

TRUTH AND RECONCILIATION COMMISSION**SECTION 29 HEARING****"IN CAMERA"**

DATE: 18.08.1997
NAME: PIETER JOHAN "JOE" VERSTER
HELD AT: CAPE TOWN
DAY: 1

CHAIRPERSON: Before we start let me make a few preliminary and introductory remarks.

First of all good morning and welcome. I have not had the opportunity to meet either counsel or legal representatives or Mr Verster himself. But I assume that the three gentlemen right in front of me are Mr Verster and his legal representatives. If I have correctly assumed, welcome again.

I must thank you very much for having taken the trouble to come and having taken the opportunity to be here, both as legal representatives of Mr Verster and of course Mr Verster himself.

I must indicate that this is an opportunity which the Commission is exercising in terms of the objectives of the Commission. As you know the stated objectives of the Commission is to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and

divisions of the past. One of the methods that these objectives are sought to be established is to establish as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period 1st of March 1960 to the cut-off date which is, as you know, now stands on the 10th of May 1994, including of course the antecedents, the circumstances, the factors, the context of such violations as well as the perspectives of victims and the motives and perspectives of the persons responsible for the commission of other violations, and this the Commission has to do by investigations and holding hearings. Now this is one such hearing. It is held in terms of Section 29. It is by its nature an investigative enquiry.

Now I assume, and I am subject to correction, that all the preliminaries have been complied with. Firstly, when a person has been summoned in terms of Section 29 to appear before a sub-committee such as this one, a person is entitled to legal representation and I've just confirmed that in fact Mr Verster is being legally represented here.

Since in the nature of this inquiry information is sought to be gathered questions will be put to Mr Verster and the questions will be largely based on documentation which I believe has been made available to Mr Verster through his legal representatives.

It is the expectation of this sub-committee that all questions shall be answered as fully as possible and as truthfully as possible since our task is to

establish the truth, and every opportunity will be extended to the witness to answer the questions as fully as the witness is capable of doing so.

I must indicate that this is a private hearing. It is held in circumstances where only the witness, his legal representatives and the employees of the Commission are attendant, and that's it. No findings are going to be made in this. As I say it is an information-gathering exercise.

There is, however, a request that has been made for a photo opportunity by the media and we live in an era of competing rights. The Constitution guarantees that the media also have rights and but to that extent only. I have considered the request where they only want to take photos of those who are in here for the period of no more than about three minutes, after which they will have to vacate and thereafter we can proceed. We are, however, not going to have them at the beginning of these proceedings. We will possibly look at providing that photo opportunity some time during the course of the day.

There will be tea at or about 11:30 and if we go that far we will have lunch between the hours of one and two.

Unless there is an objection to the taking of the oath the last requirement that I need to make a remark on is that the witness will have to be sworn in, or if he doesn't want to take an oath he will have in any event to make an affirmation, and whereafter we shall commence our proceedings.

ADV WESSELS: Mr Chairman I would like to introduce myself. My surname is Wessels, I am from the Johannesburg Bar. On my right is my client Mr Verster and on my left my instructing attorney, Mr Bosman.

CHAIRPERSON: And what are your initials Mr Wessels?

MR WESSELS: J J.

CHAIRPERSON: J J. And Mr Bosman?

MR WESSELS: (...indistinct).

CHAIRPERSON: Thank you.

MR WESSELS: May I at this stage make our position clear in regard to a number of aspects. First of all in regard to the photo session it is my instruction that under no circumstances are we to agree to a photo session of Mr Verster. I don't know if you are aware that Mr Verster has given evidence in, not only in court but also before the Harms Commission. During the Harms Commission application was made that his evidence be heard under conditions when his identity wasn't disclosed in the sense that there were no - that he came to the Commission with a beard and he couldn't be - his face couldn't be seen.

During the Webster inquest Mr Verster gave evidence and again application was made to court for his identity to be kept secret. That was granted and it was done for good reason. Mr Chairman nothing in that regard has changed, and here again I must request you not to allow any photographs taken of Mr Verster because if that is allowed then unfortunately Mr Verster

will have to reconsider his position here, and I would like for us to discuss this at this stage and to see if we can come to an agreement in this regard.

CHAIRPERSON: When you say nothing has changed, do you want to say anything about this Mr Malan?

MR MALAN: The only thing that has perhaps changed is the passage of years, we are now some six years in the future, why should that not make a difference?

MR WESSELS: is still something that many people outside would like to know and there are still matters, not only in South Africa but also outside of South Africa, where his identity can be crucial. Also his personal safety may be affected by the fact that - if his identity is disclosed. And there are certain people that may still bear grudges, perceived or real, against Mr Verster, and it is my submission that there is a real chance that his personal - that personally he may be placed in danger should his photograph be shown in the media.

MR MALAN: Did I understand the first part of your submission correctly that it is also not just a matter of personal safety but also of national interest, that there are national projects or considerations that require the identity to be kept secret?

MR WESSELS: I can't tell you that there are national projects and that it's in the interest of the nation that his identity be kept secret, that I have no evidence of.

CHAIRPERSON: Mr Khoisan?

MR KHOISAN: Yes Mr Chairman, if you will, I would like to just say for the record that there is a new dispensation that is in effect here, and the fact is that irrespective of what is being put on the table here the identity of Mr Verster as such is known in various circles on this continent and in other parts of the world. I mean the fact is that he did appear in disguise at the Harms Commission but Mr Verster will be appearing at a later stage if that is - if I am to understand the position correctly Mr Verster has put in an application for amnesty to the Truth and Reconciliation Commission, and as such those matters, as I am given to understand it, may well be heard in a public forum, how does a photo opportunity prejudice Mr Verster at this time? And personally I don't see why we should be making a big deal about this.

MR WESSELS: Mr Chairman it's the intention that we will make an application in due course when we appear before the Commission, before the Amnesty Commission, for his identity not to be shown at that stage. In terms of the Act such an application can be made and it is our intention to do so.

It is also, in terms of the Act, the proceedings before you today are to be in private and my submission to allow a photo session would be to detract from that privacy clause in Section 29. Therefore, had we known that you were considering allowing a photo session we would certainly have taken steps to make an application to prevent you from doing that, and as we did not know that that was going to be the position we didn't follow that up at an

earlier stage. But we certainly do intend to make the necessary application in due course. And on my submission the proceedings today is just part of a whole process and it should start today that there are no photographs that should be published of Mr Verster. The fact that we are in a new dispensation, with respect, doesn't alter the fact that Mr Verster may be in personal danger. He did not decide to avail himself of the witness protection plan that is available in terms of the Act.

But we still feel that it is necessary for his own safety and the safety of his children, not only in that he may be attacked but also the intimidation that may occur against him and his family, also in regard to his business activities that may be adversely affected and he may be seriously prejudiced if his photograph appears in the media. Therefore in my submission there are good reasons not to allow his photograph to appear in the media.

The rights of Mr Verster are much greater in this regard than of the media to publish his photograph. The media can publish the information that they are allowed to do in due course. They are not allowed to publish it today, therefore there is no good reason why they should now publish a photograph of Mr Verster today and not be allowed to - because they are not allowed to publish any information as to what happens here today, therefore there is no good reason and it will serve no purpose just to place a photograph of Mr Verster in vocio, as it were, today.

CHAIRPERSON: Now where does it say that in terms of this Act that a photograph of this witness may not be published because it is in camera?

Where do you get that authority?

MR WESSELS: The Act doesn't say no photograph may be published, but the Act says that an application can be made in front of the Commission that it not be held in public. I am instructed that in last week witnesses appeared before the Commission in a disguised manner. So certainly there is a precedent for this to happen. Yes and that was a public hearing too, Mr Chairman.

CHAIRPERSON: Does Mr Verster want to appear in a balaclava?

MR WESSELS: We haven't considered that because we are not before the Commission here, we were under the impression that today's proceedings would be in private, and if it's in private that, by necessity, entails that no photographs would be taken.

CHAIRPERSON: Ja, where do you get that authority Mr Wessels, this is exactly what I am trying to get you to convince me on, where do you get the authority that because the proceedings are in private it means that no photos can be taken of those who are attending the proceedings? If you look at Section 29, if you look at Section 29(5) which is the section that speaks to in camera, it says,

"No person other than the member or the staff of the Commission, or any person required to produce any article to

give evidence shall be entitled to or permitted to attend any investigation conducted in terms of this section.

The Commission may, having due regard to the principles of openness and transparency, declare that any article produced or information submitted at such an investigation shall not be made public until the Commission determines otherwise or in the absence of such determination until the article is produced at a hearing in terms of this Act or attending proceedings in any court of law".

Now that is the only section, in my view, that says these hearings shall be held in camera, and it doesn't talk about any - in fact all that the media are entitled to, and that is in terms of the discretion which we have, all that they are entitled to is to take photos at the beginning of the proceedings and then leave and they are not going to be party to these proceedings because there is an injunction against them being party to these proceedings in the form of the very peremptory provision in Section 29(5) which makes it very clear that they shall not be entitled or shall be permitted to attend any investigation. They will not be attending the investigation here.

MR WESSELS: Mr Chairman in terms of the Act no one is allowed to be present at this hearing, that includes the media. If the media is allowed to take photographs here that by necessity means that they are allowed to attend this, even for that small purpose. The Act specifically prohibits that to happen, and

you are not, in my submission, permitted to allow them even to be present for a short period merely to take photographs.

CHAIRPERSON: Anymore submissions.

MR KHOISAN: Mr Chairman you know first of all I think that this is taking a very long time and you know what we are doing in effect by preventing the media from in some way having access in the interests of the right of the public to know about the proceedings here, and in the interests of transparency which is fundamental to this process, is that you will bring on the whirlwind from the media themselves. Basically what we will be doing by prohibiting the media from a photo opportunity, basically the media will have to take very concerted action and that might result in them running around the corridors of this building or hanging around this building, Adderley Street, I mean there is nobody who can prevent anybody from being in any part of this town. And then they will run around and take photographs of your client and cause a great discomfort to your client. I mean why is it such a big deal for the media to take a photograph of Mr Verster now? I mean I just think that we will be opening up another can of worms and I personally think that we have much more serious business to attend to in this hearing besides the issue of this photo opportunity.

MR WESSELS: Yes there are more serious things to attend to in this gathering than to take photographs of my client when he doesn't wish it to happen, for a good reason he doesn't wish it to happen. May I just say that

there is not going to be running around all over town and people taking photographs of him, he is not going to allow that and he will make provision that no photographs will be taken of him. So it's not going to happen in any event.

And Mr Chairman let it be clear we came here and we wanted to cooperate with this inquiry. Unfortunately if the tendency is to ride roughshod over my client's rights, when it's not really necessary for the purposes of this gathering, and it's not necessary that photographs be taken of him for you to get all the evidence that you require, we will have to reconsider our position to what extent we will cooperate with this Commission, and I would seriously urge you not to allow something which is not important to the Commission to hamper the activities of the Commission.

CHAIRPERSON: I have listened to your submissions Mr Wessels and I've listened to the submissions also from those who constitute the panel of the Commission. I will have to consider my decision in due course.

But I would like to make certain things very clear. One of the things that I would like to place on record is that whereas we rely in a large measure on the cooperation of the witnesses who come here, it is only to the extent that we want the proceedings to be without acrimony and we want the proceedings to be as smooth as they can be. This is not a mickey-mouse operation, or an operation which is carried because people want to score points and settle scores. I certainly am not in this Commission, certainly not

in this particular Committee for purposes of trying to make scores. I am constrained by the law and the Constitution is the supreme law.

First of all there are no rights which are absolute. And in a large measure you find that the rights are competing inasmuch as they are rights which Mr Verster has, those rights compete with other rights and all those right are entrenched in the Constitution. In the very section in which there is a provision, subsection in which there is a provision for these proceedings to be held in camera, there are two words that are very, very germane, and that is **openness and transparency**, and this has been alluded to.

I would like also to draw the attention of Mr Verster and you Mr Wessels, to the provision of Section 39. The provisions of Section 39 provide for offences and penalties. It is not a section that I have ever had to invoke, neither is it a section that I would like to invoke at any stage, but I just raise this as a matter of course, that it should be clear that cooperation is only because the spirit that underlies the Promotion of National Unity and Reconciliation Act is one that always calls for people to cooperate in their endeavours. If I am advised, and I will take legal advice also from the National Legal Office, that because a finding or a ruling that I have made, the cooperation that was promised at the beginning of these proceedings is now withdrawn in any form or shape, then I might, on advice that I will take, be constrained to invoke the said provisions of Section 39. I am not threatening, I am simply saying we must approach this whole business in a spirit that

allows for us to make our points and to make them very strongly, but also to refrain from issuing statements that seem to suggest that people will be free to walk in and out of these proceedings as they like. Of course there is the High Court in this country. If there is a feeling that a right must be protected at all costs the High Court may be approached, either to set aside a finding that I will have made or to enforce the upholding of a right. But I have not decided the issue, I will have to consider it very carefully in the light of submissions. I just felt that I need to make those points.

Mr Wessels you indicated that there were quite a number of things that you wanted to put on the table before we start, that's one of them, are there any others?

MR WESSELS: May I just repeat that. May I ask that the media leave before I address you on other matters that concerns the inquiry here today.

CHAIRPERSON: I indicated at the beginning of these proceedings that we have stuck to the arrangement in terms of which no person, other than a member of the staff of the Commission, shall be present here. There is no one in these proceedings who is from the media.

MR WESSELS: Thank you Mr Chairman. Mr Chairman may I, at the outset, indicate to you that we hope that you will in terms of the prevailing law warn us if there are incriminating matters that are going to be put to Mr Verster. We are aware of the provisions of Section 31 that compels Mr Verster to answer incriminating questions, or questions that may lead to an incriminating

answer, that of course is subject to the provisions of Section 31(2) and we need to consider our position in case such questions are asked so that Mr Verster can apply his mind to what extent he is going to rely on the protection that he has in terms of Section 31(2).

Mr Chairman may I indicate that Mr Verster will answer questions regarding activities of, in particular, the CCB and himself in South Africa, but that Mr Verster does not intend dealing with any matter occurring outside the borders of South Africa. As you would have seen from his application for amnesty he there indicated that he applies for certain matters for amnesty in this country but he is not prepared to deal with any matter that occurred outside the borders of this country. Therefore let me make it clear at this stage that it is still the attitude of Mr Verster that he is prepared to cooperate with the Commission in regard to all matters inside the country, that he is not prepared to deal with matters outside of South Africa.

Mr Chairman also I have been instructed that Mr Verster will deal with aspects concerning his own involvement in activities in South Africa but he is not prepared to give the names of people under his command or under him who may have been involved in the same activities. That is a matter that I am instructed has been cleared with the Commission and they have indicated that that is in order if that approach is taken by a particular applicant for amnesty.

CHAIRPERSON: Do you want to make any submissions?

MR KHOISAN: Mr Chairman, first of all I would like to say that this is an investigative inquiry which spans a wide range of issues. Mr Verster is not called here today to discuss his amnesty application. This is essentially a proceeding of the Investigative Unit. We are looking at the wide range of cases involving statements that have been brought to us by victims who allege that they have suffered as a result of actions taken by structures to which Mr Verster and his colleagues have had a relationship.

Now in terms of that particular matter I would like to first of all say for the record that this is an investigative inquiry which does not concern, it may impact upon, but it does not primarily concern Mr Verster's amnesty application.

Also in terms of the matter which is at hand, in terms of the subpoena that has been drawn, at least some of the matters relate to events which occurred outside of this country. The CCB, as we well know, and as Mr Verster will attest if he is so disposed, had within its gamut 10 regions. Only one region, officially, was for CCB operations inside South Africa, that is Region 6. Two were essentially of an administrative or support nature. The rest of the regions are regions which occur and have a relationship to activities of the CCB outside of the borders of this country. So the terms of reference of this investigative inquiry will and may definitely impact upon the CCB and its activities outside of this country. And I would strongly protest that neither Mr Verster nor his counsel, at any point during the lead-up to this particular

proceeding, at any time protested the fact that he was being called to answer questions outside the country. Mr Verster knows very well that Region 7 is in fact Zimbabwe and that the Anton Lubowski matter, for instance, is a matter which occurs in Region 8, and it has a direct relationship to Region 6, which is South Africa, so I would like to put that protest on the record Mr Chairman.

CHAIRPERSON: Mr Malan?

MR MALAN: Mr Wessels will you just refer to me where in the amnesty applications this point is dealt with, that is the objection to talk about matters extraneous to our borders.

MR WESSELS: Mr Chairman I don't have the page here. We need an adjournment and I can find it, it is in the -towards, I think about two-thirds towards the end.

CHAIRPERSON: Now do I understand that you have an agreement with the Amnesty Committee that matters that are relevant to X offences or omissions committed outside the country will not be dealt with by the Amnesty Committee?

MR WESSELS: No, no, no Mr Chairman I don't say that. We don't have such an agreement with the Commission. Can I just say, what has been cleared with the Commission by representatives acting for various members of the Defence Force is that the names of underlings, as it were, would not be required to be mentioned.

CHAIRPERSON: Well it's difficult for me to make a decision on these issues because they are not issues before me in this particular Committee. Let me just say we will play it by ear and we will cross that bridge when we come to it. I wouldn't like to dispossess myself of an authority which I hold by being Chair of these proceedings in deciding an issue ahead of time. I think let's hear the evidence, let's have the questions put and let's deal with issues of whether or not the witness is going to be compellable and whether he is going to invoke Section 31(2) as and when it occurs. As things are we need to get started and maybe when we go ahead we will find that some of the problems which we thought were problems will in fact not present themselves as such. So I will only say I have noted your submission and input and the other submissions that have been made by the members of the Investigative Unit. I will reserve my ruling on that issue for the times when the objection will be raised in the course of putting questions.

I may just indicate that since this is a process in terms of which evidence is being gathered and Section 29 processes are part and parcel of the process of gathering information, and people are expected and in fact are required to take the oath or to affirm that the answers that they give are truthful answers.

The witness will have to take that into account in relation also to what might take place at the Amnesty Committee. It is not without precedent that records of Section 29 inquiries are made available to the Amnesty Committee

in an endeavour by that Committee to establish whether full disclosure has been made. And it may well be that it is something that your client needs to take into account in the conduct of these particular proceedings.

Are there any other points that you would like to place on record Mr. Wessels before we begin?

MR WESSELS: Mr Chairman we have received documents from the Commission and the documents we received are these. We received a large bundle on Thursday I believe. We have endeavoured to go through it but with the time available to us it really hasn't been possible to do it properly. We will try and deal with it as best we can and we can go on with it. If there becomes a problem then I will ask the indulgence for an adjournment to look at particular documents and to advise my client if you will allow us to do that. Thank you Mr Chairman.

CHAIRPERSON: Thank you very much Mr Wessels. I am sure that this Committee will bend over backwards to accommodate your client as far as that goes. I understand that there were other documents that you were presented with only about a couple of minutes ago before we started, and in the nature of things those sort of considerations, I mean those sort of situations require that we should give consideration to the interests of fairness to your client insofar as these are weighty matters that we deal with and we need to make sure that no one is taken by surprise.

Having said that shall we then swear in your witness Mr Wessels. Is he going to take the oath?

MR WESSELS: Yes Mr Chairman, he is prepared to take the oath.

PIETER JOHAN VERSTER: (sworn states)

CHAIRPERSON: I see that Mr Verster is going to communicate in Afrikaans, are you going to testify in Afrikaans Mr Verster?

MR J VERSTER: That is correct. But I understand English but I would feel more comfortable giving my evidence in Afrikaans.

CHAIRPERSON: No you are free to use any language and that is why we have made provisions for these listening devices. Very well then. The witness has been sworn in. Mr Khoisan.

EXAMINATION BY MR KHOISAN: Good morning Mr Verster.

MR J VERSTER: Good morning.

MR KHOISAN: I really want to say that irrespective of the back and forth that happened just a little earlier it is our hope, as members of this panel and as part of the Investigative Unit, that we can essentially use this forum or this opportunity to solicit your cooperation and maybe to gain from your deep insight into the issues which, as has already been pointed out by our Chairman, are extremely weighty. But we want essentially to find a mechanism which we can have a discussion in which we can find a way in which you can help the Investigative Unit and in so doing assist the Commission to fulfil one of its major tasks and that is to put and to build as full as possible a picture of the

situation that obtained inside our country during the period of our mandate. So in this way I am very happy that you have come and elected to come and speak with us.

To begin with Mr Verster I'd like to maybe, as a way of entry into this discussion, before we get into the serious matter at hand, ask you if you could maybe give us a little bit of information about yourself and a little bit of information concerning your history as a member of the then existing South African Defence Force, and maybe we can begin there.

MR WESSELS: Sorry Mr Chairman for interrupting. May I enquire, will the evidence become available at a later stage to us or what is the procedure?

CHAIRPERSON: Yes, there will be a transcript of these proceedings and those transcripts will be made available to all the parties. As you know we are not intending to make findings at this particular hearing. As and when we decide the stage has arrived for us to make a finding Section 30 notices will be sent to yourselves so that you can make representations as to the nature of the findings that we may have to make. And then part of the things that would have to go in then would be the transcripts of these proceedings.

MR J VERSTER: Chairman the approach which I would like to follow is more-or-less the same which I followed in my amnesty application. I don't have this document available now. I will try and give it to you on more-or-less the same basis.

As a young officer I joined in 1964 after I did voluntary military service in 1963 for the South African Defence Force and in due course I progressed to the rank of lieutenant and I was transferred to the Parachute Battalion and that was in Bloemfontein. There I served as a platoon commanding officer, as a company second-in-command and as the company commanding officer, also as a warrant officer for the disciplinary affairs of the Parachute Battalion.

Round about 1975 I was asked to go to the Reconnaissance Commando, so I was transferred with the rank of major to 1 Reconnaissance Commando and about a year afterwards I was requested by my seniors to do a course dealing with the establishment of the first Black Reconnaissance Commando in the South African Defence Force.

I did training abroad and that was accompanied by Special Forces training and I also did the normal promotional courses of the South African Defence Force and in 1984 I did the command and staff course at the South African Defence Force and completed that successfully. I, at the same time, also studied at UNISA and I obtained a degree in International Politics and African Politics.

From 1980-81 I was attached to Special Forces Headquarters and I was a senior staff officer in charge of the operations of the Special Forces within the South African Defence Force. During this period of service and up to about 1986 I also was awarded certain medals by the South African Defence Force relating to faithful service for the first ten years. And the

second ten year period of my career I received the Pro Patria Border Service Medal relating to the war in Angola. I also received the medal from the head of the South African Defence Force, or the Chief of the Defence Force for outstanding service and also the Southern Cross Medal for excellent service.

From 1986 I was specifically tasked with operations of a very sensitive nature as part of the Special Forces operations and I formally and finally resigned from the South African Defence Force but with a contract which still bound me to the Defence Force up to 1988. And from 1988 to the end of 1989 I was involved in the sensitive operations and all the facts which I have now mentioned have already been stated before the Harms Commission and also in my amnesty application.

I therefore regard myself as a Commanding Officer of the South African Defence Force. I feel that I am sitting here today with the view that as a military commander of the South African Defence Force, even though with an infrastructure which in retrospect - in respect of this infrastructure I had a responsibility to certain people who worked for me and as my Advocate put it to you that is still a factor in everything which I say here. I will have to bear that in mind because that infrastructure still exists, so there are still people around that I know - although it's no longer a formal structure.

MR KHOISAN: Are you finished Mr Verster? Okay. Thank you for that brief sort-of CV of your work with the South African Defence Force. And now shifting gears a little I would like to get into the matter at hand, which is

essentially the issue of the CCB. You mentioned that in 1986 that you were in charge of sensitive projects, sensitive operations at Special Forces, is that correct?

MR J VERSTER: I was not in charge of the operations, I was a staff officer in charge of those operations which meant that I was part of the Special Forces and there was a commanding general at the head of the Special Forces, so I was a staff officer of the commanding general which formed part of the rest of the Defence Force structure, and the Civilian Cooperation Bureau was only the term given to those sensitive activities of the Special Forces of the Defence Force which functioned within Special Forces.

MR KHOISAN: Okay. Just for clarification, in 1985 you were given the rank of Colonel, is that correct, you obtained the rank of Colonel in 1985, late '85?

MR J VERSTER: No, I think it was at the end of 1984, maybe at the beginning of 1985 I was given the rank of a full colonel, yes.

MR KHOISAN: Okay. Now in 1986 Major General AJM, also known as "Joep" Joubert, took over as the officer commanding Special Forces is that correct?

MR J VERSTER: Yes that's correct.

MR KHOISAN: Okay. And also in that same year, 1986, when "Joep" Joubert took over as office commanding Special Forces he had certain

discussions with you about reorganising these sensitive operations inside Special Forces, is that correct?

MR J VERSTER: Yes by virtue of certain guidelines which I received from the General, yes, that is so.

MR KHOISAN: Now in that same year you had discussions with "Joep" Joubert when he took over, before we get into the substance of what took place after those discussions, maybe we would like to get a sense of the philosophy according to your understanding of the situation, the philosophy of "Joep" Joubert, when he took over as officer commanding Special Forces, what were the five or six key issues that he was concerned about? What was his orientation? What was the substance of your discussion with him in terms of reorganising these sensitive projects within Special Forces

MR J VERSTER: It was a long time ago, I can't answer that precisely, I will do so to the best of my ability. At this stage I would like to put it to you that I have a major problem here. I am sitting here as an officer of the former South African Defence Force, a commanding officer in charge of sensitive operations and I have a real problem with the approach that there was supposed to have been a negotiated settlement between the former government and the ANC, the then ANC, in terms of which certain agreements were reached. I will try and help you as far as possible today but at this stage I want to put it very clearly that I am of the view that nowhere in my experience thus far these special operations of MK have come to the fore,

or the special operations of the ANC, that has not yet come to the fore, so I am compelled by virtue of the Act, and that is also my point of departure to try and answer questions in the framework of the Act, but I have a substantial problem with the approach and the philosophies because this has never been done before in terms of those people with whom we should really settle, namely my opposing enemy. I had nothing to do with politics, I don't understand what is going on here today and if all the facts contained in the documentation is put before you I feel that I am being used in some way to act as a way of getting at the previous system. And I really wouldn't like to be abused in this way for those purposes.

So to answer you I could say that at that stage there was a revolution in South Africa, I had been trained, perhaps I should have answered this previously - the purpose of the South African Defence Force and of an infantryman, which I was, was to kill the enemy, so my whole view and point of departure was as a soldier to make war and that was also the instructions which I received. That was the approach of General Joubert, as I saw it.

The operations which we performed were all done within Defence Force discipline and the Defence Force Act and in terms of that Act and its guidelines we were told that there was a problem in the country, I accepted that. I saw it on a daily basis in the media and had experience of the actions of ANC terrorists who came from neighbouring countries as MK people, they crossed the border and threatened the sovereignty of the South African state.

It was in this context that General Joubert told me to apply the training which I had received and to develop a force in a covert way because the enemy had decided to follow that route and we did so accordingly.

MR KHOISAN: Okay. Mr Verster I would like to just inform you that this Commission, let me put it in Afrikaans, "we act independently", we have no relationship to any political party or any institution. We are not bound by any private agreements or anything. We have a mandate, the mandate that we are essentially constructed on here is to try to get to the truth, to build as full as possible a picture. It is not in terms of just trying to find a mechanism to get you to tell us who did what, why, where and not go to MK. We are not here to discuss that matter. But I will point out the fact that there have been cases that have been all over the media, and I will just draw your attention to one particular case, the Magoo's Bar case, where MK Special Operations have been the subject of a wide discussion, and in fact that case is probably known to you and the Commission is investigating all kinds of activities on both sides, not only on the side of the SANDF, the SADF at that time.

But the reason I asked you the question about your discussions with General Joubert is because when he took over as officer commanding Special Forces something occurred. There was a reorganisation and a reorientation of both philosophy and a physical situation on the ground in terms of how a military force would operate in respect of an either real or perceived enemy. And in terms of that there are certain cases that are under consideration and

under investigation by this Commission in terms of victims who, if I have to follow their statements, are alleging that they suffered as a result of actions that occurred after a structure had been set up, the very structure that had been set up in respect of your discussions with Major General "Joep" Joubert, that is the Civil Cooperation Bureau.

And in terms of this maybe we can become more substantive with this discussion and stop going round about. I would like to draw your attention to a document which was written on 7 November 1986, "BSB Annual Planning", do you have that document before you? It is part of a document that was sent to you through your attorney called, "Extremely Confidential - CCB"

MR J VERSTER: Yes, I know about this document. I don't have it in front of me, but I'd like to answer you as follows. You, as far as I am concerned, have a very specific perception about these things, I don't necessarily agree with that perception. My view is that I would like to answer all the questions today as quickly as possible. I am not interested in hiding anything.

But I want to tell you that you are totally wrong in saying that something happened in 1986. There was a situation of unrest in the country and according to the way that I worked and the way in which I had been trained and which was also internationally accepted there was an evaluation made of the information. You look at the globe and you look at what the position of the ANC is on the globe, you look at where their bases are, what routes they used into the country etc, and in terms of that

information there were certain incidents of terrorism which had occurred inside the country. Proof, for instance later, Chris Hani, at a speech in Westville said that the ANC had by means of domestic terror attacks, or terrorist attacks had caused incidents at a time when the ANC had been weak and were losing support, and our information then told us that the sovereignty of our country was under threat as a result of the build-up of forces across the borders of the country.

It wasn't as if we suddenly, in 1986, had a brain-wave, and it had nothing to do with General Joubert. I want to assure you that I will not allow myself or General Joubert or Special Forces to be isolated in today's discussions as if we had waged an individual war and had decided that we should develop such a war. That is my problem here today. I have been lifted out of context. I do not agree with the current government or the previous government, I was simply an officer who did my job.

So the '87 document, that is an annual planning document, I mentioned it in my amnesty application and in that annual plan what was looked at was the threat and the nature of the threat and according to that document another document was drafted and this document was then passed along the hierarchy to a very high level and tabled. And this document was the basis of the financial budget for the next year, and from that the budget was drawn up for all the activities of Special Forces.

I would like to confirm, once again, that the word "CCB" is a fictitious name that was created as if it was a sinister structure which made war somewhere under a dark cloud or bush. The CCB, the name CCB was used rather than saying Special Operations of a Covert Nature, rather than use that phrase we used the CCB. CCB only operated within the Special Forces.

MR KHOISAN: No Mr Verster you know we are going to be here for a long time, we will be here until next year if every question that I ask you directly and that this panel puts directly to you, you answer in respect of the African National Congress. The African National Congress and its military structure and its military leader and the person that you mentioned, the late Chris Hani, Commander Chris Hani is no longer with us, but they will have to answer their own questions.

In respect of this particular Section 29 we are not here to interrogate and we have no way of interrogating the ANC's orientation towards how they ran their military project. We want to talk about the Civil Cooperation Bureau, how it began, what its founding position was, on what foundation it was built, how it was oriented, who authorised it, etc, etc, etc, and we are going to get to that information.

Now I began by putting it to you that when Major General "Joep" Joubert took over in 1986 there was a shift. One of his first instructions to you was to try to reorganise some of the sensitive stuff inside Special Operations, and which then were put under another umbrella, which over a

period of time came to be organised and developed independently and finally privatised, but we will get to that.

Before we get to that we need to understand how the structure - because this is a structure that is accused by allegation from victims, accused of committing heinous acts, which we are not saying that you did do that, our position is we are trying to get your understanding of what was the reasoning for forming the structure. Now we have got that.

Now I want to find out from you, on the 7th of November 1986, and you have the document in front of you, you authored a document, "CCB Annual Planning for 1987", right, and it's a detailed document. Now I want to discuss this document with you, because this document set something in motion. And I am not saying that the CCB organised its own private war under a bush. That never came out of my mouth and please don't assume that I am saying something that I have never said because the proceedings here are recorded. What I have said is very clear. I have never said that you made your own private war under a bush. But what I am saying is that there was a Civil Cooperation Bureau, it's not a figment of my imagination, neither is it something that this panel has just dreamed of. We have to find a way of explaining what happened here.

Now this document in front of you, do you have the document, "CCB Annual Planning 1987"?

MR J VERSTER: Mr Chairman I have this document. I was under the impression that I had to assist you. I am listening to what you are telling me and in the answers that you are providing you are telling me what you want to know and according to me I am answering it to the best of my ability.

And I am saying again that your words that these changes, you have mentioned it twice, that General Joubert had a certain approach, and I want to tell you, the enemy, according to us, were the ANC at that time and the people associated with them, that caused the beginning of all those activities. I want to put this right, I am not going to expand on what you have said, I want to state for the record that I do not agree with your answer but I would oblige and if we carry on with the document I will give answers to your questions.

MR KHOISAN: Okay, let me draw your attention to point 3 on page 1 of that particular document, "Team building efforts of the CCB", regarding the CCB. Point A there, "Instruction", do you have that?

MR J VERSTER: Yes I have that.

MR KHOISAN: Okay, do you confirm that?

MR J VERSTER: I confirm that that was our approach.

MR KHOISAN: Okay, can you read that into the record please, the CCB Opdrag vir 1987".

MR J VERSTER: "The CCB should, by means of covert operations any enemy of the Republic maximally disrupt them".

That is what our instructions were.

MR KHOISAN: Okay. And in terms of your identification of the enemy, "the enemies of the State", do you confirm that section, section 4?

MR J VERSTER: That is correct.

MR KHOISAN: And can you read "The enemies of the State" into the record please.

MR J VERSTER: "Of the undermentioned any staff activities of, firstly, the South African Communist Party, then the ANC and the UDF, the PAC, any related front organisations, those power bases of the State which are threatened by revolutionary activities....."

I can't say what is stated there.

"For example the South African Council of Churches. Selective actions against host countries to achieve our purpose, to achieve the purpose of the CCB".

I can't see what is written here clearly.

MR KHOISAN: Can we just, in order to move forward here, can we go to point 6 and K. Can you read 6K into the record please.

MR J VERSTER: "Disruption is regarded as the death of the enemy, infiltration, compromising etc".

MR KHOISAN: Okay.

"Disruption, death, infiltration, bribery, destruction and compromising".

Okay now I don't want to go through this document too much. I think we've read quite a bit into the record here. Now on the 7th of November when you authored this document who did you send this document to?

MR J VERSTER: As I have already mentioned this was the usual annual planning for the purposes of the next year and it was processed and presented by Special Tasks Headquarters.

MR KHOISAN: So you sent this document, for instance, to General "Joep" Joubert?

MR J VERSTER: That is correct.

MR KHOISAN: Okay. And did you send it to any other member of the general staff?

MR J VERSTER: That was not my duty, I only had to use one channel and that was to the Chairman, General "Joep" Joubert.

MR KHOISAN: Okay that was your vertical channel, that was your channel up, right?

MR J VERSTER: That is correct. General Joubert had his own infrastructure. Any other staff officers might have cooperated with him but the authority was in the commanding general.

MR KHOISAN: And in terms of your lateral channel and your channel down who was all involved in the authoring of this document, in the creation of this document?

MR J VERSTER: It was the Planning Cyclers(?) based on discussions with the General and the available infrastructure.

MR KHOISAN: And who were the personnel who were part of that infrastructure?

MR J VERSTER: Do you want to know their names?

MR KHOISAN: Please, please.

MR J VERSTER: I have already mentioned that I do not want to mention the names of subordinates because I am part of a military structure and Act No.44 is still relevant here and a visit of General Liebenberg, Viljoen and Geldenhuys approached the Truth Commission, I have received documentation in this regard, and that they understood that subordinates' names were not to be mentioned.

MR KHOISAN: Am I give to understand that there is agreement between the Truth Commission and sections of the then existing SADF, or is it with the current command structure of the SANDF that the Truth Commission has an agreement that persons who are connected to allegations of gross violations of human rights, that their names will not be mentioned by their senior officers?

MR J VERSTER: Mr Chairman I saw this document before the cut-off date for the submissions of applications for amnesty and according to that I have

understood, I don't know what the agreements were, it has nothing to do with me, but I want to assure you that - yet you are aware that in all these documents the names are mentioned, the names which were mentioned before the Harms Commission and these details are available to you. If you are under the impression that I am going to sit here and discuss military infrastructure from a previous era to this era I cannot do this from an ethical point of view. And I also can't do it based on the agreement which has been made with the Truth Commission.

CHAIRPERSON: I am not aware of this arrangement Mr Verster and you are not assisting us if you can't produce that document. From the point of view of this investigative inquiry and as you are under oath I just want to make sure that I understand you. Are you refusing to give the names?

MR J VERSTER: Mr Chairman I want to put it in this way. The discussions we had at that stage certain regional managers that those people who were involved were mentioned at the Harms Commission and we have submitted that documentation. What I am telling you is that an agreement has been made according to which subordinates' names were not to be provided. We have had a meeting with the top structure of the previous Defence Force, they negotiated with the Truth Commission, and irrespective of my own safety I would jeopardise the security of other people and my family etc and I am not going to do that. It is not my point of departure that I do not want to present this but it is because of circumstances.

CHAIRPERSON: So if your answer that you are refusing to give the names?

MR J VERSTER: I cannot give you these names.

CHAIRPERSON: And do I understand that your basis for refusing is because you understand there is an agreement between this Commission and some elements who represent the SADF as it then was, in terms of which underlings can or should not be mentioned?

MR J VERSTER: That is correct. These people, to the best of my knowledge, were General Liebenberg, Geldenhuys and I think General Viljoen. Before the cut-off date for amnesty applications they had negotiations with the Truth Commission and this is how I interpret this.

CHAIRPERSON: Can you undertake to make that documentation available to this Committee at some stage?

MR J VERSTER: My legal counsel says that we do not have it in our possession here.

CHAIRPERSON: Yes, no, no, at any other stage. You see if you are misleading me I want to be able to know that you are misleading me so that I can take action in terms of this Act. So can you undertake to make that documentation available?

MR WESSELS: Mr Chairman may I come in at this stage. I don't know, I have also had information that there was such an agreement, I've seen a memo at some stage, that is not in our possession, it is in the possession of - I saw it in the possession of legal representatives of General Geldenhuys, I think. I

suppose one can try and get hold of that document. I cannot give an undertaking in this regard.

CHAIRPERSON: You see, as I said, I don't want to be placed in a position where I should find that I have spent the whole day here in pursuit of a fruitless exercise where the work of this Commission is going to be continually hindered and frustrated by conduct which is calculated to make the work of the Commission very difficult. And I would obviously not like to proceed on the basis that I am given information that is false or misleading. The Commission has a very short shelf-life and we have to do what we have to do. I am sure you, Mr Wessels, I am sure you Mr Verster and Mr Bosman you have got other things which you can do with your time rather than to waste here, and that's why I just wanted to be sure that I understand Mr Verster well. I will also make my own enquiries about the whereabouts of this document.

Can I just ask another question. If there was no such arrangement between the Commission and those persons who represent the SADF would you still be inclined to not to tell us the persons who are being asked from you by the Panellists, Mr Verster?

MR J VERSTER: Mr Chairman you are placing me in a very difficult position. I feel that all the documentation which was presented to the Harms Commission and which you have in your possession the names which are in those documents I will confirm those. As a commanding officer of a structure where I functioned I cannot and I will have to invoke previous legislation my

problem is that I know what the implications will be. It's not to keep anything from you. I can assist you with information, but while we functioned in a structure I cannot provide you with those names. We functioned with operational and administrative names and accordingly, but in certain instances where I know his real name I cannot convey that to you based on the fact that I was a commanding officer of those underlings.

CHAIRPERSON: Now which law are you relying on for refusing to make available information to this particular Commission given what its mandate is?

MR WESSELS: Mr Chairman I don't think Mr Verster is in a position to tell you that, that is a legal matter and that will need consideration in due course.

At this stage Mr Verster has indicated, as he indicated before, that from both what he understood an agreement to be and also from an ethical position, having regard to his position as a commander in the Defence Force that he is not willing to disclose names of people that functioned under him where they were functioning within the course and scope of their position as members of the Defence Force.

He has also indicated that he takes responsibility for their actions, and may I state that that is contrary to the attitude of some other high-ranking officers who don't seem to be willing to take responsibility for actions that have been taken. Mr Verster is prepared to do that and he personally accepts responsibility for their actions.

CHAIRPERSON: Thank you Mr Wessels. But I just want to understand from Mr Verster, as a witness, because I want to know what he relies on. Do I understand now that he relies on two premises? The first premise is that he thinks there is an agreement between this Commission and certain persons in the then South African Defence Force who are still part of the SANDF, that names of underlings will not be mentioned.

Secondly he relies on his own subjective ethical considerations, is that ... (intervention)

MR WESSELS: Yes that is the way I understand it Mr Chairman.

CHAIRPERSON: Now just on the ethical considerations, do you then consider, Mr Verster, that your own ethical considerations should outweigh the provisions of this particular Act insofar as its objectives are to get as complete a picture as possible?

MR WESSELS: Well Mr Chairman may I speak in this regard. The considerations of Mr Verster, both ethical and also as far as his own welfare is concerned, is of paramount importance for Mr Verster, and in my submission he is entitled to rely on that at this particular stage.

CHAIRPERSON: Do I understand you to be saying his own considerations far outweigh even the considerations of this Commission to the extent that the Commission has a task to find what the truth is?

Do I understand you to be making a submission to the effect that even in circumstances such as these, namely, where in terms of Section 29 an

investigation is carried on in terms of Section 29 in camera, it's not intended to be published and no finding is going to be made in terms thereof until and unless representations have been made further, do I understand it to be your legal advice to Mr Verster that he can take the attitude that his own subjective considerations entitle him to refuse to give information to this Commission, even if that information is in pursuit of satisfying some of the requirements of the Act as I understand them, namely, to give the Commission a bigger and a better picture of all those matters that fall within their mandate?

MR WESSELS: Mr Chairman, firstly, as far as my legal advice to Mr Verster is concerned that is a matter of privilege and that will not be disclosed at this stage and I don't think it's necessary that I dwell on that.

Inssofar as Mr Verster's attitude is concerned, he takes the attitude that he does not wish and that he is not willing to disclose names of underlings; certainly the work of this Commission is of great importance, not only to him, but to the public at large and to that extent he is cooperating as much as he can.

I still do not believe that by not disclosing names of underlings that the work of this Commission is being hampered in any way. What is important is that the higher structures who gave the orders, who had the responsibility is to come forward and tell the Commission exactly what has happened. The position of underlings and what they did is not important with respect. They merely executed orders, conveyed messages, gave information that they were

possessed of, the decisions were made at the level of Mr Verster and the commanders above him. Therefore by not disclosing the names of people who may have had menial positions under him will not hamper the work of this Commission at all and the necessary information that will enable this Commission to do its work properly in the interests of all concerned can be obtained from Mr Verster.

CHAIRPERSON: Mr Wessels let's test that. Assuming that in terms of what has just been said, namely, that the document that was referred to was giving an instruction as to who the enemies are and as to what should be done to those enemies, disruption, killing and everything else, are you telling me, in terms of your submission, that if a person who could legitimately take an instruction from Mr Verster for a person who was identified as a target or as an enemy to be dealt with in terms of that order, let's say for instance, on the basis of that hypothesis, something that has been invoked as a rumour, and I state it as no higher than that, there was a rumour that for instance in the matter of Lubowski and in the matter of Webster the CCB were involved, let's say that as a hypothesis that those murders were carried out by a person who understood the instruction from that document to be meaning that Webster should be killed and should be murdered, are you saying to me it is not important for the purpose of this Commission to get a name from Mr Verster of the person who may have carried out that murder because he understood

certain persons to be enemies and understood also that those enemies must be dealt with in terms of that memoranda, is that your submission?

MR WESSELS: Mr Chairman the position is if there was action to be taken against a particular person then Mr Verster will know about it because the order must come from him. If there was any action taken without his orders then he would not know of it and it is not his responsibility. This particular document was drawn up in his office and it went up to a higher person. No one below him could act unilaterally and take action against any person and thereby binding Mr Verster.

CHAIRPERSON: We don't have that evidence. We don't have the evidence which says it did not go to anyone below Mr Verster. In fact I think that was the enquiry.

MR WESSELS: Well he said he drew up this document from his office and it went higher.

CHAIRPERSON: Maybe let's allow the questions to be asked. But before we proceed I would like again Mr Wessels to draw your attention to Section 4(a) and (3).

"The functions of the Commission shall be to achieve its objectives and to that end the Commission shall:

- A. Facilitate an when necessary initiate or coordinate enquiries into -

3. the identity of all persons, authorities, institutions and organisations involved in such violations".

In other words

"Shall enquire into the question whether such were the result of deliberate planning on the part of the State or former State or any of their organs or any political organisation, liberation movement or any group or individual, and accountability political or otherwise for any such violation".

Section 4(a) is making it very clear that this Commission will not be in a position to fulfil its obligations in terms of this Act unless it conducts enquiries, and this is precisely what we are doing here.

In any case let's allow the flow of questions. Mr Khoisan maybe ask your questions and then let's hear again what the basis is of the objection.

MR WESSELS: Mr Chairman, sorry, may I make a suggestion for practicality, if there is a dispute about a particular issue and Mr Verster is reluctant to answer that let's make a note of it, we can come back to it at a later stage, perhaps we can have discussions and see exactly - maybe there is not really a problem between us and there is more a perceived problem than a real problem and then we can see if we can get closer in due course.

CHAIRPERSON: You see let me put the position very clearly. I have not - I am trying to apply my mind as far as I can, I don't want a situation arising

where it appears that the Commission, and particularly this Committee doesn't care about the interests, especially the safety and security interests of Mr Verster. We would be remiss in our duties if we are perceived to have that attitude. But you see equally I would not again like a situation developing where this entire exercise would be a fruitless exercise simply because Mr Verster is going to continue to say I cannot disclose that information because I think there's an agreement, because in terms of my own ethical considerations it's not the sort of thing that one does. There are all sorts of things - in fact if we behaved in a way in which we would have liked to see things happening I wouldn't be sitting here.

We have a duty to do, not only to ourselves but to the nation and to the future of our children. I approach this proceeding on the basis that we have come to give as much of facts and figures and attitudes and perspectives and motives of what happened in the past precisely because all of us have a view that we have to make this South African nation of the future a nation that is worth living for, irrespective of what happened in this past.

And one of the fundamental bases on which this entire Commission has been established is the fact that the exposure of truth and truth in all its forms and shapes will be the rockbed on which the nation of the future is going to be founded.

Now if I get the impression that there is a reluctance, even in the controlled circumstances of this particular inquiry, which is being held in

camera precisely because some of the disclosures that have to be made have been made in those circumstances then I am going to find that the work of the Commission is being frustrated. And let me say it is not without precedent, we have had Section 29 inquiries here where persons, General Malan was here, General Coetzee was here and I can mention a number of other members of the security forces of the old order, who were here legally represented and who appreciated that we have a duty to do.

I would really, really wish that we should consider these things very, very deeply. In fact I think this is a convenient time to adjourn for about ten minutes so that we should look at some of the sections that I have referred to, and perhaps for Mr Malan to have a conversation with Mr Wessels as to the legal obstacles that we seem to have struck up to this point, and then see if you cannot come to an arrangement. We shall adjourn until 12 o'clock.

COMMITTEE ADJOURNS

ON RESUMPTION AT 12H00

CHAIRPERSON: Mr Verster you must remember that you are still under oath. You were still being questioned by Mr Khoisan.

PIETER JOHAN VERSTER: (s.u.o.)

EXAMINATION BY MR KHOISAN: (cont)

Thank you Mr Chairman. Mr Verster we are still on the document that I have put to you, the memorandum "CCB Annual Planning for 1987", okay, and the question to you earlier was who was involved in drawing up this

document. Just so that I understand your response correctly maybe you can put it to me exactly so that I am very clear, who drew up this document?

MR J VERSTER: Mr Chairman this document, if I can remember, was compiled by me and this resulted from my experience and guidelines as received from the Chairman or the commanding general.

MR KHOISAN: Okay. In point 1 of that memorandum you say,

"During the recent team-building efforts with the CCB for planning 1987 regarding the following was done".

MR J VERSTER: That is correct. That was the commander officer of the Special Task Group, I am referring to that Chairman.

MR KHOISAN: Okay so this 'team-building', when you refer to the recent 'team-building efforts' who are you referring to in specifics there?

MR J VERSTER: I am referring to my cooperation with the commanding general. This is whom I am referring to. I cannot remember who were present, whether other people were brought with him, other staff officers as I have explained. It could have been, perhaps he brought his own information officer or director operations, but I can't remember. I cannot remember who were with him.

MR KHOISAN: So Eddie Webb, and what was his rank at that time, a brigadier or a general?

MR J VERSTER: General Webb was a general but this happened before his time. I assume this happened in 1986 when General Joubert was the Director

General, or rather he was the commanding officer. So at that time Brigadier Webb was still a brigadier.

MR KHOISAN: Okay, now in any way shape or form was this document transported to, or discussed with or created in consultation with General Badenhorst?

MR J VERSTER: I don't know Mr Chairman because my only channel and access was to General Joubert who was my general. I don't know whether this was discussed with anybody else.

MR KHOISAN: But you cannot recall specifically whether this document was put to General Badenhorst or whether he had any comments in respect of this document?

MR J VERSTER: My opinion is, and I saw it in some of your documentation, that it was not in his command structure. Whether this was discussed with him during another meeting where other components of the army were assembled I don't know.

MR KHOISAN: The responsibility of General Badenhorst in and around the time this document was drawn up, and correct me if I am wrong, was Chief of Staff, Intelligence?

MR J VERSTER: I can't say precisely that that was his post, I assume that. I know that he became that at a certain stage. He was Chief of Staff, Information.

MR KHOISAN: Okay but Chief of - just I want to correct that, and it should be read correctly in the transcript, Chief of Staff, Intelligence, okay.

Given your understanding of how the military operates and especially in terms of its doctrine how the then SADF operated at that time, any development as the development which led to the creation of what was, according to your evidence, just a name thing, the CCB, would it be correct to say that the Chief of Staff, Intelligence, given the wide mandate of that position would have been consulted or would have had to respond or comment on a development within the military of this nature, to wit, the creation of the CCB and the bringing into being of the CCB?

MR J VERSTER: Mr Chairman I can only give my opinion as I see it, I don't know whether that is correct. The Chief of Staff, Intelligence, was the staff officer who advises the Defence Force regarding the security situation. In the establishment of the Covert Branch of the Special Forces, which was later called for media purposes the CCB, had nothing to do with him. Let us say the channels of the Chief of Staff, Intelligence, because he had access to information regarding the enemy, their situation, that some of his underlings would get some of the information from his channels without him knowing. But the direct authority structure to know which was happening in the infrastructure it was not necessary that he could know because it was a parallel authority line in the South African Defence Force. This would be from commanding officer to the head of the army because the head of

Intelligence used another information channel to the head of the Defence Force.

MR KHOISAN: Okay, so it's your evidence that General Geldenhuys would have received this document or would have been ...(intervention)

MR J VERSTER: Once again his staff officers who worked for him. In the document it says, "submitted H - the Head of Staff Operations", that is the operational leg of the South African Defence Force. In other words the head of the Defence Force, the head of his staff who advises him regarding operations. I assume, I had nothing to do with that, that where we were and we operated as covert members, we had our own channel to the commanding general and he had somebody else on his staff or he himself or according to the line of command he discussed this document further.

MR KHOISAN: And on the 7th of November 1986 who was the Chief of Staff, Operations?

MR J VERSTER: I can't remember, I can't remember who that was. I did not work with the Uniformed Branch of the Defence Force. The only Uniformed Branch was the commanding general. We functioned in private clothes, in civilian clothes and I had no contact with the Defence Force. We did not work from the head - the Defence Force(?)

MR KHOISAN: Okay, and Brigadier Phiel(?) was he in the loop of this information?

MR J VERSTER: What I know about Brigadier Phiel he was a retired officer who did auditing work for the Chief of Staff, Finances or Special Operations, he had nothing to do with us.

MR KHOISAN: And at that time the Chief of Staff, Finances, was whom? Was it Brigadier or General Raubenheimer?

MR J VERSTER: No I think he was one of the underling commanding officers. Raubenheimer only became Chief of Staff, Finances, later on. Once again these were people who wore uniforms. I can't remember them myself. I know about him but not his precise portfolio.

MR KHOISAN: You see what we are trying to get here Mr Verster is the fact that you were being tasked to do a very sensitive job by Major General "Joep" Joubert and essentially that would have involved certain arrangements that needed to be dealt with in terms of Operations, Intelligence and very specifically Finance, is that correct?

MR J VERSTER: That is correct. I regard that as planning. I have mentioned previously that I had the instruction or we call them guidelines for planning. The guidelines for planning I received from the General and that entailed to propose the structure and the approach and in that infrastructure there was Intelligence or Information concerned and we based that on our approach to the enemy. Part of that was the budget which was handled by Finances. That was how I handled the matter.

MR KHOISAN: So in terms of setting up, we were discussing your "Yearly plan for 1987", and that's a wide-range plan. Now in terms of how this thing was to be structured you were essentially tasked to set up a covert structure and in terms of that discussion that would involve at its core people who were senior people within Special Forces like yourself, people who were in the loop of very sensitive information and had had a relationship at command level to serious operations, covert operations, now why at that time, given the fact that you had the National Intelligence Service, you had various covert capacities of the then South African Police Force and you also had various other intelligence arms or covert and semi-covert arms of the SADF, why specifically, and that goes back to your discussion, back to the discussion around this document and the foundation around which this document was built, why was there a need build this deep cover for this specialised structure? According to your understanding, just....

MR J VERSTER: Mr Chairman according to me the need was established by the information or intelligence we gathered from the enemy. Terrorists came across the borders into our country. They used all kinds of covers. In the ordinary army they use formal clothes and vehicles and the information, intelligence evaluation and the conclusions we drew came from the information presented to us and the information known through the country, and it became necessary, like the SAS in Britain and the Marines and the Special Forces in America and then the need arose according to the

intelligence pattern. And like the enemies operated during that time to do it in the same way. For instance a person who was positive towards the ANC he would operate as a driver or a shopkeeper and he worked for the ANC, no special forces operative could in a uniform with a beret and a badge could operate in this way. To infiltrate the enemy is the same way the MK operated and we functioned like determined by the enemy. In the same way we used civilian clothes and acted covertly. The need arose and it was based on the actions of the enemy.

MR KHOISAN: Okay, just on the question of deep cover, is that also the time that you assumed the administrative name Jack van Staden?

MR J VERSTER: Yes that is correct. It was part of the plan and it was part of our evaluation that when we used names to protect our families and other people and also to protect the modus operandi so as not to expose yourself to unnecessary danger, that was all part of a plan which was presented and approved, and yes, it entailed us using that kind of name and I know the ANC operate in the same way. They had operational names and they had exactly the same approach.

MR KHOISAN: Just maybe to help facilitate this discussion you know the issue is we are not trying to find out you know how the military operated in respect of the ANC because we will deal with that, but are there any other administrative names that we may encounter? Given the fact we have sent you a lot of documents but we are also continuing our investigation that you can

help us with right now so that we don't have to go through all that hard work, are there any other administrative names that you personally assumed beside this one, Jack van Staden?

MR J VERSTER: If you are going to try and get me so far as to say things in isolation then I must say that my whole life has changed as a result of what the enemy of South Africa did. I am a professional officer and the plans which I made were born out of the existing threat, so you will be making a mistake if you think I will answer in isolation. These things must be seen in context. Dave Martin is another administrative name which I can now recall.

MR KHOISAN: Dave Martin, that's the only one you can recall at this stage?

MR J VERSTER: Yes that's correct.

MR KHOISAN: Okay, I am not trying to entrap you or to try to get you to say things in isolation. You have to understand that this is a very sensitive and comprehensive investigation which is continuing. You know we are at a certain stage of the investigation right now and in terms of this we - anything you can give of your own free will is of great help to us and great assistance.

Now to proceed, just to clear the ground, in terms of the plan to set up the CCB, if I understand you correctly that the decision was made to use essentially as the core of the CCB members of Special Forces, is that correct?

MR J VERSTER: That's correct.

MR KHOISAN: Which other branch of the Security Forces, because Special Forces and maybe I am wrong, but Special Forces would in my view be the

most highly trained or the most comprehensively trained members of the SADF at that time, is that correct?

MR J VERSTER: No I wouldn't say that. It was once again perhaps the ANC's approach, but in the South African Defence Force it was only members who were trained for specific tasks not covered by the conventional forces. In other words there was a conventional element in the Defence Force and then there were these Special Forces which performed the kind of functions such as to do certain operations on land, sea and air, and to function in a covert way. The Special Forces did not resort under any specific part of the Defence Force at that stage, it was a separate combat service and it functioned under the Chief of the Army and it was utilised by the Chief of the Army because he was responsible for the war on land, but Special Forces functioned under the Chief of the Army.

MR KHOISAN: I am just saying that, I am just saying that of a comment you made, you referred to the American Green Berets, the Marines, the SAS, whatever, these according to my understanding of who these folks are and how they operate, in those countries those would be the people who would be your advanced contingent, those are people that could perform certain duties over and above the limited training that the ordinary soldier would receive given the way I understand the way they operate. You don't put anybody in the Green Berets, these are people that can handle serious matters, matters that couldn't be handled by anybody else or needed somebody who had a

certain degree of specialisation or certain degree of training in various aspects of the military. I don't want to push that point but I just want to proceed and say that - okay so you came up with this year plan for 1987 and pursuant of this year plan you decided to set up a structure, okay. This structure was decided, you had received a directive, or shall I say you had received a position from "Joep" Joubert that you must proceed, General Joubert said you must proceed to get this stuff underway. And then you proceeded from there. You began and one of the first things you did was draw up this year plan on 7 November 1986.

Now in terms of personnel, before we get into anything else, in terms of personnel who were the people, the key people that you identified as persons who would be able to function effectively within a structure such as the one that has come to be known in the media and in the public domain as the Civil Cooperation Bureau?

MR J VERSTER: It was specific operatives who were recruited from the various regiments or these were people who were already functioning such as D40, which is the forerunner of the organisation and also according to evidence already put forward in documentation.

MR KHOISAN: Okay now at which stage did you involve Lt Colonel Meerholtz in your activities?

MR J VERSTER: I can't remember specifically but he was recruited in '87, '88 I think, I can't remember a specific date.

MR KHOISAN: So he was brought almost as soon as the thing was up and running?

MR J VERSTER: No not necessarily, Special Forces functioned in a war situation, for instance the border wars reigning at the time and it could for instance be that he had been recruited from the regiment and then he resigned in due course and then came over to special forces. I know that he became a member.

MR KHOISAN: Now in terms of your budget, hold on - just in terms of your personnel how would you say that this thing was structured? You know evidence as you well know, you keep referring to evidence that was led in the Harms and other institutions to which we are independent of those bodies but which existed then, but how was it structured? Did you have an inside circle, an outer circle? Did you have members who knew what they were doing and members who didn't know what they were doing and stuff like that?

MR J VERSTER: The structure was organised. There were members who operated in civilian dress and also as part of the plan, specific plan, there were certain regions which had been identified and we then had so-called conscious members, in other words people who knew that they were dealing with the State and the Defence Force specifically, and then other members who operated unconsciously who weren't aware of that fact.

MR KHOISAN: Who was involved in drawing up - hold on let us get the regions clear because I want us to be very clear about these specific regions.

Let us just quickly go through the regions so that we have it right on the - just identify it and tell me if it's correct. Region 1 - Botswana?

MR J VERSTER: Correct.

MR KHOISAN: Region 2 - Swaziland and Mozambique?

MR J VERSTER: Correct.

MR KHOISAN: Region 3 - Lesotho?

MR J VERSTER: That is correct.

MR KHOISAN: Region 4 - Zambia, Angola and Tanzania?

MR J VERSTER: Correct.

MR KHOISAN: Region 5 - Europe and Worldwide?

MR J VERSTER: Yes.

MR KHOISAN: Region 6 - that's inside the country?

MR J VERSTER: Yes.

MR KHOISAN: Region 7 - Zimbabwe?

MR J VERSTER: Yes.

MR KHOISAN: Region 8 - Namibia?

MR J VERSTER: Correct.

MR KHOISAN: And Region 9 and 10, Region 9, what was Region 9?

MR J VERSTER: I can't remember specifically but it wasn't a geographical region it was something like a socio-economic region which served the other regions with advice and I think Region 10 was the financial region. It was simply organised in such a way for control purposes. It was based on the

financial plan which was generally known and it was simply called a region but it wasn't a geographical region.

MR KHOISAN: Okay now Region 9 would that be like the Intelligence support administrative component.... (intervention)

MR J VERSTER: It might have rendered that kind of service, for instance service rendering to other regions and branches.

MR KHOISAN: So it was decided that this, that all of the specialised projects and to be very clear at around the time that the CCB was officially disbanded according to the military itself and according to various documents that we have identified there were in and around 220 projects that were running, is that correct?

MR J VERSTER: There are several documents, some mention 175, others 200, I can't say with any certainty. I know some documents mention 200 and if we talk about projects then that was vernacular which meant that you referred to it as a project but it could for instance be the founding of a business or it could relate to somebody's pension. These things were all called projects, so the word was widely used.

MR KHOISAN: Okay, no you see the reason why I am asking you this question is because it goes back to your discussion with Major General "Joep" Joubert because at the time that he took over as the officer commanding Special Forces there were already certain projects or situations that were under way and what I am trying to get to in this particular discussion and as

part of this investigation is to find out how many you had under your control at the time that he had the discussion with you to say reorganise the stuff and how many were developed since that discussion.

MR J VERSTER: That would be very difficult for me to answer. Once again you must understand that what we were dealing with was action against South Africa's enemies so the whole of Special Forces ...(intervention)

MR KHOISAN: Go ahead Mr Verster.

MR J VERSTER: The whole of Special Forces were engaged in a war against the ANC and all the enemies of South Africa and what happened was that this was a formalisation when the state of emergency escalated in the country. So I can't remember specific operations but they weren't under my command. I was a staff officer within a larger structure. So as part of Special Forces I was the staff officer working with that. The function of a staff officer was to act on the instructions of the commanding general and in support of that general.

MR KHOISAN: So the officer commanding Special Forces told you to reorganise the staff and to be clear the position was that you should essentially work towards the end of, if I am correct, privatising or put into or separate from the official military all the sensitive projects that were under way?

MR J VERSTER: We had to start functioning as a structure in civilian dress because the information indicated that that was the way that the enemy was operating inside South Africa and outside our borders. Our information was

that they were also walking around in civilian dress and it was on this basis that we organised ourselves.

MR KHOISAN: And to be very clear the position was that you would organise yourself sort-of in the same manner, in the same way as that of a corporation, is that correct?

MR J VERSTER: No, not at all.

MR KHOISAN: Okay, your position within the CCB was that of a managing director?

MR J VERSTER: My task was to be the managing director, that's correct, but there were projects which were independent and they were only related by virtue of the plan and the channels which all led up to headquarters. So there were various sections in the private sector which were of a covert nature and I was the managing director of that covert coordination. So it wasn't a front company or a front approach.

MR KHOISAN: Okay let me draw your attention to page 7 of a document that you already have in front of you, "CCB Top Secret document" and let's go to page 7, "post structures", 2.2.4, do you have that?

MR J VERSTER: Yes.

MR KHOISAN: Okay. If you look at the way that organogram is structured from page 7 to the top end until 2.5, just before 2.2.5, would you agree with how that post or personnel structure is worked out? Is that according to your

understanding as the former managing director of the CCB, a correct interpretation of how this thing was organised?

MR J VERSTER: Perhaps that's the ideal approach. I don't know who drafted this document, I don't know whether it's somebody's specific perception, somebody perhaps drafted it afterwards and I can't say with certainty whether this embodies an original suggestion. My impression is that this was an original suggestion as to how the system should look but in terms of finances and staff and budget and so on it only contained certain elements, but broadly speaking that was the approach.

MR KHOISAN: Just while we are on that can we also - and a document that has been sent to you is "Report - Harms Commission, Major General JA Klopper - Top Secret", do you have that document in front of you? That document was sent to you.

MR J VERSTER: Yes I know of this document, I don't have it in front of me.

MR KHOISAN: Now according to Major General Kloppers' own views or shall I say according to this report, this report says it was drawn up in consultation with you, that's what he says, is that correct?

MR J VERSTER: Yes.

MR KHOISAN: Okay, now this document that you are looking at more-or-less is the parallel of that document.

MR J VERSTER: Okay.

MR KHOISAN: Okay?

MR J VERSTER: Yes.

MR KHOISAN: So just for the purposes of understanding how this thing operates, this according to me is essentially a corporate structure. It is not - the way this thing is structured is that you would have a chairperson, deputy chairperson, managing director, secretary, liaison officer etc, etc, would you say that that is ...(intervention)

MR J VERSTER: That is correct, that is the general approach although there were certain differences and I think at the time when General Klopper arrived there that was in the time when all these activities came to the fore and I am assuming that he then also brought his own perception to bear on it and I think he wrote his own document but broadly speaking that is how we functioned.

MR KHOISAN: Just as a side - did you also have a discussion in this respect of this matter with a man by the name of Mike Kennedy?

MR J VERSTER: Mike Kennedy I can't ...(intervention)

MR KHOISAN: Okay, shall I say did you have any discussion or were you ever approached by any member of the former National Intelligence Service to discuss the matter of the CCB?

MR J VERSTER: Oh yes now I know, but Mr Kennedy works for National Intelligence, he had nothing to do with me. I must just tell you that, now that you mention it, there is a lot of documentation in my view which was made

available from National Intelligence channels and National Intelligence, as far as I am concerned, their approach was that they looked after themselves. So I never spoke to him, I don't know him.

MR KHOISAN: I am just asking you as a side-bar Mr Verster, and I am putting it to you that the way that this thing was structured now the privatisation of a section of the military, the former SADF, that decision was made by the officer commanding the CCB in consultation with you or - is that correct?

MR J VERSTER: That is partly correct. That was a plan drawn up based on guidelines received from the commanding general and as I understood it he had discussed the matter with his higher hierarchy so it's not something which Special Forces drafted on its own, it was done on Defence Force level.

MR KHOISAN: Did you send any document to Brigadier BS Raubenheimer?

MR J VERSTER: The only document which I can recall now is the following. As part of this planning certain guidelines were received and I then drafted certain financial documents for a financial plan which was submitted. I know that he dealt with financial planning so I am assuming that is what you are talking about.

MR KHOISAN: Did you ever communicate in the planning and organisation, reorganisation stages of setting up the CCB with General Liebenberg?

MR J VERSTER: In the transitional phase, let me put it this way the commanding general before General Joubert was General Liebenberg so it

could have been during the handover phase, because that's the normal procedure when the one general takes over from the other that happens. So the activities which stemmed from Liebenberg's time would have been carried over to General Joubert and I might have been present, I can't remember specifically.

MR KHOISAN: Now who is J Black?

MR J VERSTER: That was the administrative name for the financial manager.

MR KHOISAN: And who was your financial manager?

MR J VERSTER: Well that's part of the problem which we have already discussed Chairperson. It was a person recruited to manage the financial systems.

MR KHOISAN: Okay, is it your position that you are not going to tell this Commission the real name of J Black which you of course know?

MR J VERSTER: I want to put it like this and it's something I tried to explain earlier. Apart from my family situation and the safety and security of my own family I feel that there was a negotiated settlement between the former Defence Force and all the old activities and the new government and the new activities. So there were certain views held and certain agreements reached which in terms of the Act compels me not to give certain names, I think it's Section 118 of the Act 44 of '57 and on that basis we dealt with revelations regarding the CCB and all the follow-up matters. And I feel that if

the two different political parties who took part in the settlement they accept each others faults and mistakes and the ANC has accepted the NP's handling of the situation at the time, that's how I understood it, and in terms of that I cannot name people's names and endanger my own family and other people's families.

So my view is that if I should name any of my subordinates also in terms of the document which we received, we mentioned it before to the former heads of the Defence Force and it was for that reason that they went to the Commission and I was under the impression when I walked in here today that that had been agreed upon and that I wasn't compelled to name names. If I assume responsibility for my structure and say things under oath and then I can tell you those things and help you as far as possible.

MR KHOISAN: But Mr Verster here this is an in camera inquiry. This, the proceedings that we are dealing with here is an investigation. We are operating on the assumption that the structure of which you were part was not involved in any acts of criminality. We are operating, we accept, from the beginning we accept as a starting point that this was a totally legitimate project that you were involved in, that you were tasked legitimately and that everything that your structure was involved in was as a matter of - within the parameters of legality. It is not for us to determine that this structure may or may not have been involved in acts which were not authorised.

And in order to understand the CCB it is for us a big problem that the person who you say, J Black, was your financial manager, that his identity cannot be made known to this Committee, because if he was the financial manager then he would have essentially have been in charge or knowledgeable about how the money of the taxpayers of the people of South Africa was going to be used. And if that money was used in any way, which in any way is criminal or didn't fit what you say were the guidelines, "ruglyne" upon which you were operating, orders upon which you were operating, is going to be a problem.

It is not our job as the Commission, we are not following you, we don't prosecute anybody here, but we do need to understand who were the people, this person is not an underling as such, this person is not somebody who is operating at ground level, running around the streets of Joburg, this person is the financial manager. He is thoroughly in the loop of information concerning the CCB. And I want to put it to you that you are telling this Commission that you won't give that name or is it a possibility that you could come out with the name?

MR J VERSTER: I want to once again reassure you that my idea is to help you with all these activities as far as possible. According to the documentation submitted here the financial plan, and this was said and was revealed in three or four court cases, is that there is something that you must understand the CCB was held up by the previous regime as this regime who

could do what they wanted to as a structure which ran around carrying out unauthorised operations and, if I walk out of this room and I gave names directly, and I can cite several examples, and half of what we say here will appear in the media tomorrow, I have proof for that, and on this if it should come to the knowledge of those people then these people could sue me.

Our people have been discredited by the government. We are in a unique crisis situation if you look at the CCB. The National Party says we don't know these demons. The Generals say, we don't know these people. The ANC say these people are the ones who did it and our perception is that the ANC and the NP are actually working hand-in-hand, in this sense that a story is being fabricated and carried on. And that it means that all these items of proof show that if FW de Klerk was the commander in chief of the Defence Force, it says so in the regiment of the Defence Force, what it says there is that the State President, the then State President was the commander in chief of the Defence Force, just as Nelson Mandela is today. And we have been left to our own mercy. On the one hand people disclaim any responsibility and knowledge of us and on the other hand people say these are the guilty people and it seems to me that you also are working along with that. We think there is such a system in existence and I think for that reason I don't want to mention names of people below me because a private claim could be instituted against me for that reason and somebody could say that I revealed his name and take me to court. And if I go to court and say that I worked for a

structure well then Magnus Malan and F W de Klerk could say well they don't know about me. I am not going to give names for that reason and also for the safety of my own family.

What I would like to add is this. In my amnesty application I suggested that if an MK Special Forces man of my own rank can sit here and we can have a discussion then we can have a true settlement. As I sit here today I represent thousands of covert operatives from the previous dispensation and if you can visualise that it means there are people who worked for the Rhodesian Defence Force in the old days; people who worked for the Security Branch or for the Uniform Branch and on the private side, people who worked for National Intelligence and there are thousands of people who have exactly the same views and feelings as I have that there was never any kind of a settlement negotiated for or with these people and we are experiencing this pressure because in the South African National Defence Force there are no longer any real soldiers who waged war. These people are outside of the Defence Force so we don't know what will happen in future.

I might be in such a Commission after the next election and then you are no longer in control then I might have to go to another Truth Commission as to what I said to the previous government, and that is my view. If you look at international legal principles I worked for the government of the country and that must be proved and if it cannot be proved then I must be charged, then F W de Klerk must come and charge me and tell me that I am

telling lies. And because I did that it means that in international legal - in that sense I was acknowledged by the international community as a Special Forces' operative who operated within a certain set-up which was recognised as far as the United Nations. There were many terrorist organisations which didn't agree but we were acknowledged as a country and that is how I functioned. And that is the basis upon which I am sitting here today and on that basis I would like to cooperate with you but please understand our situation.

CHAIRPERSON: I think this is a convenient stage for us to take the lunch adjournment.

I just would like to say a few things. I think Mr Verster you should think very seriously about some of the things that you have said to the extent that I have understood them.

I have taken very serious consideration and note of what you have said here in which you insinuated that you have evidence which suggests that no sooner will you have said anything in a Section 29 Inquiry of the Commission than the thing is already in the streets and in publication. As I indicated to you I have conducted quite a number of Section 29 inquiries and those that I have conducted have remained private, and none of those that I have conducted have had their contents published in any newspaper. I would be indebted to you to provide for me proof that any Section 29 that has been conducted in these premises, in terms of this Act, has ever been published in any newspaper. So I will be indebted to you to provide me with that proof.

Secondly, I don't want us to go again and talk about this. If you refuse to give information to this Commission on whatever basis you must just not waste my time and say I will refuse to give that, I don't want to hear any of your justifications. I personally do not consider that your "justifications" exceed the provisions of this Act in terms of which we must function.

I drew the attention of your lawyers to Section 4(A) of the Commission Act, but you seem to have your own considerations based on the ethos that drove the government of the previous order, which incidentally was party to the making of this Act, the same people you are mentioning were party to the making of this Act, the Nationalist Party made sure that the Act would be an Act that would conform to all modern standards.

And I may just add that in my capacity as Acting Deputy Chairperson I have had the occasion to be made privy to some of the things that have been going on at the level of the leadership of the Commission with regard to sensitive material. This Commission has been given to understand by the President of this country, who is the Commander-in-Chief of all the armed forces, that no information will be denied to it. I don't know how much higher a person can give the Commission this assurance. The Commander-in-chief of the armed forces in this country is keen that this process should not be frustrated and he has given us the assurance that no information shall be made unavailable to the Commission. In fact I can tell you that we have recently, as this Commission, received information of the most sensitive nature, most,

most sensitive nature relevant to the armed forces of this country in the previous regime and it was on the basis that it should be treated in the most sensitive of ways, and I am sure it is being treated in the most sensitive of ways.

But I cannot convince you to accept that this Commission regards people's lives, which is why we have a witness protection programme, but then in view of the attitude that you take you may despise even the manner in which we are conducting the witness protection and may be feeling that you wouldn't really entrust yourself to us, probably because you know better. And I think the formation of the witness protection was conceived precisely because those who framed the Act were aware that there might come occasions where people like you might express fear for their own personal safety and the safety of others and may therefore want to make sure that whatever testimony they give is given in circumstances where there is a reasonable guarantee.

As I say I have always been of the view that in the end these things will come out, and I take the view, therefore, that if you don't reconsider your views I am going to take legal advice as to whether your conduct does not in fact constitute an offence in terms of Section 29 of this Act, and I can promise you if I am legally advised that it is I will lay a complaint in terms of that Section against you to be dealt with by the Attorney General of the Province.

I would like you to think very seriously during the lunch adjournment whether you really think that it is in your interests of this Commission that you should continue to take the attitude that you are taking.

I, subject to whatever legal advice I will get, I am not persuaded that you have given us sufficient basis in an in camera proceedings of this nature, not to cooperate to the fullest extent that is required of you. But having said that my ruling at this stage is that if you are being asked to give the name of a person and you take the attitude that you have taken so far the request that I ask of you is simply for you to say I refuse to give that for the reasons I have already stated and not restate your position because the more you state it the more it leaves me unconvinced that it has any basis either in fact or in law.

We shall adjourn for lunch until quarter past two.

MR WESSELS: Mr Chairman may I just ask, you haven't yet made a ruling regarding the photographs.

CHAIRPERSON: Yes. With regard thereto it's a matter that is quite vexing. My approach is that I will give a ruling tomorrow morning. I understand that Mr Verster is here for today and tomorrow. I would like to get an opportunity to ask our National Legal Advisor as to what the approach should be generally. In the meantime I intend to communicate to the media that there is no ruling as to whether or not they can take a picture of your - so no picture will be taken today in an official fashion. In other words we won't bring them in here to take a picture of Mr Verster once he is seated, because this is a

matter that I need to give my consideration to in view of the submissions that I have made.

I do, however, intend to hold a press conference at the end of these proceedings to explain to the media why today and only today in the history of all the Section 29 inquiries that we have held we have not been able to provide them with a photo opportunity. I do so because I think they have rights, and I do so because I think they will be entitled to know what application has been made and that I have reserved my ruling thereon, so that if they have got interests that they want to consider then they can do so. And then we can look at the position tomorrow morning.

I will also need to look at the legislation and at the Constitution and at the various sections, in particular Sections 33, 37 and Section 35 and see to what extent those should influence my ruling as to whether or not I should permit a photo opportunity at the beginning of the proceedings tomorrow.

COMMITTEE ADJOURNS

ON RESUMPTION AT 14H15

PIETER JOHAN VERSTER: (s.u.o.)

EXAMINATION BY MR KHOISAN: (cont)

Thank you Mr Chairman. Mr Verster I trust that you have had a good lunch and I hope we can proceed with this thing with speed now in this next section.

The last time we were talking we ended off with a particular name that I don't want to bring up again and I will try as far as possible to deal with those issues at a later stage and concentrate now more on other more substantive issues.

Now in terms of the specifics of "the separation", the separation of what was known as the CCB from Special Forces and the rest of the military, the decision to move on to a process of privatisation as it were under the plan, the personnel plan which you have seen and in large measure agree with, I want to see if you could help us with a particular question and that is maybe you could talk to us a little about the budget. What, seeing that there was correspondence with the Chief of Staff, Finance and in order for this thing to move and to be operationalised, put into effect as it were under this process of "deking" or in this covert manner, maybe you could help us by talking about what your budget was based on your discussions with your commanding officer at that stage, and I assume that General "Joep" Joubert at the outset would have been the chairman, if I am correct, right?

MR J VERSTER: Mr Chairman that is correct. I just want to put something into perspective before I answer your question regarding finances. These guidelines which we had and which we used for planning, one of these guidelines was concerning finances. It was part of the plan to the document you have referred to previously, the plan of 1987, this for example made provision for a broad framework for which a budget was required. This

budget took form based on a financial plan given to the same chairman in cooperation or together with the operational plan, it was both agreed to.

The financial way of operating was presented to the chairman and he, on his part, passed it on to the higher hierarchy of the Defence Force for approval. The way in which we drew up the financial plan was the Auditor General's plan of auditing. For example at a certain stage you provided documentation with certain enquiries regarding an audit. Those enquiries were the type of things we used, we corrected them and put them in the financial plan and we built it into the financial plan and this provided the guidelines in the end for the budget we had to draw up. All those facets went through all the channels of the Defence Force and various departments. This was how we drew up our budget. We took up the operational plan according to the guidelines of that plan the budgets were determined according to the operational needs and this was presented according to a specific procedure.

MR KHOISAN: Now in terms of that particular financial plan can you give me a figure in 1987 ...(intervention)

MR J VERSTER: No....

MR KHOISAN: I mean you must have had an idea of - you've agreed in part or to a large degree you accede to the fact that the document that we have shown you about the personnel structure of what was to be and what became in effect the CCB, the personnel plan, you agreed with that, and in order to do that, to use those people to carry out the projects and to carry out the plan

essentially following on your document of 7 November 1986 you must have had some discussion regarding like what this thing will cost?

MR J VERSTER: Yes we had but we are talking now Mr Chairman about eight years ago, I am sorry 11 years ago, that was when the problems started. I can't give you a specific answer. We started in the vicinity of R3 million and if you accept it that at that stage when we were established we had R3 million as a starting point and one of the guidelines was that we had to double our powers, it could have been more than that. I can't give you any specific indication.

MR KHOISAN: So you start with approximately say - and you are giving me a hypothetical figure of say three million and this is in 1987 because your plan is essentially moved into operation in 1987, now between 1987 and 1990, just so that we just square this financial piece, how much money do you think the CCB actually used in effect of taxpayer's money or had access to or was given or was approved, can you give me an approximate figure?

MR J VERSTER: I would give you an approximate figure Mr Chairman. If I remember correctly the last audit was around about R24 million.

MR KHOISAN: R24 million, right. Now if I put it to you for instance that at one stage Project Direksie, that R5 million, R5 something million was approved, would that be correct?

MR J VERSTER: I saw that in the documentation. If there is any evidence for that that could have been the amount Mr Chairman.

budget took form based on a financial plan given to the same chairman in cooperation or together with the operational plan, it was both agreed to.

The financial way of operating was presented to the chairman and he, on his part, passed it on to the higher hierarchy of the Defence Force for approval. The way in which we drew up the financial plan was the Auditor General's plan of auditing. For example at a certain stage you provided documentation with certain enquiries regarding an audit. Those enquiries were the type of things we used, we corrected them and put them in the financial plan and we built it into the financial plan and this provided the guidelines in the end for the budget we had to draw up. All those facets went through all the channels of the Defence Force and various departments. This was how we drew up our budget. We took up the operational plan according to the guidelines of that plan the budgets were determined according to the operational needs and this was presented according to a specific procedure.

MR KHOISAN: Now in terms of that particular financial plan can you give me a figure in 1987 ...(intervention)

MR J VERSTER: No....

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MR J VERSTER: I saw that in the documentation. If there is any evidence for that that could have been the amount Mr Chairman.

MR KHOISAN: Ja but we gave you a document specifically on that matter.

MR J VERSTER: Ja, I can't remember all the documentation specifically, I saw that, I saw an amount of R5 million. I can't remember who signed it, I don't remember on which basis that was, I just want to say that some of the documentation you provided was audited documentation, that wasn't a document I, for example, compiled. Those documents derived from the Auditor General. It might be like that.

MR KHOISAN: I am not going to go into this whole thing of trying to stop this inquiry in order to ask you the name once again of the person who would have more information on this, but as the managing director of any corporation assuming and operating from the assumption that the CCB was moved on a sort of a way of privatisation and was structured as a corporation and that you as the final point of responsibility on the operational level, the managing director of that corporation, the only ones above you being the Deputy Chairman and the Chairman of that corporation and we will leave the deputy out but we will say that the Chairman in that time was "Joep" Joubert, General "Joep" Joubert. Now as the managing director of the Civil Cooperation Bureau and from your understanding of this institution of which you were an integral part and of which you constituted the command element would it be correct to say that a sum, according to your knowledge, of R24 million was approved of which you used R24 million or was it more or was it less?

MR J VERSTER: I would say it's in the vicinity of R24 million up to about R30 million in the final stages. As I remember this was more or less the budget amount.

MR KHOISAN: Okay, now in terms of the finances of this how would this work, how would it work that you would come up with a - would you project for the year 1987, and let's look at your Year Planning for 1987, let's look at that for the whole gamut, for paying people their salaries, for travel, for etc, in order to make this plan work and just after listening to you I have a sort of a good understanding that you are a person that wouldn't be part of a mickey-mouse operation, you seem to be a very serious person, in order to operationalise this plan for 1997, if you had to take a look at this and assuming one of the people on this panel was the Auditor General or some institution or authority that could approve finances and make them available to you, what would it take to operationalise this plan, financially?

MR J VERSTER: I don't know if I understand you correctly. I was under the impression that I have already answered that Mr Chairman. I want to put it in this way, I just want to repeat, before I do that are you interested in an amount or do you want to know how the system operated?

MR KHOISAN: No we'll get to the system. I want to be able to understand what kind of figures we are talking about here, because you see the fact is that the Civil Cooperation Bureau did use the taxpayer's money of the people of South Africa, this was not some private persons finances that were being used

MR J VERSTER: He was the person who was authorised. He could use that financial authorisation to in terms of that provide financial authorisation. He was not the person who provided finances to the Special Forces. He presented his operational plan to the Chief of the Defence Force and the Department of Finances of the Defence Force allocated a budget to them and that is how it went down the line. We never could do our own budget, it was done, it was asked on a quarterly or annual basis based on the operational plan.

MR KHOISAN: So what you are telling us, if I understand you correctly, is that approval of what your requirements are come from General "Joep" Joubert but he in turn has to get, in order for those funds to be released for dispersal which would in the end run be used for projects he had to get approval from a higher level? I am just trying to determine the final authority of approval which would have been General Geldenhuys.

MR J VERSTER: The CCB as an organisation had with the establishment which was part of the Special Forces it had its own unique financial approach. It was based on the guidelines provided to us to separate so that we could function in a civilian society.

The way we established the financial system was according to a financial plan, that plan was drafted by me after obtaining the details from the previous audits which was done for example by the Auditor General. There was an internal auditing system and also an external auditing system. You

would receive a page with red notes and problems indicated on a page in terms of the previous South African Defence Force financial process. We took that and developed a unique system. This was presented after I have compiled that, and after the commanding officer of Special Forces and he discussed it with the Chief of Staff of Finances it was then presented to the Defence Force. I also approached the Treasury where all these things and the handling of State funds were presented.

After having approved that that provided the authorisation for General Joubert where if somebody requires money he would take out the book and then provide approval for financial allocations within the framework of the financial framework.

MR KHOISAN: Okay so maybe we can proceed from there and I will put a document to you which I believe you have in your possession. It comes out of the Harms Commission and the Secret Report that was produced by Major General JA Klopper, do you have that document, it's somewhere in the middle of it, "Highly confidential, Department of Finances, Treasury", and I think the reference to that document is TB111UG ...(intervention)

MR J VERSTER: I have it.

MR KHOISAN: You have that document.

MR J VERSTER: I have the document.

MR KHOISAN: Okay. So now that we have that document maybe we can proceed quickly because I think we can actually clear this part of it very easy.

So if I read this document the people who would be in the loop of this document would be Vice Admiral MA Bekker, you would have the Chief of the Defence Force and the Chief of Staff, Finances, is that correct?

MR J VERSTER: That is correct.

MR KHOISAN: And this document, just for the record is dated 12 September 1988, is that correct?

MR J VERSTER: That is correct.

MR KHOISAN: "Financial policies Special Forces Covert Organisation".

Now what I am trying to understand is, this particular document is looking at - is essentially a document which is part of the authorisation track which would lead to the dispersal of funds, is that correct?

MR J VERSTER: That is correct, yes.

MR KHOISAN: Okay now continuing off of this document how much money are we talking about in reference to this document?

MR J VERSTER: No money as I can see this was under consideration. This was, as I have said previously this was the comment after the presentation to the Department of Finance as indicated on this document. This was the comment which came back from the Department of Finance, that was another State department and it was sent back to the Chief of the Defence Force referring to specific points in the financial report which they have described in different ways and we did - no money was involved here, this was regarding financial procedures only. And if we can bring, if it boils down to specific

money it could have been anything from six million to in the latest years 24 million.

MR KHOISAN: Well six million in respect of this, okay. Now what is meant by point 3 on the last page? Can you read that into the record please?

MR J VERSTER: I can't see the right side of the page, it's not clear.

MR KHOISAN: "Regarding the obtaining of authorisation of the Treasury regarding the expenses during 1986 and 1987 and between '87, '89 financial year. It will be handled on an ad hoc basis taking the interests of this case into consideration".

MR J VERSTER: Right. As I see this what's happened here is although there was a war situation, this war started in 1986 we continuously worked on a procedure but although we were busy finalising this financial procedure which was finalised at this stage we had a way of operating, we've applied that already since '86. As I see it now, this paragraph means that during those years of '86, '87 there would be ad hoc decision as the ad hoc activities required specific financial needs we had the same approach although this has not been authorised here. This was just a forerunner to the final plan. We've applied the way of operation but the plan has not been finalised.

MR KHOISAN: Ja, you know the only thing that concerns me there is the whole thing of an ad hoc, the reference to the fact that this is going to be

done on an ad hoc basis and we, as you already raised it now, that you are probably talking about six million rand ...(intervention)

MR J VERSTER: Ja, but if we talk about ad hoc it means that this was a formal procedure from the Defence Force. Somewhere before this date people could use money on the basis as they needed it. The ad hoc approach means in terms of the comparison with a previous financial system and not the new financial system regarding financial authorisations.

MR KHOISAN: So you agree that you know you cannot just use State money or taxpayer's money ...(intervention)

MR J VERSTER: Impossible.

MR KHOISAN: So in other words what you are telling us is that there was an exact accounting of money spent in respect ...(intervention)

MR J VERSTER: Always, always, interdepartmental from the outside and an individual like in any structure if he caused problems there was no ways that people could handle the money as they wished. I could remember from earlier years how covert funds were used and in this case I was responsible for this money. And we subscribed to the fact and I want to indicate that we were the people who pushed this issue, I and General Joubert, that there should be a control system to protect ourselves. There was no money which could be used without official authorisation.

MR KHOISAN: We accept that and we proceed. Now you are going to activate this plan, you are going to activate the plan and next to that thing you talk about "doubling of CCB as well as internal involvement".

MR J VERSTER: Where is that?

MR KHOISAN: That's back to your document of 1987 and it follows, it's the very next thing on that.

MR J VERSTER: Good.

MR KHOISAN: Okay. So what I am trying to do is I am trying to find out how you took this money and you put this plan in operation and what was involved in it, right, so here you say,

"Networks should be implemented on a limited scale in the various regions. Caches should be established in each region..etc".

Okay, I am trying to see now, you've got your personnel structure, you've got this thing and you've got an idea of what has to be done, this is basically is instructing you what has to be done per region, is that correct?

MR J VERSTER: The operational plans?

MR KHOISAN: Yes.

MR J VERSTER: From my point of view this is an easy approach. What you do is like with any business, with any enterprise you determine what the operational activities should be and then you decide what budget you need to handle that, how many people you need and what budget you need. That was

the procedure which was followed. This was the operational plan and this operational plan provided a budget and the operational plan was authorised and the budget.

MR KHOISAN: And then you moved ahead. So at what stage in 1987 did you physically begin with operations?

MR J VERSTER: This was a continuous process which has already started in 1986, which has continued and, on a quarterly basis, we put forward our budgets on the basis as what I have mentioned and this authorised us.

MR KHOISAN: Okay so now you say in 1986 that's actually a good starting point. So maybe you could walk us through some of the - from 1986 just walk us through a yearly plan, according to the best of your recollection, some of the projects that were involved. Because you operationalised this thing, you had the funding, you were moving.

MR J VERSTER: We worked on the basis of guidelines and we had to act on a long-term basis. Our point of departure was that we should develop various regions. We developed region 1 and in the order you previously mentioned today. This had to do with the finalisation of these presentations, it had to do with activities, to give people the necessary businesses, cover-ups and all the accompanying handling of those activities.

Specific projects was cooperation with the South African Police Force, we did that in terms of the Defence Act. People were given various activities

to do. We did reconnaissance over the borders and we were looking for enemy targets, bases, but this was concerning ...(intervention)

MR KHOISAN: Okay, so Region 1 is Botswana, so setting up Region 1, that's 1986, I assume that you start with Botswana?

MR J VERSTER: That is correct.

MR KHOISAN: And just to clarify the thing you said that you together with the previous South African Police, that you cooperated with them, was this Section C of the South African Police?

MR J VERSTER: No, we cooperated with the Security Branch. Applications for amnesty have been made regarding the state of emergency in 1986 in which I was called by the commanding general and told I was to become part of the Security Police and we would function according to that now, to handle the state of emergency in the country.

MR KHOISAN: We are on the question of development because now you start with Botswana but in the middle of that you told us that you worked with various other parts of the security apparatus and right now you have told us that you worked in very specific terms in terms of the SAP with the Security Police, okay?

MR J VERSTER: That is correct, yes.

MR KHOISAN: And I am trying to find out if this is the Security Police Headquarters, which section because ...(intervention)

MR J VERSTER: No, no, we had a policy, especially I did not have a contact with specific police stations, I am referring to the command structure. I talked to my general and he tells me that there are some of your people who had to work together with the police and then those specific people did just that and cooperated with the police. According to my perception regarding the Defence Act was that we had to support the police against unrest.

MR KHOISAN: And according to you, you are telling me that in concert, I assume that when you say you, because we talk about Region 1 and we are talking about how you built it up, you say that at that time you had this kind of through channels, consultation and of course the delegation of duties to whoever on the ground would handle that matter. And I am not assuming that you physically would be arriving at the police station or anywhere, I assume that you are in the command element ...(intervention)

MR J VERSTER: That is correct, yes.

MR KHOISAN: I operate from that assumption here.

MR J VERSTER: Yes.

MR KHOISAN: But I want to get one thing clear, now you are in Botswana, you are setting up Region 1, you have told us that you - some of the things that you were involved in there is reconnaissance missions, identification, some things that you would be involved in, general collection, identifying people and stuff like target identification and stuff like that, so could it be and without getting into - without, because we will get to the names as we

proceed, so in 1986 could it be that your structure could have been involved with or connected to or in some way had a relationship to the commission of what could be termed 'violations' in Region 1 which is Botswana?

MR J VERSTER: Mr Chairman I will give you a rough indication. What I have given you is that there were no people physically present in Botswana. We were situated in South Africa, it was just a structure that would be an area of responsibility in Botswana, like in the other regions. This was across the borders of South Africa and this was to protect the borders of the Republic at that stage. To talk now about anything outside the borders I feel that we have made our standpoint very clear.

MR KHOISAN: Okay Mr Verster I just want to be very clear about this matter because you see your structure, according to your own words worked on aware members and unaware members, sort-of of an extend system of sorts, right?

MR J VERSTER: That's right.

MR KHOISAN: And to be very clear how many people are we talking about inside the CCB, aware members, can you just nail down the figure for us?

MR J VERSTER: That would be very difficult, it was about 100, 150, 180 I am not completely sure.

MR KHOISAN: 185, 200?

MR J VERSTER: It could vary from a 100 - no I would say aware members it could have not been more than a 100, and then the unaware members, 150. I don't have a specific number.

MR KHOISAN: Mr Verster everybody who received finances from this project, anybody who was the recipient of South African taxpayer's money in terms of being either an aware worker of the CCB or an unaware worker is somebody who is registered, right? According to your own ...(intervention)

MR J VERSTER: How do you mean registered?

MR KHOISAN: Somebody who is - there is an accounting of money given to that person in terms of work done.

MR J VERSTER: That is correct, yes.

MR KHOISAN: Now according to you who was the managing director of this firm known as the CCB, how many people do you think at most received money for work, received money in terms of service provided to the firm known as the CCB?

MR J VERSTER: I don't know, I don't know. The environment in which we functioned this has to do about the sections. I think in terms of a structure of 100 plus I think of them as aware members and they worked with any source or any person on the outside. It did not have to do with a structure only, it had to do with a source who had to pay as it was done on an international level also. The numbers I wouldn't know, it would be a guess.

MR KHOISAN: If I put it to you that there were 185 aware members that can be identified and 225 unaware members would that be an approximation that you can agree with?

MR J VERSTER: I don't think there could be so many.

MR KHOISAN: The reason I am coming to this is because of the fact that in order to operate for instance in a country like Zimbabwe, in a country like Namibia, in a country like Zambia and Tanzania and to operate in places like London and stuff like that, and we'll get to the kind of persons that was recruited to and carried out work in the service of this firm known as the CCB, let me put it to you that you needed to have people who were physically on the ground in these places who could be able to do some of the tasks that couldn't necessarily be done by people like yourself, like collection, you know what I mean. Just in terms of who you are personally, there are some places that you couldn't - you couldn't necessarily go into Tiyani(?) Tavern in Lusaka, Zambia and do collection could you now? So you needed somebody there who could be able to assist you.

MR J VERSTER: Not necessarily so, you could have gone there depending on what your coverage was ...(intervention)

MR KHOISAN: Let me put it to you that the CCB made use of people in that country as part of your extend system, as part of your unaware membership system.

LONG SILENCE

MR WESSELS: May I just advise my client. (Discusses with client).

Thank you Mr Chairman. Mr Chairman my client indicated that he does not wish to answer questions regarding foreign activities.

CHAIRPERSON: Is there a reason for that Mr Wessels?

MR WESSELS: As indicated in the application for amnesty Mr Chairman we do not wish to, or my client does not wish to deal with any matter outside the borders of South Africa. The position is that the Amnesty Committee or this Commission cannot safeguard the interests of Mr Verster and cannot give amnesty to Mr Verster, he may incriminate himself in regard to activities in those countries and therefore he does not intend answering any questions in that regard.

CHAIRPERSON: Is the position that the question in relation to which we are expecting an answer is of a nature that may incriminate him with regard to activities in Region 1, Botswana?

MR WESSELS: It may lead to it Mr Chairman.

CHAIRPERSON: Mr Khoisan.

MR KHOISAN: Mr Chairman the position is this, that on several, and maybe right now is a good time to hand Mr Verster a document which is the diary of Christo Britz.

CHAIRPERSON: I take it that you will need time to consider.

MR KHOISAN: Mr Chairman I am not going to refer to that document but it's going to be dealt with later in these proceedings, probably by tomorrow, but I am just handing it to counsel so that they have it in their possession. Mr Verster is very well aware of the existence of this document as it has come up in several proceedings, to wit, the inquest of Anton Lubowski, David Webster, it's also been an issue that has been under consideration in the Harms Commission, and he's well aware of the existence of this document. I just want to put it in the possession of counsel.

My answer to you Mr Chairman is that the problem that we have with this answer by Mr Verster is that in effect what Mr Verster is suggesting to us is that we can just deal with one small part of the CCB, by his own admission seven physical regions of the CCB obtain outside of the country. They were not regions that were being operated from inside the country. The document itself will show that Mr Verster is outside the country several times. You know he's in some of the countries mentioned, like Zimbabwe, like Zambia, etc, etc, and we want to get to some of that material.

Now I want to ask Mr Verster, this is not a question that will incriminate you, I am just asking you could it have been possible in any way for your firm, also known as the CCB, to conduct operations in Region 1, 2, 3, 4, 5, 7 and 8 without the use of nationals of those country or people who were not necessarily South African citizens or people existing inside that thing?

MR WESSELS: Mr Chairman may I indicate again. Mr Verster does not intend answering questions that relate to foreign activities or people that worked for the CCB or assisted at all. We've already made our position clear.

As I understand the law, in particular the case of VAN RENSBURG, 1990 (AD), any question that may form a link in the chain of events which in the end may incriminate a person he has the right of privilege in that regard and he's not to be compelled to answer such a question. We therefore rely on our privilege and we do not intend answering any questions in that regard.

CHAIRPERSON: May I just get this very clear. Is the position therefore that Mr Verster does not want to reveal the names of persons who he may have been assisted by, even though those persons may be foreign nationals? And that is the basis, that he doesn't want to disclose the names of those persons who are not South African citizens who way have assisted in his work in the foreign countries concerned. In other words he is refusing to give the names to this Commission because he wants to protect the names of his informers who are foreign nationals?

MR WESSELS: No Mr Chairman that is not the position. The position is, as I have already set out, he is not prepared to answer any question regarding foreign activities or people involved in foreign activities.

CHAIRPERSON: I still want to know whether that answer means, if for instance the hypothesis is that he was assisted in setting up whatever structures or infrastructure in the foreign countries he had to rely on foreign

nationals or Botswana citizens, to put it bluntly, in regard to this particular region that is now under consideration, is his position that even to the extent that he may have been assisted by Botswana citizens in order for him to carry out his work he would not, even in those circumstances, give us the names of Botswana people?

MR WESSELS: Yes in that regard he will not give those names because that falls under the wider umbrella of his refusal to give any information relating to activities of the CCB outside of the borders of South Africa.

MR KHOISAN: It's fine, it's fine, we'll get to that. But while we are still on Region 1, you know all the regions were pretty much organised in the same way, is that correct Mr Verster, to a lesser or greater degree?

MR J VERSTER: That is correct Mr Chairman.

MR KHOISAN: And in each region you had a manager, is that correct?

MR J VERSTER: That is correct.

MR KHOISAN: And a project manager?

MR J VERSTER: No, not necessarily.

MR KHOISAN: You had project coordinators?

MR J VERSTER: Yes that's right.

MR KHOISAN: You had people who would be known in corporate terms as 'marketing coordinators'?

MR J VERSTER: Yes.

MR KHOISAN: You had people who would be known in corporate terms as 'salesmen'?

MR J VERSTER: I don't know if that was taken that far but it could be.

MR KHOISAN: Ja, maybe secretaries?

MR J VERSTER: No, not many secretaries, only at the central level.

MR KHOISAN: Okay. You would have an administrative official to some degree in some regions?

MR J VERSTER: Yes.

MR KHOISAN: And you would have Black workers?

MR J VERSTER: Yes, certainly.

MR KHOISAN: At least two per region, at least two?



MR J VERSTER: No it depended on the specific project.

MR KHOISAN: Now each region from 1986 up till the end was given authorisation to handle approximately 16 projects, is that correct?

MR J VERSTER: I don't know if it was 16.

MR KHOISAN: But in and around 16.

MR J VERSTER: What it dealt were these operational requirements, I don't know the number.

MR KHOISAN: Maybe I can put it to you directly. Each region handled in and around approximately 16 projects.

MR J VERSTER: Mr Chairman I don't know the numbers involved. My problem is that I cannot give any indications relating to any foreign projects for reasons already mentioned, and it's not because I am too scared to talk about it, it's simply because I understand the position of innocent people in the whole set-up and for that reason I am of the view which I have already explained. I think that you are indirectly trying to ask me things which I have already told you I will not answer.

MR KHOISAN: Mr Verster we understand your position but what we are dealing with here is not specific people but we are talking about the system here and what it entailed. I want to put it to you that within each project you had at least three indirect people, three indirect members, is that correct? Because the projects were pretty much organised the same way, no?

MR J VERSTER: I can't give you the figures, I don't know what they were because it was a long time ago, it could have been one person or two. I haven't got a broad ... (intervention)

MR KHOISAN: But you would have more than one person working on one project, more than one indirect person?

MR J VERSTER: It could also have been only one.

MR KHOISAN: Okay. And you had indirect members attached to the projects?

MR J VERSTER: That could have been, yes.

MR KHOISAN: So you've got a list and then I'll end this line of questioning and then we can go to Mr Malan. Mr Malan wants to ask a couple of questions. But you have a list of projects that we handed you earlier, I think there are about 214 projects.

MR J VERSTER: Yes.

MR KHOISAN: You know, Albactio, Altmar, Enement, Artikel, Aurora, Abbey Bean, Bosduif, Wits, Bantom, Diploma, Donovan, Leeuw, Losper, Windmill, Valerie, Tomboy, Tote, Toddler, Tormentor, Shanty, Simon, Salis, Ringo etc, etc, etc, do you identify these projects as some of the projects on this list?

MR J VERSTER: Yes, I see some of them.

MR KHOISAN: Now as the managing director of the institution, the firm, the corporation known as the Civil Cooperation Bureau, are you aware of these projects, were you aware of the existence of these projects?

MR J VERSTER: I am aware of some of these projects. I can't confirm that these were all the projects I can't remember them all but I identify some of them on this list.

MR KHOISAN: Now let me put it to you Mr Verster that the way the structure operated was that there was only two people who were thoroughly in the loop of every single project and that was yourself and General "Joep" Joubert, with the exception of one particular project where General Magnus Malan was involved.

MR J VERSTER: And what about it?

MR KHOISAN: No, I am putting it to you, I am putting it to you that you were the managing director and there was a chairman, and the loop of authorisation and knowledge ...(intervention)

MR J VERSTER: That's correct, that's correct, there is no doubt about that, all I am saying is I can't remember each and every name.

MR KHOISAN: Okay, we'll come to other questions later, that's for now.

CHAIRPERSON: Mr Malan.

QUESTIONS BY MR MALAN: Mr Chairman I have a few questions relating back to the questioning of this morning. Mr Verster I just want to be sure I understand correctly how the CCB fitted into the broader picture of the army. You said it was part of the Special Forces?

MR J VERSTER: Correct.

MR MALAN: And it reported directly to the head of the SAW through the Chief of Special Forces?

MR J VERSTER: What I said and it also states that in my documentation is that there was only one channel which I had to report along, that was to the commanding general. The Special Forces was a combat service directly under the head of the Defence Force. It wasn't part of the Defence Force as such, and by virtue of that approach we, in terms of financial authorisation etc, we fell under the head of the Defence Force. But in terms of the actual war situation on land that was allocated to the Chief of the Army, and Special

Forces were coopted from its position to carry out these tasks which we could carry out better than other units in terms of what the Chief of the Army wanted.

MR MALAN: Were the various reconnaissance regiments part of these Special Forces or did they resort under the army?

MR J VERSTER: No. The reconnaissance regiments also operated on this basis.

MR MALAN: Were there any other operational units, apart from the CCB structures and the various recce units?

MR J VERSTER: No not as far as I am aware, not in Special Forces.

MR MALAN: So if you talk Special Forces we are really referring to the recces and the CCB?

MR J VERSTER: That is correct.

MR MALAN: Are you aware that Mr Botes made a statement to the Harms Commission in 1990, the head of Section 2?

MR J VERSTER: Yes I am aware of his statement.

MR MALAN: Now in that statement he refers to the so-called 'production team', how does that fit into this picture?

MR J VERSTER: That is what I referred to earlier. Production team, as we knew them, consisted of one structure which functioned within our structure and that production team was a team which was used for activities, after

bases, for instance, had been identified in certain regions or where perhaps certain actions had to be taken. It did not relate to internal actions.

MR MALAN: So structurally it would fall within the CCB?

MR J VERSTER: Correct, yes.

MR MALAN: If the Chief of the Army or the Defence Force felt that there was a need for an operation say in one of our neighbouring states could he then choose to call on either a recce unit or a CCB unit?

MR J VERSTER: I don't know whether I should say anything about what the Special Forces could have done. I don't really want to say anything about it.

MR MALAN: Then as regards the finances, was the CCB entirely financed through the secret fund?

MR J VERSTER: Yes, that is correct. All funds, as I understood it, came via the Chairperson or the BG or his staff and that also forms part of the documentation handed in. As I remember it there were specific projects and the budget was handled on a different level and then passed down to our level.

MR MALAN: What about money the money generated by the Red Projects, would that also be used for operational purposes?

MR J VERSTER: No. As I remember it all the money had to be processed and had to be paid in and had to come back to the ...(intervention)

MR MALAN: Perhaps I shouldn't say Red Projects, but those so-called Rooi Plan. Let's say six members are instructed to start their own business, they get

a certain amount to kick-start the process and then they have a successful business. Is that money used for their operational duties?

MR J VERSTER: No. There were very few such cases. It later on became a sort of a cover but according to policy in the financial plan there was a procedure spelt out on the basis of which it had to be declared. We were not allowed to keep it quiet and it had to be utilised properly. The specific approach of the Red and the Blue Plans is something from which I draw the inference that it came from a statement, from somebody, and that it is actually quite old. During the currency of the CCB we didn't refer to the Blue and the Red Plan, we only talked about the business plan and the operational plan and so on.

MR MALAN: Well I get the terms from the statements to the Harms Commission by Slang van Zyl and others ...(intervention)

MR J VERSTER: That's what I also thought about now, yes.

MR MALAN: Do you not see a danger in that position where you have certain operatives who are now starting to generate their own funds for which they are no longer accountable?

MR J VERSTER: No, I think it's a great risk and that's why we had a financial plan. There was no such system in the South African system in terms of which the money was controlled in the way in which it was controlled in our way. It was like that but it was essential, there was no other way of doing it, but the books, or access to books that was available, what they did on the

fringes well that - there could have been problems, that happens everywhere in society, but I think in our financial procedures we addressed that very nicely. There was full control right down to the lowest levels.

MR MALAN: Was there ever a situation where money was referred to the CCB through other front companies, those run by - well not other front companies, but by front companies run by Military Intelligence?

MR J VERSTER: No, we had no relationship with them. I had only one channel for finances. If there was such a thing I wasn't aware of it.

MR MALAN: Is it possible to put a date on the idea of, let's call it, the privatisation of the CCB?

MR J VERSTER: I would say it was the beginning of 1986. We are talking of when we started with the removal. We were audited by the Auditor General, I don't know if you are aware of that, but the Auditor General's audit placed all these funds on the basis of efficiency and one of the guidelines there was that money should not be paid to a public servant who pretended to be in the private sector, but all indications were that he was not in the private sector. They regarded that as not efficient.

In the same way as with the car you buy a vehicle in Johannesburg and it was paid for by means of a State cheque, government cheque and that would lead certain people to the impression that this vehicle was actually separated but it was actually directly connected to the system. And, I also referred to this earlier, this type of auditing objections presented to us by the Auditor

General we learnt lessons from this and thereafter we drafted a system and this was in 1986, more-or-less 1986, and we starting implementing it then although the final product was only established by 1988.

MR MALAN: I have seen no notes, they form part of a research document compiled by the Truth Commission, that says the idea of privatising parts or the whole of your secret service was a doctrine developed by the CIA. Do you know from studies made whether that is correct?

MR J VERSTER: That is not true at all. This document was drafted on the basis of previous secret funds which had been audited and the audit picked up certain problems and that led to the drafting of a document and our planning cycles, we had planning sessions with the Auditor General, that's also reflected in the documents which you gave me, and we asked them is that the way you want it from now onwards? Something which was mentioned here earlier that document from the Department of Finance, that was an example of how we drafted these things and which ultimately led to this document.

There was one case where Military Intelligence was interested in certain financial channels. They wanted to utilise our document. This was opposed because the Treasury only authorised this document for our structure. So it was never given to anybody or any other person or structure to use. So there were no activities or connections with the CIA as far as I am aware.

MR MALAN: No the idea was just that the CIA had actually done this themselves and then in comparative studies you had found that model to be a good one.

MR J VERSTER: No that's not at all the case, that's nonsense.

MR MALAN: Do I understand it correctly that the main consideration behind privatisation was a financial one?

Or the reasons were to facilitate better financing structures?

MR J VERSTER: No. The main reason for privatisation was as a result of the arena in which the enemies of South Africa had decided that they would operate and we had to operate in the same arena. An example was, for instance the following. If you moved in the same circles as an MK member you could not ask for receipts at every particular place that you arrived at. The procedure said that you needed receipts but that would mean that that person would have to compromise himself, vis a vis the structures which he had infiltrated, so he should have been able to operate independently and that was another structure which we used.

We wrote off certain monies before we actually used it. An example was, for instance, that we wouldn't say to a person go to a hotel and then bring us a receipt. We phoned the hotel beforehand and asked what the price was and if it was R100,00 we would give this man R100,00, and if he then chose to sleep under a bush that was his problem.

MR MALAN: Would you describe the general function of the CCB be to be more on the collecting side, information gathering, or was it purely an operational unit?

MR J VERSTER: The organisation of which the CCB became the swear word in the media was a purely operational unit born from Special Forces and that which has been revealed thus far in documentation and other sources as other actions, these were all reconnaissance actions, we were Special Forces' operatives, we were trained as professional soldiers, that was our job. But obviously you sometimes also had to gather information or intelligence for reasons which you know.

MR MALAN: Mr Chairman I just want to check something briefly with Mr Khoisan.

Mr Verster if you are ready to continue. This morning Mr Khoisan touched briefly on the issue of where you got the personnel from. Were there particular guidelines as to the type of person you would use as a conscious member?

MR J VERSTER: Yes, our view was that we only wanted to use Special Forces' operatives and people with the necessary skills, operational skills. We were all people who were either parachute people or had done special training courses but there were certain cases and I don't want to mention any names here, you mentioned the name earlier, there were certain instances where people were actually forced on us. We were told that this person should now

be given a job and it was sort-of out of our hands. There were these circumstances as well. So our first priority was selected people and our second priority was for instance somebody like a policeman who had approximately the right skills.

MR MALAN: Would you agree with me that part of the problem there seems to be encountered was precisely because of the kind of persons you have referred to, who were not skilled in any particular way, who had none of the training of a professional soldier, a recce soldier, but who was an active member of the, and a conscious member of the CCB? I am referring to - I think we can mention names which have been known to the public since the Harms Commission, wasn't the entire cell of Mr Burger, I think none of them was a professional soldier and some of them were engaged in dubious activities, would you agree with that?

MR J VERSTER: I don't want to comment on their activities. I also thought that they operated in certain ways which I only became aware of later and I still believe that it was done in a bona fide way. I don't know how dubious it was, I don't want to comment on that now. It is so that they were still in the process of developing and being trained.

MR MALAN: Well Mr van Zyl and I think others also, told the Harms Commission that they attended a five day training session at some special camp.

MR J VERSTER: That's correct.

MR MALAN: That was the only training they ever mentioned.

MR J VERSTER: Ja, that's correct.

MR MALAN: Is that not really completely insufficient for the sophisticated work that they were supposed to do?

MR J VERSTER: Yes that's right. That was in the process, that was only the first part of the training which they did and they were in an on-going process of being developed and trained to a more advanced level.

MR MALAN: Now when a person was appointed like Mr Burger, whose decision would that be?

MR J VERSTER: Mr Burger contacted me and those appointments were the responsibility of the Chairperson. He would contact me, I considered it, I discussed it at a weekly meeting and then it would be considered and then it was a joint decision. What you must understand is that our needs at that time focused on the infiltration of the country's enemies from outside our borders to inside the country and the policemen were the people who moved in these circles and had dealings with it. So from that point of view we had the need for people who sometimes had to work with the police and they had those contacts more so than we did.

MR MALAN: What about a person like Mr Barnard? I am sure this is a question which must have been put to you before, but how come a man with a record of two murders was used by a State organisation?

MR J VERSTER: I am currently of the view that Mr Barnard worked for quite a few State organisations and it's something which still bothers me because we don't know exactly what happened there. Mr Barnard was, as far as I was aware, a policeman who had been involved in drug networks and he obviously also had contacts with possible enemies of South Africa, in the underworld, I had been approached to look at him and we appointed him for a probationary period and he did not carry out any operations for our structure. I have now seen from the documents that it would appear as if he worked for other intelligence organisations. He didn't work for me.

And just as the name CCB, Barnard over the past eight years has acquired a reputation as a feared CCB operative. In his probation period, or he was dismissed after his probationary period.

CHAIRPERSON: Do you know if he worked for Rich Verster?

MR J VERSTER: For whom?

CHAIRPERSON: Rich Verster.

MR J VERSTER: Mr Chairman Rich Verster is somebody that I don't know, I've never seen him. I have heard that he claims to be a family member of mine. I have also learnt that - well there are so many rumours and stories, even in the media, but Rich Verster was, as far as I am concerned, was a sergeant, he was an untrained sergeant who worked for Military Intelligence. I don't know if the two of them worked together, but I doubt whether Rich Verster had the seniority to have a subordinate.

MR MALAN: Would you agree with the statement, if I put it to you, that the CCB had a job to do and if a person involved on the criminal side of society was perhaps the best source of information then the CCB would go to him and use him?

MR J VERSTER: We made no distinction regarding the specific level of a person. He wouldn't be a member of a structure but he would have been an ordinary member who was utilised for intelligence purposes, or somebody ...(intervention)

MR MALAN: We know that the police also depend, to a degree, on the underworld for information about the underworld.

MR J VERSTER: That could have been the case.

MR MALAN: Now what about operations? Would you agree that a person with a criminal career or a criminal penchant might be the best suited to perform certain operations under certain circumstances?

MR J VERSTER: Only if the access - I don't think it is the ideal situation, but if he has access to a specific place then it is like that.

MR MALAN: Well I think we will carry on along that line when we deal with specific operations.

CHAIRPERSON: I don't know if I understand your evidence well. Do I understand you to be saying in certain circumstances you operated on the basis that the end justified the means?

MR J VERSTER: Mr Chairman I did not see it as that, but in the way we operated and with the guidelines we followed how to function we looked at all possible methods to achieve our goals. And if I could compare it I think it is an international technique, whether it was somebody from the underground or where if this person could provide you the access we utilised him.

CHAIRPERSON: In short your answer is, yes, the end justified the means depending on the circumstances?

MR J VERSTER: You can put it like that, yes.

MR MALAN: I just had one other aspect arising out of this morning's proceedings. We are conducting investigations where Commandant Meerholtz features, was he your predecessor or did he serve under you at the CCB?

MR J VERSTER: In the CCB structure he was my underling, that is correct.

MR MALAN: And from the CCB he went to Command Recce 5?

MR J VERSTER: That is correct, yes.

MR MALAN: Which you had also commanded previously?

MR J VERSTER: Yes, while it was a reconnaissance I was the first commanding officer. Then other commanding officers followed me. Meerholtz came to work for me, he was promoted and he became the commanding officer for Regiment 5.

MR MALAN: The time that he served under you in the CCB was he a regional commander?

MR J VERSTER: Yes he was a regional manager.

MR MALAN: Thanks I have no further questions at this stage.

CHAIRPERSON: Of which region?

MR J VERSTER: This is difficult to say, I think it was Region 4, I am not 100% sure.

MR MALAN: I can perhaps assist that, Mr Botes indicated Commandant Meerholtz was involved with Region 2 at some stage. I don't know if that was for the entire period.

MR J VERSTER: No I don't know.

CHAIRPERSON: Mr Magadla.

MR MAGADLA: Thank you Chair. Did you give evidence in the Harms Commission?

MR J VERSTER: That is correct, yes.

MR MAGADLA: Were you asked to give details of the CCB's actions in foreign countries?

MR J VERSTER: I can't remember that, I don't think so.

MR MAGADLA: Were you asked to give details of CCB's activities anywhere?

MR J VERSTER: Yes Mr Chairman there were specific questions relating to the domestic situation.

MR MAGADLA: Could you give us those specific questions and those situations which these questions were directed to?

MR J VERSTER: As I can remember there were questions whether we monitored specific people and I think the question of the AP Project was mentioned, and then I think there was an explosion at the Early Learning Centre and I think that was all I can remember.

MR MAGADLA: You were not asked at all about activities outside of the country?

MR J VERSTER: I can't remember ...(intervention)

MR WESSELS: Mr Chairman the Harms Commission was only concerned with matters inside the borders of South Africa and there was no question directed to anyone about anything outside of South Africa.

CHAIRPERSON: That seems to be my recollection as well. We had the ridiculous situation that they couldn't enquire about matters in Transkei because it was not in South Africa.

MR MAGADLA: Would they have been aware of the fact that CCB conducted actions outside the country?

MR J VERSTER: They could have been aware of that because all our documentation and plans, our financial statements were provided to the Harms Commission, everything we presented to them, the way we operated etc. So in that documentation entailed all that information.

MR MAGADLA: You provided them with documentation which gave details of your operations outside the country as well?

MR J VERSTER: No only the procedures how we functioned we provided to them. Contained in that was only the modus operandi was entailed.

MR MAGADLA: The modus operandi of your actions outside the country, you mean that was involved in the documentation that you handed in at the Harms Commission?

MR J VERSTER: Mr Chairman what I am trying to say is, is that in handling finances it could have become clear for anybody that we worked in a specific way which encompassed all kinds of activities. We were just one element. There was the whole dispensation had to do with the defence of South Africa, the enemies of South Africa were outside the borders of the country and therefore our financial plan which was handed in to the Harms Commission was based on those facts.

MR MAGADLA: You have mentioned something about operating together with the South African Police at some stage?

MR J VERSTER: That is correct Mr Chairman.

MR MAGADLA: As CCB?

MR J VERSTER: No, it was as Special Forces, there was no reference to the CCB. I repeat CCB was the name, that was the name on a nameplate in front of the headquarters of Special Forces. It was not a name we used outside. That was a name the previous government put forward later on as a structure, as a name for a structure.

MR MAGADLA: The people that you operated together with outside the country, people who were policemen, were you at the time operating under the name that the government gave as CCB which you claim was Special Forces?

MR J VERSTER: (No reply given)

MR MAGADLA: Would you dissociate the name CCB and Special Forces from the mind of a layman such as myself in terms of our understanding of CCB and Special Forces?

MR J VERSTER: Mr Chairman I am not sure whether I understand what you are asking but I want to put it like this. The activities of the Special Forces Headquarters regarding sensitive operations the General did not want to mention sensitive operations during his meetings, he wanted a general term, and because we functioned in civilian clothes we were referred to as the CCB. But we never ever used that name outside and said we were part of the CCB or we worked for the CCB. It was only a name used in headquarters to distinguish us.

MR MAGADLA: My understanding at that point was that those people who were referred to as CCB were people who operated on their own and were specially skilled and they also were operating in a very secretive manner because they had moved far from the army itself and they were operating outside it, as it were, except that the budget came from the army.

MR J VERSTER: Mr Chairman nobody could do anything on his own by virtue of the formal structures. A policeman cannot - after hours people could

have their own agendas, I don't know about that, but we did function according to a so-called "golden thread" regarding financial and operational authorisation provided to you by us. You are aware of those, we functioned according to those processes. And yes, the people did function in civilian clothes, they tried to get access to those enemies who also functioned in civilian clothes.

MR MAGADLA: My problem today is that during those times, the CCB times or whatever you would like to call it, the people of South Africa's understanding was that the CCB was involved in human rights violations of the people of South Africa, in the neighbouring states, in fact deaths and other things that happened to the people of South Africa at the time, the finger points at the CCB for most of those or some of those.

Now there has been a lot of talk about the CCB all over the place. The CCB has been before - members of the CCB before the Harms Commission and everywhere and you have conceded that you are one of those people who were there, and the next of kin and the survivors and other people have approached the Commission to ask the Commission to help them find out what happened to their people in the neighbouring states, and whilst they do that they have in mind the CCB.

And they do also, through these other Commissions, have picked up the name of Joe Verster as manager of the CCB at one point. And now in this new democracy, putting aside the attitudes and the behaviour and whatever

happened during the Harms Commission and all the other Commissions because they were before the era that we are in today, South Africans also, knowing that those activities of the CCB outside the country were facilitated by taxpayer's money, the taxpayers of those days were not only the people who were fighting the enemy as it were to protect South Africa, there were also other people who were not involved in that, all the other citizens of the country.

But now there is now the Truth Commission, it's been stated time and again as to what it stands for, and everywhere around the Truth Commission has called this former State President of this country, former army chiefs of this country and the politicians and everybody else has been called with the exception of the manager of the CCB.

And now today the Commission calls the manager of the CCB and whoever will know that the manager of the CCB has been before the Truth Commission today, I don't know how people would feel, the whole country, to hear that Mr Joe Verster here declined to give names of his underlings during the actions of the CCB inside or outside the country. He declined to give details of actions in the neighbouring states where it was all happening. And in a way that says, look I'm not helping this Commission, I am not giving you any details, I am looking after my own interests in this whole thing. And I am just saying in a way of expressing my own disappointment in the whole situation and it will not be my own disappointment, it will be the

disappointment of every South African who is well meaning in their being South Africans.

So maybe if could go on to some questions ...(intervention)

MR J VERSTER: Mr Chairman can I react on that please?

CHAIRPERSON: Yes Mr Verster.

MR J VERSTER: I think anybody who knows me or who has known me these past few years will not agree with what you have said now. I do not act in my own interest. I came to this Commission to give you my best possible cooperation. I feel there is very little understanding for our side of the matter. You have said the violation of human rights, most of those came from our side. This is absolutely unfounded. What you have said, you've spoken from reports from the media the past eight years. You have referred to specific cross-border operations. I can give you details about what the MK did, drug smuggling; vehicle smuggling; weapons were found in Lusaka, the ANC could not carry weapons in Lusaka because of the violence they committed there. I could go on to ANC camps, people who were shot from the back, in their heads, people who were murdered there, those were some of the projects mentioned here. For what I am thankful is that we are talking here in camera because I think that I know better than the average South African what the implications are of what is going on inside and outside this country, and while I am speaking here, I have spoken to senior ANC people before the election and he said, relax, go and tell the CCB because there is peace in the country

and now you are doing this. I am not going to mention those ANC members' names here because of ethical reasons. And that's why I am not going to allow that what is said in the media is made relevant here.

You give for example documentation and a judge in Namibia indicates what a specific channel is, how everything was authorised and this was based on Slang van Zyl's statement. This was the channel according to which we had to kill Lubowski. And then Verster is taken, if the channel was like that it was F W de Klerk who should be guilty if that is correct.

Fun and games are being played concerning Lubowski and the other people where, according to our perception it was said, let's take a few people, push them in front, never mind what the MK had done, never mind what had happened in the camps in Angola, never mind how many cars were stolen which according to us started all the violence. Just take these few people so that the people can be happy. This was started by the previous regime. Because of that we are in an awkward situation and we are trying, to the best of our abilities to cooperate with you. But I think it's very wrong if to say that we caused apartheid, that we are the causes of these problems.

You indicated the documents which indicates the channel of State, but now, I as a single person here - two months ago for example it was said that I've used \$29,000 and if they ask for evidence there is no evidence and then they say ask for F W de Klerk. This morning I came here and what happened afterwards is that there is no equality here, there is no democracy, there is no

truth, there is no truth while my White skin is providing the facts. Double standards are not being maintained in my books, it's never going to work. If we have to talk let's put everything on the table. I propose this to my document, let's put everything on the table, let's all talk together, not one person only. And I am not one of the police who comes and sits here and cries. What I have done is that I have protected my country, I am proud of that, I will do that again tomorrow.

CHAIRPERSON: As a person who is sitting here, the Chairperson of these proceedings I can understand where you are coming from and that's why I make allowances for all the emotions that characterise your statements and I believe that you are saying them from the bottom of your heart.

You fortunately have got legal advisers and I had hoped they would advise you, there can be a very thin dividing line between what you express an honest opinion and what amounts to contempt of this Commission, and I think in the recent outburst you have come very close to expressions that amount to contempt of this Commission. I will not put it higher than that.

I don't think it is my function to testify to you the extent to which we are discharging our mandate as best as we can by examining the conflicts of the past in as evenhanded a manner as we can. For you to make a statement that there is no truth, not here, not now, not at any other time and it is only truth if the White man is being brought here to testify about events that took place in the past, is something bordering on contempt. And I must warn you

that I will not take kindly to expressions of contempt for this Commission.

You can do so, I cannot stop you, but it will not be with my consent.

I am one of those people, sitting as I do in this Commission as head of the Investigative Unit who will welcome any information which you want to bring which you think that the Commission does not have about those violations of human rights by the ANC or by any of the liberation movements. I am one of those who will say make those submissions through your lawyers. We are dying to have that information.

When we were appointed as Commissioners, I will talk about myself, one of the requirements was that we should be persons who do not have a high political profile, and for your information I am in the unique position, in spite of everything that has been said about me, and I am sure if you do your homework in the occupation in which you have been all these years, you will know that I have not been a member of any political organisation whatsoever, not the ANC, not the PAC, not the Unity Movement(?) nor the SACP. I have been a critical supporter of the liberation movement, that I can admit and I have admitted it in public, and therefore I, at a personal level, I take very, very unkindly to allegations that I pre-judge issues, which is what you in fact are saying.

I am a trained lawyer and in terms of my training as a lawyer, and I have sat as a judge, one of the considerations is that you must weigh all sides fairly and evenly. So let's de-emotionalise this issue. I have been sitting here

paining at the acrimony that seems to be injected into these proceedings. I will again appeal to you to give us a chance to demonstrate that we can be even-handed.

This inquiry is not necessarily about the ANC. If you want to make submissions about gross violations of human rights further than what has been submitted to us by the ANC themselves, which also incorporates all the commission, Stewart Commission, Douglas Commission, Skweyiya Commission, Motsenyane Commission, all of those have been made available to us. It may well be that there are other things that you know that we don't know. As head of the Investigative Unit of this Commission I will be pleased to receive submissions from you, because this country will not be at peace with itself if there are things that we ought to know that we don't know.

But I think the exercise here is for you to give us, even if it is in terms of saying, but you know you don't understand the entire problem because there was also the ANC, but give us your side of the story. But in giving us your side of the story you cannot expect us to make an informed evaluation of your evidence if you keep on saying I am not going to tell you this, I am not going to tell you that, because in the end we will end up not knowing what weight we must give to your evidence.

Now it may well be that you have given these remarks on the basis that you have no respect for the Commission, you have no confidence in it; you have taken the view that it is a witch-hunt and that it is, as you say, intended

to chase the White man. I am sorry that you have made that remark. I am distressed because I don't consider that I should stay one day more in the Commission if that's the view or the prevalent view of most people, that I sit here day in and day out because I want to chase White people.

Mr Magadla.

MR MAGADLA: Perhaps also I think I should also maybe clarify one little issue here where Mr Joe Verster seems to feel that I am alleging that the operations of the CCB outside this country resulted in, were in the most the ones that resulted in the deaths of people and things like that, but the point I was making is that here we had the CCB allocated regions outside the country and also allocated a budget, and there are no reports to say that perhaps the CCB was disbanded because it failed to carry out its duties as mandated at that time.

When Mr Joe Verster started his own introduction, gave us his profile, it was indeed as what we expected Mr Joe Verster to be. We have pinned hopes on Mr Joe Verster's testimony here because we did not foresee a very angry Mr Joe Verster because of whoever let him down or whatever happened, even that which Mr Joe Verster says he is knowledgeable of most of the things that happened outside and inside. We thought that we would benefit from that by calling Mr Joe Verster. It has turned out to be unfortunate that maybe the time was not right because it is the time when he is very angry, I don't know ... (intervention)

CHAIRPERSON: Mr Magadla please put questions. I think this is a matter that we will have to make a ruling on and I will address my remarks to all legal people in these proceedings at the end of these proceedings today. I think we need to make a final ruling as to what Mr Verster can and cannot divulge.

MR MAGADLA: As far as actions inside the country you say those in which you can give an account are those that you have applied for amnesty for?

MR J VERSTER: That is correct Mr Chairman.

MR MAGADLA: I heard you actually, despite the fact that you had said that you would decline to mention operations or mention things about the people that served under you, for instance like Barnard for instance, but you have gone out and you have said a few things about him, why the choice? Why pick on him for that?

MR J VERSTER: Mr Barnard did not work for us, he was not concerned in any operation.

MR MAGADLA: He was never employed by the CCB?

MR J VERSTER: Mr Barnard worked for us during a probation period and what happened to Mr Barnard is only what was said in the media. He did not work for me as a structure after he stopped his probation period.

MR MAGADLA: Even during his probation period you never gave him any task?

MR J VERSTER: Mr Barnard was in a probation period, after he was appointed he was managed by a person by the name of Louis. On a certain

day during 1987 they called me, it came from the Chairman, and we met and we discussed Barnard's talking to a person by the name of Mcquale(?). It became obvious that he was contacting people from Military Intelligence and that led to his dismissal during that same period. He was not handled as a member of the organisation because he was not selected, he did not pass the so-called test. And afterwards from documentation I gathered that he had to do with certain members of Region 6. I only became aware of that when I received the documentation and also during the Harms Commission.

MR MAGADLA: What was Operation Tormentor?

MR J VERSTER: I don't know. If you can refresh my memory I could talk about that perhaps.

MR MAGADLA: I think it was read out in the list of the projects that you were ...(intervention)

MR KHOISAN: It was one of the projects, one of the 214 projects that was read out in terms of the document that we put before you, Tormentor.

MR J VERSTER: I see this but I can't place it. I have no further particulars.

MR MAGADLA: I have got no further questions at this moment.

CHAIRPERSON: Mr Khoisan.

MR KHOISAN: Thank you Mr Chairman. Do you know the name Johan Verwey?

MR J VERSTER: It sounds familiar.

MR KHOISAN: Is that another name for Ferdinand Barnard?

MR J VERSTER: It could be ...(intervention)

MR KHOISAN: An administrative name for Ferdinand Barnard?

MR J VERSTER: I don't know whether it is like that. I am sorry Mr Chairman. This happened long ago, I can't remember all the names especially the administrative names, I can't remember them.

MR KHOISAN: Let me put it to you Mr Verster that Johan Verwey is the same person as Ferdinand Barnard and you can confirm or deny that so that we can proceed.

MR J VERSTER: I don't know, I can't remember, if you say it is like that I will accept it.

MR KHOISAN: Okay. And under oath you are telling us that after his probation period he was never again used in terms of actions in respect of Region 6?

MR J VERSTER: That is correct.

MR KHOISAN: Did you ever have a discussion with Major General "Joep" Joubert about a running investigation by Directorate Counter-Intelligence involving Ferdinand Barnard?

MR J VERSTER: That is the incident I have referred to now, it's all I can remember.

MR KHOISAN: In terms of a task that was given to him by you through somebody in terms of Region 5, to wit, the recruitment of gangsters in London?

MR J VERSTER: That happened during the probation period, that was his probation period which I have mentioned, and this happened before he was dismissed, this was what has led to his dismissal.

MR KHOISAN: And the only reason for the problem between you and Johan Verwey, alias, or shall I say Ferdinand Barnard alias Johan Verwey is the fact that there was a certain member of Directorate Counter-Intelligence that was tasked with an investigation because it involved the ZCIO agent Dermott Mcquale, and somehow information had leaked.

So you tasked him, you tasked Johan Verwey during his probation period to recruit gangsters in London, because that can be confirmed by Directorate Counter-Intelligence, they ran an investigation that was stopped directly by a senior-ranking official of Special Forces and that is Major General "Joep" Joubert. That is something that we cannot deny in this forum, we are under oath here.

MR J VERSTER: Now what about that Mr Chairman?

MR KHOISAN: No but I am asking you that during his probation period you had tasked him to organise a situation where he would recruit gangsters in London.

MR J VERSTER: No I did not say that. What I told you is that he had a probation period, he had to do something to show that he could abide by the rules and he had to maintain confidentiality outside the structure, and what he did afterwards is he spoke to other people, he broke this rule of confidentiality. At a certain stage people from Counter-Intelligence were there, the name Mcquale was mentioned there, I left the meeting earlier because I realised that Barnard had not kept to the rules. That was the probation period I have referred to. And then and there, as quickly as possible, I can't remember how long afterwards he was not put on probation he was dismissed, because we told him you did not succeed in your probation period, you could not work for us any longer.

MR KHOISAN: You see what I am trying to get to here is Mr Verster is the issue of not so much of Dermott Mcquale, Dermott Mcquale is incidental to the fact, is that investigation of Counter-Intelligence was only stopped with the direct intervention of "Joep" Joubert which you know about. You are aware. You were pulled into that - you went into that meeting with Counter-Intelligence.

MR J VERSTER: But do you understand that that was during the probation period and that was why he was dismissed. It was during his probation period.

MR KHOISAN: But I am talking about the fact that one of his tasks in his probation period was to go and recruit gangsters in London. He felt that he

needed to pull in Dermott Mcquale to help him facilitate this project, is that - because the thing is that Directorate Counter-Intelligence has their own report on the matter which you well know and you were called into that meeting and the investigation was stopped only by the direct intervention of "Joep" Joubert. The issue, in terms of that report, the issue of Ferdinand Barnard is not the matter here. The fact is the only reason why that project was stopped is because somehow Ferdinand Barnard had been silly enough to involve Dermott Mcquale in it. You are not going up against the fact that the fundamental part of that project was to go and recruit gangsters in London.

MR J VERSTER: I don't think so far Mr Chairman and I don't know what your argument is. What I am trying to say is, is that Ferdinand Barnard was only used for a probation period. He was not a member of the CCB. We told him that if you could start working, could do something constructive, abide by the rules then you could start working for us. During that time, it doesn't matter what Counter-Intelligence did, but during that period I heard that he, Barnard, had spoken to people who had an association with Military Intelligence, and because he spoke out because that was he did not abide by the rules.

MR KHOISAN: But you instructed him to recruit gangsters in London.

MR J VERSTER: That was during his probation period.

MR KHOISAN: Let us go on. So that comes directly to the people that were used by the CCB. Here you have Ferdinand Barnard, did you know that

he committed two murders and that his stripe 5 file(?) was - I mean if we go up to (...indistinct) Police stripe 5 file, his stripe 5 file looks filthy, he was a man of weak character.

MR J VERSTER: He moved from place to place. He had access on a level, he was associated with terrorists entering the country, with drug peddlers, with people who stole motor cars which was part of the enemies behaviour, he had access to all those people, and because of that and the channels where the enemy moved was not determined by us or by Barnard. The enemy has decided on that and that was why we incorporated Barnard.

MR KHOISAN: So that's Barnard on one. Now let's go to Slang van Zyl. What does his stripe 5 file look like in Brixton Murder and Robbery, Brixton there, did you know of his stripe 5 file?

MR J VERSTER: No I don't know anything about his file. In the documentation you have provided me with I see that he was a policeman. As put to him by the Advocate is that he moved up the hierarchy in the police very quickly, he did very well for himself.

MR KHOISAN: Did you know that that Brixton Murder and Robbery squad was one of the most notorious in the country at the time, to wit, that they committed, and I mean I am going to put it to you, on the record, that they have been accused of the most heinous crimes throughout the police force. Lots of regulations were just pushed under the carpet at Brixton Murder and Robbery ...(intervention)

MR J VERSTER: I had nothing to do with the police. I didn't know anything about that. It was not well-known at that time.

MR KHOISAN: Stal Burger, you knew him?

MR J VERSTER: Yes.

MR KHOISAN: Okay, you knew Stal Burger.

MR J VERSTER: Yes I knew him.

MR KHOISAN: How do you assess the character of Stal Burger?

MR J VERSTER: I am not here to assess anybody's character, that is not my task.

MR KHOISAN: No but you used him, he was recruited into the CCB, in fact he held a senior position is it not?

MR J VERSTER: Now.....

MR KHOISAN: No, no we are trying to find out the type of people that was being used in order to spend taxpayers' money for a particular project, in order to understand that it's not just Special Force people because we are going to get to other people. But let me just follow this line.

What about this man known as Jeff, who is a drug dealer in Joburg, did you know Jeff? Did you ever meet with Jeff on any occasion?

MR J VERSTER: No, I did not meet him. I had nothing to do with that. Mr Chairman I feel I don't know what you want to achieve. It has nothing to do, we can look in the same way to the other side of the story. I don't know what their characters were, with whom they associated, these were people who did

good jobs regarding the structure, regarding the South African Police at that time. I can't evaluate somebody's character. You make it very difficult for myself. Because you are passing judgement here now.

MR KHOISAN: No I am not passing judgement I am just asking you Mr Verster for the record. Because then we will come to Cape Town where, for instance, you had people like Erwin Meyer, Peaches Gordon, Ishak Herdien, Clive Petersen, etc, etc, etc, people that had committed rapes, murders, robberies, people who still today are terrorising this town, who were people that actually carried out operations for the CCB. They have been brought before many - and they appeared before the Harms Commission, I mean it's not something I am sucking out of my thumb. I am talking about the calibre of people that worked for this institution.

So the point is that here you have Ferdinand Barnard going to London to go and recruit gangsters and the Counter-Intelligence investigation that was carried out, that was stopped by "Joep" Joubert was the fact that he had gone to - the project was for him to go to London and recruit gangsters to kill ANC people, and the only problem with that was that he talked to Dermott Mcquale and somehow interacted with some Military Intelligence people, that's how that project was stopped.

Then you find the recruitment out of Brixton Murder and Robbery. Then you find people like Slang van Zyl come into Cape Town and recruiting people - it's not something that I am making a judgement on, these are people

that are known gangsters that have terrorised this town for decades. We are talking about people who have held the area, the township of Kewtown in a virtual state of siege. These were the people that you used for your organisation's work.

Now I am asking you was it a policy of the CCB to recruit gangsters as either aware or unaware members of this organisation?

MR J VERSTER: It was not the policy of the CCB. It had to do with the international system used worldwide and I know that the ANC did precisely the same. It had to do with the handling of sources. I have mentioned it earlier today, the sources available you need access to that and it's very strange that those people had direct access to activities in the underground. And I don't judge the MK for that because they functioned underground. They could not openly land at an airport and use hotels and on that basis it was not our policy, it was the handling of the sources in most of these cases, in 99% of these I did not know about the handling of the individual source on the ground. These people operated on grassroots level. In various cases I only heard afterwards that they acted in such a manner. Only later I heard that people used of what I thought was from police channels, and up till today I do not know whether it could have been from police sources. I did not have any control over that, that perhaps it might have been a police source. Internationally it is used like that, it is only police who had access to those channels, and then what I thought those must have been police sources.

MR KHOISAN: So you knew that, so you concurred - let me put it this way, so Stal Burger set up the Park Lane Hotel and pulled his operation in the Park Lane Hotel with your knowledge and concurrence?

MR J VERSTER: I was aware that Burger had an hotel and that that was a private sector activity of his. I did not know of any other activities. In the way we operated because I was an aware member I could never meet him because he was an unaware member. Previous witnesses mentioned in some of these investigations and they told how we sat together and whether we socialised together, that is rubbish. A lot of rubbish is being spoken in some of these statements which was not like that according to me.

MR KHOISAN: But the Park Lane Hotel that was a front company. Oh, by the way Stal Burger didn't do this job himself, he was there with Big Alex Kouvaris, did you know about Big Alex Kouvaris?

MR J VERSTER: I had nothing to do with them. I did not meet them there. I did not use the front companies, never, ever. I did not like such operations. If you say what you want to do get a job in the private sector, it could have been his job in the private sector, how he handled that and how he used it for other purposes that was his own business.

MR KHOISAN: The reason I am getting through this is because we are going to deal with these projects over here, and we cannot really get to deal with these projects if we don't square some ground here. Now Big Alex Kouvaris was somebody you must have been aware of. He was a big player in

regions that you used to travel to regularly, which is Central Africa, and just north of our border. You didn't know, you are saying for the record that you had no idea who Big Alex Kouvaris was?

MR J VERSTER: I never met such a person. I can't give such a person a name. It could be that a person in a particular region told me that they were engaged in a business transaction with somebody, but at no stage was there any official system in which I cooperated with such a person.

MR KHOISAN: But let me just finish this. Like for instance here you find a situation, let me put it to you, and you can choose to once again come with the same position and put on the record what your response is, but let me put it to you, I will show you a picture, the Namibian elections, several buses are burned, the person who carries out that action is a gangster by the name Ishak Herdien. The people who are in the hotel at the same time are some of the foremost operators of the CCB. At the time, in the same timeframe that one, just about give or take several weeks this way or that way, in the same timeframe that Anton Lubowski is killed.

So what I am asking you here is that you are the managing director of a firm, which according to your own position, it's not more than a couple of hundred people, give or take a few this way or that way, you are working with a budget that spans somewhere from R3 million in one year to close on maybe R22 million, 24 million, 30 million in another year, but the position is here that you are as the commanding officer of that institution, because here it is a firm,

it is a corporation, but it is also a branch of the military. You were not removed from the military. The way you were put into this private institution was because the military needed to find distance from this institution that it had developed. That is according to your evidence and according to all the evidence that we have collected. Now I am saying to you, you as the managing director of a corporation that's functioning with taxpayers' money, that means South African peoples' taxpayers money, you have to have some idea who is in this organisation and what they are doing. You have already told us that you know about these projects, because according to the way your structure worked there are only two people who were in the total loop of the project, that's yourself and "Joep" Joubert, except for Project Direksie where it was the Minister of Defence who was involved in that, but you were involved in that.

So let me put it to you this way, that the recruitment of people and the projects could not have been carried out without your indirect or direct knowledge or are you telling me that people had the power to freelance on who comes into your organisation?

MR J VERSTER: No that's not what I am saying. What I am saying is that firstly, that there could have been circumstances. I think it's mentioned in my amnesty application an occasion for which I ask for amnesty I was the managing director but I wasn't in the actual physical vicinity. On the other hand there's a difference between a member and a source. There's a difference

between an aware or unaware member or helper, whatever, there is a very big difference, so I had no say in what the handler did with the people on the ground. And there's nothing that I am denying here. There was a counter-revolutionary war situation in which I functioned and the limitations on me are those things which from a legal point of view I can't discuss.

MR KHOISAN: Okay. So let me just finish one last point.

CHAIRPERSON: I just want to understand for my own clarity. Are you saying that some of the people that have been mentioned, Barnard, Peaches Gordon, Ishak and all those people, that those may well have been sources and not members of the CCB?

MR J VERSTER: I am saying that it could be like that. For instance if I could mention this example. Specifically Barnard, I can't remember, maybe it was at the Harms Commission or maybe during the Webster inquiry, if I remember correctly at one of these hearings I realised that Region 6 had used Barnard. How that had happened could have been for instance that they thought he was a source with access to the police.

What I said earlier today was that I was responsible, and I stand by that, I will accept responsibility at my level. So for the bona fide, possibly incorrect or wrong actions of my subordinates I can't judge them for that. The ANC does the same, they don't judge the people who acted on their behalf. In those circumstances perhaps they were wrong but that is what they did. I was not aware of the fact that Barnard worked for us perhaps indirectly. And if I

look at the statements now it seems as if Barnard worked for a different structure. For instance we didn't walk around with cards, and it seems as if Barnard walked around with Military Intelligence cards. How he obtained that and what he did with it, that I don't know.

CHAIRPERSON: And are you then saying that, however, because it is a norm internationally, not only by your sort of operations but by other agencies of the nature that yours was, to use any source for accessing information which would put you in an advantage over your enemy, these people could have been utilised in the manner in which evidence might be available to show how they were used, like it is claimed gangsters were used to burn buses in Namibia etc, etc?

But what you are saying is that if it is shown that such persons were used because they were found to be the ones best suited to obtain information with regard to whatever was sought to be detected it was in circumstances where you were not necessarily consulted simply because you were the managing director of the CCB?

MR J VERSTER: What I am saying is, yes, it was international technique to use any source from a hobo to the president of a country. It's not only low level people, the right person was the person who had access. So it's not necessarily a case of it being best people, it's just the person who has in certain circumstances the ability to do something. But on the other side of the coin we also had very good people who didn't give us any problems.

CHAIRPERSON: Would it be your position that in the event there is other evidence, not necessarily evidence that would come from you, which shows that indeed such people were used, contracted by some structures within the CCB, not necessarily with your knowledge, would you then accept accountability for actions committed in the name of the CCB where such evidence was fairly conclusive on that point?

MR J VERSTER: No, I would never be able to take responsibility, be accountable for anything that anybody did and of which I wasn't specifically aware, that cannot ever be.

I would also like to say to the previous speaker that I get the impression that it was only the CCB fighting this entire war, but each and every structure of the previous dispensation was busy defending the country's borders and we were only one of those elements. I would like to mention that.

CHAIRPERSON: Ja I am sure it is because we are enquiring specifically now about the CCB. When we have General Malan and General van Zyl, coming as they do from the SADF, we do put these sort of questions to them. In fact General Malan was the one who claimed very outrightly that the CCB was a creation of the SADF. He openly admitted, in fact testified to that effect. And of course when we have General Coetzee we concentrate on structures of the Security Police because that was an area of his competence.

It's just that we bottleneck and compartmentalise enquiries because the person who we have as a witness at that particular point you know is, in terms

of our investigative enquiries, more proficient in terms of knowledge in that certain direction.

But you can be assured that we take the broadest view of the structure of the security forces and we do take into account, in fact, the fact that there was a war going on, whether people like to admit that or not. In fact part of the exercise is that we are hoping to be engaged in towards the end of the next month is to actually bring all the security forces, SADF as it then was, APLA, Umkhonto weSizwe and actually establish from them how they perceived the nature of the war; what the lines of command were; how they understood their instructions to be, so that we can have a balanced perspective because we have all been enquiring from politicians without actually getting the people on the ground. This is by way of trying to indicate to you that we are going to bring together all those people who were carrying weapons in this country and were killing each other so that we can get a fair amount of balance as to what was involved, what their motives and perspectives were, how they understood the conflict and how the orders were given. That's inside information because this is in camera.

MR J VERSTER: Thank you Chairperson. That's what we always asked for.

MR KHOISAN: Okay now, with regard to some specific projects, maybe we can focus on that. Project Choice, what was this Project about and who ran this project?

MR J VERSTER: If I remember correctly it was a project of Slang van Zyl and it dealt with all his activities.

MR KHOISAN: And is Slang van Zyl also Andries Roussouw and de Witt, Tinus de Witt?

MR J VERSTER: I can't remember his names but why I use his name is that he ...(intervention)

MR KHOISAN: But Andries Roussouw was known to you as an administrative name, no?

MR J VERSTER: I can't remember that. I saw it in the statements and I know that he used the name of Andries.

MR KHOISAN: And under Project Choice, would it be that Project Choice was a project inside the country?

MR J VERSTER: That is correct.

MR KHOISAN: Okay. And in terms of Project Choice could it be that - can you identify or tell me if you know the following people, Brumer, do you know Brumer?

MR J VERSTER: Never heard of him.

MR KHOISAN: Christo Britz?

MR J VERSTER: Yes that was the coordinator.

MR KHOISAN: Christo Britz was the coordinator. What is his - that was his administrative name, what is his real name?

MR J VERSTER: I think his name is Wouter Basson, it has already been made public.

MR KHOISAN: Wouter Jacobus Basson, okay. Otto, T Otto?

MR J VERSTER: I don't know his name.

MR KHOISAN: Nienaber?

MR J VERSTER: I can't remember him.

MR KHOISAN: Le Roux?

MR J VERSTER: No I don't know who Le Roux is.

MR KHOISAN: Kalitz, D Kalitz, Deon Kalitz?

MR J VERSTER: No.

MR KHOISAN: Okay, Kalla Botha, Deon Kalitz - Kalla Botha?

MR J VERSTER: Yes, that's right.

MR KHOISAN: That's correct, right. And A Baker.

Now in terms of Region 6 we know that Project Choice was one of the projects that was being run in Region 6, now you approved that project. In fact on the 8th of the sixth month 1988 you approved R5 200 for this project, Project Choice, and Project Choice was an ongoing project that received quite a bit of money over a period of time, but you were the person who was involved with approving that project, is that correct?

MR J VERSTER: The financial procedure was followed. If I remember correctly Project Choice dealt with the whole spectrum of Slang van Zyl's

activities, so there could have been various presentations which I got from the region and I would then consider it and then authorise it.

MR KHOISAN: Okay. The reason I mentioned Project Choice is because of the fact that you have applied for amnesty in respect of events and situations that went down inside Region 6, those that have been made public, that's what you are applying for amnesty for, you are not applying for amnesty where the CCB have not been tied to directly, is that correct?

MR WESSELS: With respect Mr Chairman that statement to my client is not correct.

MR KHOISAN: Let me rephrase that. Let me say that your client is applying for amnesty, and let me mention some of the things. He's applying for amnesty in respect of the Cape Town stuff. For instance the Early Learning Centre bombing, is that correct, is that correct Mr Verster?

MR J VERSTER: That is correct Mr Chairman.

MR KHOISAN: The Early Learning Centre bombing was conducted under the auspices of Project Choice, is that correct?

MR J VERSTER: I don't specifically know. I am assuming that if Slang van Zyl was involved it could have been that project.

MR KHOISAN: You are applying for amnesty in respect of this project, in respect of that event, is that correct?

MR J VERSTER: Correct, yes.

MR KHOISAN: Okay. Now in respect of that project one of the people who was working directly inside the country and had been tied to, this is not something that I am putting to you, has been tied to, physically tied to that particular bombing is Slang van Zyl and also with him Calla Botha, is that correct?

MR J VERSTER: Yes, that's correct.

MR KHOISAN: And also with them the gangster known as Ishak Herdien?

MR J VERSTER: I've had nothing to do with him, I don't know.

MR KHOISAN: But he worked for your organisation, he received money from your organisation.

MR J VERSTER: He could have worked as a source. I don't know anything about the specific way he was handled on the ground. I said to you earlier that I am of the view that this type of thing is information which came from the liaison between policemen, people who were responsible for the internal security situation. I am still not certain whether the person you have just mentioned wasn't in fact perhaps a source also for other policemen with whom I had nothing to do. But in the handling of the source I am assuming that he was paid for services rendered, that doesn't make him a member of our structure.

MR KHOISAN: Was it your policy as an organisation to carry limpet mines through the airports of this country without informing the relevant authorities?

MR J VERSTER: No it was not policy.

MR KHOISAN: Did you know about the limpet mine?

MR J VERSTER: I can't remember it specifically, maybe you can refresh my memory, that's just like the bakkie loads which MK were involved in, it's war, I can accept that it's possible.

MR KHOISAN: Mr Verster you know this is really for me it's actually a light moment, but if possible can we like leave MK to MK people, the MK people must come and talk for themselves, and just ...(intervention)

MR J VERSTER: Are they going to?

MR KHOISAN: Yes, I can assure you that you know I am one of the people who has been tasked by this Commission, and I am currently working on some cases, we have a wide case load and a lot of these cases also involve investigating gross human rights violations where it's alleged that MK did these things. So let them handle their stuff and you handle your stuff.

But on the question of Project Choice you see the Early Learning Centre bombing is a very specific matter because you had to go and - especially the use of this limpet mine, it's very interesting, would you be surprised if I put it to you that your operators carried that limpet mine through the airports of this country and put that limpet mine on a plane and brought it to Cape Town? Would it be something that would surprise you?

MR J VERSTER: Yes it would surprise me. I don't know ...(intervention)

MR KHOISAN: But you knew about the limpet?

MR J VERSTER: No, it was not my duty to be that familiar with everything on the ground. The structure within which I functioned was very large, so there is no point in you asking me that question. It's very strange, there could have been a reason for that, maybe it's not the case, I don't know if it's the truth.

MR KHOISAN: But Mr Verster all the things that have come to light, all the things that have been part of a discussion in the broad public domain are the things that are somehow tied to Project Choice. They involve, for instance, the Slang van Zyl piece, that is the Early Learning Centre bombing; the attempts to get Gavin Evans; the attempts to kill the current Minister of Justice, Dullah Omar, and other situations. They were all part of Project Choice. They've been a part of a discussion, I mean this is not the first time you are hearing about this. This has been part of, I mean I can bring a file this thick of media reports that have been going on. It's been on TV, it's been all over. The Webster matter, all of them are somehow tied into stuff that has happened in Region 6.

Now I am asking you if you knew what Slang van Zyl and Kalla Botha and any of your operators were up to? Because I say the Early Learning Centre bombing because you may have met with somebody before that bombing a couple of days before that bombing. Did Christo Britz meet with you on a regular basis?

MR J VERSTER: There were specific procedures in terms of which he had to report back to me at certain times.

MR KHOISAN: Who knew you and referred to you as "Jack", your administrative name?

MR J VERSTER: Yes that's correct.

MR KHOISAN: And so in terms of Region 6 maybe you can help us now and go through the list of projects that we have put before you and maybe let us know which one of these projects were in Region 6 since we still have to cross a legal bridge with you talking about what's outside the country. Let's talk about what's inside the country. How many of these projects are inside this country?

MR J VERSTER: Are we now talking ... (intervention)

MR KHOISAN: I am talking about this document that we gave you in terms of projects.

MR J VERSTER: I think I only know about Choice. Maybe you can help me by refreshing my memory, I don't know.

I can't give you an answer.

MR KHOISAN: Okay, Project Bliss, Project Bliss?

MR J VERSTER: I cannot remember a specific project. There is no reason why I would try and conceal anything after I have already asked for amnesty. I am very honest by saying that I have lived a different life for the past eight

years, I cannot tie the name of a project to an activity or an operation or people involved, it's simply not possible for me.

MR KHOISAN: Mr Chairman I am having really big problems with this Mr Chairman, because now if I have to follow what Mr Verster is saying he doesn't want to talk about what's happened outside the country. He doesn't want to mention the name of anybody under him. He just wants to talk about his discussions with General "Joep" Joubert and maybe some broad things that are already in the public domain. And he keeps confusing this Section 29 hearing, which is an investigative matter concerning a broad range of issues, with his amnesty matter. And you know I would have hoped that you can please address some remarks to his legal people to inform him that this is not his amnesty hearing. This is an investigative interview in which we want to gain information about ongoing investigations which involve him and which impact upon him and the structure which he was part of, which used taxpayers money to commit X amount of actions ...(intervention)

MR WESSELS: Mr Chairman may I...

CHAIRPERSON: Mr Wessels.

MR WESSELS: Mr Chairman may I deal with that. I have remained silent for most of this afternoon while, in my submission, Mr Khoisan has interrogated my client in a very aggressive manner, and may I point out that this is an investigative meeting where facts can be elicited. It is not a prosecution. The manner in which my client is being questioned is reminiscent

of a prosecution here where he is being put on trial. That is certainly not the idea of this whole meeting. And I have been listening to what has been going on over the last hour and I think the time has come that we deal with that.

If Mr Verster says that he cannot remember a list of over 200 projects without his memory being refreshed of what these projects were that have occurred more than seven years ago then the way to deal with it is to put a document to him and refresh his memory. But just to put names in front of him and then insist, in a very aggressive way that he now deals with this and that he gives all the information, with respect, is not fair, firstly, and is not accurate. So I would ask Mr Khoisan to ask questions and I am sure that my client will answer these questions to the best of his ability and if he can't remember it give us the documents or something to refresh our memory and we can look at it and perhaps ~~he can remember more.~~

CHAIRPERSON: Mr Khoisan.

MR KHOISAN: Mr Chairman this is exactly the problem that we are having. Because Counsel has received a wide range of documentation including a whole list of files that include Project Bliss, Project Choice, Project Crawler, Project Flea, Project Goldie, Project Hilton, Project Imperial, Project Mag, Project Patriotic, Project Toddler, Project Taurus, Project Direksie 4, and etc, etc, etc, and he's also in possession of a document that says "CCB - Civil Cooperation Bureau" which in the last 32 pages of that document they discuss

very specific projects. Now Counsel is trying to seize the moment and trying to make it seem as we are terrorising his client.

We are trying to, under the most difficult of circumstances, extract information from a witness who basically tells the Commission, and this is - I've been on many Section 29 inquiries, you are the first witness who in fact has taken it upon yourself to say the kind of things that you have said to the Commission, and even making remarks which border on some racial issues, which I won't want to get into.

But I would like to say is that, under the most difficult of circumstances, of all of this documentation that we have put before Counsel and Mr Verster have had a long time to look at this documentation to refresh their memory and the only thing he wants to talk about, and even then he's not clear about, he's obfuscating ~~issues, is Project Choice~~. Now what was all these millions of rands of South African taxpayers' money used for if the managing director of this project cannot remember what it was, or doesn't want to discuss it with us? It's a very frustrating situation with us.

And if I am interrogating him I apologise, but I don't think that - I have never seen a situation like this in any Section 29 where a witness can blatantly refuse to answer questions, and I've been on many.

MR J VERSTER: All I said was that I simply don't know. I am saying this because I went through this before. You are sitting there and you are looking through the documentation, and if certain incidents had perhaps been flagged

so that I can get to the page which you are discussing then I can give you the facts.

Within the framework of the Act and of the law I am trying to discuss that for which I have asked for amnesty and to give you further details and to help you with uncertainties, but you can't tell me that I have avoiding certain issues. I am not. Of all the things that you have mentioned now, when you mention that list, I know for instance that Operation Crawler was a foreign project. That's the only one which I can place because it was quite a big project and we had a problem with the previous Defence Force after we were dismissed. And that's the only specific project that I can recall.

As far as I am concerned you had the opportunity to look at specific things and compare notes. I am being very honest with you. Maybe other people have dealt with their Section 29 hearings differently, although perhaps they have a greater guilty conscious than I have. I am trying to give you an answer to the best of my ability.

If, for instance, my problem at the moment is that the documentation you have given us is not in the same order as yours and if we can perhaps correct that then we can page through it together. I can, for instance, if I can see if it's an audit document, and you've furnished me with lots of audit documents which I was not the author of then I could perhaps say yes I will accept that because it's an audited document but that's the best I can do.

CHAIRPERSON: Ja, thank you, thank you Mr Verster. I think what we should do, we are supposed to start at nine tomorrow, it seems to me that it will be a much more fruitful exercise if we start again at ten, but that the period between nine and ten should be used by those who are placing evidence before me and Mr Verster's legal representatives, to establish documentation they have, in which order it stands and actually to indicate either now or in the hour tomorrow which documents or which projects are going to be put to Mr Verster.

Mr Khoisan can indicate in fact as soon as we have adjourned, because we will have to adjourn now, it's five o'clock, which projects he is going to be putting questions to, because we must do this thing in the open, there is no point in trying to hide things. I am not suggesting that Mr Khoisan has hidden things. It seems to me you are of the view that this documentation has been provided, but it may well be that it reached Mr Wessels and certainly Mr Bosman in circumstances where they could not have conducted a full consultation on the basis thereof.

So I am of the view that we should utilise all the time before ten o'clock tomorrow in order to find some common approach to the use of the documentation that we have so that we can have a much more facilitated inquiry.

The second remark I want to draw to the attention of everybody is that I would like to tomorrow begin with hearing arguments, very short arguments,

from both sides on the whole question of the compellability of a witness in terms of our Act to provide answers especially relevant to those issues where the witness might take the view that such evidence may incriminate him, Section 31. There are, obviously, some dissatisfactions from those who are sitting on this panel with regard to whether or not the questions that were put earlier should or should not be answered by Mr Verster, especially insofar as they are relevant to the whole question of him being incriminated thereby, and especially those issues that relate to operations outside the country.

I will therefore like to invite both sides to look at what the legal provisions are and to assist me in making a ruling with regard thereto.

Lastly, as I indicated during the course of today's proceedings, there is still the outstanding issue of whether or not we should permit taking of photographs of Mr Verster. Now submissions have been made to me and I indicated that I would do my ruling tomorrow morning. I would again like the parties to look very, very closely at that issue again.

I may indicate that my inclination, at this stage, would be, my prima facie inclination would be that I cannot rule that the media are not entitled to take a photograph of Mr Verster. I say so, and I state this as my prima facie view because I obviously would like to give the legal representatives of, certainly Mr Verster, to again look at this position, and if they are of the inclination that my prima facie is a view that might well be the view that I will take when I make a ruling tomorrow, having considered the legal position

and everything else, then they may use the time between now and ten to look at possible remedies in the event I make a ruling that might be in line with what my prima facie views are.

Those are the remarks I would like to make before I adjourn. In the circumstances we will adjourn then until 10 o'clock tomorrow morning.

COMMITTEE ADJOURNS

