

APPLICATION FOR AMNESTY IN TERMS OF SECTION 18 OF THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 (ACT NO. 34 OF 1995)

On 14 June 1986 I participated in a car bomb operation in Durban outside Why Not/Magoos Bar. This bar had been identified as one frequented by off duty policeman and Defence Force members. 3 people were killed and 69 injured in the explosion. Extensive damage to property was caused.

Following the mandate and instructions received as per the attached affidavit, I returned to South Africa on June 12th 1986. Based on information and intelligence gathered, the Why Not Bar was then selected as the most appropriate target. The operation was then carried out.

It emerged both during the trial court and during my interrogation that the Why Not Bar was frequented by Security Force members. I was accused during interrogation by Security Police of "f..... up our buddies" and during trial it emerged on more than one occasion that this was known as a bar frequented by both policemen and SADF members.

3

A specific instruction had been given to me by the Special Operations Command to attack places where there was a high concentration of security force members both on and off duty

The operation was carried out on June 14th 1986 during a period of extreme political upheaval in South Africa, which had culminated in the declaration of a nation-wide State of Emergency on June 12th. Among other things the declaration of the State of Emergency was an acknowledgement by the then Government of the extent of the turmoil in the country. The State of Emergency granted unlimited powers to the Security Forces and indemnity from prosecution for acts carried out during this period.

The operation also took place within the context of the ANC's organised political uprising against the minority government of the day. Within this it is important to look at the following factors: one year previously to the day) the Security Forces had raided Gaborone in Botswana killing 12 people (two Botswana citizens, one Somalian, one six-year-old child from Lesotho and eight South African - of the South Africans, eight were ANC members, none of them were MK combatants). In the edition of Sechaba following this attack the Editorial stated the following:

*"The struggle of the people of South Africa will be intensified at all costs... the time has come when we should avenge our martyrs."*

4

In addition, the 1985 conference of the ANC held in Kabwe had decided that the distinction between "soft" and "hard" targets should disappear. An article from Sechaba at the time outlines some of the reasoning behind this:

*This ANC Conference which took the form of a Council of War decided that the distinction between "hard" and "soft" targets should disappear. The attack on South African refugees in Botswana by the racist forces just before the conference emphasised the need for our movement to bleed the enemy."*

On the same theme, the then President of the ANC, Oliver Tambo stated the following in an interview:

*" I will summarise the position taken by the Conference in these terms: the struggle must be intensified at all costs. Over the past nine to ten months at least - at the very least - there have been many soft targets hit by the enemy. Nearly 500 people have died during that period. That works out to about 50 per month, massacred, shot down, killed secretly. All those were very, very soft targets. They belong to the sphere of the intensification of the struggle..... The distinction between soft and hard targets is going to disappear in an intensified confrontation, in an escalating conflict".*

The detonation of a car bomb outside the Why Not/Magoos Bar took place within this context: both as a commemoration for brutal attack on civilians in Gaborone one year previously and the commemoration of the 16th June 1976 (ten years previously) when hundreds of innocent schoolchildren were killed by the security forces.

5  
3 death sentences, later commuted to life. In September 1992 I was released in terms of the Record of Understanding reached between the African National Congress and the then Government. An agreement reached to expedite the release of remaining political prisoners to enable political negotiations to proceed without impediment.