

INQUIRY IN TERMS OF SECTION 29

HELD AT

DURBAN

ON

21 APRIL 1997

ROBERT JOHN McBRIDE

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CHAIRMAN: (Incomplete) ... that we've got sound here and that it's recording okay. Everything okay? We'll start then just by swearing you in, because you haven't been sworn in before.

MR BRUMMER: I, Kevin John Brummer, declare under oath that I shall faithfully, and to the best of my ability, take down the proceedings of the Commission in shorthand or by mechanical means as ordered by the person presiding, and/or that I understand and shall honour the obligation of confidentiality imposed on me by any provision of the Promotion of National Unity and Reconciliation Act, 1995, and shall not act in contravention thereof.

CHAIRMAN: Thank you very much. Okay, we'll swear Mr McBride in.

ROBERT JOHN McBRIDE (Affirms, States)

CHAIRMAN: This is an inquiry in terms of section 29 of the Promotion of National Unity and Reconciliation Act of 1995. This is not a hearing of the Truth Commission, but it's an investigative inquiry, and as such, in terms of the Act, is held in camera. I want to stress that absolutely no finding will be made at this hearing. That's not the purpose of the hearing. I'll briefly outline the obligations and duties of the parties.

You have a right to legal representation, and you are represented here by Mr Brian Curren. In terms of section 31 of the Act any person subpoenaed to give evidence may be compelled to answer any question put to him, notwithstanding the fact that the answer may incriminate him. There are conditions applicable to this section, and they are as follows. There must have

been

/consultation

consultation with the Regional Attorney-General, and we have consulted with Mr McNally on this issue. The chairperson of the inquiry must be satisfied that the request for information is reasonable, necessary and justifiable in an open and democratic society. And finally the witness, that's yourself, must have refused to answer the question.

The Act also provides that any incriminating evidence obtained at such an inquiry is not admissible against you in a court of law or any other institution that's established by law. And there's one proviso to this, and that is that any evidence obtained at this hearing may be used against you where, and if, you are charged with perjury arising out of the making of conflicting statements.

I think that's all the preliminary matters I am - Mr McBride, if I can just draw your attention to the offences and penalties section of the Act. If I can refer you to section 39 (d), (1) and (2) specifically.

(d) (1) talks about hindering the Commission, any Commission or members of staff of the Commission, in the exercise, performance or carrying out of its, his or her powers, functions and duties under the Act; and (d) (2) says wilfully furnishing the Commission, or any Commission or member, with any information which is false or misleading. Just to draw your attention to that.

And finally the subpoena was properly served. I have a written confirmation of personal service on Mr McBride.

Right, Mr Curren, would you like to address us?

MR CURREN: Thank you very much. One doesn't - I

/certainly

certainly haven't had a long history of appearances before this Committee, so I am not quite sure what the procedures are. What we have, which I will in a moment hand you back to Mr McBride, is a document which contains detailed information with regard to the Magoo's bombing, and we would like to hand that up to you for perusal and consideration. And if, after you've studied the document, you would require to ask further questions we would like to hear about those questions to see whether we have the information, whether Mr McBride has the information to provide such further answers. But I think would only happen after you've had an opportunity to study the document, which I think is fairly comprehensive. And it is also the - this will be part of his application, verbatim part of his application which we will lodge to the Amnesty Committee at a later stage.

One other issue which I have been just asked to record, and that is the concern which Mr McBride has that somehow or other information does seem to have got out to the media, and there have been suggestions that it comes from the TRC. We can't say it has, we can't say that it hasn't, but obviously the last thing that we would want is for Mr McBride's application to be tried and judged by the media between now and when eventually he does actually appear before the Amnesty Committee in six or seven months' time. So we just want to really emphasise the need to ensure that any information which comes to the TRC at this stage remains confidential.

One accepts that the media do speculate, and that the media do say things which create impressions that they get information from sources that they don't, but we would just like to know that

/whatever

whatever is given to you during the course of today will be kept absolutely confidential. I thank you.

CHAIRMAN: Thank you, ja. I am not sure what information Mr McBride is referring to. Once service of the subpoena has been effected it has been Commission policy with all section 29 subpoenas to advise the media of this. So, to that extent that information has come from the Commission, but if there has been any other information that's leaked it's - look, it's something that has been a problem that we've battled with. Obviously it's a large organisation, and we've tried to the best of our ability to restrict it. I can assure you that information obtained at section 29 hearings are absolutely confidential. People here are sworn to secrecy. The Truth Commission will clearly not liaise in any way with the media, which will allow them to speculate, but we can't - we can't prevent them from speculating and drawing conclusions from our comments, which will be no comment.

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

MR CURREN: It's an amnesty application which deals specifically with the incident which is referred to in the subpoena. In the amnesty application details are given with regard to that particular incident, and the details which are given in our view deal with the sort of information that we anticipate that this - your team would

/require.

require. And the purpose of handing in this particular application is because Mr McBride would prefer, if possible, to make one statement to the TRC. He would prefer not for the TRC to have more than one statement dealing with this particular matter, for reasons of evidence and procedure when his application is heard. Once you've looked at the affidavit - once you've looked at the application, which he is willing obviously to swear to the contents of it to the extent to which it relates to his personal knowledge, you can then decide whether you want further information.

It was suggested by Mr McBride that it may be helpful if you could at this stage also give us a list of questions. I am not sure how you deal with these proceedings, whether you ask one question, and from that you develop another question, and it follows the form of an interrogation, in the sense that the next question depends on what the previous answer was, or whether there are certain facts that you want, and you say, "This is the information that we want. Can you provide us with that information." If you were to do that we would be able to know whether this affidavit in fact has all that information in it, and whether during the recess when you consider it he and I need to consult

about any additional information which you may require.

CHAIRMAN: Okay, well let's get Mr McBride to verify the correctness of that document. We'll break, and then we'll talk about whether we'll - while we're going through that document whether we can give you some questions to go through while you're waiting.

MR CURREN: Could you in broad terms though tell us what

/sort of

sort of information you're looking for, so that when we're in the recess we can then consider in broad terms the type of information that you're looking for, which maybe we haven't anticipated?

MR GOVENDER: I think it's clearly contained in the subpoena we have as broadly termed as possible,

"Including, but not confined to, the extent of the involvement of the military and political wing of the ANC, the MK, in the planning and execution of the aforesaid bombing."

Essentially that type of information, command structure and that sort of thing.

MR CURREN: When we prepared the application we had the contents of the subpoena in mind, and we believe we've dealt with that, so I think we're obviously applying our minds, broadly speaking, to the same issues.

MR GOVENDER: Just one thing, Mr Chairman. Maybe Mr McBride can apply his mind to some of the contradictions that appear from the trial and newspaper articles in relation to that information. Has he applied his mind in the statement to those contradictions?

MR CURREN: No, but we will be able to deal with that very, very easily.

COMMISSIONER: Thank you.

CHAIRMAN: What also might assist us, if we have a list of the people for whom you are making applications for amnesty. I don't know - that's obviously confidential information.

MR CURREN: Ja, that is, ja. I would - I mean I would obviously have to take instructions from those people as
/to whether
to whether I can give you - disclose that, and I certainly don't have those instructions. There's only one person who has instructed us to publish his name, and that is the person that gave the instruction, the person that was actually head of that command structure at the time, but the others I certainly do not have authority to release their names.

CHAIRMAN: Mr McBride and Mr Curren, the document you're going to be handing up is in essence an extract from a broader amnesty application. Does it contain any supporting documentation, or extracts from other supporting documents as well?

MR CURREN: Ja.

CHAIRMAN: Okay. Well then, perhaps, Mr McBride - you are under oath already - do you confirm that this document that you're about to hand up is, to the best of your knowledge and belief, true and correct? ---
Yes, I affirm that.

Right. I think then at this stage we should adjourn. You will remain under oath, and obviously you remain under the warning of your subpoena, so we will

reconvene, I would think - it doesn't look like a huge document at this stage. Let's say half an hour or so.

MR CURREN: Sure.

CHAIRMAN: Thank you.

MR CURREN: Thanks very much.

PROCEEDINGS ADJOURNED

ON RESUMPTION:

ROBERT JOHN McBRIDE (Still under former oath)

CHAIRMAN: Okay, we are now reconvened. Are the recording facilities all - thank you. Mr McBride, you are

/still under

still under oath. We've had an opportunity to look at the document handed in to us, and we will now ask you questions arising from that document. Not so much from what it does say, but really from what it doesn't say.

Mr Lax, would you like to ... (incomplete)

MR LAX: Thank you, Chairperson. Mr McBride - sorry, if everyone can just check that their cell phones are off please. It just interferes with the recording equipment, apart from anything else.

In your statement you've given us you say that you were commander of a local unit of special operations.

--- I am not sure really what you mean by local unit. I was the commander of a special operations unit that was working in Natal.

Yes, but there was a whole hierarchy of special operations units all over the country, some based in Botswana, some based elsewhere. That must be perfectly common knowledge to the whole ... (intervention) ---
No, my understanding is - perhaps we are at cross-purposes. There was a command structure, and there were

various units that acted on instructions from that command structure. There wasn't many command structures.

You were in command of a unit. --- Yes, that's right.

And prior to being in command of that unit you were part of another unit under Webster. --- That's right, yes.

And you were then earmarked to have your own unit, which you were then instructed to form? --- No, I was not earmarked. At the stage when - there was a stage when myself and Webster separated, and I was to form another

/unit to
unit to perform other functions.

Who took that decision that you should do that?

--- The decision was taken by the commander outside, by our commanders.

Precisely. That's exactly what I said. You were selected - earmarked means the same thing - by your commanders to form a separate unit from Webster. There's no difference. --- I misunderstood it differently.

Okay. --- And if you didn't - if you were offended by that it's okay. I just - I meant no offence.

No, I am not offended. I just think we should not ... (intervention) --- No, I noticed you raised your voice.

Ja, we shouldn't nit-pick here. Let's just get ... (intervention) --- Okay.

Let's just talk frankly and let's get it over with. --- Okay. Can I just say that I - it's important for me to nit-pick, because it's my application, or this hearing will affect my application, so I want to be absolutely clear about issues. That is why. That's the only reason why.

I don't have a problem with that. --- Okay.

I think in essence you might find that you, in adopting that attitude of trying to be too careful, end up prolonging matters here, and end up all talking at cross-purposes. I don't think we should get too confused about the semantics. If you're not sure what I mean rather ask me what exactly do I mean, and then we can clear that up, so that we don't end up having this sort of discussion. --- The point is taken. The point is taken.

Thank you. Prior to you forming your own unit you /were part were part of Webster's unit. --- I never formed my own unit.

You were ordered to form your own unit. --- I was instructed to form a unit and to recruit people.

Precisely. What is the difference? --- The difference that the one infers action on my own, and the other doesn't.

We've already established that you were ordered. That's on record already. It's assumed, with all due respect. --- Okay.

That's precisely what I mean about nit-picking. We have an assumption that you were instructed to form your own unit. Let's just go ahead.

MR CURREN: Can I just make a point? I think that, to the extent that Mr McBride feels it necessary to get the terminology absolutely correct, one should not interpret that as nit-picking. One should just understand that for him it's important that one gets the terminology correct, and I don't think that it's necessary to argue the point. Let him get the terminology correct, and then proceed. If I could make that suggestion. I don't think it's necessary to argue about why he does it.

CHAIRMAN: Okay. Well, just for the record, we absolutely accept what Mr - we hear what Mr McBride is saying, is that he was instructed to form a unit. So let's take it from there and not get too bogged down.

MR LAX: As I said earlier, prior to such an instruction you were part of Mr Webster's unit. --- Yes. I was part of his unit and I was under his command.

Correct. Who else was part of that unit with you?

--- You want the various aspects of how they were - in

/what

what capacities they were?

I want to know which other people were part of that unit, and what capacities they served in. ---

Okay. I'll need to explain something. There's some people who could have been part of the unit who would not know they are part of the unit, but they would act in a supporting role.

That's fine. --- So there would be people who would know that they are part of the unit, but it would be to different extents.

I understand that. --- Okay. Well, there was myself, Greta Appelgren, Janet Appelgren, my father, Derek McBride, Matthew Lecordier, Antonio - I am sorry I am mixing things up. I am giving the whole thing, including the people that I had recruited.

Okay. --- I am just mixing it up. Under Gordon's unit it was only me and other people who he worked with, who only - one guy I only met once called Welile - I think his surname was Khumalo. Ja, Welile Khumalo. He was a State witness in the trial. That's directly under Gordon. Occasionally Greta and Janet would be part of the unit to provide transport and so on. I can go into the other people who were directly under my command later. I just mixed them up at that stage.

Okay. You mentioned Antonio. Who is he? --- Antonio du Preez. He was a co-accused with my father in my father's trial. He was under my command, but was not known to Gordon Webster. So he was part of my - under my command at a later stage from the time when I separated from Gordon Webster.

Are those the only names that you can think of at
/the moment?
the moment? --- No, I haven't completed.

Oh, sorry. --- Because there was Gaster Sharpley, who had been recruited, and Nazim Cassim, who was a State witness. Vincent James and Kevin - I just forgot his surname now, but they were convicted and served sentences on Robben Island.

Now, let's just go through those people again. You've mentioned yourself, you've mentioned Greta and Janet. --- Yes.

Greta and Janet provided, you said, transport assistance. --- Yes.

Both ... (intervention) --- They would also ... (intervention)

Can I just finish? --- Okay.

Both in terms of your subsequent unit and in terms of Gordon Webster's unit? --- Yes.

Okay. Sorry, you were going to add something to that. --- Greta and Janet sometimes served as cover if I was going across to meet Comrades in Botswana in the command structure, so we'd appear as a couple going on holiday.

Ja. Then you mentioned Derek. That's your father. --- That's right, yes.

Was he part of Gordon's unit or only part of your unit? --- He was part of my unit.

Okay. You then mentioned Matthew Lecordier. --- He was part of my unit.

Just before we move on we may as well do it thoroughly in respect of each person. What role did your father play? --- My father would assist in the storage of weapons.

/Is that

Is that all he did? --- In regard to subsequent applications which are still in the process of being completed I'll go into details of the other activities, but he was at some stage a combatant also.

CHAIRMAN: He was involved in the Edendale mission. --- That's right.

MR LAX: Amongst others, of course. --- I think the only incident where he was actually in a combatant part was the one referred to by the Chairperson.

Okay. You say he only assisted you in the storage of weapons as regards this particular incident, the Magoo's Bar? --- No, generally, not in regard to Magoo's Bar. He made available his workshop to us for use, and part of that usage was to store weapons. So it wasn't - he made no special access to his workshop for this Why Not/Magoo's Bar incident.

Okay. He didn't help you construct any weapons in any way, or put them together in any way? --- Certainly not.

Now, let's move on to Matthew. --- Oh, just on that point. He knew very little about weaponry because he hadn't had the full training that we had gone through, so he could not help in any way.

MR CURREN: Excuse me, could I just get clarity for my own mind? These questions - just so that I understand, and make sure that Robert understands - you're asking them in a broader context, not just in the context of - okay, one just needs to make sure of that. And I think the witness must just make sure that when he answers he knows that he's talking either in a broader context or in a specific context, so that there isn't, for example, a

/misunderstanding

misunderstanding that his father was involved in the Why Not/Magoos ... (incomplete)

MR LAX: Ja, if I am going to refer to the Why Not or Magoo's specifically then I'll make that clear, as I did there. But otherwise we're talking generally. --- Okay.

Okay, just so that we avoid confusion.

MR GOVENDER: When you say that your father provided his warehouse for storage, did your father know that weapons were stored in his warehouse? --- Yes, he knew. he knew. I had recruited my father and said, "We need a place to store weaponry. I am part of an MK unit. We'd like you to be part of it because you were active in the 50s and 60s and 70s," and he said yes.

And did he store them in the warehouse or did you store them? --- I stored them. Not the warehouse. It was a workshop, an engineering workshop. I stored them myself.

MR LAX: Just one aspect while we're on the storage of those weapons. Where were they stored in the warehouse?

--- There was a little room which I had access to. It was a room that was made smaller, so we created a space, a false wall where there was a space of about two metres wide where we could store weapons. On various occasions we stored weapons in - at one stage in the ceiling, another stage in a drain in the immediate environs of the workshop.

And that's apart from the dead letter boxes which you had set up up near Shongweni and ... (intervention)

--- That was separate, yes. Occasionally we would store temporarily stuff in the workshop before we have to put it

/in the

in the dead letter boxes.

CHAIRMAN: Can I just clarify this then? Apart from the sort of notion of transit, if you like, of stuff in transit when you got back from a trip from Botswana, or whatever, until such time as you then transferred the equipment, as you called it, to the various places, like

your dead letter boxes and so on, you didn't permanently keep stuff at the workshop, or did you? ---

Occasionally I did. It depended whether, for example - I can't remember everything in detail, but if Gordon wanted some stuff stored in that particular area I'd do that. If I wanted it for my unit stored in that area I'd keep it there. If I was instructed to prepare a dead letter box, like I was, then I would move stuff in terms of what was required by whoever was going to come and pick it up.

MR LAX: Okay, let's move on to Matthew. Was he part of Gordon's unit at first, and then subsequently yours, or only yours? --- In my unit. I recruited him.

What was his role? --- He was a combatant, a gatherer of intelligence/combatant. Ja, that's it.

What sort of intelligence would he gather? ---

Well, anything in regard to enemy personnel, enemy structures, State structures - information in that regard.

Give us a for instance of modus operandi or how you might instruct him to go about his business, or ... (incomplete) --- Well, it was ... (intervention)

Let me ask this question, so it's not too unfair.

Did you actually instruct him on specifics, or did you just give him a general brief? --- There are occasions when I instructed him on specifics, but in some instances there was - we operated within a code of secrecy and

/maximum maximum discipline, so sometimes a subordinate would not tell a commander the exact target of choice, but he would request ... (incomplete - end of Side A, Cassette

1) ...

in terms of - I'll have to explain something else to you, to clarify.

Please do. --- Ja. We had reached a stage where we wanted to have very small cells to operate, for people to recruit people to make the cell about - the size of about four, and at some stage to pull out all the recruiters, so that after the arrangements had been made between the - in terms of how contact would be kept, so all the recruiters would be out and the cells would not be known. So people would be tested first as to whether they can carry out a mission without extreme supervision. So the point I was making is that, you know, on occasion - two occasions in regard to Matthew, Matthew and Antonio, and in regards to Vincent James and Kevin - I forget Kevin's surname now - they would come and request that they have a target, someone identified as a collaborator or enemy agent. They would come to me and say, "There's this operation, you don't have to know about it in terms of the secrecy. It's within the explanation given to him." The other thing is that most of the guys were highly politicised. They had access to all the ANC's documents, so they were quite clear as to what is expected of them from the organisation's policy.

Now, just get back to the original question. What specific instructions did you give him? --- I can't remember specifically, but in regard to this - why I am called here, I had told him to make himself available and to come with me, to accompany me. I can't remember exact

/details,

details, but he was to come with me. He did not know of what was in the car bomb until we had reached town. So basically he didn't have much choice as to what should be done.

So he didn't do any reconnaissance for you on that particular mission? --- On that particular mission?

The reconnaissance on that mission was achieved or obtained from various sources over long periods of time, and information was received from Matthew also.

Okay. Let's just digress for a moment about reconnaissance and information with regard to this particular instance. There's just something that you refer to in this application and in the statement specifically. --- Ja, okay.

What reconnaissance did you and your unit specifically carry out with regard to choosing this target? --- Well, it started from there being general knowledge that people - I can't remember specifically who said so, but at one stage when I was at Allan Taylor's residence it was mentioned amongst Comrades that - the two places that were mentioned was the Why Not Bar, where off-duty policemen go to, another place mentioned was a place called The Barn at Athlone Hotel. This wasn't specifically for the operation at the time it was mentioned. It was mentioned in passing, because generally activists were instructed by the ANC to form their own units, attack policemen and collaborators, whether they belonged to Umkhonto we Sizwe or not. At the stage that I joined Umkhonto we Sizwe I was already part of a unit that was starting to form itself, and I decided that we should respond to that ANC's call for a people's war. So

/in that

in that context people would look for targets as identified by the ANC, and people would discuss it.

Subsequent intelligence was verifying it. One aspect of the verification was I heard it confirmed by policemen.

One day I was at the Regional Court in regard to some unconnected issue, when policemen mentioned that they go to the Why Not Bar.

So you overheard some policemen talking about that? --- Yes.

What other specific reconnaissance or information gathering did you engage in? --- Specifically?

Either through Matthew, or other members of your unit, or personally? --- I personally verified that policemen went to the place.

Well, did you go there personally to the bar ... (intervention) --- Yes, I went personally to the bar.

... beforehand and see that there were policemen there, and so on? --- I went personally to the bar, and a comment I heard at the door was - I was not allowed to go in - when someone was leaving, "May the force be with you." And that was an indication that police were there, it's used in a comradely spirit by the police. At least at that stage it was used.

May the force be with you? --- Ja. As a parting greeting.

Do you know what the source of that particular statement is, as a matter of interest? --- I don't know. I'm not interested.

It's from the Star Wars movie. It's used - it was in common currency by - just about anyone who saw that

movie used that term, just as a matter of interest. -

--

/I never

I never saw the movie.

No, I am just telling you. --- As a matter of interest.

I am just explaining it was common currency at the time. When did you go to the Why Not Bar? --- It was - I went to the Why Not Bar at some stage, and I went to The Barn at some stage, before I was a commander of my own unit.

So what year would that have been in? What month would that have been in? --- That would have been early in 1986. The original car bomb instruction was given to Gordon, and Gordon had asked me to look for a suitable place. One of the places he was looking at was Natal Command, and it was not suitable for a car bomb. It would have very little effect because you'd have to park a distance away. So I'd say it was round about - it was before Easter in '86. And then an alternative was already discussed at that stage, and I had given information to Gordon that I know of places where policemen frequent. That was before any instructions were given to me, but it was - generally you would pick up information, not specifically, but to know generally where policemen gather. In the townships, for example, you would know where policemen would live, and so on. You would just know it. You would pick it up when you were working. It was important to you. There were the enemy, and we needed to identify them and where they lived.

Yes, I accept that. --- Okay.

So you yourself went there in early 1986. ---

Yes.

And what other steps did you take to identify that
/particular
particular venue as a target? --- There is - at
C R Swart Square there is a residence of police. On a
number of occasions we would - on two occasions we
followed people in the night. The first time the guy
did not go, but on the second time a group of policemen
went to the Why Not Bar. So on the first occasion we
could not verify it because the guy left the place on a
Saturday evening but did not go to the bar, but on the
second occasion we were lucky that the guys went to the
Why Not Bar. And they were in civilian clothes and were
going out from the residence, and that to be confirmed,
together with the later comment of, "May the force be
with you." I was convinced that that place was
frequented by off-duty security - off-duty policemen.
That's the verification I did, besides the general
knowledge that was there. Just to mention that during
the trial Matthew was specifically asked that question,
"Which is the most popular place where off-duty
policemen would go to?" by my advocate from my
instructions.

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

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

And the reason was that your attack should be
against a target that was frequented by military or

police personnel, is that right? --- A high concentration of them, yes.

It was a hard target? Would you call it a hard target? --- Well, it's difficult to say, and this is an issue I raised with the command structure. It's

/difficult difficult to say hard or soft target. I mean that is terminology which was not our terminology. But it was a place where there was a concentration of security personnel, but where there could be injury and death to people who were not direct targets of the intended action. This is the issue I raised with the commander.

The intention was to attack a target, the majority of which would be military or police personnel? --- Yes.

There was no distinction in your campaign between soft and hard targets deliberately? --- I was never given any instructions or made to understand that, but what I can say is that at that stage when I raised the issue there was clearly a - if I can put it crudely we were not really - we were more interested in hitting at enemy personnel as a priority, and it was taken that people would be killed in the crossfire, and crossfire was not - as I said crossfire, crudely speaking, was not only when you use firearms.

Did you know that of all the people that were injured and killed none of them were police personnel?

--- That is not true.

Is it not true? --- That is not true. Four out of five of the people who were State witnesses as victims in the case were either policemen - were policemen, or former policemen, or were from the

military. That is verified in the court records. You can check. Another aspect is that when I was in detention - that's how I know it was a high concentration, gives me further confirmation - I was beaten up extra by - I forget the policeman's name. I think he was - Mark Shaw was his name. I am not

/100% sure

100% sure, but his first name was Mark, for fucking up his buddies. "You fucked up some of my buddies there, and take a few clouts and kicks." So his buddies in my opinion was his colleagues as policemen. There's also another thing. When I raised this issue with the commanders I was referred to the Kabwe Conference decision about crossfire. But also that attacks against the ANC personnel, or people associating themselves to the ANC in neighbouring states, the military of South Africa would attack an area and then release a statement they have killed so many terrorists and so many collaborators, and at every occasion the collaborators always outnumbered the terrorists. And part of this operation was to commemorate such an attack on the same day in 1985, the previous year, where one of the collaborators was a six-year-old boy. Now, within that - those instructions there was also an atmosphere of tension, of hatred, of people hitting on each side. People would attack us. In our documents our officials would call for revenge attacks. So there was an atmosphere in which this was taking place. It wasn't exactly how we are sitting here, where there is no war going on outside. I think it's important I must mention that to you.

CHAIRMAN: We do understand that, and many of us have

personal knowledge of that time anyway. So I think your
-the extract from your application makes that very
clear, and I don't think that's in question at all.

MR GOVENDER: Allan Pearce, was he part of your unit?

--- Yes, that's right, Allan Pearce was part of the
unit.

And Bheki Ngubane or Mzolo? --- He was part -

I

never ever met him. He was part of Gordon's unit.

/And Sharpley

And Sharpley you say also, Gaster Sharpley? ---

Yes. Well, Gaster was recruited, if I remember
correctly, by Nazim Cassim, so I did not directly
recruit Gaster.

MR LAX: If we can just carry on through these
individuals. Antonio du Preez was part of your unit or
part of Webster's unit? --- Part of my unit.

Not part of Webster's unit? --- No.

What was his role? --- He was a combatant
also, and wherever possible he'd pick up intelligence.

Gaster Sharpley? --- I didn't have much
contact with Gaster as a commander in that capacity, but
I would imagine when Nazim recruited him he recruited
him as a combatant, and it's taken you'll provide
information and intelligence of installations and enemy
personnel.

Now, he was part of your unit? --- Yes, but it
was already reaching the stage where a unit divorced
from me was starting to develop.

Okay. Just - how would that happen? Would there
be an instruction, or would there be - would you as the
commander use your initiative and simply say, "Okay,

these guys look like they've got skills and capacities.

It's probably okay that I can let go of my command and they can form their own unit"? How would that work? Would they report to you until such time as you got that authorised from higher up? --- No. No, the forming of units, and what is referred to as the arming of the masses, was an additional aspect besides sabotage that I was specifically tasked with.

So you were specifically tasked with special operations. That was the nature of sabotage and bombs and

things of that nature. --- Ja, but - you see, it's
/difficult.

difficult. Sometimes there's problems with the terminology. That was my general function is special ops, to sabotage. That was it, yes, but I was specifically given the instruction to form these little units so that we can arm the masses. That was the intention of moving towards a people's war. You can't have a people's war if people are not armed. But you also had to protect - like being given initial instruction. If I go around recruiting all over the chances are very high that I will be uncovered, so that is why you had to divorce yourself from these units. So it's sort of like a concentric circle, where you reach a stage where units multiply each other.

No, I hear you. The next person's name was Nazim Cassim that you gave us, and you have indicated that he was the one who actually recruited Gaster. --- Yes.

Was he going to be the sort of head of that unit, or was it ... (intervention) --- Ja, let me just clarify. I've just remembered something. At some stage

Gaster approached me directly and said, "I heard that you are from MK and you're training people," and I denied it. I asked him where he got it from and he said Nazim, and I then told Nazim to recruit him, but not to - to deny that I was actually doing what Nazim had probably told him.

Ja. So you allowed the inference to stand. ---

Ja. Yes.

But although you had personally denied it. ---

Yes.

I mean one understands that. It's in the nature of the work you do. Okay, let's move on to Nazim. What was

his role? --- Nazim was a combatant also, and an
/intelligence
intelligence gatherer.

Vincent James? --- Vincent James also.

Vincent James, Gaster Sharpley, Kevin, were highly politicised people. One did not have to give them much political education. They were very sharp. So they had been looking for training. We all wanted to go and train to fight against apartheid.

How did they get their training? Did you provide that? Did other cadres provide that? --- I can't remember specifically, but in connection with Kevin and Vincent I trained - I trained Vincent. Kevin I had no contact with. Kevin never knew that I trained and recruited Vincent.

And Allan Pearce? --- Allan Pearce was trained I think by Matthew. I am not quite sure specifically about that. But Allan Pearce also didn't know until a later stage that I was directly linked with Matthew. At

some stage we did an operation together, if I remember correctly on the 29th. I was convicted of it. The 29th of June I think it was.

Now, what ... (intervention) --- It was also at the stage when I had given - just for your information so you understand these things. When I had given - when Allan Pearce had went on his first operation. It was a time when preparations were being made for myself and Matthew to go and leave the country.

Matthew was supposed to get sophisticated training in missiles and stuff like that. He was going to go out, and there was a discipline problem with him. Myself, I would run things from outside the country.

Okay. --- So that is why Pearce was allowed to /come in, come in, because even if at some stage he was captured I would be out of the country.

Now, Mr Govender mentioned some names to you, and I didn't take notes of all of them. There was a chap called Bheki. What was his surname? --- Bheki Ngubane. I have never met him, and he was part of Gordon's unit.

Right. --- All I know about him is that he attempted to infiltrate the police, and at some stage that's what Gordon was using him for, and I think he applied and he provided information to Gordon, because his brother was a policeman also.

Now, there was a chap called Themba that you worked with at some stage. --- Themba was Welile Khumalo.

Is that the same person? --- Yes. Different people would be introduced to another section by

different names.

Sure. Okay. So is that everybody as far as you can remember? --- Ja, ja, that's all. If I have left anybody I could confirm it if you mention them.

Listen, it's a long time ago. We understand that you can get confused and miss something out. ---
Yes.

So those are the people at your level and below you. --- That's right, yes.

Now we're going to move to the next level up. Who did you report to? --- That's referred to in the application.

Well, you only mention ... (intervention) ---
The application is ... (intervention)

You only mention one person in the application.

--- Ja, that's in connection with this particular issue.

Ja. --- And the others form the subject of an
/incomplete
incomplete application that we're still busy with.

Ja. But even in relation to this application - this incident, you wouldn't only have had dealings with Mr Aboobaker, you would have had dealings with other people. Certainly when you went to get the munitions that were required you would have dealt with other people, and so on. --- That's correct, yes.

Ja. What we'd like to know, who were those people? --- I don't know their correct names. I was given pseudonyms by them.

Okay, what pseudonyms were you given? --- I was the name Chris, Oupa, Kallie - K-a-l-l-i-e. I think those are the only guys I worked with.

Chris, Oupa, Kallie? --- Ja.

What about Victor? You mentioned his name earlier? --- Yes, I worked with Victor, yes.

George? --- George was referred to as Kallie in certain circumstances. They're the same person.

Okay. What sort of relationship, in terms of say command, did you have with them? Were they senior to you, were they ... (incomplete) --- Ja, they were senior to me. They were senior to me.

And what position did you understand them to fill?

--- My understanding was that they were political commissars. I mean, sorry, logistic commissars. They would provide material for me, and they would - they would - the commander, they would - what's the right word? They would substitute if he's not available to assist me. I would never know, for example, who actually supplied weaponry, because I'd give the vehicle over with the false bottom I've made, and it will come back full.

/Okay.

Okay. So there were - as we understand it there were two different sections. There was operations, there was ordnance and logistics. --- I don't know about the details higher than the commander I reported to. I don't know how that worked.

Okay. And when you say the commander you reported to you're referring to Rashid Patel Aboobaker? --- I am referring to my commander, and you have the information. It has been submitted.

Well, we'd like you just to confirm ...
(intervention)

CHAIRMAN: Well, you verified the contents of that document under oath. --- Yes, I've done that already.

Is it Rashid? --- I have verified the contents of that document.

MR LAX: For the record it is Rashid, otherwise known as Aboobaker Ismael? What knowledge then do you have of Moloi, Lambert Moloi, within that MK structure? --- I've never ever worked with him. I met him the first time when I came out of prison. I'd never seen him before.

Okay. Do you know - you may not have met him, but did you know what role he played in Botswana? --- I never heard of him before.

And you met him after you came out of prison? - -- Yes.

In this country? --- Yes.

CHAIRMAN: So he wasn't any one of the people whose names - whose pseudonyms or nom de guerres you've given us here? --- Certainly no.

MR LAX: So the only commander you took instructions from was Rashid, as his nom de guerre was? --- In regard to

/military
military operations and logistic operations there was different commanders. For example, how to make a DLV, how to take the tops off - training about making DLV was done on instructions, and I can't remember exactly by who, but by one of the other people or some of the other people I've mentioned at various stages. And the commander, as confirmed in the contents, was my military commander. I reported directly to him, and received

instructions.

Did he ever communicate with you directly, personally, with regard to choice of target in Durban in this incident? --- No. He didn't say, "Go to Why ..."

I never mentioned the names to him. I would not mention the names to him. But I was given certain guidelines, and I raised certain questions about the dangers of this type of operation. Car bombs by their very nature injure people other than the intended target. There's never an incident where car bombs only injured intended targets, and I raised this issue. And given the guidelines and instructions I was given in regard to this car bomb, which amongst other things was to commemorate the 14th of June 1985. I was not given specific instructions for this place, but in terms of the guidelines as given - in terms of the questions I raised, and in terms of the confirmation I did in terms of intelligence, the target was chosen finally by me. I was not given any other equipment except bomb-making equipment for a car bomb. The Barn could not be used because there was never any parking there. The place was open, and you would stand out like a sore thumb if you came there. You also got the feeling of being trapped, because there's all the trees and - where you enter into the gate there were trees

/around
around there which - you just felt uneasy there. So that is why I chose the other target in terms of the instructions and guidelines I was given. And I've never been censured for that by anybody in the ANC.

MR GOVENDER: Was there any discussions with anybody about the target? --- I've had millions of discussions about it.

With your superiors? --- With my superiors and political seniors. I've never ever been censured for this operation.

CHAIRMAN: Sorry - sorry to interrupt. Mr Govender, are you talking about before the incident?

MR GOVENDER: Before the incident. --- Ja, I raised it with the commander. I raised that there's a possibility of civilian casualties.

CHAIRMAN: So you raised the question of the car bomb, but not the question of the target. --- No, I was given material for a car bomb. I was not given any other material for this operation. It was a car bomb.

MR GOVENDER: Did you ever discuss with Rashid the possibility of the target? --- I discussed with my commander the targets, and explained the difficulties and the problems that could arise.

Was any target mentioned in your discussion with your commander? --- I did not mention specific names, but I explained the circumstances.

But in your discussions did the Marine Parade as a possibility come up? --- No. In earlier discussions with Gordon there was talk of Natal Command. That's the only time when that area was discussed. It was clearly indicated in my last trip, which was to Botswana when I

/received received the material - it was clearly indicated what were the dangers, but I did not specifically say the name of any place.

Well, what was agreed was there would be a car bomb at a target chosen by you, is that correct? ---

In terms of the guidelines that were given, and in terms of the questions I raised, in terms of issues which caused me discomfort. And I wanted clarify on the issue, and I raised this with the commander.

I am sorry, I want just some clarity. You say that there was to be some sort of attack to commemorate the 14th of June 1985, and that was to take the form of a car bomb. --- That's right.

That was the agreement. --- It was a car bomb.

You were given the ... (incomplete - end of Side B, Cassette 1) --- Ja, I - there was a number of targets. I said there were a number of targets. I never mentioned them by name to say it's this place. The instruction given was a high concentration, whether on duty or off duty, so when I said, "There are off-duty spots which have been reconnoitred and verified, but there are problems with them." And we were coming under flak from the international community about certain operations, "So I am not sure, I need clarity," and then I was given the Kabwe Conference and the things I have already mentioned to you.

The difference between soft and hard targets. -

-- Well, that civilian - it would be policy that you would not be condemned or censured if civilians were caught in the crossfire. And I was given the example of what took place against the refugees or suspect refugees in Botswana and the neighbouring states. That was mentioned to me.

/In other

In other words, "Let's not be too careful in going after security personnel." It had reached a new stage. The political leadership had set the paradigms for this new phase of the struggle in the 1985 Kabwe Conference. So in that light I understood it, but I did question beforehand the dangers.

So against that background you were then said, "We need to commemorate the 14th. There's the equipment, you go and choose the target," after that discussion had taken place. Is that right? --- That's right, yes.

MR LAX: And did you report back immediately before or immediately after the bomb? --- I did not report back. I only reported back by telephone that I needed to come out early, and I had to give a code - I can't remember who I phoned - was that, "I am coming for auntie's birthday." I needed to come out early. And that was after, after the last operation was done, just before I was arrested. There was no requirement of me to report back. There was sufficient confidence in me that in terms of the guidelines and in terms of discussions held I will do the right thing.

MR GOVENDER: What about this question about the Hyperama Garden & Homes as first choice? --- That was absolute nonsense. That was because - I'll go into the details about that, why the trial records will differ from this, but one of the reasons was that it was a state of emergency. We had to go and see whether there were police in the vicinity of where we were going to, and we couldn't go around lugging 60 kilograms of explosive with us, and a Makaroff pistol in the cubbyhold. So that was the reason. Unfortunately Matthew was not a very good

/witness,

witness, so he agreed to suggestions from my instructions put to him by the advocate on some of the things. That is that. But we did stop there, and we did a reconnaissance inside, closer to the beachfront.

So the target was chosen, there wasn't a change of the target at all? --- Only I knew the target. Only I knew it, and I told nobody else that that is the target. Except that Matthew knew when we reached town that we were going to do an operation, and I am not sure at which stage I told him exactly what operation we were going to do. But he was made aware when we were in town.

The question that needs to be asked, Mr McBride, is that in view of everything else was there any other target that would have been much more legitimate in terms of this soft and hard target that you could have chosen? --- Well, there was no terminology of soft and hard targets. We were going after military personnel. That's how I understood it. When I felt uncomfortable about the issue I raised it. I actually raised the issue, and it was explained to me what the policy ... (intervention)

But the reason I asked the question, because from your own evidence you are saying that you in fact disagreed with this type of effect that a car bomb ... (intervention) --- I didn't disagree. I had no moral dilemmas about it.

But you had a concern about the car bomb? ---
I was - sorry, Sir. Yes. I was ... (intervention)

MR CURREN: Sorry, Mr Chairman, just - may I have a bit of clarification on this line of questioning? These are

the sort of issues I believe the Amnesty Committee would consider when they look at whether or not this is an act /which is which is associated with a political objective. I am not sure that they relate to fact finding as to the political morality of the deed. As I understand your mandate is to find facts, and to debate the question of political morality with Mr McBride I think is inappropriate at this stage. I believe that's so.

CHAIRMAN: Ja. No, I tend to agree with you.

MR GOVENDER: I withdraw the question.

CHAIRMAN: Okay.

MR GOVENDER: My learned friend is quite right.

CHAIRMAN: Sir, in your trial there was evidence that you in fact acted under the influence of Mr Lecordier to place the bomb on the beachfront. --- Yes.

Why was that? Let's just get to the question of this contradiction. Was that because you felt that that might constitute mitigating circumstances in the event of your conviction? --- That was one of the considerations, the first one being it has - since the 70s if you say you are under instructions you will get hanged for sure. That was the most important thing. I had already resigned myself, but I wanted to give my defence team some ammunition to fight with. And I didn't want to, when I am instructing them, contradict myself in my instructions to them. So I realised that, number one, if there's no mitigating factors you will hang. Another aspect was the fact that the international community was lambasting the ANC for some of the acts. I think it was the State department classified the ANC as a terrorist organisation,

simultaneously with Margaret Thatcher. So it was important for me to protect the image of my organisation. It was important for me to protect my /commanders.

commanders. When I joined Umkhonto we Sizwe there was an understanding, an undertaking given by me that I would not volunteer information on MK operations, which has always put me in a difficult position. So it's those things that were considered when I gave my legal team those particular instructions.

And did you ever receive instructions with regard to the issue of warnings? --- There's never been an ANC operation where there's warnings been given - never ever.

There was an attempt to give a warning in the Amanzimtoti bomb. --- That's the evidence from the accused, the person who was executed. That's the only known one. I was never ever told on one operation to give warnings ever.

MR LAX: Sorry, if we can just - I sort of feel like I'm labouring this point. I just want to be clear. You spoke in terms of guidelines. --- Ja.

I want to just make sure that I understood you correctly. --- Okay.

You were - the guidelines were that it had to be a place frequented by military personnel. --- Ja.

Or security force personnel. Let's use that broader sense to include military. --- Yes.

Right. The other guideline was that it had to happen before or on the 14th of June. --- That's right, yes.

Okay. --- I had two days to do it.

What other guidelines were there? Those are the two that we've canvassed so far, the main ones. --- Well, that it should be consistent with the instructions given. It must be a car bomb. There must be a concentration of

/people.

people. I was specifically told to ensure that no possibility of any children being hurt. That was specifically given to me. And the most important guideline is that I explained the difficulties of the operation, and I was still given the go-ahead.

Yes. No, no, we fully understand that issue. -- That is important to me.

I mean we've canvassed it backwards already. I don't want to waste any more time on it. --- I am not wasting time. It's just the most important guideline that I was given. After explaining the situation and the difficulties on the ground I was given the go-ahead.

And the difficulties you raised were that it was a dangerous operation which could lead you to be exposed, and the second aspect was that there would be indiscriminate loss of life. --- I didn't raise the issue of being exposed. I knew that some day I am going to get caught or killed. The issue that I raised was that, "What is the policy?" And here we're coming into the interjection from Mr Curren about the question raised by Mr Govender.

Ja. --- So I won't go into that. So I raised the issue of - in terms of the policy what is it? "There are difficulties. It could create problems for

us if people other than the intended target are injured and killed."

Okay. You spoke in terms of commanders, in the plural, not just a commander that you reported to. Who were your other commanders? --- The reason why I mentioned that is how I explained earlier to you, that certain commanders would give you instructions how to make

/a DLV,

a DLV, when to make it, what should be included in it. Others would give you instructions on military operations.

Okay. --- I can also add this to you, so that you understand me. In terms of sabotage the instruction was sabotage various installations. On this issue there was a specific instruction given, and this thing was planned long before. That's why it was given to Webster also. This was a specific instruction from the commander for a car bomb on that particular day within the framework of those guidelines I've already mentioned to you.

Yes, I've heard you. Now, what I am wanting to do is go beyond that in the more general sense we were talking about previously, and so I am asking you who were your other commanders that you took instructions from? --- It's the people I already mentioned them to you.

MR CURREN: Can we just get clarification? I've understood that the general information which you sought from the outset was to get general background so that you had a whole picture in your mind, and then you could focus on this particular incident.

MR LAX: That's why I am asking in a generalised way, just to be clear, which were - he referred to commanders. I am wanting to make sure and just confirm which these commanders were.

MR CURREN: Okay. I just want to get clarity that one is not going to now start dealing with other incidents than the one referred to in the subpoena. Thank you.

--- In connection with that, the affidavit is quite clear about the commander and who I was responsible to.

It's very clear.

CHAIRMAN: Sorry, what is your knowledge of the
/involvement
involvement of Mr Joe Slovo at that level in Botswana?

--- Oh, I didn't know at that stage, because he had fulfilled a number of portfolios. I can't remember. He had changed from place to place. But I don't know that part. The commander would know that.

MR LAX: Sorry, just to confirm this, none of your - none of the commanders above you would have been aware that the Why Not/Magoo was the actual site that you had chosen? That was in your discretion according to the guidelines and so on. --- It was in terms of the guidelines, and in terms of the difficulties, and in terms of the go ahead.

Sure. --- That's a different thing to my discretion.

I want to turn to a different issue completely now, and that is your actual interrogation, and in that regard the questions are going to help us to, in essence, deal with some of the people that interrogated you, who also already form the subject, some of them, of other inquiries in relation to gross violations of human

rights which they perpetrated on other people too. ---

Ja.

Before I do that I just want to check with the Chairperson that we're finished at this stage on this issue for now. Okay?

MR GOVENDER: Why was Botswana used rather than Swaziland for staging these operations? It was normal for MK to use Swaziland, isn't that so? --- It was a different machinery. My understanding is that Natal machinery used Swaziland. I was in special ops and belonged - if I chose I could ask to be met in any place, but I was not - I did not belong to a provincial machinery

/as it

as it was.

It was a national ring. --- Yes, but most - also more important, it was distinct from the others in the way it operated. It was separate. I would not take instructions from someone who was in any of the provincial machinery.

CHAIRMAN: On the day in question, 14th of June, did you proceed directly to Marine Parade, or did you go - I am not talking about West Street or - did you go anywhere else on the beachfront area? --- Only in terms of doing reconnaissance to see if there were police around, and in terms of moving the bomb car closer. That is all.

Did you at any stage during that period consider another target in the vicinity? --- No.

Never? --- Never. I specifically needed another person to reserve a place for me there at that spot. That was why I needed another person. That is

why Greta Appelgren had to come with me on the operation. I didn't need her. The reason why Matthew was there was to give me cover with a pistol if something happened. I didn't need anybody else. And that was the most appropriate place where it was placed for the Why Not Bar. It's a very funny area of parking.

I can give you this map if you want to look at it. This is from the exhibits.

Could we have a look at that? --- Yes.

So anybody who's made a statement which suggests that you did consider spontaneously another target in that Marine Parade area would be wrong? --- It would be wrong, and there's been a constant - there's been a constant campaign by a number of people to make this the case. There's even this talk of Magoo's. Magoo's is a /new invention new invention by the Mercury newspaper. Everybody knew I parked directly opposite the Why Not Bar. Magoo's was never an intended target. And everybody has pretended I acted on my own like a madman.

So how was it a fact that more people were injured and killed in Magoo's than in Why Not? --- That's a mystery. I don't know how that happened. I don't even know if that is indeed the case. There was even some of the police witnesses gave evidence that they had seen Greta there, and they did not see her there when the time was given. They did not see her there. They could not have seen her there. They were walking on the pavement and it's a right-hand drive car. How could they look inside and see her if they're walking on the pavement? They're higher than the car.

MR LAX: Just one aspect about this diagram. ---

Yes.

I certainly don't want to canvass the sort of issues which you're talking about now. I think they irrelevant for our purposes here, and frankly the trial is long gone. The X is where the vehicle was parked?

--- The main X is where the car was parked. The other Xs is pieces of the car.

Yes. This is where the bits ended up. Okay. I am familiar with the area as it was then, and as it is now, so ... (incomplete)

CHAIRMAN: And if there's anybody who's made a statement which suggests that you told Matthew Lecordier about the presence of a bomb in the car that you were driving in on your way into Durban only when you hit a bump in the road ... (intervention) --- That's right, yes.

Did that happen, or ... (incomplete) --- Yes, I

/hit a hit a bump in the road just as you come off the old freeway with - I think it's different now. You would come down straight coming from the southern freeway into town. There would be a bump just there.

MR LAX: As you come into the embankment? You sort of come over that ... (intervention) --- It would lead into, I think, West Street from there. It would lead into West Street. It would cross over Smith Street. That road, coming in on that road.

MR CURREN: Sorry, is the question whether he agrees there was a bump, or whether he agrees that he told Matthew Lecordier that there was a bomb in the car when

they hit the bump?

CHAIRMAN: The latter.

MR CURREN: Ja. Won't you just clarify that with the witness?

CHAIRMAN: Did you in fact advise Mr Lecordier of the presence of a bomb in the car when you hit a bump? ---
Yes.

So that part is correct? --- Yes.

But up until then he didn't know why he was with you? --- He didn't know why he was with me.

Did you say to him that you were going to meet some people in the movement? --- I can't - I remember - I am not sure if I told him, but that we were going to leave a car off for some Comrades. That's what I told him. He did not know anything about a car bomb until we were in town.

You see, some of the information that I've put to you now arises from a statement which is in our possession which purports to be made by you. --- I made various

/statements

statements which would conflict with this new information you have. On various occasions.

MR CURREN: Could you give us a copy of the statement and tell us when he made the statement?

CHAIRMAN: Yes, sure. Ja. The statement was made on the 5th of November 1986. Well, it may have been finalised then, but it's dated the 5th of November 1986.

--- I never signed such a statement.

No, no, no, I know you didn't sign it. --- So
... (incomplete)

But the information contains information which you have now confirmed, so the point I am putting to you is that it contains information which is factually correct according to your version. --- Yes. Some of the information is factually correct, others is not. That's why I didn't sign it. It's a very thick document. I know what you're referring to.

Ja. --- Interrogation document.

Can you tell us ... (intervention) --- I can't remember what's all in there, but certain aspects of it were stuff which was put to me and was written down by the police themselves, so I could not sign it. Even though I was pressurised very much to sign it I did not sign it.

Because it does contain a version which is partly in accordance with what you have told us ... (intervention) --- It's very much in accordance - sorry, Sir.

It's partly in accordance with what you have told us, but then there are parts of it which are substantially at variance with what you have told us.

--- That's right.

For example, it says that you had no idea at all of

the existence of the Why Not Bar. --- No, that is not true.

And it says that you only gathered - you only realised later, after your release from prison, that there was - or, no, after you read about it in the papers while you were in prison, that the Why Not Bar and Magoo's were in the same structure, they were part

of the same hotel. --- No, that is not correct.

That is not correct. It is absolutely not correct.

So these are fundamental contradictions. You understand that? --- Ja, but that is - that's madness, it's not correct.

Do you want to say something about the circumstances under which that statement was prepared?

--- I don't even know how that came in. I don't even remember if it was the original thing I did not sign, but that is like weird. Even the police know that's weird.

Who was the policeman involved in the preparation of that statement? --- There was Captain Taylor, Captain Jimmy Taylor, and there was Bertie Steyn at some stage did interrogations, de Beer - who else? Lotter. There was a lot of policemen. They had a team working on me.

And so you didn't sign any statements? --- No.

I would sign stuff that I was sent around which was never accepted in court because it was - people would send you to places and they'd tell you to sign, but you know you're going back to the - you're going back to the interrogation room afterwards. And they'll take an independent guy, supposedly, and you know you're getting handed over again so you'd sign anything what's there. So I don't think that is relevant.

/And what

And what pressure was placed upon you, physical and other pressure, in order to persuade you to sign?

--- I was assaulted. I was assaulted, I was choked. One of the senior policemen squeezed my testicles. I was made to walk with a hood over my head and being

bumped into pillars at the bottom of the basement in C R Swarts. If you open that book you're busy with there you'll see my nose is broken. That book that you had, "Until Babylon Falls." You'll see a picture. That's taken from the police document. You look at my nose now and you look at that, and you can see my nose is broken there.

Did that happen while you were in detention? ---

Yes.

Pending your trial? --- Yes.

And who were those policemen involved? --- I was hooded at that stage. I could not see which ones hit me at that stage. But I can point out those who squeezed my testicles and those who put the hood on. I can point them out. They were not part of the immediate team, although some of them were. Not all of them were.

And in the first few hours I didn't know exactly which one was which one. There was a lot of teams. There was about 50 people in and out. One would go and sleep and the others would continue, and it would go on for hours and hours.

MR GOVENDER: Were you assaulted by Jimmy Taylor? ---

Jimmy Taylor did not assault me. Jimmy Taylor did not assault me.

CHAIRMAN: He has in fact been subpoenaed to come and answer questions here. Are there questions relevant to that incident which you think we ought to put to him?

--- Which incident?

/The ...

The ... (intervention) --- Jimmy Taylor did not assault me. Yes, I would like to know who did, yes.

CHAIRMAN: He was present when you were assaulted? -

-- No, he was not present. He joined the investigation, I think, I am not sure, at some stage when I was standing up handcuffed onto a bar behind me, a burglar bar, and I stood there for about 24 hours. He questioned me when that was happening to me.

MR GOVENDER: When you say you don't know who - you were hooded and you were assaulted. --- Ja, they - not with a hood. They took an anorak which has got plastic covering on, my own one, put it around my head, and made me walk around at the bottom.

Were you assaulted while you had this over your head? --- Yes, I was made to walk into the pillars, as I said already.

But you don't know whether it was Taylor or not who could have done that, not so? --- I don't know if it was Taylor or not, but Taylor's approach was different. I don't know if it was a good guy/bad guy thing or what, but Taylor did not assault me. He did not assault me openly like some of the others did.

MR LAX: You've given us the names of four people specifically. Taylor didn't assault you. Bertus Steyn?

--- Yes, he squeezed my testicles.

CHAIRMAN: Are you aware that he's made application for amnesty? I'm telling you now because it's been made public. --- I don't know. At one stage also, when I escaped from prison, or from detention, and I was shot, he stood on my leg also while I was lying on the floor.

And my left leg was broken and my right leg was shot out. And

/he stood

he stood on my leg. That's all he did to me.

Later. --- Ja, but it was in the interrogation period. It was about - I was only about two and half months in. They only finished this document here I think about a day before I had to appear in court, or something like that. And they wrote many documents, many documents. I appeared in court I think on the 4th of November '86.

MR LAX: Okay, de Beer. Which de Beer was that? ---
Zen de Beer.

Zen? --- Zenaroth de Beer, I think that's his name, or Zenhart or Zenaroth.

Did he mistreat you in any way, assault you? ---
He had very little to do with me. He would come in now and again. He's very soft spoken. I can't remember him actually assaulting me. I can't remember. In the first few hours was the worst, the first few hours. There's also a statement I had to go and make to a Magistrate, which was proven to be untrue, and hence it was not used in evidence. So that was the extent, to get relief from these guys you go to the Magistrate. Before you go into the Magistrate the policeman outside tells you, "Jou moenie kan kak praat nie" So what do you do? You go and say what you're told to do, man.

When you went and saw the Magistrate - I am interested from another angle here. --- Ja.

Would it have been obvious that you'd been assaulted? --- Yes. Yes, yes. That picture was taken - that picture was taken, I am not sure at which stage, but it was in the first few hours. I think that anorak is still on me that they choked me with. But the thing is that one, the big one there. Yes, that one,

that one.

/That's

That's the one.

You can see a bright green one, but there's another one of you in a line-up wearing an anorak. ---

No, that one they took away from me. My green anorak they took away from me. I think they call it a parka. It's called ... (incomplete - end of Side A, Cassette 2)

You don't by any chance remember the various Magistrates you might have been called up to? --- I don't remember any of those faces the first few hours. It was just an ordeal.

CHAIRMAN: Just for the record the document or photograph referred to is a photograph in a book called, "Til Babylon Falls," by Brian Rostren, and the photograph is the second photograph in the book of Mr McBride.

MR GOVENDER: Mr McBride, it's obvious that statement that the Chairman has referred to mentions the name of Rashid, something that you told to the police while you were interrogated. Did they require you to identify this person? --- They - Bertie Steyn mentioned the name Rashid to me first. He said, "It is Rashid." That's what he said, and I never answered, and they put - Bertie Steyn was after the name, and he kept saying Rashid, and then they put the album in front of me, they put a lot of pictures. Some of them were people connected to me, some of them were not. So that was the situation.

Was it obvious then that they didn't know the identify of Rashid? --- No. They seemed to be - they asked me questions whether he was the - whether he

was an arab or someone from somewhere else. They seemed to not know him who he was, this Rashid that they mentioned about.

/MR LAX:

MR LAX: While you're busy there I just want to just finish my line of questioning about your treatment. You're not sure how many times you went before a Magistrate to sign a "confession"? --- I think it's only once.

Only that one time? --- Only once. The first time after the - a number of hours I was in detention, after the interrogation overnight until the next morning. About 24 hours, 24 hours I was there.

We should be able to find that docket and find some reference to that particular confession. The reason I am asking this is that we will be conducting a separate hearing into the legal system, and it's obviously of grave concern to those of us that are lawyers that the sort of incidents you talk about, and thousands of others of that nature, happened, where people were visibly injured and the particular Presiding Officer to whom a confession was made didn't note anything at all. So I just mention that to you so that you understand the context in which I am asking you that question. The last person you mention is Lotter. ---

Ja, Lotter would come and clout me occasionally.

What was his name? Do you know his first name, or ... (incomplete) --- He was a warrant-officer, a very short guy, and he was particularly brutal, because he'd just come in - he clouted me once in front of Jimmy Taylor. Once he clouted me in front of Jimmy Taylor when I was handcuffed to a chair.

On the other occasions where you would have been assaulted clearly then were different shifts working, and they were probably - as you say they probably played the

/classic

classic good cop/bad cop game with you as well. Who would have been in charge or the senior person present during most of the times that you were assaulted? ---

Well, the feeling I got was that Bertie Steyn was the senior guy, because he was left alone with me with the album. No one else was there. He was left alone with me.

CHAIRMAN: Was Bertus Steyn then head of the Security Branch? --- I don't know his rank. I just got this feeling from the way the others responded to him that he was very senior then.

MR LAX: Just before you continue, Mr Govender, so those are the only four names you can remember of policemen? Are there any others that might come to you?

I know you weren't necessarily expecting this line of questioning at all. --- There was a fellow, Brand Visagie, who also assaulted me. I can't remember the extent of his assaults. How I remember is that I met him afterwards and he looked familiar, and I just spoke to him civilly. But then he mentioned, "I was in the Security Branch." And he was looking at me expectantly, but I just - I just spoke to him all right. But he assaulted me, yes. He assaulted me. And there's a guy who did not assault me also, but who threatened occasionally, gave verbal abuse, was Adendorff. And there was Mark Shaw. I think he was Mark Shaw.

Sorry, you're just confirming Shaw assaulted you, or not? --- Yes, yes. He got particularly angry on two occasions. On the first occasion about the Why Not Bar and his buddies, how I fucked up his buddies. On the second occasion we were travelling in a car and they were asking me questions why I am getting involved in this, and

/I said, I said, "It's the struggles of oppressed people against oppression," or the same, something to that effect, and I referred to the way the Israelis treat the Palestinians. And this guy - everyone said, "Ho, ho," in the car, and this guy looked at me and punched me. So I got the feeling he might be Jewish, but I don't know if it was. But it seemed everyone looked at him like I had touched a raw nerve or something.

Okay, I am finished on this issue.

MR GOVENDER: Just to - you said that you were presented with an album to identify people. Were photographs of people like Oupa and Chris and Victor and George presented to you in that album to identify? ---

Yes. There was two albums. There was one a special - if I can think correctly, a special ops album, which seemed to be separate from a general album, because photos that appeared in the one appeared in the other. So it seems like certain ones were extracted for a special album. There was one with about 6 000 names in, including our president's name there, then President Thambo. His photo was there - I mean photos. And there were some of the other people's photos, and then the photos taken out from that album and put in another special album, a much thinner one.

MR LAX: Were you questioned by Sam du Preez at all?

--- Yes. Yes, I was questioned by him. Why I remember is because I had played rugby against him at some stage, and he called me a Hottentot on the field, and he had called me a Hottentot again during my interrogation. But I don't remember him assaulting me. It's possible in the first few hours, but I don't remember after. I don't

/think so think so. Because at one stage he travelled next to me, sitting next to me, and he was not particularly aggressive against me.

What about people like Andy Taylor? Did you ever meet Andy Taylor? Did he ever come into the investigation? --- He was in and out, in and out, but he never - as far as I can recall - maybe on the first day when there was all those faces, but he would be in and out. And he would work on a different floor to where we were, so I saw him occasionally coming in and out. He will ask questions and consult with them and then go out. But as far as I know he never had much to do with me.

One last aspect. Have you - subsequent to all of this, and under the new dispensation, have you met any of these people who were your commanders and so on subsequently? --- Yes, I have seen some of them.

Which of them? --- All those that I've mentioned, including the person reflected in the affidavit.

And obviously having met them you would have been introduced to them, have their proper names at this stage. --- No, I have not been given their proper

names.

What context did you meet them in? --- At rallies or at MK functions. Various places, not any specific place. I think I might have bumped into one or two guys at Shell House.

MR GOVENDER: The construction of the bomb that was used in the bomb incident, was that made by you personally, the bomb, the construction of the bomb? -

-- Yes.

And the attachment of extra shrapnel and so forth onto the pipes and so forth, what was the reason for that? /--- Well,

--- Well, it was to cause maximum injury and death to enemy personnel. We were to kill enemy personnel. That's it.

CHAIRMAN: When you refer to extra - I don't know what phrase you used, but - bits of metal, was that - were those metal pipes that you cut into small pieces in your father's workshop? --- Yes, that's right.

MR LAX: Just as a matter of interest what sorts of bits of metal were they? Where were they from? --- My father used to do light engineering, so there was lots of irons around there, and round bar pieces which were available. In all car bombs we put shrapnel in. That's the nature of a car bomb.

So you didn't go out and specifically buy stuff for this purpose. --- No. No.

You just used whatever you could find? --- No, the buying part came in with the - the investigation people were looking for all details of purchases made, and they found a receipt which corresponded similar to the date. But I did not buy, someone else bought the

metal which is used normally for burglar guards.

CHAIRMAN: This book by Brian Rostren, he interviewed you. --- Yes, on a number of occasions.

And you're quoted in this book as a result of those interviews. --- Yes, that's right.

You also quoted from the record, for example, of the trial and so on. --- That's right.

Does your - there sort of seems a consistent thread to the story as contained in this book which is different, fundamentally different again to what you're telling us now. --- Except that the book does mention in a little

/paragraph

paragraph something to do with instructions. I am sure you picked that up also. So it mentions that and it mentions the other stuff too.

Ja. And, to the extent that what's consistent with what you've told us, what's inconsistent here, what's your attitude? The same explanation? ---

It's the same explanation that I've given you earlier when you raised the same question, because it's the same parallel. However, there is a section there which refers to the instructions aspect.

MR CURREN: Could I just put something on record so that there's a background and a context to this line of questioning. It must be remembered that for many years Mr McBride was on death row, and there were ongoing campaigns to have his death sentence reprieved and obviously changed to a life sentence or an alternative sentence. During that period a particular position was publicly taken throughout in the context of attempting to have the death sentence set aside in various ways,

which included representations to the government of the day at that particular stage, and I think one just has to bear in mind that that was an important factor which determined the public positions that were taken. ---

And just to add that it was also part of the strategy to continue with what was said in court, because it provided grounds for extenuating circumstances. And we had a dissenting judgment also, which strengthened the case. And even background assessment was done independent of the strategy I adopted in court, which contributed towards the - achieving some semblance of extenuating circumstances.

MR GOVENDER: Did you ever meet Buchner? --- No, not

/as - I've

as - I've never met anyone who's known by that name, who introduced me to him as that person. So I have seen pictures of the guy on TV you're referring to, and I've never met him to my knowledge.

CHAIRMAN: I think that, certainly for the time being, wraps up what we wanted to ask Mr McBride. We would like to reserve the right to recall him. I am sure it's unlikely that we will do so, but we'd just like to place that on record, that it will not be necessary to issue a fresh subpoena.

MR CURREN: Ja.

CHAIRMAN: If we may do it through your offices.

MR CURREN: There are just two questions. There's a passport here which deals with Mr McBride's exit and re-entering to South Africa just before - which relates to the collection of the packed vehicle. If you need it we would make it available to you. From the passport

it's evident when he left the country and when he came back in, and obviously this would be independent corroboration of the fact that he was out of the country just before this happened, and came back with a vehicle.

So if you require that we would make it available to you.

The other question is Mr McBride has asked me to find out about payment for his expenses that he's had to incur in relation to this hearing, which obviously relates to his own travelling expenses, as well as mine, and he's uncertain, as I am, with regard to the payment of any legal costs within the context of tariffs and so on, how this Committee works as opposed to the actual Amnesty Committee. And what do we do about recovering costs, because they would obviously be for his account if they

/are not
are not recovered?

CHAIRMAN: Okay, with regard to the travel costs, we work according to the promulgated regulations, which provide for travel allowances for all witnesses who have been subpoenaed. With regard to the legal representation, what probably should have happened is that he should have applied for legal aid in the normal way, as provided for for all hearings of the Commission.

Anyone who is subpoenaed to appear before the Commission is entitled to legal aid, provided they qualify and it's in the interests of justice and so on, as provided for in section 34 of the Act. I am not sure that we're going to be able to do anything about it ex post facto. I might have to speak to the legal officer of the Commission to just check that, but also it may

well be possible that - I am aware that there is an arrangement between the different ministries, particularly the Ministry of Justice, and in your case Foreign Affairs, that people who are currently serving in ministries who are, and were, cadres at the time, are entitled to legal representation in that regard. So I am sure you could be covered by that.

MR CURREN: We're aware of all those arrangements. We just wondered if there was a special separate arrangement relating to this. We'll make - we'll follow it up, ja. Thank you.

CHAIRMAN: And with regard to the travel costs, I presume you've obviously paid for those, but as I understand it that can be reimbursed.

MR CURREN: I assume I'd have to claim mine as part of the legal costs as a disbursement and not as a witness fee. Ja, I understand that. I'll do that. Could I make

/a last

a last request? There's still Greta Appelgren that obviously needs to appear, and the flights have been extremely full and difficult, and I have a flight reservation for 4 o'clock, and I wondered if we could take a shorter lunch so that we can actually get going as quickly as possible just to make sure that we have sufficient time?

CHAIRMAN: That's fine. I don't think we'll spend very long with her.

MR CURREN: And then the other thing, Greta's application, her amnesty application, has that arrived yet? We really would like to have that on hand before we - okay, we'll talk about that during the short

adjournment. What time would you like to re-commence?

CHAIRMAN: Just before we close this matter and adjourn it sine die, here is that statement.

MR CURREN: Thank you.

CHAIRMAN: Which we have copied for you.

MR CURREN: Thanks very much.

CHAIRMAN: Okay, the matter is then adjourned. Thank you very much. Thank you for your co-operation, Mr McBride. --- Thank you.
