.

MR RICHARD: And you wouldn't have noticed any other parking spots available anywhere else on the Marine Parade that evening?

MS NARKEDIEN: No I didn't bother, actually.

MR RICHARD: Fair enough. Now you parked the car and what were you told to do next?

MS NARKEDIEN: Well, when I parked the car he was still in the car with me and then he said to me "Wait here. Stay here, I'm coming back just now." Then he simply got out and disappeared.

MR RICHARD: And now you were left alone in the car, did you stay in the car?

MS NARKEDIEN: Yes, I stayed in the car.

MR RICHARD: For how long were you alone in the car?

MS NARKEDIEN: It could have been ten, fifteen minutes.

MR RICHARD: Then after ten, fifteen minutes, what happened?

MS NARKEDIEN: Then Robert appeared with the Ford Cortina, I can't remember which of the two was driving, but I remember that he indicated with his finger sort of that I must come out, so I drove the Mazda out of there. Then I didn't quite know what to do next, so I just drove it back into the Marine Parade and I just stood there, but eventually I had to go because there were a lot of cars behind me and people were hooting for me, so I just drove the car into the next road and just waited there, because I didn't quite know what to do next.

MR RICHARD: Had you not been instructed where to go to next?

MS NARKEDIEN: No, he didn't instruct me at all.

MR RICHARD: So when you say you drove to the next road, which road was that?

MS NARKEDIEN: I don't know the name of it, but it's a very short lane, just on the other side of the hotel.

MR RICHARD: So you would have driven past the front of the Parade Hotel, past the next building and turned left.

MS NARKEDIEN: No there wasn't another building. We passed the front of the hotel. It was actually the end of the hotel. Maybe there was another, but it was one big compact building, if I can put it like that, so I just went into the very next, the first road actually.

MR RICHARD: Let's go through it again. You were driving from South to North on the left-hand side, correct?

MS NARKEDIEN: Yes.

MR RICHARD: You came to a parking spot outside the Parade Hotel and were instructed to park the car, correct?

MS NARKEDIEN: Yes.

CHAIRPERSON: I don't think we have to go through the whole...

MR RICHARD: After you had moved out of that parking spot, you carried on in a northerly direction and so that meant, whether it was one complex or two complexes, you drove away from the Parade Hotel and turned left at the next available left-hand turn?

MS NARKEDIEN: Yes.

MR RICHARD: Now did you know to stop and wait for them there?

MS NARKEDIEN: No, I didn't know what to do. I just had to get out of the traffic of Marine Parade. I didn't know how to contact him to say "I'm here". I didn't know what to do.

MR RICHARD: Then how long did you wait there?

MS NARKEDIEN: I would say about 5 minutes.

MR RICHARD: Could it have been ten minutes, or less than five minutes?

MS NARKEDIEN: I don't know.

MR DEHAL: Sorry Mr Chairperson, I don't know where this is taking us.

CHAIRPERSON: Yes, you estimating five minutes.

MS NARKEDIEN: I estimated five minutes.

CHAIRPERSON: I mean whether it's a bit longer or shorter, I don't think much swings on it.

MR RICHARD: Then what happened?

MS NARKEDIEN: Fortunately from where I was I could sort of see to the next road, you know along the pavement so to speak, so I was quite anxious to see whether they would see me or what would happen. Fortunately I could see them now walking along the front of the hotel, so and then they must have seen my car then eventually so then they came towards my car and got in and Robert said "Drive, we're going back home."

MR RICHARD: Now did you drive away or did Robert drive the car away?

MS NARKEDIEN: No, I was driving still.

MR RICHARD: Where did he tell you to drive to?

MS NARKEDIEN: At that point he said "Drive to Wentworth", so I drove out, I drove that way, back down the small lane and made my way into Argo Road, I wasn't so familiar with that area at that stage, but I know I managed to get to Argo Road which I was more familiar with and tried to get to Wentworth from there.

MR RICHARD: Now, what did you think was happening that evening, when they had told you to park the car and now substituted another car for the car that you were driving? Did you think anything?

MS NARKEDIEN: Well initially I thought perhaps we're just going to hand the car over to some comrades or something, but it did seem once we left House and Home that this is rather an elaborate way to hand over a car, but then we did do things at time which seemed silly, but because we wanted to shake of people who maybe are watching us, or following us, or because of the secrecy and covert nature of what we did, I then took it that you know this is like a routine, or a normal type of thing. I know to other people it would be down right stupid, but that's all I really thought at the time.

MR RICHARD: Now, when did you learn that a car bomb had been placed there?

MS NARKEDIEN: I only discovered the following morning actually, when I heard the news on the radio and then later on in the day when my sisters brought the newspaper and I read the newspaper that an explosion took place directly outside that hotel, more or less in the place where we had parked that car, so I concluded that what we actually did there was not just park an ordinary car for others who needed it, other comrades who needed it, it was in actual fact a car bomb.

MR RICHARD: No further questions.

NO FURTHER QUESTIONS BY MR RICHARD

CHAIRPERSON: Thank you. Mr Prior, any questions?

ADV PRIOR: Just one or two aspects for clarity Mr Chairman.

CROSS-EXAMINATION BY ADV PRIOR: Ms Narkedien, on that evening, the vehicle that you were driving, was that your sister's car?

MS NARKEDIEN: Yes.

ADV PRIOR: And you had asked her to use it that evening?

MS NARKEDIEN: Yes.

ADV PRIOR: Did she normally lend, or did you normally or usually ask her for the loan of her vehicle, when you were going out with Mr McBride?

MS NARKEDIEN: That's true, I normally did. We shared it, so to speak.

ADV PRIOR: Did Mr McBride indicate that you were going anywhere specific on that evening, that you had to get dressed up, or...?

MS NARKEDIEN: You see at the time I was actually a fugitive because there was this state of emergency and my brother Eric and my sister Jeanette were arrested. Actually it was my mother who gave me, who asked her to let me use the car, and my parents told me that I was also wanted. When the police came to arrest them, they walked into the house with all these big rifles demanding where am I and they said they didn't know. I was actually in Botswana, I had gone away for the weekend.

ADV PRIOR: Yes. Sorry, if I may just stop you there. You learned when you returned with Mr McBride on the 12th of June.

MS NARKEDIEN: No the morning of the 13th actually.

ADV PRIOR: The morning of the 13th, that the police had been there, they had arrested certain members of your family and were looking for you.

MS NARKEDIEN: Yes, so I realised I had to go into hiding immediately, so I was in hiding at the time when he came to ask me that evening, "You know I don't think it's good for you to stay indoors for so long, you need to go out. I want to take you to the drive-in." I was actually afraid, I didn't want to expose myself to the police and be arrested.

ADV PRIOR: So he told you you were going to the drive-in.

MS NARKEDIEN: Yes.

ADV PRIOR: Had you gone to the drive-in with him before?

MS NARKEDIEN: We'd gone to bioscope a lot, that was the first time we would go to the drive-in.

ADV PRIOR: Alright. Just from that aspect, when you returned from Botswana and apparently that's when you learned there was a state of emergency, that your family had been

treated quite shabbily by the Security Forces, almost in an inhumane way, what was Mr McBride's reaction to that? Was he calm? Was he angry at what had happened?

MS NARKEDIEN: No, I think he was actually quite calm because, in fact I was the one that was extremely anxious and all I said, I was in control of the situation, I was the one that said I want to go into hiding. I don't want to be arrested.

ADV PRIOR: Alright and by that stage, although you had not been given specific information, you had basically put two and two together and realised that every time Mr McBride and the other members went out, usually the next day or that evening, you heard about an explosion or substations were knocked out, something to that effect. Had you concluded then that what he was busy with was with sabotage and similar acts?

MS NARKEDIEN: No, that was actually the first time that I was involved with him on that particular evening and then discovered the following day that an explosion took place. In all the others I was not involved with him.

ADV PRIOR: So was that the first time that you realised that he was possibly involved in causing explosions?

MS NARKEDIEN: Yes, that was the first one because although I was charged with the Chamberlain one, when I picked them up after they had done something there, I didn't know that. I picked him up from his father's workshop and even though I discovered later in the evening that there was an explosion there, the lights had gone out, I didn't know that, I didn't even suspect that he and the others did it. I discovered it much later.

ADV PRIOR: Had you seen the Chamberlain Road, the second explosion that occurred there?

MS NARKEDIEN: No, I didn't see it. In fact I was slightly out of town at the time because I had to drive Robert and some of the others, Welile into town to take a taxi, so when we came back in, I saw the township was in darkness.

ADV PRIOR: I just want to deal with one last aspect. You drove onto the Marine Parade, you went to near the Parade Hotel, then you returned back to Pine Street, where the Cortina was, is that correct?

MS NARKEDIEN: You mean the first time we went to the ...(intervention)

MS NARKEDIEN: Yes, you went in the direction or past the Parade Hotel and went back to the Pine.

MS NARKEDIEN: Yes, I don't know at what point did we turn around and come back.

ADV PRIOR: Because from that you went back to Pine street and then...(intervention)

CHAIRPERSON: My understanding was and correct me if I'm wrong please, Ms Narkedien, was when they first drove on the Marine Parade, there were three of you in the vehicle and the Cortina was somewhere else other than Pine Street and then you went back to where the

Cortina was and then you drove it from there to Pine Street, left Matthew and then you and Mr McBride went and parked the vehicle, as described by yourself.

MS NARKEDIEN: Yes.

CHAIRPERSON: I think that was the ...

ADV PRIOR: Thank you, Mr Chairman, I was a bit confused. On that occasion it seems that you, or at least Mr McBride was driving past and having a look at the place. Was anything discussed that you can remember?

MS NARKEDIEN: No, there was no talking in the car.

ADV PRIOR: Whether you were going to be coming back to that spot or not?

MS NARKEDIEN: No, not at all.

ADV PRIOR: I just get the impression, when you returned there, in other words when you came out of the parking space and you were simply, there was an indication from Mr McBride that you should move out of that parking spot on the corner, that you really didn't know where to go.

MS NARKEDIEN: Yes. I hadn't further instructions, so I didn't quite know what to do next.

CHAIRPERSON: If no traffic came, would you have just stayed there in Marine Parade?

MS NARKEDIEN: I would have stayed there, exactly, I would have stayed just there, where I came out.

ADV PRIOR: When you learned the next day about the explosion and the blast outside the hotel, did you ever discuss that with Mr McBride?

MS NARKEDIEN: Yes, I did, I had to try and send a message to him that he had to meet with me at another place and explain to me you know, what's really going on and I wanted to get out of Durban. I just wanted to have no association with what had happened and I realised also that he also, well I didn't quite know what he was feeling, but he also then suddenly wanted to get out, so I said, "Well fine, you can come with me, but I'm going." For me it was very disorientating.

ADV PRIOR: Yes, what I'm actually asking, was he still calm, was he agitated, was he depressed, did he express any remorse to you, anything like that? Did he express any ...

MS NARKEDIEN: Well this is the part I don't really like because Robert is the big macho, bravado man, but yes he was extremely remorseful and very depressed for a very long time.

ADV PRIOR: I understand that from there you went to Johannesburg, is that correct?

MS NARKEDIEN: Yes.

ADV PRIOR: There's just two more aspects. Thank you Mr Chairman. The Klein family, we've heard evidence about Mr and Mrs Klein, did you know Mr and/or Mrs Klein?

MS NARKEDIEN: I didn't know Mrs Klein so well, but Mr Klein, yes I knew him very well.

ADV PRIOR: And you heard evidence, I'm not going to rehash from you, he was a former principal etc, member of the Labour Party and a sometime police reservist?

MS NARKEDIEN: Yes, he was all those things and I knew he carried a weapon like all the others.

ADV PRIOR: Did you know whether they had children, or not?

MS NARKEDIEN: Yes, I think all the children were married actually, they were married and living elsewhere.

ADV PRIOR: You did say you did know Mrs Klein as such, but did you know whether she was actively involved in politics at the time, Labour Party or anything like that?

MS NARKEDIEN: I think she was involved in the Labour Party, but maybe not the way Mr Klein was in the terrorising the township, so to speak.

ADV PRIOR: Did you say he used to terrorise the township?

MS NARKEDIEN: It was a group of them.

JUDGE PILLAY: What did they do?

MS NARKEDIEN: I know they terrorised my brother actually, Eric, because he was also a political activist. They, I don't know where they picked him up from and took him to the police station and arrested him and swore him and so on. I know of my cousin who also spoke of another incident where, I don't know what they were looking for these two youngsters for, whether they had dagga on them or whatever and they actually came bursting into her house. My cousin is actually sitting in the audience now and they actually threatened to shoot her unless she released him and she had to really reason with Mr Klein, Mr Moosa and some other people. I think we even called them sergeants. We referred to them as sergeants or constables, because they had that status of police reservists.

ADV PRIOR: Just to follow, nothing really turns on it, was any action taken against these people, for example, were they ever reported or did you think that would serve no purpose?

MS NARKEDIEN: Those days nobody reported the police if they arrest you, you just suffered it out.

ADV PRIOR: These trips to Botswana and particularly the return, we heard evidence that on those occasions that you returned to the Republic, normally material, explosives, ammunition, weapons were brought in. You passed through formal border posts, is that correct?

MS NARKEDIEN: Yes, we were always searched and they never ever found anything, with sniffer dogs and everything.

ADV PRIOR: That was my question. It just struck me during the evidence that there was never an occasion where there was even the slightest suspicion.

MS NARKEDIEN: So that's why it was hard for me to think that there is something here, when nobody finds it.

ADV PRIOR: It wasn't a question that the customs or whoever had to be bribed to turn ...(intervention)

MS NARKEDIEN: Well, they were never bribed in my presence, I don't know.

ADV PRIOR: Alright. There's just one last aspect. We do have regard to your treatment during your detention, are you aware from the - sorry before I go there, did you appear before the Committee on Human Rights Violations of the Commission?

MS NARKEDIEN: Yes.

ADV PRIOR: Are you aware whether anyone has applied for amnesty for your, for the way in which you were treated in detention?

MS NARKEDIEN: No.

ADV PRIOR: And I'm referring specifically to any member of the Security Branch?

MS NARKEDIEN: No, I'm not aware.

ADV PRIOR: And likewise for your sister's treatment?

MS NARKEDIEN: No, I'm not aware.

ADV PRIOR: Thank you Mr Chairman.

NO FURTHER QUESTIONS BY ADV PRIOR

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

MR DEHAL: Thank you. I have none.

NO RE-EXAMINATION BY MR DEHAL

CHAIRPERSON: Thank you. Adv Sigodi, do you have any questions you would like to ask?

ADV SIGODI: No thank you Chair.

CHAIRPERSON: Thanks. Judge Pillay, any question?

Thank you Ms Narkedien, that concludes your testimony.

MS NARKEDIEN: Thank you.

WITNESS EXCUSED

ADV PRIOR: Mr Chairman, I know we've not sat the full day today. However, I think we've made quite good progress. I see it's almost quarter to four. We do have another three applicants left. It's my assessment that we would comfortably finish within the time allocated at least by Monday. What I'm saying is, is there any purpose of starting a witness now and obviously not finishing?

CHAIRPERSON: I don't know. Who is the intended next witness, Mr Dehal?

MR DEHAL: Thank you, Mr Chairperson. We proposed calling Mr Pearce next. I don't know, I've lost touch whether Ms Kooverjee represents him, or I, but it doesn't really matter. His statement needs to be amended.

CHAIRPERSON: Yes, no I'm just asking you whether, what's your attitude, do you want to start now or would you prefer to start tomorrow morning?

MR DEHAL: I'd much rather tomorrow morning, if you don't mind. Thank you.

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CHAIRPERSON: Yes, would half past nine be convenient?

Thank you. We'll now adjourn until half past nine tomorrow morning, the same venue. Thank you.

COMMITTEE ADJOURNS