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WAGENAAR MULLER & PARTNERS

PER TELEFAX: 341-9130

Date: 15 May 1996

Your Ref.: Mr J Wagenaar
Our Ref.: Mr Knight/wh/LS2

Dear Sirs

LUBOWSKI

We acknowledge receipt of your letter to us of the 9th instant the contents whereof are noted.

We were under the impression from yourselves that you would in fact forward a copy of our letter to you of the same date directly to the Minister of Defence, and we would be pleased if you would kindly advise us whether you have done so.

Further to the above, we enclose herewith a copy of an Affidavit by Maj. Gen. A J M Joubert dated the 10th day of July 1993 which was submitted to the Goniwe inquest.

We would specifically draw your attention to paragraph 6 of the Affidavit which states that control was at all times exercised over the activities of the CCB.

We would also draw to your attention the attachment to the Affidavit dated the 28th of April 1987 which states that at Paragraph 7

H SAW sien die optredes nie as "moord" nie en definieer dit as volg: " 'n Aanval op 'n individuele (vy) teiken met nie-standaard uitreiking wapens op 'n onkonvensionele wyse - om nie onskuldiges te raak nie."

Furthermore we draw your attention to Paragraph 8 which states that Military Intelligence members would remain on strength of the Department of Counter-Intelligence but that they would be working with the CCB.

Furthermore with regard to paragraph 9.2 which states

Eliminerings van spesifieke teikens - 'n kanaal vir hantering van hierdie aspekte word tans daargestel. Die kanaal word 12 Mei bespreek en BGS sal by wees.

Julian Bret Knight BA LLB (Rhodes) Assisted by Elizabeth De Oliveira B Juris LLB (Pretoria)

Which is a reference to Major General Joubert.

We believe that the Documentation attached is indeed proof of the fact that there was a clear movement of personnel between Military Intelligence and the CCB and that in terms of the guide lines it was envisaged that targets would be eliminated as well as that a channel would be established specifically to discuss targets which would appear to indicate that all CCB operations were in fact cleared with Military Intelligence or the Chief of the South African Defence Force prior to their implementation.

For the above reason as well as in light of the documentation annexed hereto, which has recently been placed in our possession, it would appear to the writer that all of the documentation requested under cover of our previous letters are directly relevant to this matter and we would also require yourselves to make available and give discovery of the minute of meeting and decisions taken at the 12th of May which is referred to at clause 9.2.

The meeting referred to apparently took place in the North Eastern Transvaal, at a CCB base, where the following people were present, namely :

Gen. Geldenhuis

Maj. Gen. Joubert (Special Forces)

CCB Director Joe Verster

Brig Sonnekus Chief of the SADF

Kmdt Meerholtz a CCB Regional Manager.

We note that from having perused the file of papers herein there was correspondence from Attorney Allen Dodson to yourselves with regard to setting up a meeting with himself and the Minister of Defence, Mr Joe Modise.

We believe that the weight of evidence appears to be mounting against your client in respect of its complicity and or direct involvement in the death of Anton Lubowski and we believe that in the interests of everyone concerned this matter ought to be settled and we would appreciate it if your office could facilitate a meeting between the writer and the Minister of Defence, the Honourable Mr Modise in order to discuss the settlement of this matter.

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 and we believe that it is in everyone's interests to explore the possibility of settlement as we understand that the action instituted by the Goniwe family has in fact been settled by the Minister of Safety & Security, and we believe that we have far more evidence at our disposal than did they.

We look forward to hearing from you regarding a time at which the Minister of Defence will be prepared to see us.

Yours faithfully

JULIAN KNIGHT ATTORNEY
Per JULIAN KNIGHT