

**TRUTH AND RECONCILIATION COMMISSION**

**AMNESTY COMMITTEE**

**APPLICATION IN TERMS OF SECTION 18 OF THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, NO.34 OF 1995.**

**HEINRICH JOHANNES GROSSKOPF APPLICANT**

**(AM 5917/97)**

**DECISION**

This is an application for amnesty in terms of the provisions of Section 18 of the Promotion of National Unity and Reconciliation Act, No. 34 of 1995 ("the Act"). The original application form which was completed by the Applicant without any legal assistance, simply refers to a bomb explosion during 1987. In processing the application, the Amnesty Committee experienced considerable difficulty in locating the Applicant. It was only shortly before the date of the amnesty hearing, that the Committee ascertained the whereabouts of the Applicant in the United Kingdom where he has been resident since 1991. In a prompt response to a request by the Committee, Applicant furnished further particulars relating to his application by telefax on 29 September 2000. In terms of these further particulars, the application relates to the following incidents:

1. Bomb attack on Witwatersrand Command Headquarters of the South African Defence Force ("Wits Command") in Johannesburg on 31 July 1987;
2. Creating a cache of military material in the vicinity of the Emmarentia Dam, Johannesburg on or about 24 July 1987, consisting of the following:
  - 2.1 4 x limpet mines with fuses and detonators;
  - 2.2 2 x hand grenades;
  - 2.3 1 x AK47 rifle with ammunition.
3. Non-combat support for sanctioned military operations carried out by operatives of Umkhonto we Sizwe's Special Operations Unit during or about the period September 1988 until December 1989.

In view of the fact that Applicant was not legally represented when submitting the application for amnesty and given the fact that the request for further particulars was only communicated to the Applicant at a very late stage in the proceedings, we are satisfied that the failure to raise the further incidents at an earlier stage, is not due to any fault on the part of the Applicant. We accordingly approach the application on the basis of the original application form as amplified by the further particulars dated 29 September 2000.

Applicant, who travelled from the United Kingdom for that purpose, testified at the amnesty hearing in support of the application. Although one of the victims of the bomb explosion attended the hearing, and the interests of all victims of the bomb attack were represented at the hearing by Mr Richard, no evidence was tendered in opposition to the application. The thrust of Applicant's testimony is contained in a statement which was handed in at the hearing as exhibit "A". Applicant's version can be summarised briefly as follows.

### **ATTACK ON WITS COMMAND**

Applicant was born into an Afrikaner family and was exposed to a wide variety of influences and perspectives due to the fact that their circle of family friends cut across various spectrums of South African society. As a relatively early stage in his life, Applicant became aware of the iniquities and injustices which resulted from the prevailing apartheid political system. Applicant was exposed for the first time to the African National Congress ("ANC") in visits overseas during the early 1980's. This left a deep impression upon the Applicant who realised that he could identify with the policies and principles of the ANC. Applicant's resistance to the system of apartheid intensified as a student at the University of Witwatersrand during the middle 1980's. This eventually culminated in the Applicant leaving South Africa and joining the ANC in Swaziland during January 1986. Applicant later decided to join Umkhonto weSizwe ("MK"), the military wing of the ANC and received military training under the auspices of MK. At the conclusion of his military training, Applicant joined the Special Operations Unit of MK in Lusaka, Zambia. After discussions with the then commanders of the Special Operations Unit, Aboobaker Ismail and Johannes Mnisi, it was decided that Applicant would be deployed as a single operative within the unit. The effect of this arrangement was that Applicant would be operating on his own and would report directly to the commanders of the Unit. Plans were then made to infiltrate Applicant into South Africa and to this end appropriate targets were selected for attack. One of these targets was the South Africa Defence Force, Witwatersrand Command Headquarters in Johannesburg. Applicant was furnished with the existing reconnaissance reports in respect of this target which formed the basis of the planning of the attack upon the building. A considerable amount of thought went into the decision to identify the Wits Command as a target for attack. It was accepted that the possibility could not be ruled out that there could be civilian casualties in the attack. The planning of the operation did encompass ways of reducing the possibility of civilian casualties which included the time of the attack, the type of explosives to be used, the particular location of the attack and the like. After careful consideration of all of the relevant factors, it was decided that the attack would be perpetrated by means of a car bomb. Applicant was eventually infiltrated into South Africa with the necessary material and explosives and ordered to execute the attack. Applicant established a base in the vicinity of Johannesburg and embarked upon the necessary reconnaissance and further detailed planning for purposes of the attack. Amongst the matters which Applicant had to attend to, was the preparation of the vehicle to be used for the purpose of the car bomb. After having acquired the necessary vehicle, Applicant performed extensive tests in order to ensure that the attack would proceed according to plan. This would include Applicant parking the vehicle shortly before the planned explosion opposite the premises of the Wits Command and engaging the necessary mechanisms to ensure that after Applicant had disembarked, the vehicle would collide with the building immediately prior to the explosion. To this end, Applicant had to manufacture an appropriate mechanism that would propel the unmanned vehicle after Applicant had parked it opposite the building. After having satisfied himself that everything

was in order for executing the attack, Applicant proceeded to the Wits Command building using Quartz Street, which was the quietest of the streets running past by the building. Just prior to 09h45 on 30 July 1987, Applicant parked the vehicle containing the car bomb in a parking space in Quartz Street opposite the Wits Command building. Applicant engaged the necessary mechanisms to ensure that the vehicle would move on its own and collide with the structure of the building whereafter the car bomb would detonate. He noticed three sentries on duty on the corners of the building and ensured that he had not attracted their attention before he disembarked from the vehicle and proceeded into a nearby shopping complex in accordance with the preconceived plan. Shortly after having left the vehicle, Applicant heard the engine of the vehicle revving high followed by a loud explosion that shattered all the glass in his immediate vicinity. He immediately started running away from the point of the explosion joining other people inside the shopping complex doing the same. Some distance away from the shopping complex, Applicant removed certain items of conspicuous clothing which he was wearing as a decoy with the purpose of avoiding being easily identified after the incident. He used pre-arranged transport to immediately travel to Botswana where he contacted his commanders at an agreed rendezvous point. He eventually travelled to MK military headquarters in Lusaka where he reported back to his superiors and was further debriefed by MK personnel. Applicant subsequently received further military training with a view to being redeployed inside South Africa for further operations. In view of the fact that his identity was disclosed by the South African Security Forces and political leadership as the person allegedly responsible for a number of armed attacks inside South Africa, the plans for his redeployment were cancelled. Applicant eventually joined the ANC Repatriation Committee which dealt with arrangements and negotiations for the return of ANC exiles to South Africa. For considerations of personal safety, Applicant did not return to South Africa but instead moved to the United Kingdom where he is still presently resident.

Having carefully considered the matter, we are satisfied that the attack perpetrated by the Applicant was primarily aimed at a political enemy of the ANC and MK at the time, namely the South African Defence Force and by the same token the South African apartheid state. The injuries caused to civilians in the attack, were foreseen but was clearly not the primary objective of the attack. Although approximately 30 people were injured, there were no fatalities. In our view, the incident constitutes an act associated with a political objective as envisaged in the Act. We are, moreover, satisfied that the Applicant has made a full disclosure of all relevant facts and that the consequences of the attack are not disproportionate to the objective having been pursued. We are accordingly satisfied that the application complies with all of the requirements of the Act and Applicant is **GRANTED** amnesty in respect of all offences and delicts arising from the car bomb explosion in Quartz Street, Johannesburg on or about 30 July 1987.

In our opinion the persons injured in the said bomb explosion are victims for the purposes of the Act and are accordingly referred for consideration in terms of Section 22 of the Act.

### **ESTABLISHMENT OF ARMS CACHE**

Applicant indicated in his testimony that in accordance with his orders, he established an arms cache with the arms, ammunition and explosives not needed for the purposes of the attack on the Wits Command. This was done in the vicinity of the Emmarentia Dam, Johannesburg on or about 24 July 1987. He conveyed the details concerning the arms cache to his superiors in MK upon his return from South Africa.

Having considered the matter, we are satisfied that the establishment of the arms cache was clearly linked to the armed struggle in which the ANC and MK were engaged at the time and as such constitutes an act associated with a political objective as envisaged by the Act. Accordingly amnesty is hereby **GRANTED** to Applicant in respect of all offences and delicts arising from his establishment of an arms cache consisting of the items referred to above in the vicinity of the Emmarentia Dam, Johannesburg on or about 24 July 1987.

### **SUPPORT FOR MILITARY OPERATIONS**

Applicant further indicated that after having re-joined the Special Operations Unit in exile subsequent to the Wits Command attack, he participated in the activities of its command structure. This entailed furnishing the necessary support for combat units ordered to carry out military operations inside South Africa. These units were thus enabled to continue prosecuting the armed struggle against the South African authorities. Applicant was a member of this command collective during or about the period September 1988 until December 1989. He is understandably unable to specify the attacks actually perpetrated by MK units as a result of the general support supplied by the command collective.

Having considered the matter, we are satisfied that Applicant's participation in the support furnished to MK units by the Special Operations Command contributed to attacks eventually carried out by these operatives. As such, Applicant would in our view have incurred legal liability for any of these attacks. We are also satisfied that Applicant's actions in this regard constitute acts associated with a political objective as envisaged by the Act. Accordingly amnesty is **GRANTED** to Applicant in respect of all offences and delicts arising from his activities as a member of the command collective of the Special Operations Unit of MK in furnishing the necessary support to operatives of MK carrying out military operations inside South Africa during or about the period September 1988 until December 1989.

DATED AT CAPE TOWN THIS DAY OF 2000

JUDGE DENZIL POTGIETER

ADV F BOSMAN

ADV N SANDI