

AC/2001/107

BEFORE THE AMNESTY COMMITTEE

APPLICATION FOR AMNESTY

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

In the application of :

ROELOF JACOBUS VENTER

AM2774/96

(Heard at Pretoria during October 1996)

DECISION

The applicant applied for amnesty in respect of several incidents. His application was heard and a decision, AC 99/0029, was handed down.

The Committee dealt with the incident known as the PEBCO 3 under Schedule 8 of that decision and stated:

"A decision in this matter will be given as soon as the decisions relating to other applicants involved in this incident, are finalised".

The Committee will first deal with the applicants evidence at the hearing in Pretoria and will thereafter deal with evidence given at the later hearing in Port Elizabeth.

It should be noted that the applicant is not asking amnesty in respect of the killing of the so-called Pebco 3, Messrs. Sipho Charles Hashe, Qaqawuli Godolozzi and Champion Galela. He is only asking amnesty in respect of the kidnapping of the three on 8 May 1985 at the airport at Port Elizabeth.

Whether applicant's involvement in the kidnapping of the deceased on 8 May 1985 and their subsequent killing by other members of the Security Police on the 9th or 10th of May was in fact one continuous operation or not would depend largely on the evidence of what transpired over the relevant period.. It should also be kept in mind that it is expected of applicants to be frank and honest about their actions. They should not withhold important information pertaining to their actions and the actions of others in the planning and execution of acts or omissions forming part of the subject matter of the incident under consideration.

At the hearing of his application in Pretoria Venter testified that the Security Police in Port Elizabeth requested assistance from Vlakplaas to identify and trace MK operatives and ANC activists in the Port Elizabeth area. The askaris (former MK members who were now working for the Police) would have been of great assistance in this regard because they knew their former colleagues and could identify them.

The applicant, Gert Beeslaar, Joe Mamasela, Johannes Koole, Peter Mogoai and Peggy Radebe were sent to Port Elizabeth. The applicant was the commander of this group which will be referred to as the Vlakplaas group. While they operated in Port Elizabeth applicant fell under the command of the Port Elizabeth Security branch, headed by commanding officer Snyman.

According to Venter he received instructions from Snyman to assist with the kidnapping of three leading activists. The reason for the involvement of the Vlakplaas members was that they were unknown in the area and would not

be easily recognised by members of the public, should they be seen while involved in the kidnapping.

The askaris drove to the airport in a Kombi followed by applicant and a member of the security branch at Port Elizabeth in another car. The applicant had radio contact with members of the Port Elizabeth branch and was informed of the movements of the three activists. Moments after the activists arrived at the airport they were kidnapped and put into the Kombi. After a meeting with members of the Port Elizabeth branch at a venue near the airport, the askaris were ordered to keep the activists captive in the Kombi and to follow Van Zyl to Cradock.

The askaris, according to Venter, had to assist in the interrogation of the activists which was scheduled to take place at Post Chalmers, a desolated Police Station, near Cradock which was used by the Security branch. The applicant further stated that he and Beeslaar returned to Glen Connor where they were staying while working in Port Elizabeth. He said that it was arranged that they would follow a day or two later to pick up the askaris.

He further testified that they indeed followed a day or two later and asked Major Winter, the station commander at Cradock to show them the way to Post Chalmers. This was denied by Winter and the applicant conceded that he had made a mistake and that it was an ordinary member of the Police, stationed at Cradock, who assisted them.. According to him they arrived at the old Police Station where he saw the three activists. They were blind folded, their faces were covered and he did not see any indication that they were assaulted.

They had a braai and enjoyed drinks. The applicant and Beeslaar went back to Glen Connor later the same evening and they were joined by the askaris later that evening or early the next morning.

He stated that he was not involved in any assaults on the three or in their interrogation. After he learnt that their bakkie had been destroyed, he realised that they would probably be eliminated. This was, however, not mentioned to him or the askaris. He accepted that they would be assaulted during interrogation because that was what normally happened.

The applicant was represented at the Port Elizabeth hearing of the amnesty applications of the other applicants involved in the kidnapping, assaults and murder of the activists. His evidence was contradicted in various aspects. Mogoai Koole and Mamasela said that applicant and Beeslaar followed them to Post Chalmers. They stated that he was present when the assaults took place and must have seen it. They also stated that they slept two nights at Post Chalmers before returning to Glen Connor and thereafter to Pretoria.

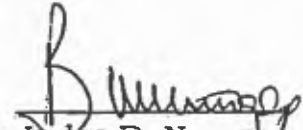
The evidence of the other applicants has been fully dealt with in decision AC/99/0223. This Committee took cognisance of the contradictory evidence.

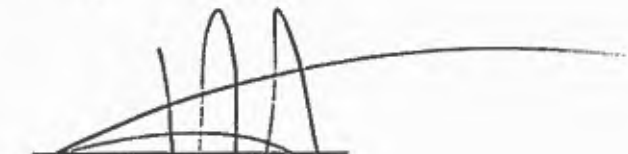
Having considered the evidence given by the applicant and the facts mentioned in decision AC/99/0223 the Committee is not satisfied that the applicant made a full disclosure of all the relevant facts.

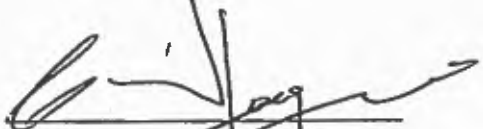
In the result amnesty is **refused** to the applicant in respect of any offence or delict directly linked to the kidnapping of Sipho Charles Hashe, Qaqawuli Godolozzi and Champion Galela in the Eastern Cape on 8 May 1985.

Signed at Cape Town on this the 03 day of April 2001.

Judge A Wilson


Judge B. Ngoepe


Judge S. Khampepe


Acting Judge C. de Jager

Cdj/nv



MEMO

AMNESTY COMMITTEE
P O Box 3162
Cape Town
8000

Tel: (021) 424 5161
Fax: (021) 422-2221

DATE : 03 April 2001

TO : PHILA NGQUMBA - MEDIA DIRECTOR
SHANAAZ ISAACS - DOCUMENTATIONS OFFICER
PHUMZA MPOYIYA - AMNESTY VICTIM CO-ORDINATOR
PADDY PRIOR - NATIONAL LEGAL OFFICER

FROM : MARTIN COETZEE
CHIEF EXECUTIVE OFFICER

RE : AMNESTY DECISION
ROELOF JACOBUS VENTER AM2774/96

In terms of Section 21 (1) of the above Act you are hereby informed that the Amnesty Committee on 03 April 2001 decided to **refuse** the abovementioned applicant amnesty in respect of -

- (a) any offence or delict directly linked to the kidnapping of SIPHO CHARLES HASHE, QAQAWULI GODOLOZI and CHAMPION GALELA, committed on or about 08 May 1985 in or near the Eastern Cape;

A copy of relevant decision made by the Amnesty Committee is attached hereto.

Yours faithfully



Adv. Martin Coetzee
Chief Executive Officer

Enc.

Belinda Hartle

Attorneys/Amagqwetha

AM 2774/96

Proprietor:
Belinda Hartle

H Lewis Trafalgar Bldg
16 Clyde Street
Central, Port Elizabeth

Candidate Attorneys:
Michelle Naidoo
Lyndon Gysman
Abongile Madiba

P O Box 12583
Centrahil, 6006

Tel: 557 663 Fax: 557808
Cell: 083 303 7571
email address : beetle@iafrica.com

Our Ref.:
Ons Verw.: B C HARTLE/IM/768 BH

Your Ref.:
U Verw.:

23 May 1997

COMMISSION OF TAX

The Chairman of the Amnesty Committee
Truth and Reconciliation Commission
P O Box 3162
CAPE TOWN
8000

PER TELEFAX : (021) 23-3280

Dear Sirs

AMNESTY HEARINGS : ROELOF VENTER IN RELATION TO PEBCO 3

Please intervene to ensure payment of an amount due to ourselves (and the writer's colleague, "Bond" Nyoka) arising from the amnesty hearing of Roelof Venter on 21 and 22 October 1997.

We enclose herewith letter dated 28 October 1996, addressed to the Amnesty Committee, requesting legal aid in terms of Section 34(b) of the Promotion of National Unity and Reconciliation Act (A).

We promptly received a copy of the letter which your Advocate Mpshe addressed to the Legal Aid Officer on 5 November 1996, requesting the Board to process the Bill of Costs (B).

We have since addressed several communications to the Legal Aid Board, and the last conversation with Miss Santa Crafford of their offices (telephone number (012) 48-12762) is to the effect that they cannot settle the account without a reference number because they are unable to trace their file. We enclose copy of our letter to Advocate Mpshe dated 2 April 1997 (C). Mr Lungile Matshaka was prevailed upon by Advocate Mpshe to intervene on our behalf. He addressed a letter to the Director of the Legal Aid Board on 30 April 1997.

The Board still maintains that they cannot settle until they have a reference number. It appears that there may be a problem in that the agreement in respect of the payment of accounts submitted under the Act may not be in place as yet.

We have made several telephone calls, both to the offices of the Legal Aid Board and to your offices, at great cost to our client, and the situation has become unacceptable.

We are also concerned that since the hearings of Nieuwoudt in relation to the PEBCO 3 will be reconvened in September 1997 we will again encounter the same difficulties in getting payment from the Legal Aid Board.

We would be grateful if you would urgently look into the matter.

Yours faithfully
BELINDA HARTLE ATTORNEYS

Per:

BELINDA HARTLE

C.C. Our Bill is Annexure "E"; Mr Nyoka's "F".

Heggie & Hartle Associates

Attorneys

Our Ref./Oms Verw.
B C HARTLE/SD/768 BH

H Lewis Trafalgar Bldg
16 Clyde Street
Central, Port Elizabeth

Your Ref./U Verw.

P O Box 12583
Centrahil, 6006

Tel: 557 663 Fax: 557808

CONFIDENTIAL FAX - INTENDED FOR ADDRESSEE ONLY

The Truth and Reconciliation Commission
CAPE TOWN

28 October 1996

PER FACSIMILE : 021 - 23 3280

NUMBER OF PAGES: Two

Dear Sirs

APPLICATION FOR LEGAL AID IN TERMS OF SECTION 34 OF THE ACT : FAMILIES OF THE PEBCO 3

We write to you on the instructions of the families of the Pebco 3 activists.

Mesdames Benedicta Nobubele Godolozzi, Elizabeth Hashe and Rita Galela were called upon to appear before the Commission at the amnesty hearings in Johannesburg on 21 and 22 October 1996. The writer and Attorney Mpumelelo Nyoka represented the Pebco families at the hearing.

Mesdames Hashe and Galela are unemployed. Our client receives a small pension of R400,00 per month plus a TLC allowance of R700,00 per month by virtue of her appointment as councillor. However, she is not an employee of the Municipality. Mr Nyoka and the writer represent the parties in respect of civil claims against the Minister of Safety and Security for *inter alia* loss of support as a result of the unlawful deaths of the Pebco 3, in which matters we are instructed by the Legal Aid Board.

We note that the Commission may appoint a legal representative to appear on behalf of persons called upon to appear before it if it is satisfied that the persons are not financially capable of appointing legal representatives themselves. Although both Nyoka and the writer felt a moral obligation to appear on behalf of the families we would respectfully contend that they would satisfy the criteria in terms of section 34 of the Promotion of National Unity and Reconciliation Act, to have a legal representative appointed by the Commission on their behalf. If amnesty were to be granted to Roelof Venter who testified in relation to the Pebco 3, this would affect our clients' civil claims for loss of support. It is moreover of immense importance to our clients that the truth be established in respect of the deaths of the three. We believe, therefore, that the "interests of justice" criteria would also be satisfied.

In all the circumstances, we respectfully request that the Commission reimburse the legal representative's costs in respect of their attendance at the hearings on 21 and 22 October and that it keep us covered in respect of the further proceedings when the witnesses subpoenaed by the Amnesty Committee testify in relation to Venter's application for amnesty.

We enclose herewith pro forma statements of account for our attendances which accounts have been drawn on the new Supreme Court tariff. Please feel free to tax the accounts as you see fit. Any contributions will be gratefully accepted.

Kindly consider and advise.

Yours faithfully,
HEGGIE HARTLE & ASSOCIATES

per:

BELINDA HARTLE





B

AMNESTY COMMITTEE

P O Box 3162
Cape Town
8000

Tel: (021) 24 5161
Fax: (021) 23 3280

Our ref :JM/MD/PL
Your ref :

5 November 1996

The Legal Aid Officer
Legal Aid Board
4th Floor
655 Main Road
PORT ELIZABETH
6056

Dear Sir/Madam

**BILL OF COSTS : MESSRS HEGGIE HARTLE AND ASSOCIATES RE
AMNESTY HEARING OF ROELOF VENTER RE PEBCO THREE**

We hereby confirm that attorneys Ms B Hartle appeared before the
Amnesty Committee on 21 and 22 October 1996 on behalf of the families
of the deceased Pebco Three.

We would be pleased if you would kindly process the Bill of Costs.

Yours faithfully


ADV J MPSHE

PP **AMNESTY COMMITTEE - TRC**

(Dictated by and signed in his absence)

Belinda Hartle

Attorneys/Amagqwetha

Proprietor:
Belinda Hartle

Candidate Attorneys:
Michelle Naidoo
Lyndon Gysman
Abongile Madiba

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email address : beetle@iafrica.com

Our Ref.:
Ons Verw.: M NAIDOO/SD/768 BH

Your Ref.:
U Verw.:

2 April 1997

Advocate Mpshe
Amnesty Committee
P O Box 3162
CAPE TOWN
8000

Dear Sir

AMNESTY APPLICATION : ROELOF VENTER IN RELATION TO THE PEBCO 3

We refer to your telephonic communication with the writer on even date.

We enclose herewith correspondence addressed to the Legal Aid Board together with our vat invoice to which there has been no response. The Legal Aid Board has been contacted telephonically as well. They maintain that because there is no reference number, they are unable to trace the matter.

We require urgent payment of the account which has been outstanding for an inexcusable period of time.

Your assistance in this matter is appreciated.

Yours faithfully,
BELINDA HARTLE ATTORNEYS

per:


MICHELLE NAIDOO

Encl.



D

AMNESTY COMMITTEE
P O Box 3162
Cape Town
8000

Tel: (021) 24 5161
Fax: (021) 23 3280

Fax: (012) 341-18747

The Director
Legal Aid Board
PRETORIA
0001

30 April 1997

Dear Sir

**BILL OF COSTS: MESSRS HEGGIE HARTLE AND ASSOCIATES RE
AMNESTY HEARING OF ROELOF VENTER RE PEBCO THREE**

We hereby wish to refer you to our letter dated November 1996 in relation to the above mentioned matter.

We further wish to confirm again that attorney Ms B Hartle appeared before the Amnesty Committee on 21 and 22 October 1996 on behalf of the families of the deceased PEBCO Three.

At that time the present arrangement between the Truth and Reconciliation Commission and the Legal aid Board was not in place.

In all fairness we hereby wish to recommend settlement of this outstanding account as per attached BILL OF COSTS and in accordance with the statutory tariffs.

Committee Members:

*Judge H. Mall
Ms S. Khampepe*

*Judge A. Wilson
Adv. C de Jager*

Judge B. Ngoepe

All the relevant annexures (8 documents) pertaining to what was transpired in this matter are attached hereto for your information and easy reference.

Your urgent attention and disposal of this matter is hereby sought.

Yours faithfully



Lungile Matshaka
EXECUTIVE SECRETARY

cc : BELINDA HARTLE ATTORNEYS
ATTENTION: MICHELLE NAIDOO
FAX: (041) 557-808



Heggie Hartle & Associates

Attorneys

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B C HARTLE/SD/768 BH

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CONFIDENTIAL FAX - INTENDED FOR ADDRESSEE ONLY

Legal Aid Board
PORT ELIZABETH

7 November 1996

PER FACSIMILE : 544992

NUMBER OF PAGES: One

Dear Sirs

APPLICATION FOR LEGAL AID IN TERMS OF SECTION 34 OF THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT

We enclose herewith our Bill of Costs in respect of our attendances at the amnesty hearing of Roelof Venter re Pebco 3 for your immediate attention. We were advised by Advocate Mpshe of the Amnesty Committee that your offices are charged with the taxation and payment of these bills and that you will make appropriate arrangements to settle directly with us.

We are also faxing herewith copy of letter received from Advocate Mpshe confirming our attendances at the hearing. They have personally not noted any objection to our bill and we should be pleased, therefore, if you would make payment accordingly.

Yours faithfully,
HEGGIE HARTLE & ASSOCIATES

per:

BELINDA HARTLE

C.C. Director of the Legal Aid Board
/ PER TELEFAX 012 - 341 8747 /

Heggie & Hartle Associates

Attorneys

11 November 1996

H Lewis Trafalgar Bldg
16 Clyde Street
Central, Port Elizabeth

The Director of the Legal Aid Board
Private Bag X163
PRETORIA
0001

P O Box 12583
Centrahil, 6006

Tel: (041) 557 663 Fax: (041) 557 808

<u>VAT INVOICE</u>		
VAT Registration No. 4090136658		
Account No.: 768 BH		
Our Ref.: BCH/SD		
AMNESTY APPLICATION / ROELOF VENTER IN RELATION TO PEBCO 3		
16.10.96	Taking instructions	100,00
17.10.96	Attending client in consultation (1 hour)	400,00
17.10.96	Attending at Supreme Court, Port Elizabeth, to uplift court files in relation to habeas corpus applications brought by client and family members of the PEBCO 3 (15 minutes)	100,00
17 - 18.10.96	Attending to photocopy Supreme Court pleadings and to bind (3 hours)	1 200,00
17 - 18.10.96	Perusing all relevant pleadings and documentation in preparation for amnesty hearing (3 hours)	1 200,00
21.10.96	Attending at amnesty hearings (first day)	2 400,00
22.10.96	Attending at amnesty hearings (second day)	2 400,00
	Miscellaneous telephonic attendances to settle travelling and accommodation arrangements (7)	70,00
		7 870,00

THIS STATEMENT IS PAYABLE ON PRESENTATION

On request a taxed bill of costs will be furnished in respect of every item appearing in this account, but in such event we reserve the right to claim the amount as taxed. Interest at the maximum permissible rate will be levied on all outstanding accounts in excess of 30 days.

VAT INVOICE AVAILABLE ON REQUEST

Notice: For your convenience your account can now be paid by credit card

Heggie & Hartle Associates

Attorneys

Page Two

continuation/	
	7 870,00
Add provision for 14% VAT	1 101,80
Subtotal	8 971,80
<u>Disbursements</u> (inclusive of VAT):	
To photocopies (500)	570,00
To phone and faxes (including cellular phone calls)	35,34
To posts and petties	2,28
To your debit	9 579,42

THIS STATEMENT IS PAYABLE ON PRESENTATION.

On request a taxed bill of costs will be furnished in respect of every item appearing in this account, but in such event we reserve the right to claim the amount as taxed. Interest at the maximum permissible rate will be levied on all outstanding accounts in excess of 30 days.

VAT INVOICE AVAILABLE ON REQUEST

MPUMELELO NYOKA
 p o BOX 3071
 ESTADEAL
 PORT ELIZABETH
 6012

GALELA & HASHE

BILL OF COSTS

5/10/96	1. Taking instructions	100	00		
5/10/96	2. Consultation with clients (1½hr)	600	00		
1/10/96	3. Attending Amnesty hearings	2 400	00		
	4. Perusing documentation in preparation for hearing	400	00		
	5. Preparing for hearing (3hrs)	600	00		
2/1 '96	6. Attending Amnesty hearings	2 400	00		
	7. Miscellaneous attendances	70	00		
	8. Consultation with clients on effects of hearings and possible developments (1hr)	400	00		
		R6 970 00			
TOTAL					