

REPORT ON CASE OF MR ANTON LUBOWSKI

Date : 10th June 1996
Investigator : Kate Pitman

On the 3rd June 1996 Kate Pitman and Andre Steenkamp attended a meeting at the offices of Attorney Julian Knight, in Pretoria. Mr Knight is the attorney of Record of Mrs Gabi Lubowski, who has instituted a civil claim against the South African Defence Force for compensation, arising out of the loss of a breadwinner. The action arises by virtue of the duty of support owed by Anton Lubowski to his ex-wife and his dependant children.

Mrs Lubowski was present at the above-mentioned meeting and she expressed the desire to approach The Truth and Reconciliation Commission regarding the case of the death of Mr Anton Lubowski. Her attorney, Mr Knight, has prepared a formal submission to the TRC in this regard, a copy of which is attached to this report. This document contains a summary of information relevant to the case of Anton Lubowski's death and the circumstances surrounding it as well as submissions as to the role which the Truth Commission should play in uncovering the truth regarding Anton Lubowski's assassination. In particular, it appeals to the TRC to vigorously investigate the allegations regarding whether or not Anton Lubowski was an agent of the State and to investigate the circumstances surrounding his assassination.

In order to facilitate the TRC's investigations, Mr Knight supplied myself with relevant documentation including:

1. The inquest finding of Judge Levy.
2. Bundle of discovered documents in Jan Anton Nieuwoud case.
3. Press clippings.
4. Rule 35 (3) notice.
5. Fax from Louise Flanagan dated 21st November 1995.
6. Affidavit of General Joubert.
7. Affidavit of Pieter Johan Verster
8. Various correspondence from Julian Knight to Attorneys Wagenaar, Muller and Partners.
9. A letter from MacRobert de Villiers Lunnon & Tindall to Mr Knight dated 12th January 1996 concerning Goba Capital Investments.
10. Court files of following actions in the Supreme Court of South Africa, Transvaal Provincial Division:
 - Case No. 21102/91
 - Case No. 10425/93
 - Case No. 10426/93
 - Case No. 10427/93
 - Case No. 10559/93
 - Case No. 11857/93
 - Case No. 11858/93

I understand that Commissioner Denzel Potgieter is also in possession of certain documentation, given to him by Mr Knight, relating to this matter. However, I am not certain of exactly which documents Mr Potgieter has in his possession and would appreciate clarification in this regard.

Mr Knight's formal submission on behalf of his client, identifies a number of documents that the TRC should try to obtain in the course of their investigations. It also outlines a proposed course of action for the investigation of this case. The possibility of certain individuals associated with Mr Lubowski's death being subpoenaed, should also be duly considered.

In relation to the question of costs involved in investigating this case, it seems that Mr Knight believes that he has received an undertaking from the TRC that they will bear the costs involved in photostating documentation (see covering letter dated 5th June 1996 to the Commission of Truth from Julian Knight and debit note in respect of photostat charges attached). I understand that Mr Hanif Vally and Commissioner Denzel Potgieter have had discussions with Mr Knight concerning this case and I assume that any such undertaking must have been given to Mr Knight during such discussions. Please let us know what the position is in this regard.

Further in regard to costs, see letter to Mr Horley from Mr Knight dated 4th June 1996, where Mr Knight states

"the writer has today established from the Truth Commission that they would be prepared to pay your fees in respect of your analysis which you indicated to the writer to be not more than R1 000,00 for an initial report".

It is my understanding that Mr Horley is a handwriting expert who was instructed by Mr Knight to analyse the handwriting of Verster and the handwriting on the requisition forms, together with the cheques from the SADF and Global Investments. The possibility of the TRC carrying the costs of the handwriting expert was discussed at the meeting on the 3rd June 1996, where Andre Steenkamp agreed that the issue would be raised with the relevant Commissioners and it was subsequently raised with Yasmin Sooka. However, to-date no such undertaking has been formally given, to my knowledge. Please let us know what the TRC's attitude is to bearing such costs.

In regard to the civil action instituted by Mrs Lubowski against the SADF it seems, that the question of settling this civil action has been mooted, particularly in light of the Goniwe settlement. In a letter dated 15th May 1996 to the Attorneys for the Minister of Defence, Wagenaar, Muller and Partners, Mr Knight states

"we are advised by various persons associated with the Commission of Truth that they will in fact be approaching Minister Modise directly to discuss the question of settling this claim

For the record, in a telephonic discussion between Mr Knight and myself of 7th June 1996, Mr Knight expressed the view that if representatives of the TRC were to be invited to a briefing with the Military, Mr Knight would like to be present as Mrs Lubowski's Attorney of Record.

I have read all the documentation supplied by Mr Knight to myself and will be forwarding it to the National Office under cover of this report. I await further instructions regarding the investigation of this case. In particular, please advise whether we should obtain a statement from Mrs Gabi Lubowski, as she has expressed a desire to participate in a hearing before the TRC.

