

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.

ROELOF JACOBUS VENTER

APPLICANT

(AM 2774/96)

DECISION

The applicant applies for Amnesty in terms of Section 18 of the Promotion of National Unity and Reconciliation Act No. 34 of 1995 as amended. His co-applicants in the hearing were Cronje, Hecter, Van Vuuren and Mentz and the various decisions flowing from Amnesty Applications No. 2773/96, 2774/96, 2775/96, 2776/96 and 2777/96 should be read together.

These matters should further be considered against the evidence of General Johan van der Merwe, a former Commissioner of the South African Police. He gave evidence of a general nature explaining circumstances under which members of the police

worked during the time of political turmoil in the country, and also how they might have understood their instructions in the light thereof. His evidence has been dealt with fully in our decision dealing with Brigadier Jan Hattingh Cronje, Application No. 2773/96. In fact it was agreed amongst all interested parties that the evidence of General van der Merwe, which was heard right at the beginning would apply to this matter as well. Secondly, the political motivation given in the papers in this matter is the same, almost word for word, as that contained in Brigadier Cronje's application referred to above. Therefore, except to the extent that it is necessary to do so, we will not, in this, deal with these two aspects again. We adopt the same approach in the other related applications.

The Committee also makes reference to the evidence given by Minister Vlok in Application No. 4399/96 in its decision in the Cronje application referred to above.

The decision should be read in conjunction with what has been decided in that decision.

The Applicant was a member of the Security Police and at a stage a member of the Vlakplaas Unit. His application is formally in order and he applies for amnesty in eleven (11) incidents dealt

with in his application in Schedules 1 to 11. The Committee will refer to the different schedules in its decision.

Assaults, intimidation and *crimen injuria* in respect of Rightwing Detainees:

The applicant testified that he took part in the interrogation of rightwing activists and politicians during investigation of rightwing activities between 1980 and 1994. These activities related to inter alia the Blood Street bomb in Pretoria, the computer bomb in Durban and the activities of the AWB and other small rightwing organisations such as the organisation of Jeanne du Plessis, Van Wyk, Lottering and Vermeulen.

Rightwingers were detained, intimidated and degraded. The purpose was to obtain information about their activities against the government and the National Party as well as their activities directed against the ANC and SACP.

The Committee is satisfied that the requirements for amnesty have been met and amnesty is GRANTED to the applicant in respect of:

Crimen injuria, intimidation and assaults on rightwing political detainees including inter alia Lood van Schalkwyk, Henry Martin, Adrian Maritz, Eugene Terreblanche, Juan Pierre

van Wyk, Jean du Plessis, Venter, Harmse, Lottering, Du Plessis, Jan Groenewald and Koos Vermeulen and others whose names he cannot remember during the period 1980 to 1994.

Assaults, crimen injuria, intimidation during interrogations during 1972 to 1985 of ANC, PAC and SACP activists.

The Applicant applied for amnesty in respect of all the persons he had assaulted or intimidated during the period 1972 to 1985. He stated however that he cannot remember the names of the victims except for those mentioned in other schedules of his application.

The information supplied under this schedule is so vague that it would amount to general amnesty in respect of the offences mentioned above. Amnesty is therefore REFUSED in this respect as not a single name or specific incident was referred to.

Assault, crimen injuria and intimidation on a number of detainees during the investigation known as the Barbara Hogan investigation at John Vorster Square, Johannesburg, 1 December 1981 to 17 June 1982.

The Applicant, at the time a member of the Security Branch of the South African Police, was part of a team which interrogated a

number of detainees. In the course of the interrogation, these detainees were assaulted and also insulted.

The victims include the following people:

Prima Naidoo

Jabu Ngweya

Chirish Nanabai

Ismail Momoaiat

Monty Narso

Samson Ndou

The interrogation was about various trade unions which, according to the Applicant, were involved in the liberation struggle. The activities of the unions resulted in labour unrest and the destabilisation of the country's economy so it was said. The Applicant is not able to remember the dates of the assault as this happened a long time ago. But he has been able to furnish other information such as the names of the victims and the place.

The purpose of the interrogation was to extract information for the purpose of combating the political activities of such trade unions.

The assault was, in our view, associated with a political objective. The applicant has also met the other requirements for

amnesty. Amnesty is therefore GRANTED in respect of the offences of:

Assault, crimen injuria and intimidation of a number of detainees, including inter alia Prima Naidoo, Jabu Ngwenya, Chirish Nanabai, Ismail Momoaiat, Monty Narso and Samson Ndou at John Vorster Square, Johannesburg during the period 1 December 1981 and 17 June 1982, connected with the investigation concerning labour unrest in the Pretoria, Witwatersrand and Vereeniging areas.

The incident relating to Me Regan Shope at Ramatlabana and the assaults on activists at Tzaneen during 1982 to 1983.

Me Shope was arrested at the border post Ramatlabana for being in possession of banned literature. She was transferred to Tzaneen. Further investigation revealed the existence of an ANC cell of activists operating in Tzaneen area. Me Shope and the arrested activists were intimidated, degraded and assaulted in order to obtain information about the ANC activists.

The Committee, after considering the application, the relevant documentation and the evidence is satisfied that the requirements set out in Section 20 of Act 34 of 1995 have been met and amnesty is GRANTED in respect of the offences flowing from the

arrest of Me Ragan Shope at Ramatlabana and the later arrest of ANC activists at Tzaneen during 1982 to 1983 and the interrogations following thereupon.

In this respect amnesty is GRANTED for the following offences:

- a) Assault on Me Shope and the ANC activists arrested at Tzaneen during 1982 to 1983 with intent to do grievous bodily harm.
- b) Intimidation.
- c) Crimen Injuria.
- d) Any competent alternative convictions under the previous offences.

The murder of a former informer and Karl Marx and Kroestjoff at Silent Valley near the Derdepoort border on 4 May 1983.

The Applicant stated that the security police had information that a person who acted as an informer for them was a double agent who assisted MK soldiers to come through the Botswana Border and help them in finding a safe route into the Republic. It was decided to lay an ambush. A contingent of security police under command of Colonel Loots and consisting of the applicant, Captain Crause, Captain Du Preez Smit, Adjudant Officer W smith, Lieutenant Wehrmann and Sergeant Nieuwenhuizen and one or two others whose names the applicant could not recall awaited

the arrival of the informant and the MK cadres in the vicinity of Silent Valley on the South African side of the border. When they arrived they were shot down and killed. The MK soldiers were found to be in possession of hand grenades.

The offence was associated with a political objective and the applicant acted under instructions of his superiors, in the Security Police. Amnesty is therefore GRANTED to the applicants in respect of:

1. The murder of an unknown man and two MK soldiers known as Karl Marx and Kroestjoff on or about 4 May 1983 at Silent Valley, Derdepoort.
2. Any other offence directly flowing from or related to the above murders.

Assault, crimen injuria and intimidation on David Hlongwana at Klerksdorp, in November/December 1983.

This is an application for amnesty in terms of Section 18 of the Promotion of National Unity and Reconciliation Act, No. 34 of 1995 (the Act), in respect of the above offences.

The Applicant, at the time a member of the security branch of the South African Police, says David Hlongwana was one (1) of three (3) terrorists who were cornered at a shebeen in Klerksdorp

following a tip-off. They had infiltrated into the country to carry out their missions in overthrowing the then government. The other two (2) escaped, but Hlongwana was apprehended. After some interrogation, he led the police to an arms cache where hand grenades and other explosives were point out.

During the interrogation, Hlongwana was assaulted by the Applicant; he was also insulted and degraded. The purpose was to force him to give information to the police which would be used against liberation movements. The Applicant says he had been instructed by his then Regional commander, General Steyn (then a colonel) to take over investigations and to get information out of Hlongwana at all costs.

The offences referred to above are acts associated with a political objective. The Applicant had also met the other requirements for amnesty.

Amnesty is GRANTED to the Applicant in respect of the following offences:

Assault, crimen injuria and intimidation on David Hlongwana at Klerksdorp during or about November/December 1983.

THE VRYBURG HAND GRENADE

Although the Applicant originally applied for amnesty in respect of *inter alia* murder in this incident, the application was amended to include only the offences tabled at the end of this decision. After interrogation and intimidating an arrested ANC cadre information was obtained about the whereabouts of two (2) other ANC activists. This led to the arrest of one (1) of them who after being assaulted and intimidated supplied the address of the other.

On arrival at the house where the cadre stayed he threw a hand grenade at the police and attempted to escape from the house. The first hand grenade did not explode. A second hand grenade hit the door post and exploded. A third hand grenade was thrown by the ANC soldier whilst he was running out of the house. The hand grenade fell between him and one of the police. He was killed in the explosion and the policeman was injured. The operation was executed to arrest ANC operatives in the area and was associated with a political objective. The name of the deceased could not be ascertained by the applicant or the investigation unit of the TRC. He was apparently a trained soldier coming from across the border.

The Committee, after considering the application, the relevant documentation and the evidence is satisfied that the requirements set out in Section 20 of the Act 34 of 1995 have been met in respect of the offences flowing from the incident referred to as

the Vryburg hand grenade. In this respect amnesty is GRANTED in respect of:

- a) Contravention of Sections 2, 28, 29, 32, 26 and 39 of the Arms and Ammunition Act no. 75 of 1969.
- b) Contravention of Section to the Act on Dangerous Weapons No. 71 of 1968.
- c) Contravention of Sections 3, 4, 5, 6, 9 and 27 of the Explosives Act No. 26 of 1956.

PEBCO THREE

The incident that has become known as the abduction and murder of the Pebco Three near Cradock in 1985.

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

THE ZERO HAND GRENADES.

The Committee has dealt fully with this incident under Schedule 4 of Cronje's application No. 2773/96.

For the reasons set out in that decision amnesty is also GRANTED to this applicant in respect of the following offences:

- a) Conspiracy to murder several people on the East Rand during or about June 1985, their death having been caused by the explosion of hand grenades and a

limpet mine which had been pre-set to explode the moment an operator would direct them at a target.

- b) Any attempted murders and the possession of explosives or weapons pertaining to these incidents and any other offence directly linked to the facts in these particular incidents.

THE INCIDENT RELATING TO DR BOESAK

Assault common and crimen injuria on a number of people in 1985 or 1986 during investigations against the United Democratic Front.

This incident relates to the matter which became known as the Allan Boesak investigation. People were interrogated at Pretoria, Cape Town and Durban. Activists whose names could be recalled by the applicant were Allan Boesak, C. Ntinto, J. Manuel, S. Gunn, T. Yengeni and D. Omar.

The Applicant stated that he himself did not assault the victims, but they might have been assaulted by other members of the Security Police during interrogations where he was not present. He does state though that, during the interrogations, the victims were "...gedegradeer, verkleineer, afgedreig en verkleineer..."

Assault common would therefore be accommodated in this form of ill-treatment. The purpose of the interrogation was the same as in all other cases; namely, to obtain information which could be used against liberation movements and it was therefore an act associated with a political objective.

All requirements for amnesty have been met and amnesty is accordingly GRANTED in respect of assault, common and crimen injuria on *inter alia* Allan Boesak, C. Ntinto, J. Issel, T. Manuel, S. Gunn, T. Yengeni and D. Omar during 1985 and 1986.

OPERATION VULA:

The Applicant was involved in the investigation conducted on the Witwatersrand which led to the arrest of Mr Maharaj. At the time of his arrest he was in possession of an unlicensed firearm. Operation Vula was the planning of a full scale war in the event of the peace negotiations not being successful. Mr Seeber was arrested for being in possession of explosives. Mr Maharaj and Mr Seeber were intimidated, degraded and assaulted in order to obtain information.

The Committee, after considering the application, the relevant documentation and the evidence is satisfied that the requirements set out in Section 20 of Act 34 of 1995 have been met and

amnesty is **GRANTED** in respect of the offences which are related to the incident known as Operation Vula, these being:

Intimidation, assault and crimen injuria connected with the detaining of Mr Maharaj, Mr Seeber and other activists arrested and detained during the investigation of Operation Vula.

(Signed)

JUDGE H.MALL

JUDGE A WILSON

JUDGE B NGOEPE

ADV C DE JAGER

MS S KHAMPEPE

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.