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GOVERNMENT GAZETTE, 9 FEBRUARY 1996

0270/96

ANNEXURE

FORM I

APPLICATION FOR AMNESTY IN TERMS OF SECTION 18 OF THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 (ACT No. 34 OF 1995)

This form is also available in the other official languages at the address of the Committee on Amnesty mentioned hereunder.

To be completed in block letters, sworn to solemnly affirmed before a commissioner of oaths and returned to the Committee on Amnesty, P.O. Box 3162, Cape Town, 8000.

(Please use a separate page if more space is required)

1. Surname *Wafus*

2. First names in full *Janusz Jakub*

3. Address *Maximum Security Prison  
1/Bas 45  
Pretoria 0001* Postal Code

4. Identity number/Passport number *5301145185085*

5. Date of birth *14 January 1953*

6. Place of birth *Zakopane Poland*

7. (a) If you are/were an officer/office-bearer/member/supporter of any political organisation/institution/body or liberation movement, state name thereof:  
*Please see attached*

(b) State capacity in which you served in the organisation/institution/body or liberation movement concerned, if applicable, and membership number, if any:  
*Please see attached*

8. (a) If you are/were an officer/office-bearer/employee of the State or any former state or if you are/were a member of the security forces of the State or any former state, state the department/division:  
*Not applicable*

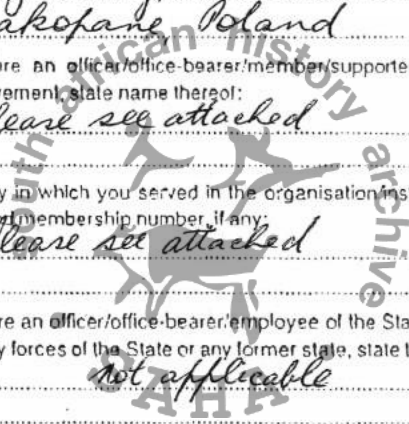
(b) State capacity and period in which you were in the service of the State or former state or served in the security forces, if applicable, and force number, if any:  
*Not applicable*

9. (a) Furnish sufficient particulars of the act/s, omission/s or offence/s associated with a political objective in respect of which amnesty is sought, including dates, places and names thereof and the names of any other person/s involved:

(i) Act/s, omission/s or offence/s  
*See attached*

(ii) Date/s  
*See attached*

(iii) Place/s  
*See attached*



(iv) Nature and particulars

*See attached*

(b) State whether any person was injured, killed or suffered any damage to property as a result of such act/s, omission/s or offence/s:

*See attached*

(c) If so, state:

(i) The name/s of the victim/s

*See attached*

(ii) The occupation/s and address/es of the victim/s

*See attached*

(iii) The names and addresses of the victim's/victims' next of kin

*See attached*

(iv) Any other information which may assist in identifying and locating the victim/s

*N/A*

10. (a) State political objective sought to be achieved.

*See attached*

(b) Your justification for regarding such act/s, omission/s or offence/s as act/s, omission/s or offence/s associated with a political objective:

*See attached*

(c) Did you benefit in any way, financially or otherwise?

*See attached*

(d) If so, explain the nature and extent of such benefits:

*N/A*

11. (a) Was/were the act/s, omission/s or offence/s committed in the execution of an order of, or on behalf of, or with the approval of, the organisation, institution, body, liberation movement, state department or security force concerned?

*See attached*

(b) If so, state particulars of such order or approval and the date thereof and, if known, the name and address of the person/s who gave such order or approval:

*See above*

12. If prosecution followed, state:

(a) In which court

*Supreme Court of Johannesburg*

(b) Case number

*70/93*

(c) On which charge

*Murder, conspiracy to murder, illegal possession of a weapon & ammunition*

(d) Date of next appearance in court (if any)

(e) Offence in respect of which found guilty and sentenced (if applicable)

*Murder & possession of illegal firearm*

(f) Date of sentence (if applicable)

*15/10/93*

(g) Sentence imposed (if applicable)

*Death*

(h) Prison number (if applicable)

*93616101*

13. (a) Are civil proceedings pending or envisaged as a result of the act/s, omission/s or offence/s in respect of which amnesty is sought?

*No*

(b) If so, state:

(i) The identity and addresses of the parties and their legal advisers, if any:

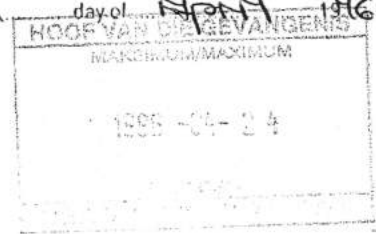
(ii) The case number and the court in which the proceedings are pending:

*JJ Lethaby*  
Deponent

The deponent has acknowledged that he/she knows and understands the contents of the declaration. This declaration was duly sworn to/solemnly affirmed before me on this *24* day of *April* 1996 at *Pretoria*

Commissioner of Oaths *IRSECH26*

*Det Johannes Venter*  
*Wakomlungelawens*  
*Privatebak 245*  
*Pretoria*



FORM 2

Investigation No. .... 19....

NOTIFICATION IN TERMS OF SECTION 19 (4) OF THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 (ACT No. 34 OF 1995)

TO: .....

(Name)

(Address)

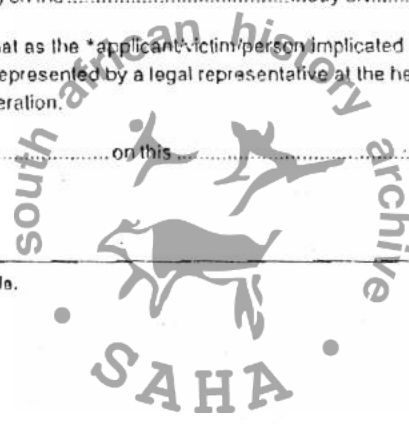
TAKE NOTICE that\* your application for amnesty/the application for amnesty of..... (name and surname of applicant) in terms of section 18 of the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995), will be heard and considered at..... (place) on the..... day of..... 9..... at..... (time).

TAKE FURTHER NOTICE that as the \* applicant/victim/person implicated or having an interest in the application, you have the right to be present and to be represented by a legal representative at the hearing and to testify, adduce evidence and submit any article to be taken into consideration.

Signed at ..... on this ..... day of ..... 19....

Commissioner

\* Delete whichever is not applicable.



KW

7 a)

The applicant was a member and supporter of the Conservative Party of South Africa since 1985.

b)

The applicant served as a member of the Harrismith and Krugersdorp branches of the Conservative Party and attended branch meetings and public meetings. The applicant assisted in general elections and by-elections for the Conservative Party in the Free State and in the Transvaal. This assistance consisted of accompanying canvassers, putting up posters, assisting with meeting arrangements, and so forth.

8 a)

Not applicable

b)

Not applicable

9 a) FURNISH SUFFICIENT PARTICULARS OF THE ACT/S, OMISSION/S OR OFFENCE/S ASSOCIATED WITH A POLITICAL OBJECTIVE IN RESPECT OF WHICH AMNESTY IS SOUGHT, INCLUDING DATES, PLACES AND NATURE THEREOF, AND THE NAME/S OF ANY OTHER PERSON/S INVOLVED:

i) Acts, omission/s or offence/s:

On 15 October 1993, the applicant was found guilty of the murder of Mr. Chris Hani, and possession of an illegal weapon, ~~and ammunition~~. The applicant acted alone in the planning and commission of this deed. *ILS*

ii) Date/s:

The assassination which the applicant performed took place on 10 April, 1993. The illegal weapon used, plus a silencer and subsonic ammunition (not used), were obtained from Mr. Clive Derby-Lewis and were stored at the applicant's flat from 6 April 1993 to 10 April 1993 and ammunition was purchased by the applicant on 10 April 1993 to use with this weapon.

iii) Place/s:

The assassination took place at 17 Hakea Cres., Dawn Park, Boksburg.

iv) Nature and particulars:

The applicant took a list of names and addresses of political figures and journalists from the house of Mr. Clive Derby-Lewis

with his permission, around the middle of February, 1993. The applicant purchased car number plate snapsticks on 2 March, 1993. The applicant drove past the house of Mr. Hani at 17 Hakea Crescent, Boksburg on various occasions from around the end of February 1993 to 10 April 1993.

The applicant telephoned Mr. Derby-Lewis to ask when he would be at home. The first mutually satisfactory time was on 6 April 1993 because Mr. Derby-Lewis only arrived back from Cape Town on 2/3 April 1993 after the President's Council sitting.

The applicant visited the home of Mr. Derby-Lewis on 6 April 1993 where he was given an illegal firearm, a silencer and some subsonic bullets by Mr. Derby-Lewis. The applicant had requested Mr. Derby-Lewis to obtain a weapon for him (the applicant) which couldn't be traced.

The applicant took this weapon back to his brother's farm where he tested it on a target, using the silencer and the subsonic bullets. Cartridge cases from these bullets were later found on the ground at the farm by the investigating SAP team.

On 10 April 1993, the applicant used this firearm and his own bullets to perform the assassination for which he was found guilty.

9.b) STATE WHETHER ANY PERSON WAS INJURED, KILLED OR SUFFERED ANY DAMAGE TO PROPERTY AS A RESULT OF SUCH ATC/S, OMISSION/S OR OFFENCE/S:

One adult male was assassinated by the applicant on 10 April 1993. No other person accompanied the applicant when this deed was committed.

9c) i)

Mr. Chris Hani

ii)

Secretary General of the SA Communist Party, member of the ANC's national executive, chief of staff of the ANC's armed wing, Umkhonto we Sizwe. His residential address was 17 Hakea Crescent, Dawn Park, Boksburg.

iii)

Mrs. L. Hani, c/o Parliament, P O Box 15, Cape Town.

10 a)

The applicant immigrated to South Africa from Poland some years ago. Poland had been under the communist yoke since the end of the second world war. The applicant has first hand experience of the realities, as opposed to the theories, of communism. Full evidence of these experiences were given to the court during his trial.

The applicant picked South Africa because he believed it was

governed by Afrikaners who would never capitulate to communism, the latter ideology being by definition Godless and thus anti-Christian.

The applicant's family immigrated to South Africa, including his mother and father, brother and sister. He did not come alone just to make money and then return to Poland or to go to another country. He believed that South Africa would be his home for the rest of his life.

The applicant joined the Conservative Party because he believed that self-determination for all ethnic groups was the only peaceful solution for a multi-ethnic South Africa. At the same time the applicant watched with dismay the gradual leaning of the National Party towards a one man, one vote dispensation for South Africa which would, in the applicant's eyes, ultimately bring to power the ANC and those who dominated the ANC, the SA Communist Party. This perception ultimately became a reality in 1994.

It was only after the unbanning of the SA Communist Party in 1990 by the then State President Mr. F.W. de Klerk that the applicant began to seriously worry about his future and that of his family. While many White (and Black) South Africans seemed unperturbed by the dominance of the ANC by the SACP, and by even communism itself, the applicant's first hand experience of communism caused him continual consternation and apprehension.

At the same time, a climate of resistance had grown within the White right, as evidenced in Addendum "A" attached hereto. Hundreds of incidents of violent resistance occurred after the unbanning of the ANC/SACP, the first on 8 February 1990, and the last the pre-election bombings in the Transvaal. These incidents included bombings, sabotage, raids on Defence Force armouries, hand grenade attacks, murders and so forth.

Clearly, there were others who did not relish communist rule. After the 1992 referendum, where Mr. de Klerk openly hoodwinked most Whites into believing that his party would ultimately "share" power with communists, the applicant saw the writing on the wall. It must be remembered that his perspicacity was sharper than most White South Africans because he had experienced the rigours and devastation of communism first hand.

Like many others on the right, he discussed what could be done to stop the de Klerk handover, and like many others he harboured at the time vague plans to halt the de Klerk handover. Some of these discussions occurred with Mr. Derby-Lewis, and with others in the Conservative Party.

Many discussions were held by people on the right concerning actions to stop the National Party's political course. A climate of resistance was growing and actions were being planned and put into operation. Given the track record of the ANC/SACP alliance during the eighties (through their proxies the United Democratic Front) and in the nineties, it was no surprise that talk of Rightist resistance to an ANC/SACP takeover became commonplace.

The ANC/SACP's actions to make the country ungovernable, the

violence, the killings, the mayhem and the states of emergency were clear indications that South Africa was at war. ~~was~~. The ANC/SACP continually declared its intention to take power, to eliminate collaborators and opponents and to continue the "struggle" until power was achieved.

Mr. Derby-Lewis had received threats by way of letters from the ANC overseas, and there were two attempts on his life in 1987 and 1988. Both of these are matters of police record. Other Rightist political figures were also threatened by the ANC.

It was in this climate that the applicant vowed to do something to try and stop the handover to communist rule. He asked Mr. Derby-Lewis to obtain a weapon which couldn't be traced, and during February 1993 while visiting the home of Mr. Derby-Lewis, he saw a list of names and addresses of political figures and journalists on a table in the Derby-Lewis' filing room.

On this list was the name of Mr. Chris Hani, leader of the Communist Party of South Africa. Mr. Hani had been predicted in a CP newspaper PATRIOT article as the successor to Mr. Nelson Mandela when (and if) the latter became SA president. The applicant asked Mr. Derby-Lewis about the list and the latter explained that it was his wife's list, drawn up by her journalist friend Mr. Arthur Kemp and that it had been intended for use in Cape Town during the 1993 Parliamentary session by the CP leadership, and in PATRIOT articles. Mrs. Derby-Lewis had obtained information on certain ANC "grave train" activities and had suggested to Dr. Ferdi Hartzenberg that he use this information in his first Parliamentary speech of 1993, together with information on Mr. Kemp's list.

The applicant asked if he could take the list, and Mr. Derby-Lewis said he could, as long as he brought it back.

The applicant then recced the home of Mr. Hani, and during the Easter weekend of April 1993, found that Mr. Hani was there.

The applicant carried out the assassination on 10 April 1993 for which he was charged, convicted and sentenced.

(c) b)

The position held by Mr. Hani as secretary general of the SA Communist Party and his statements over the years created in the applicant a fear that the coming to power of Mr. Hani (which the applicant believed inevitable) would plunge his adopted homeland, South Africa, into a communism of either the same or of a worse type than that experienced by the applicant, his family and his friends in Poland. It was this fear of a forthcoming communist government which precipitated the actions of the applicant. The applicant tried to halt this coming to power and thus to influence the course of SA's political direction.

c) Definitely not.

d) Not applicable.



11 a) WAS/WERE THE ACTS, OMISSION/S OR OFFENCE/S COMMITTED IN THE EXECUTION OF AN ORDER OF, OR ON BEHALF OF, OR WITH THE APPROVAL OF, THE ORGANISATION, INSTITUTION, BODY, LIBERATION MOVEMENT, STATE DEPARTMENT OR SECURITY FORCE CONCERNED?

The offences committed must be seen in the context of the broad right wing attempt to halt the imminent and obvious handover of power to the ANC/SACP, and specifically the fact that Mr. Chris Hani had been the subject of speculation in the CP newspaper PATRIOT that he would be the successor to Mr. Nelson Mandela if the latter became president. The Conservative Party saw Mr. Hani as a real danger, and said so.

The offences for which I am applying for amnesty therefore form part of a broad attempt by the Conservative Party and other rightist parties to halt the transition process to ANC/SACP rule. As it was, a Volksfront had been formed and mobilization meetings of the Conservative Party consisted of preparation for armed conflict. Other incidents of rebellion including murder, sabotage and other acts of violence had been occurring since February 1990 when the ANC/SACP were unbanned.

The Conservative Party never rejected violence. On the contrary, references were made to violence as an option to regain freedom if the constitutional path were closed to the Afrikaner and supporters of CP policy. This path was effectively closed after the 1992 referendum.

Since the unbanning of the SA Communist Party in 1990, the Conservative Party clearly foresaw conflict. The Third Freedom Struggle has begun, said Dr. Treurnicht at the Voortrekker Monument 31 May, 1990. The first two freedom struggles were wars, a call to arms, and consisted of physical fighting with weapons.

Attached under Addendum "B" is a resume of articles appearing in the Conservative Party's official mouthpiece PATRIOT from the time of the unbanning of the ANC/SACP until April 1993. There is no ambiguity about the tone and direction of CP official thought over this period. While more and more of the means of gaining self-determination were taken away from Whites by the NP government, so the call to arms, to conflict and to resistance grew within the CP.

In the light of this, the acts under review were committed on behalf of the Conservative Party, as the applicants believed these acts would bring about a change in the country's direction, a direction continually lambasted by the Conservative Party. There is no question that these acts were committed outside the parameters of a political climate, a climate of resistance encouraged by the Conservative Party and other rightist movements.

11 b) Please see above.

In conclusion I would like to state that for me the war is over.

I have been advised that I did not provide sufficient particulars with regard to paragraph 9(a)(i). In addition to my application the following particulars are provided:-

9(a)(i) In pursuance of the instructions of Clive John Derby-Lewis a senior member of the Conservative Party prior to the 6 April 1993 we, Clive John Derby-Lewis and I, jointly planned to assassinate Chris Hani. On 6 April 1993 Clive John Derby-Lewis handed me an unlicensed fire arm for the purpose of assassinating Chris Hani.

On 10 April 1993 I executed the assassination. I acted alone on the 10 April 1993 in the execution of the assassination. Clive John Derby-Lewis associated himself with the planning and execution of the eventual assassination of Chris Hani.

This paragraph must be read in conjunction with paragraph 9(iv) of my application.

Signed in PRETORIA on this 30 day of NOVEMBER 1996

GET J. WALUS

JANUZ WALUS.