

It should be noted that the applicant is not asking amnesty in respect of the killing of the so-called Pebco 3, Messrs. Siphon Charles Hashe, Qaqawuli Godolozu 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, the assaults on and the murder of Siphon Charles Hashe, Qaqawuli Godolozzi and Champion Galela in the Eastern Cape on 8 to 10 May 1985.

AC / 99 / 0029

10

**TRUTH AND RECONCILIATION COMMISSION
AMNESTY COMMITTEE**

In the application of:

ROELOF JACOBUS VENTER

AM 2774/96

DECISION

The applicant applies for Amnesty in terms of Section 18 of the Promotion of National Unity and Reconciliation Act 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.

SCHEDULE 1

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 smaller 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 Groenewaldt and Koos Vermeulen and others whose names he cannot remember during the period 1980 to 1994.

SCHEDULE 2

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.

SCHEDULE 3

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 included the following people:

Prima Naidoo
Jabu Ngwenya
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.

SCHEDULE 4

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 Regan 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.

SCHEDULE 5

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 Col. Loots and consisting of the applicant, capt. Crause, capt. Du Preez Smit, Adjutant 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.

.
.
.

SCHEDULE 6

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 pointed 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.

SCHEDULE 7

.
.
.

The Vryburg-Handgrenade.

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 handgrenade at the police and attempted to escape from the house. The first handgrenade did not explode. A second handgrenade hit the door post and exploded. A third handgrenade was thrown by the ANC soldier whilst he was running out of the house. The handgrenade 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 Act 34 of 1995 have been met in respect of the offences flowing from the incident referred to as the Vryburg handgrenade. **In this respect amnesty is granted in respect of:**

- a) **Contravention of Sections 2, 28, 29, 32, 36 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.** . -
- d) **Intimidation.** . -

SCHEDULE 8

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.

SCHEDULE 9

The Zero handgrenades.

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 handgrenades 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.**

SCHEDULE 10**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.

SCHEDULE 11**Operation Vula:**

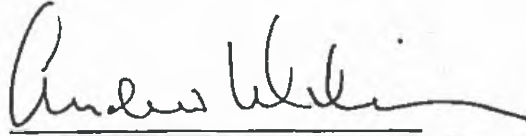
The applicant was involved in the investigation conducted on the Witwatersrand which led to the arrest of Mr. Maharaj. At the time of his arrest he was in possession of an unlicensed firearm. Operation Vula was the planning of a full scale war in the event of the peace negotiations not being successful. 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:

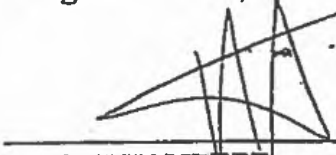
Intimidation, assault and crimen injuria connected with the detaining of Mr. Maharaj, Mr. Seeber and other activists arrested and detained during the investigation of Operation Vula.

DATED at Cape Town this 17 day of February 1999.


Judge H. MALL


Judge A. WILSON


Judge B. NGOEPE


Ms S. KHAMPEPE


Adv. C de JAGER